

SECOND DIVISION

[G.R. No. 205610, July 30, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RAMONITO VILLARTA Y RIVERA AND ALLAN ARMENTA Y
CABILES, ACCUSED-APPELLANTS.**

D E C I S I O N

PEREZ, J.:

This is an appeal from the Court of Appeals Decision^[1] dated 20 July 2012 in CA-G.R. CR-HC No. 04953 affirming the Regional Trial Court^[2] (RTC) Joint Decision^[3] dated 26 October 2010 in Criminal Case Nos. 14948-D, 14949-D, 14950-D, 14951-D and 14952-D, convicting herein appellant Ramonito Villarta y Rivera *alias* Monet (Villarta) for Violation of Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," and herein appellant Allan Armenta y Cabiles *alias* Ambo (Armenta) for Violation of Section 11 of the same law.

Appellant Villarta was charged in three (3) separate Informations,^[4] all dated 24 April 2006, for Violation of Sections 5 (Illegal Sale of Dangerous Drugs), 11 (Illegal Possession of Dangerous Drugs) and 15 (Illegal Use of Dangerous Drugs), Article II of Republic Act No. 9165, the accusatory portions of which read:

CRIMINAL CASE NO. 14948-D

On or about [20 April 2006] in Pasig City, and within the jurisdiction of this Honorable Court, the [herein appellant Villarta], **not being lawfully authorized by law**, did then and there willfully, unlawfully and feloniously **sell, deliver and give away to [Police Officer 2 (PO2) Ronald R. Caparas], a police poseur buyer, one (1) heat-sealed transparent plastic sachet containing 0.02 gram of white crystalline substance, which was found positive to the test for ephedrine**, a dangerous drug, in violation of the said law.^[5] (Emphasis supplied).

CRIMINAL CASE NO. 14949-D

On or about [20 April 2006] in Pasig City, and within the jurisdiction of this Honorable Court, the [appellant Villarta], **not being lawfully authorized to possess any dangerous drug**, did then and there willfully, unlawfully and feloniously **have in his possession and under his custody and control one (1) heat-sealed transparent plastic sachet containing 0.03 gram of white crystalline substance, which was found positive to the test for ephedrine**, a dangerous drug, in

violation of the said law.^[6] (Emphasis supplied).

CRIMINAL CASE NO. 14950-D

On or about [20 April 2006] in Pasig City, and within the jurisdiction of this Honorable Court, the [appellant Villarta], **not being lawfully authorized by law to use any dangerous drug**, did then and there willfully, unlawfully and knowingly **use, smoke and ingest into his body a *methylamphetamine hydrochloride*, a dangerous drug**, and, that this is the first offense of the [appellant Villarta] under Section 15, of the above-cited law, **who after a confirmatory urine test, was found positive to the test for *methamphetamine hydrochloride*, a dangerous drug**, in violation of the above-cited law.^[7] (Emphasis supplied).

Appellant Armenta was charged in two (2) separate Informations,^[8] all dated 24 April 2006, for Violation of Sections 11 and 15, Article II of Republic Act No. 9165, the accusatory portions of which read:

CRIMINAL CASE NO. 14951-D

On or about [20 April 2006] in Pasig City, and within the jurisdiction of this Honorable Court, [the herein appellant Armenta], **not being lawfully authorized to possess any dangerous drug**, did then and there willfully, unlawfully and feloniously **have in his possession and under his custody and control one (1) heat-sealed transparent plastic sachet containing 0.03 gram of white crystalline substance, which was found positive to the test for *ephedrine*, a dangerous drug**, in violation of the said law.^[9] (Emphasis supplied).

CRIMINAL CASE NO. 14952-D

On or about [20 April 2006] in Pasig City, and within the jurisdiction of this Honorable Court, the [appellant Armenta], **not being lawfully authorized by law to use any dangerous drug**, did then and there willfully, unlawfully and knowingly **use, smoke and ingest into his body a *THC-metabolites*, a dangerous drug**, and, that this is the first offense of the [appellant Armenta] under Section 15, of the above-cited law, who **after a confirmatory urine test, was found positive to the test for *methamphetamine hydrochloride*, a dangerous drug**, in violation of the above-cited law.^[10] (Emphasis supplied).

Upon arraignment,^[11] both appellants pleaded NOT GUILTY to the respective charges against them. Thereafter, joint trial on the merits ensued.

