

SECOND DIVISION

[G.R. No. 196052, September 02, 2015]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JOCELYN POSADA
Y SONTILLANO AND FRANCISCO POSADA Y URBANO,
APPELLANTS.**

DECISION

BRION, J.:

We resolve the appeal of accused-appellants Jocelyn Posada y Sontillano (*Jocelyn*) and Francisco Posada y Urbano (*Francisco*) assailing the September 30, 2010 Decision^[1] of the Court of Appeals (CA), docketed as CA-G.R. CR.-H.C. No. 03768. The CA Decision affirmed with modification the January 13, 2009 Judgment^[2] of the Regional Trial Court (RTC), Branch 43, Virac, Catanduanes, finding accused-appellants guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Case

In its January 13, 2009 Judgment, the RTC found accused-appellant Jocelyn guilty of illegal possession of 2.2825 grams and accused-appellant Francisco guilty of illegal possession of 24.2313 grams of methamphetamine hydrochloride, also known as *shabu*. The RTC held, among others, that the prosecution was able to prove all the elements of illegal possession of dangerous drugs. It found the search warrant, which led to the immediate arrest of accused-appellants, valid and the chain of custody of the seized items preserved. Accordingly, the RTC sentenced accused-appellant Jocelyn to suffer the indeterminate penalty often (10) years and one (1) day, as minimum, to fourteen (14) years, as maximum; and sentenced accused-appellant Francisco to suffer life imprisonment. It also ordered them to pay fines of Three Hundred Thousand (P300,000.00) Pesos and Four Hundred Thousand (P400,000.00) Pesos, respectively.

On appeal, the CA affirmed the RTC decision with the modification that accused-appellant Jocelyn is sentenced to suffer the indeterminate penalty of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum. The CA added that any question on the validity of the search warrant was closed in a September 21, 2006 Resolution,^[3] in which the RTC denied accused-appellants' Motion to Quash Search Warrant. The CA further ruled that the certification signed by accused-appellant Jocelyn was not a confession but an acknowledgment of the fact that the police had conducted a search of their premises by virtue of the search warrant; that the search was conducted in an orderly manner; and that the search was conducted in her presence and in the presence of Kagawad Jena Arcilla (*Kag. Arcilla*).

On October 27, 2010, the accused-appellants filed their notice of appeal following the September 30, 2010 Decision on the ground that it was contrary to facts, law, and applicable jurisprudence.

Our Ruling

We affirm the accused-appellants' conviction.

The search warrant was valid.

The Office of the Solicitor General correctly argued that any question as to the validity of the search warrant was closed by the September 21, 2006 Resolution of the RTC, which the accused-appellants opted not to question further. As mentioned by the CA, the judicial finding of probable cause in issuing a search warrant should not be doubted when the judge personally examines the applicant and/or witnesses and there is no basis to doubt his reliability and competence in evaluating the evidence before him.^[4] With regard to the designation of the place to be searched, the RTC sufficiently justified that the search warrant particularly described the place to be searched: a sketch showing the location of the house to be searched was attached to the application and the search warrant pointed to only one house in the area.^[5]

A long-standing rule is that a description of the place to be searched is sufficient if the officer with the warrant can, with reasonable effort, ascertain and identify the place intended and distinguish it from other places in the community. Any designation or description known to the locality that points out the place to the exclusion of all others, and on inquiry leads the officers unerringly to it, satisfies the constitutional requirement.^[6] Taking from American Jurisprudence, "[t]he determining factor as to whether a search warrant describes the premises to be searched with sufficient particularity is not whether the description is sufficient to enable the officer to locate and identify the premises with reasonable effort."^[7]

The elements of illegal possession of dangerous drugs were established.

For the successful prosecution of illegal possession of dangerous drugs the following essential elements must be established: (a) the accused is in possession of an item or object that is identified to be a prohibited or dangerous drug; (b) such possession is not authorized by law; and (c) the accused freely and consciously possesses the said drug.^[8]

The prosecution was able to establish the presence of all the required elements for violation of Section 11, Article II of Republic Act No. 9165.

The presented evidence showed that early in the morning of April 8, 2006, police officers went to the house of the accused-appellants in Virac, Catanduanes, to implement a search warrant. After the search warrant was read, accused-appellant Francisco argued with the police officers though later insisted that he be allowed to have breakfast before anything else. While PO1 Jigger Tacorda (*PO1 Tacorda*) and *Kagawad* Eva Sarmiento (*Kag. Sarmiento*) were escorting him to the nearby eatery, they saw him throw something on the pavement. PO1 Tacorda immediately accosted and reprimanded accused-appellant Francisco while Kag. Sarmiento picked up the