

## SECOND DIVISION

[ G.R. No. 190610, April 25, 2012 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.  
SATURNINO DE LA CRUZ AND JOSE BRILLANTES Y LOPEZ,  
ACCUSED. JOSE BRILLANTES Y LOPEZ, ACCUSED-APPELLANT.**

### R E S O L U T I O N

**PEREZ, J.:**

Before the Court is an Appeal<sup>[1]</sup> filed by accused-appellant Jose Brillantes y Lopez (Brillantes) assailing the Decision<sup>[2]</sup> of the Court of Appeals (CA) dated 8 July 2009 in CA-G.R. CR No. 30897.

The decision of the Court of Appeals is an affirmance of the Decision of the Regional Trial Court (RTC) of Laoag City, Branch 13 in Criminal Case Nos. 11556, 11557 and 11558 convicting accused Brillantes and Saturnino de la Cruz (De la Cruz) for violation of Sections 5 and 11, Article II of RA 9165 entitled "*An Act Instituting the Comprehensive Dangerous Drugs Act Of 2002.*"<sup>[3]</sup>

In the Criminal Case No. 11556, De la Cruz y Valdez was charged as follows:

#### **Criminal Case No. 11556**

That on or about the 1<sup>st</sup> day of December 2004, in the city of Laoag, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, have in his possession, control and custody one (1) plastic sachet containing shabu weighing more or less 0.1 gram including plastic container without prescription or authority to possess the same in violation of the aforecited law.<sup>[4]</sup>

On the other hand, Jose Brillantes y Lopez was charged in Criminal Case Nos. 11557 and 11558 with illegal sale of *shabu* and illegal possession of dangerous drug of *shabu*. The two separate Informations follow:

#### **Criminal Case No. 11557**

That on or about the 1<sup>st</sup> day of December 2004, in the city of Laoag, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously, sell and deliver to a Public Officer, who acted as poseur buyer 0.1 gram including plastic container of Methamphetamine Hydrochloride, popularly

known as "shabu", a dangerous drug, without any license or authority to do so, in violation of the aforecited law.<sup>[5]</sup>

### **Criminal Case No. 11558**

That on or about the 1<sup>st</sup> day of December 2004, in the City of Laoag, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously, have in his possession, control and custody two (2) big plastic sachet containing shabu weighing more or less 2.6 grams including plastic container without being authorized and permitted by law to possess the same in violation of the aforecited law.<sup>[6]</sup>

When arraigned, both the accused pleaded not guilty of the crimes charged.

The RTC held that the prosecution successfully discharged the burden of proof in the cases of illegal sale and illegal possession of dangerous drugs, in this case *methamphetamine hydrochloride* otherwise known as "*shabu*." The trial court relied on the presumption of regularity in the performance of duty of the police officials who conducted the buy-bust operation. The dispositive portion reads:

WHEREFORE, judgment is hereby rendered finding [the] accused Saturnino De la Cruz GUILTY beyond reasonable doubt as charged in Criminal Case No. 11556 for illegal possession of shabu with a weight of 0.0619 gram and is therefore sentenced to serve the indeterminate penalty of imprisonment ranging from TWELVE (12) YEARS AND ONE (1) DAY as minimum to FIFTEEN (15) YEARS as maximum and to pay a fine of P300,000.00.

Accused Jose Brillantes is also found GUILTY beyond reasonable doubt as charged in Criminal Case No.11557 for illegal sale of shabu and is therefore sentenced to suffer the penalty of life imprisonment and to pay a fine of P2,000,000.00. Said accused is likewise found GUILTY beyond reasonable doubt as charged in Criminal Case No. 11558 for illegal possession of shabu with an aggregate weight of 0.2351 gram and is therefore further sentenced to serve the indeterminate penalty of imprisonment ranging from TWELVE (12) YEARS and ONE (1) DAY as minimum to FIFTEEN (15) YEARS as maximum and to pay a fine of P300,000.00.

The contraband subject of these cases are hereby forfeited, the same to be disposed of as the law prescribes. <sup>[7]</sup>

The appellate court found no reason to depart from the ruling of the trial court. It upheld that all the elements of the offense of illegal sale of drugs were present and the finding against Brillantes well established by the prosecution. Further, it also found that all the elements constituting illegal possession of prohibited or regulated drugs were established beyond reasonable doubt to convict De la Cruz and Brillantes. On all the three charges, great weight was given to the testimonies of