

THIRD DIVISION

[G.R. No. 198796, September 16, 2015]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
NICOLAS LARA III Y AGATEP AND RANDY ALCAYDE Y
MAGUNDAYAO, ACCUSED, ABDUL MAMMAD Y MACDIROL,
LADGER TAMPOY Y BAGAYAD AND HATA SARIOL Y MADDAS,
ACCUSED-APPELLANTS.**

D E C I S I O N

PERALTA, J.:

Before the Court is a Petition for Review on *Certiorari* seeking for the reversal of the Decision^[1] of the Court of Appeals (CA) dated March 30, 2011 in CA-G.R. CR-HC No. 04147. The CA affirmed the Joint Decision^[2] of the Regional Trial Court (RTC) of Quezon City, Branch 95, dated March 13, 2009 in Criminal Case Nos. Q-04-128604, Q-04-128605, Q-04-128606, and Q-04-12860, finding accused-appellants Abdul Mammad, Ladger Tampoy, and Hata Sariol, guilty beyond reasonable doubt of violation of Section 5,^[3] Article II of Republic Act (R.A.) No. 9165.^[4]

The Informations charged Mammad, Tampoy, and Sariol with violation of Section 5, Article II, or *Illegal Sale of Dangerous Drugs*, while three (3) separate charges for violating Section 11 or *Illegal Possession of Dangerous Drugs* were filed against Mammad, Nicolas Lara III y Agatep, and Randy Alcayde y Magundayao, to wit:

The undersigned accuses ABDUL MAMMAD Y MACDIROL, LADGER TAMPOY Y BAGAYAD and HATA SARIOL Y MADDAS of Violation of Section 5, Art. II, RA 9165 (Comprehensive Dangerous Drugs Act of 2002), committed as follows:

That on or about the 4th day of August 2004 in Quezon City, Philippines, the said accused conspiring together, confederating with and mutually helping one another, not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did, then and there willfully, and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, zero point twenty five (0.25) gram of white crystalline substance containing methyl amphetamine hydrochloride, a dangerous drug.

Contrary to law.^[5]

The undersigned accuses ABDUL MAMMAD Y MACDIROL, of Violation of Section 11, Art. II, RA 9165 (Comprehensive Dangerous Drugs Act of 2002), committed as follows:

That on or about the 4th day of August 2004 in Quezon City, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his/her/their possession and control, zero point sixteen (0.16) gram of white crystalline substance containing methylamphetamine hydrochloride, a dangerous drug.

Contrary to law.^[6]

The undersigned accuses NICOLAS LARA Y AGATEP III of Violation of Section 11, Art. II, RA 9165 (Comprehensive Dangerous Drugs Act of 2002), committed as follows:

That on or about the 4th day of August 2004 in Quezon City, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his/her/their possession and control, zero point zero eight (0.08) gram of white crystalline substance containing methylamphetamine hydrochloride, a dangerous drug.

Contrary to law.^[7]

The undersigned accuses RANDY ALCAYDE Y MAGUNDAYAO of Violation of Section 11, Art. II, RA 9165 (Comprehensive Dangerous Drugs Act of 2002), committed as follows:

That on or about the 4th day of August 2004 in Quezon City, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his/her/their possession and control, zero point zero six (0.06) gram of white crystalline substance containing methylamphetamine hydrochloride, a dangerous drug.

Contrary to law.^[8]

During arraignment, all of the accused pleaded not guilty to the charges against them.^[9] Thereafter, joint trial ensued.

The facts of the case are as follows:

On August 4, 2004, around 7:00 p.m., a confidential informant arrived at the Anti-Illegal Drugs Unit of Police Station 3, Quirino Highway, *Barangay* Talipapa, Novaliches, Quezon City and reported that he had been buying *shabu* from accused-appellants and two (2) other men on Maguindanao St., Salam Mosque Compound, Tandang Sora, Quezon City. Police Chief Inspector (PCI) Miguelito Paterno thus formed a team to conduct a buy-bust operation. He designated PO2 Manny Panlilio as the *poseur*-buyer.

Thereafter, the buy-bust team boarded a Tamaraw FX and a Mitsubishi Adventure, and proceeded to the target area. Upon reaching said area, they alighted and walked towards No. 504 Maguindanao Street, where they saw accused-appellants.

The informant then introduced them to PO2 Panlilio and told them that the latter was going to buy *shabu* worth P500.00. Mammad then gave one (1) plastic sachet of *shabu* to Tampoy who, in turn, handed it to PO2 Panlilio. After Sariol received the marked money as payment, PO2 Panlilio scratched his head, as the pre-arranged signal. He then introduced himself as a police officer. The back-up police officers rushed to the scene and secured the area. They arrested accused-appellants and were able to recover plastic sachets of *shabu* from Mammad, Lara, and Alcayde.

Upon arrival at the police station, the police officers placed their markings on the seized plastic sachets and turned them over to the investigator. They sent the specimens to the Philippine National Police Crime Laboratory for examination. Subsequently, the recovered substances yielded a positive result for *shabu*.

As for their defense, accused-appellants and the rest of the accused denied knowing each other. Accused-appellants likewise denied selling *shabu* to PO2 Panlilio. All of them testified that they were at their respective homes when they were suddenly arrested, brought to the police station, and detained. Later, they were brought before an inquest prosecutor. Then they were informed that they were being charged with violation of Sections 5 and 11, Article II of R.A. No. 9165.

On March 13, 2009, the Quezon City RTC rendered a Decision, the dispositive portion of which reads:

WHEREFORE, the Court renders its joint decision in the following cases to wit:

I. In Criminal Case No. Q-04-128604:

The Court finds accused ABDUL MAMMAD y MACDIROL, LADGER TAMPOY y BAGAYAD and HATA SARIOL y MADDAS **"GUILTY"** beyond reasonable doubt for violation of Section 5, Art. II of R.A. 9165, and each of them is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a FINE in the amount of FIVE HUNDRED THOUSAND PESOS (P500,000.00);

II. In Criminal Case No. Q-04-128605:

The Court finds accused ABDUL MAMMAD y MACDIROL **"NOT GUILTY"** considering that the prosecution failed to prove his guilt beyond reasonable doubt for violation of Section 11, Art. II of R.A. 9165;

III. In Criminal Case No. Q-04-128606:

The Court finds accused NICOLAS LARA y AGATEP III **"NOT GUILTY"** considering that the prosecution failed to prove his guilt beyond reasonable doubt for violation of Section 11, Art. II of R.A. 9165; and

IV. In Criminal Case No. Q-04-128607:

The Court finds accused RANDY ALCAYDE y MAGUNDAYAO **"NOT GUILTY"** considering that the prosecution failed to prove his guilt beyond reasonable doubt for violation of Section 11, Art. II of R.A. 9165;