

SECOND DIVISION

[G.R. No. 205741, July 23, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYMAN ENDAYA Y LAIG, ACCUSED-APPELLANT.**

D E C I S I O N

PEREZ, J.:

For review of this Court is the 11 May 2012 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04872. The CA affirmed the conviction of Reyman Endaya y Laig (appellant) for the offenses of illegal sale and illegal possession of the prohibited drug methamphetamine hydrochloride or shabu, respectively punishable under Section 5 and Section 11, Article II of Republic Act (R.A.) No. 9165 (Comprehensive Dangerous Drugs Act of 2002).

Antecedents

Appellant was charged under two separate informations filed before the Regional Trial Court (RTC) of Lipa City, Branch 12, with violation of Section 5 and Section 11, Article II of R.A. No. 9165, committed as follows:

Criminal Case No. 0098-2003

That on or about the 20th day of November, 2002, at about 7:00 o'clock in the evening, at Barangay 2-A, Municipality of Mataasnakahoy, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there willfully and unlawfully have in his possession, custody and control eight (8) small heat-sealed transparent plastic sachets each containing methamphetamine hydrochloride commonly known as "shabu", having a total weight of 0.32 gram, a dangerous drug.^[2]

Criminal Case No. 0099-2003

That on or about the 20th day of November, 2002, at about 7:00 o'clock in the evening, at Barangay 2-A, Municipality of Mataasnakahoy, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there willfully and unlawfully sell, deliver and give away one (1) small heat-sealed transparent plastic sachet containing methamphetamine hydrochloride commonly known as "shabu", weighing 0.04 gram, a dangerous drug.^[3]

Prosecution's Version of the Events

On 11 November 2002, police operatives of Mataasnakahoy Police Station, acting on a report from a *barangay* official that appellant is involved in illegal drug activities, conducted surveillance operations on appellant. A week of surveillance confirmed the veracity of the report;^[4] hence, on 20 November 2002, a team, composed of SPO4 Moriel Benedicto (SPO4 Benedicto), SPO3 Nestor Babadilla (SPO3 Babadilla) and PO2 Edwin Chavez (PO2 Chavez), was formed to perform a buy-bust operation against appellant.^[5] A civilian asset, armed with five (5) pieces of P100.00 bills as marked money, acted as poseur-buyer.^[6]

On board a car from Mataasnakahoy Police Station, the police operatives and the civilian asset proceeded to the place of operation: the Golden Luck Beer Garden located at *Barangay* 2-A, Mataasnakahoy, Batangas. At a distance of about ten (10) to fifteen (15) meters from the beer house, the civilian asset alighted from the vehicle and proceeded on foot to the establishment where appellant was a regular customer. In the meantime, the buy-bust team positioned themselves at a place outside the restaurant not far from where the civilian asset was. Appellant subsequently arrived and approached the civilian asset, who was standing in front of the beer house. The two talked for a while,^[7] after which, the police operatives saw the civilian asset hand the marked money to appellant who, in turn, handed something to the former which later turned out to be a plastic sachet containing *shabu*.^[8]

After receiving the plastic sachet from appellant, the civilian asset made the pre-arranged signal of touching his head to signify that the transaction had been completed. The police officers then immediately approached appellant, introduced themselves as police officers and informed him that he is under arrest for selling *shabu*.^[9] Appellant was informed of his constitutional rights in Tagalog^[10] and then frisked by SPO3 Babadilla and PO2 Chavez for any deadly weapon. During this body search, SPO3 Babadilla recovered the marked money from appellant.^[11] Meanwhile, the *shabu* subject of the sale between appellant and the civilian asset was handed by the latter to PO2 Chavez.^[12]

Appellant was forthwith brought to the Mataasnakahoy Police Station where police officers again searched his body to look for an identification card.^[13] This body search yielded another eight (8) plastic sachets of *shabu*, found in his wallet by PO2 Chavez, who then marked them by writing a figure "8" on each plastic sachet.^[14] The *shabu* subject of the buy-bust operation, on the other hand, was marked by PO2 Chavez by writing the same figure "8" on the sachet but he added a distinctive mark by burning the edges of the plastic sachet to distinguish it from the other eight sachets confiscated from appellant.^[15]

The team thereafter conducted an inventory of the items seized from appellant in the presence of appellant, Clerk of Court Rogelio Binay of the Mataasnakahoy Municipal Trial Court, Municipal Counselor Renato Tiquiz, *Barangay* Captain Victorina Orosco, NGO representative Olivia Macariola, *Sangguniang Bayan* members Romeo Laqui and Oseña and media representative Virgo Santiago, who all signed the receipt of property seized.^[16] A photograph of appellant and the seized items,

together with the aforementioned witnesses was taken at the police station.^[17] Finally, a letter-request for laboratory examination, together with the marked sachets, was transmitted to the Philippine National Police crime laboratory.^[18] The qualitative examination conducted on the specimens yielded positive results for methamphetamine hydrochloride or *shabu*.^[19]

Version of the Defense

Appellant denied the charges against him. He claimed that at around 7:00 in the evening of 20 November 2002, he was at home in *Barangay* Nangkaan, Mataasnakahoy, Batangas, watching TV with his family. At around 9:00 in the evening, he left the house to go with a friend to the bus station in Lipa City to fetch his friend's sister. From the bus station, they proceeded to the Golden Luck Beer Garden.^[20] While drinking beer inside the establishment, two police officers, one of whom was SPO4 Benedicto, approached appellant and invited him to go out with them to the police car.^[21] Appellant obliged, but as he was about to get into the car, SPO4 Benedicto punched him in the stomach and pushed him inside the car. SPO3 Babadilla and PO2 Chavez then joined them. It was then, according to appellant, when the police officers started their threats to kill him unless he reveals to them the name of the drug pusher in the area. In reply to their threats, appellant told them that he did not know anyone selling drugs.^[22]

