

## FIRST DIVISION

[ G.R. No. 208015, October 14, 2015 ]

**PEOPLE OF THE PHILIPINES, PLAINTIFF-APPELLEE, VS.  
RONWALDO LAFARAN Y ACLAN, ACCUSED-APPELLANT.**

### D E C I S I O N

**PEREZ, J.:**

Questioned in the present notice of appeal is the Decision dated December 14, 2012 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05008,<sup>[1]</sup> which affirmed the Decision dated May 4, 2011 of the Regional Trial Court (RTC), Branch 13, Lipa City in Criminal Case No. 0322-2006,<sup>[2]</sup> finding accused-appellant Ronwaldo Lafaran y Aclan (Ronwaldo) guilty beyond reasonable doubt of illegal sale of *shabu* under Sec. 5, Article II of Republic Act No. 9165 (R. A. No. 9165) or the *Comprehensive Dangerous Drugs Act of 2002*, sentencing him to suffer the penalty of life imprisonment and ordering him to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

In an Information dated 25 June 2006,<sup>[3]</sup> Ronwaldo was charged with violation of Sec. 5, first paragraph, Art. II of R. A. No. 9165, as follows:

That on or about the 25<sup>th</sup> day of June 2006 at about 12:30 o'clock in the afternoon at Esteban Mayo St., Barangay 4, Lipa City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there wilfully, unlawfully sell, deliver, dispose or give away to a police/informer-poser buyer, 0.02 gram/s of Methamphetamine Hydrochloride locally known as "shabu", which is a dangerous drug, contained in One (1) plastic sachet/s.

Upon arraignment, accused-appellant, assisted by counsel *de officio*, pleaded not guilty to the crime charged.<sup>[4]</sup>

In presenting its case, the prosecution offered the testimonies of SPO2 Whency Aro (SPO2 Aro) and PO3 Cleofe Pera (PO3 Pera). As succinctly summarized by the RTC:<sup>[5]</sup>

Prior to June 23, 2006, **SPO3 Danilo Yema** received reports from concerned *barangay* officials of *Barangay Balintawak*, Lipa City, Batangas, that herein accused was selling *shabu*. He asked his asset to confirm the information by monitoring the activities of the accused. His asset confirmed the report to be positive so that on June 23, 2006 at about 12:00 o'clock noon, his team planned and conducted a buy-bust

operation against the accused using their asset as *poseur-buyer*.

The team was composed of **SPO3 Danilo Yema** as the team leader, with **SPO2 Whency Aro** and **PO3 Cleofe Pera** as members. **PO3 Pera** prepared the Pre-operation Report (*Exhibit "D"*) and sent it to the Philippine Drug Enforcement Agency (PDEA) thru the fax machine. The team together with their asset had a briefing at the police station on what to do during the operation. Their asset would use five (5) pieces 100-peso bills with serial numbers XJ540900 (*Exhibit "1"*), DN261366 (*Exhibit "1-2"*), QE654584 (*Exhibit "1-3"*), MN604255 (*Exhibit "1-4"*), and QQ360311 (*Exhibit "1-5"*), all of which were marked by **PO3 Pera** with her initials "CEP". The buy-bust operation was entered into the police blotter.

The team and the asset left the police station at around 12:00 o'clock noon aboard the tinted car of **SPO3 Danilo Yema** and proceeded to Esteban Mayo Street, *Barangay 4*, Lipa City, Batangas, the place where the asset would meet the accused. Before reaching the place, the asset alighted from the vehicle and walked to the agreed meeting place. In the meantime, the police officers parked the vehicle about 10 meters away where they could see their asset and the accused. They watched their asset meet the accused near a cellphone repair shop and store. They saw them talked (*sic*) and, thereafter, witnessed the exchange between them: the asset gave the marked money to the accused and the latter, after accepting the money, drew something from his pocket and handed it to the asset. What was handed to the asset turned out to be one (1) small plastic sachet containing suspected *shabu*. The asset executed the pre-arranged signal by touching his head signifying that the transaction has been completed. The police officers then alighted from their vehicle and immediately approached the asset and the accused. As they accosted the accused, the asset secretly handed the plastic sachet containing the suspected *shabu* (*Exhibit "H-I"*) to **SPO2 Whency Aro**, who immediately placed the markings "WGA-RAL" (*Exhibit "H-I-A"*) which stands for his initial and that of the accused, as the scene of operation. **PO3 Pera** was able to recover the marked money from the right hand of the accused.