The prosecution presented PO2 Ronald R. Caparas (PO2 Caparas), who acted as the *poseur*-buyer in the buy-bust operation conducted against appellant Villarta,^[12] PO2 Jesus Cambronero (PO2 Cambronero), who acted as the immediate back-up of

PO2 Caparas;^[13] and Police Senior Inspector Sandra Decena Go (P/Sr. Insp. Go), the forensic chemical officer who conducted physical, chemical and confirmatory tests on the items seized from the appellants.^[14] The testimony, however, of the other prosecution witness PO1 Allan Mapula (PO1 Mapula) was dispensed with per stipulation of the parties that: (1) he is the investigating officer in these cases; and (2) he was the one who prepared the Affidavit of Arrest of PO2 Caparas and the Request for Laboratory Examination, as well as the Request for Drug Test.^[15]

On the side of the defense, both appellants were presented to contradict all the allegations of the prosecution.^[16]

The respective versions of the prosecution and the defense, as accurately summarized by the Court of Appeals, are as follows:

On 19 April 2006 at around 9:30 o'clock in the evening, PO2 [Caparas] was at the Station Anti-Illegal Drugs Special Operation Task Force (SAID-SOTF) office in Pasig City. A confidential informant arrived and spoke with Police Inspector Ronaldo Pamor [P/Insp. Pamor]. The informant gave the tip that a certain MONET was selling *shabu* along Urbano Velasco Avenue, Pinagbuhatan, Pasig City. As a result, [P/Insp. Pamor] conducted a short briefing attended by [Senior Police Officer 1 (SPO1)] Baltazar, PO2 Camb[r]onero, PO2 Monte, [Police Officer 1 (PO1)] Caridad, PO1 Mapula and PO2 Caparas. [P/Insp.] Pamor instructed PO1 Mapula to prepare a pre-operational report^[17] to be submitted to the Philippine Drug Enforcement Agency (PDEA), and directed PO1 Caparas to act as the *poseur*-buyer while PO2 Camb[r]onera was to serve as his back-up.

In preparation for their operation, PO2 Caparas marked two pieces of the One-Hundred Peso (P100.00) bill with his initials "RRC" on the lower right portion. *Tout de suite*, the team, together with the confidential informant proceeded to Velasco Avenue. There, they went inside an alley located at the Cupa Compound. However, they learned from the two persons standing along the alley that MONET had already left. [P/Insp.] Pamor instructed the informant to inform them whenever MONET would return.

The following day, at about 5:00 o'clock in the afternoon, the confidential informant called and told a member of the SAID-SOTF that MONET was already in the target place. Subsequently, the buy-bust team met with the former at the market terminal. PO2 Caparas and the informant again proceeded to Velasco Avenue. When they reached Cupa Compound, the latter secretly told PO2 Caparas that MONET was standing at the alley. They approached MONET. The informant then told him: "*Pare iiscore to*" referring to PO2 Caparas. He told MONET that he would buy P200.00 worth of *shabu* after which, he handed MONET the money. At this point, a male person arrived and asked MONET: "*Pare, meron pa ba?*" MONET retorted: "*Dalawang piraso na lang ito.*" The male person then gave MONET P100.00. Immediately thereafter, MONET handed one sachet to PO2 Caparas and the other one to the male person. PO2 Caparas examined the sachet and gave the pre-arranged signal by wearing his cap. He then introduced himself as a police officer, and arrested MONET

who was identified as [herein appellant] Ramonito Villarta [y Rivera].

When the other members of the team arrived, PO2 Caparas told PO2 Camb[r]oner[o] that the other male person was also possessing *shabu*. In a bit, he was also apprehended and identified later on as [herein appellant] Allan Armenta [y Cabiles] @ AMBO. PO2 Caparas recovered from MONET the marked money and one plastic sachet while PO2 Camb[r]onero recovered from AMBO the other plastic sachet. Both PO2 Caparas and PO2 Camb[r]onero marked the items they had seized.

At the police station, PO1 Mapula prepared the requests for drug test and laboratory examination. Thereafter, the seized items were brought to the Philippine National Police Crime Laboratory. Forensic Chemical Officer [P/Sr. Insp. Go] received the above-mentioned requests and conducted laboratory tests on the subject specimens. The seized drugs gave positive result for *ephedrine*, a dangerous drug. Likewise, the drug tests showed that the respective urine samples of MONET and AMBO were positive for methamphetamine and THC metabolites, both of which are dangerous drugs.