Appellant alleged that they drove around the municipality of Mataasnakahoy, circling it three times before the police officers brought him to the police station. Before he was allowed to get off the car, SPO3 Babadilla took his wallet and left it in the car. At the police station, he was immediately put in jail but he was unable to ask the reason for his imprisonment because one of the police officers punched him again.^[23] When he was subsequently taken out of his cell, the police officers led him to a table where they showed him plastic sachets containing shabu allegedly found in his wallet.^[24] Thereafter, the police officers took photographs of him and the items supposedly seized from him, although he refused to be photographed. He was also made to sign a document, which later turned out to be the inventory of property seized, without allowing him to read the contents thereof and without the assistance of a counsel. Neither did the police officers inform him of his constitutional rights.^[25]

Appellant claimed that he did not file a case against the police officers because he was already incarcerated and, besides, he is ignorant of the procedure in the filing of cases.^[26]

The Ruling of the Trial Court

Finding that the prosecution was able to successfully prove the existence of the essential elements of illegal sale and illegal possession of dangerous drugs, the trial court rendered a Decision^[27] dated 22 October 2010, the dispositive portion of which states:

WHEREFORE, PREMISES CONSIDERED, accused Reyman Endaya y Laig is convicted of the offenses charged in these cases for violation of Section 5

(paragraph 1) and Section 11 (paragraph 3), both of Article II of Republic Act 9165 and is hereby sentenced to suffer:

a) Section 11 – Imprisonment for a period of twelve (12) years and one (1) day as minimum to twenty (20) years as maximum and to pay a fine of P300,000.00 and;

b.) Section 5 – Life imprisonment and a fine of P500,000.00.^[28]

x x x

The Ruling of the Court of Appeals

The CA affirmed the judgment of the trial court upon a finding that the prosecution was able to establish, beyond reasonable doubt, all the elements of the crimes with which appellant was charged, and consequently, his guilt.

The CA brushed aside the attempt of appellant to assail the credibility of the witnesses for the prosecution, declaring that the inconsistencies in their respective testimonies, which appellant tried to amplify, are too minor to adversely affect their credibility. More importantly, the identity of the *corpus delicti* in this case was properly preserved and established by the prosecution, thereby ascertaining the guilt of appellant. The CA, thus, held:

The inconsistencies allegedly committed by [SPO4] Benedicto and [PO2] Chavez will not save [appellant] from conviction. To secure a reversal of the lower court's findings, the inconsistencies should have pertained to the actual buy-bust itself, that crucial moment when [appellant] was caught selling or in possession of shabu, not to peripheral matters. x x x

x x x x

To be sure, the discrepant statements alluded to by [appellant] were too minor to adversely affect the credibility of the witnesses. Those discrepancies did not detract from the established fact of the crimes charged against him. As the High Court held, inconsistencies in the testimonies of witnesses referring to minor details, and not in actuality touching upon the central fact of the crime, do not impair their credibility.

In view of all the foregoing, this [c]ourt finds that [appellant] failed to overthrow the presumption of regularity accorded the police officers in the performance of their official duty. He utterly failed to prove that in testifying against him, these witnesses were motivated by reasons other than the duty to curb the sale and possession of prohibited drugs and possession of drug paraphernalia. There is no proof of any ill motive or odious intent on the part of the police authorities to impute falsely such a serious crime to [appellant]. Thus, the [c]ourt will not allow the former's testimony to be overcome by self-serving defenses.

x x x x

This Court likewise finds no merit in [appellant's] contention that the prosecution failed to establish the *corpus delicti* of the offense. Testimonies of prosecution witnesses convincingly stated that the integrity and the evidentiary value of the seized items were properly preserved by them. [SPO4] Benedicto testified that he witnessed when their asset handed the shabu (which he bought from appellant) to [PO2] Chavez. Thereafter, he saw [PO2] Chavez put markings on them. [PO2] Chavez also attested that he marked the 1 sachet of shabu sold by [appellant] to their asset as well as the 8 sachets of shabu confiscated from [appellant]. They eventually prepared a request for laboratory examination. The Chemistry Report stated that all the specimens submitted by the apprehending officers which bore the same markings gave positive result to the tests for the presence of Methamphetamine Hydrochloride.

It is thus evident that the identities of the *corpus delicti* were properly preserved and established by the prosecution. Besides, the integrity of the evidence is presumed to be preserved unless there is a showing of bad faith, ill-will, or proof that the evidence has been tampered with. [Appellant], in this case, has the burden to show that the evidence was tampered or meddled with to overcome a presumption of regularity in the handling of exhibits by public officers and a presumption that public officers properly discharged their duties. Needless to say, [appellant] failed to muster out such burden.

x x x x

WHEREFORE, the instant appeal is **DENIED**. The assailed October 22, 2010 Decision of the Regional Trial Court, Branch 12, Lipa City, in Criminal Cases Nos. 0098-2003 and 0099-2003 convicting Reyman Endaya y Laig for violations of Sections 5 and 11, Article II of Republic Act No. 9165, is hereby **AFFIRMED**. No costs.^[29]

In separate Manifestations dated 21 May 2013^[30] and 13 June 2013,^[31] respectively, appellant and appellee manifested their intention not to file a supplemental brief before this Court and to adopt the respective briefs they filed before the CA.

The Issues

Appellant raised the following errors in his brief:

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THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF VIOLATION OF SECTIONS 11 AND 5 OF R.A. NO. 9165 NOTWITHSTANDING THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.