They brought the accused to the police station together with the sachet of suspected *shabu* and the recovered marked money. At the police station, **SPO2 Aro** turned over the sachet of suspected *shabu* to **PO3 Pera** who prepared the Request for Forensic Examination (*Exhibit "C"*) duly signed by **P/Sr. Supt David Micu Quimio, Jr.**, and the Inventory of Confiscated Items (*Exhibit "F"*). A spot report (*Exhibit "E"*) was also accomplished and a picture of the accused with the confiscated items (*Exhibit "G"*) was taken. **PO3 Pera** thereafter gave the plastic sachet of suspected *shabu* together with the Request for Forensic Examination to **PO3 Cesario Mandayuhan** who brought them to the Batangas Crime Laboratory. They were received by **SPO1 Vargas** at the said crime laboratory who turned them over to **PSI Jupri C. Delantar** for forensic examination.

**PSI Delantar** conducted the forensic examination on the specimen. Based on his Chemistry Report No. BD-054-06 (*Exhibit "B"*), the

specimen submitted was found positive for the presence of *Melhamphetamine Hydrochloride* (Exhibit "B-2").

The testimony of the Forensic Chemist, **PSI Delantar** was dispensed with in view of the admission by the Defense of the genuineness and due execution of the chemistry report, with the qualification by the Defense that the specimen subject of the forensic examination did not come from the accused.

The Defense stipulated and admitted that **PO3 Cesario Mandayuhan** received the specimen subject matter of this case from **PO3 Pera** and delivered the same to the PNP Crime Laboratory for forensic examination. The defense also admitted that **SPO1 Vargas** was the one who received the specimen as well as the request for forensic examination from **PO3 Mandayuhan** at said crime laboratory; that the fact of receipt of the specimen and request was entered in the logbook of the Batangas Provincial Crime Laboratory; and that after receiving the same, he turned them over to **PSI Delantar** for examination. Thus, with the stipulations and admissions made by the Defense, the testimonies of police officers **Mandayuhan** and **Vargas** were dispensed with.

For his defense, accused-appellant denied any wrongdoing, claiming that he was only selling his cellphone when he was wrongly apprehended, to wit:<sup>[6]</sup>

The accused denied the allegations against him and contends that on said date and time complained of, he was in front of Anson Shoemart at Barangay 5, Lipa City, Batangas with a certain **Pango** and **Kwek-kwek**. He was selling his cellphone and **Pango** was going to buy it. They just alighted from the tricycle and he was surprised when somebody in civilian clothes held him by the neck and poked a gun at him. He turned to his left and saw a female person approaching. She searched his body but was not able to get anything from him. The female took his cellphone and they boarded him in a car and brought him to the police headquarters.

At the headquarters, the police officers got his name and fingerprints. When he asked why he was brought there, he was told to be quiet and to just answer the questions. He was also made to point at the illegal drugs and marked money while a photograph was taken. He did as told otherwise he would [be] hurt. Thereafter, he was detained. While he was detained, his parents came to see him.

On cross-examination, he admitted that he does not know of any reason why the police officers would concoct a story charging him with an offense of selling *shabu* considering that they do not have any motive to do so.

Finding the evidence of the prosecution sufficient to establish the guilt of Ronwaldo, the RTC rendered a judgment of conviction, viz.:<sup>[7]</sup>

WHEREFORE, in view of the foregoing, the Court finds the accused **Ronwaldo Lafaran y Aclan a.k.a. "Ronnie"** GUILTY beyond reasonable doubt for *Violation of Section 5, 1<sup>st</sup> paragraph, Article II of Republic Act No. 9165* otherwise known as the *Comprehensive Dangerous Act of 2002* and hereby sentences him to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (Php 500,000.00) without subsidiary imprisonment in case of insolvency.