The defense proffered a divergent version of the facts.

Both MONET and AMBO denied the charges. MONET asseverated that between 3:00 o'clock and 4:00 o'clock in the afternoon of 19 April 2006, he was resting in the room he was renting. Suddenly, four armed male persons entered looking for a certain "Jay Jay." When he replied that he did not know such person, he was brought and detained in Pariancillo. It was there where he first met AMBO.

On the other hand, AMBO maintained that between 1:00 o'clock and 2:00 o'clock in the afternoon on even date while waiting for a tricycle in front of the 7-11 Store, three armed persons approached him. One of them placed his arm around his shoulder, the other one handcuffed him, while the third called for a tricycle. Subsequently, he was brought to the Pariancillo Headquarters. When he asked why he was arrested, the aforesaid men did not answer him. At the headquarters, he was frisked since they were looking for a cellular phone which he had allegedly snatched. When nothing was found with him, he was mauled and forced to confess where he brought the phone. It was there where he got to know MONET.^[18]

On 26 October 2010, the RTC, after considering the testimonies of both parties, rendered its Joint Decision, the decretal portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1) In **Criminal Case No. 14948-D**, this Court finds the [herein appellant] **Ramonito Villarta y Rivera alias Monet, guilty** beyond reasonable doubt of the crime of **Violation of Section 5, Article II of**

R.A. No. 9165, otherwise known as the Comprehensive Dangerous Drugs of 2002, and he is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of P500,000.00 without subsidiary imprisonment in case of insolvency;

2) In **Criminal Case No. 14949-D and Criminal Case No. 14951-D**, this Court finds the [appellants] **Ramonito Villarta y Rivera alias Monet** and **Allan Armenta y Cabiles alias Ambo, guilty** beyond reasonable of the crime of **Violation of Section 11, Article II of R.A. No. 9165**, otherwise known as the Comprehensive Dangerous Drugs of 2002 and they are each sentenced to suffer an indeterminate prison term of twelve (12) years and one (1) day, as minimum, to fourteen (14) years and eight (8) months, as maximum, and to pay a fine of P300,000.00 without subsidiary imprisonment in case of insolvency; and

3) **Criminal Case No. 14950-D and Criminal Case No. 14952-D** for **Violation of Section 15, Article II of R.A. No. 9165** otherwise known as the Comprehensive Dangerous Drugs of 2002 against [appellants] **Ramonito Villarta y Rivera alias Monet** and **Allan Armenta y Cabiles alias Ambo** are ordered **DISMISSED**.

In the meantime, the Branch Clerk of Court is directed to transmit the dangerous drugs, "*ephedrine*," subject of these cases to the Philippine Drug Enforcement Agency for its disposition in accordance with law.^[19] (Emphasis supplied).

The RTC elucidated that the prosecution has sufficiently established all the elements for a successful prosecution of illegal sale of prohibited drugs, which is in violation of Section 5, Article II of Republic Act No. 9165. PO2 Caparas, who acted as the *poseur-buyer*, specifically stated that appellant Villarta sold to him one-heat sealed transparent plastic sachet containing 0.02 gram of white crystalline substance worth P200.00. It was seized and later on found positive to the test for *ephedrine*, a dangerous drug. Their transaction was proven by the actual exchange of the marked money consisting of two P100.00-peso bills, and the drug sold. PO2 Caparas positively identified appellant Villarta as the seller of the said one-heat sealed transparent plastic sachet containing white crystalline substance, which was later on confirmed as *ephedrine*, a dangerous drug, by P/Sr. Insp. Go, the Forensic Chemist, who performed laboratory examination on all the seized items.^[20]

As for the charge of illegal possession of prohibited drugs, which is in violation of Section 11, Article II of Republic Act No. 9165, against both appellants, the RTC also found that all the elements thereof were completely satisfied. When the appellants were arrested by PO2 Caparas and PO2 Cambronero, they were both found in possession of dangerous drugs. Both of them could not present any proof or justification that they were fully authorized by law to possess the same. Having been caught *in flagrante delicto*, there is *prima facie* evidence of *animus possidendi* or intent to possess.^[21]

In dismissing the charge of illegal use of dangerous drugs in violation of Section 15, Article II of Republic Act No. 9165, against both appellants, the RTC applied the