The period which the accused has undergone preventive imprisonment during the pendency of this case shall be credited to him provided he agreed in writing to abide by and comply strictly with the rules and regulations imposed upon committed prisoners.

The Jail Warden of the Bureau of Jail Management and Penology (BJMP), Lipa City is hereby directed to immediately commit herein accused to the National Penitentiary, Muntinlupa City, for him to serve his sentence.

The 0.02 grams of *shabu* subject matter of the instant case is hereby confiscated in favor of the government. The Branch Clerk of Court is directed to turn-over the same to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

SO ORDERED.

Accused-appellant appealed before the CA, assigning a lone error:[8]

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR.

After a review of the case, the CA affirmed the RTC Decision. The appellate court ruled that the elements of the offense charged were proven beyond reasonable doubt,[9] and that there was substantial compliance with the requirements of Sec. 21 of R. A. No. 9165 which shows that the chain of custody was unbroken.[10] Thus, the CA held:[11]

**WHEREFORE**, premises considered, the instant appeal is **DISMISSED**. The assailed 04 May 2011 Decision of the Regional Trial Court, Branch 13, Lipa City, in Criminal Case No. 0322-2006 is hereby **AFFIRMED**.

Ronwaldo is now before the Court, re-pleading the defenses and arguments he raised before the CA.[12] Specifically, accused-appellant cites the following instances as badges of a lack of a *prima facie* case against accused-appellant: (a) the apprehending officers are not members of the PDEA and their buy-bust operation, as well as their so-called surveillance [which was only conducted by an unnamed asset], were not supervised nor witnessed by any PDEA officer;[13] (b) the so-called

confiscated drug item was examined only for qualitative examination, and not for quantitative examination;<sup>[14]</sup> (c) the non-appearance in court of any PDEA officer to testify that the drug agency was really aware of the buy-bust operation against Ronwaldo and that the PDEA possesses official records regarding the case for tracing and monitoring or for further official action as to the drug supplier of the accused-appellant, if any;<sup>[15]</sup> (d) the failure of the prosecution to present in court the testimony of the poseur-buyer, given that the police officers were inside a "tinted" car during the alleged exchange, and as said poseur-buyer was the one who "secretly" handed the subject plastic sachet to SPO2 Aro;<sup>[16]</sup> and (e) the failure of the prosecution to establish an unbroken chain of custody.<sup>[17]</sup>

We dismiss the appeal.

In a catena of cases, this Court laid down the essential elements to be duly established for a successful prosecution of offenses involving the illegal sale of dangerous or prohibited drugs, like *shabu*, under Section 5, Article II of Republic Act No. 9165, to wit: (1) the identity of the buyer and the seller, the object of the sale, and the consideration; and (2) the delivery of the thing sold and payment therefor. Briefly, the delivery of the illicit drug to the poseur-buyer and the receipt of the marked money by the seller successfully consummate the buy-bust transaction. What is material, therefore, is the proof that the transaction or sale transpired, coupled with the presentation in court of the *corpus delicti*.<sup>[18]</sup>

The testimonies of SPO2 Aro and PO3 Pera both establish the identity of accused-appellant as the seller of the *shabu*, as well as its delivery and the payment for such. SPO2 Aro testified:<sup>[19]</sup>

Q. Do you know the accused in this case in the person of Ronwaldo Lafaran y Aclan?

A. Yes, Sir.

Q. Is he present in Court?

A. Yes, Sir.

Q. Will you point to him?

Witness:

A. (witness pointing to the third person from the right seated in the bench for the accused)

Court:

Have him stood up.

Interpreter:

Please stand up. (referring to the person pointed to by the witness)

Q. What is your name?

Person Who Stood Up:

Ronwaldo Lafaran, Ma'am.

Interpreter:

The person pointed to when asked for his identity, gave his name as Ronwaldo Lafaran.

Pros. C. Ballelos:

Why do you know the accused in this case?

Witness:

A. He was the one that we arrested during the buy-bust