

THIRD DIVISION

[G.R. No. 186526, August 25, 2010]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FEDERICO CAMPOS
Y RANILE, APPELLANT.**

D E C I S I O N

CARPIO MORALES, J.:

Federico Campos y Ranile (appellant) challenges the Court of Appeals decision^[1] of July 31, 2008 affirming the Joint Decision^[2] of Branch 95 of the Regional Trial Court (RTC) of Quezon City which convicted him of selling dangerous drugs.

Appellant was charged with violation of Section 5, Article II of Republic Act No. 9165 (Comprehensive Drugs Act) allegedly committed as follows:

That on or about the 25th day of February, 2004, in Quezon City, Philippines, the said accused, not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did then and there, willfully and unlawfully and feloniously sell, dispense, deliver, transport, distribute or act as broker in the said transaction zero point sixteen (0.16) gram of Methylamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW. (Criminal Case No. Q-04-125078)

The case was consolidated with Criminal Case No. Q-04-125079 which charged Joel Jaitin y Dano (Jaintin) with violation of Section 11 of Art. II of the same law, allegedly committed as follows:

That on or about the 25th day of February, 2004, in Quezon City, Philippines, the said accused, not being authorized by law to possess or use any dangerous drug, did the and there, willfully and unlawfully and knowingly have in his possession and control zero point thirteen (0.13) gram of Methylamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW. (underscoring supplied)

The prosecution presented PO2 Manny Panlilio (PO2 Panlilio) and PO1 Cecil Collado (PO1 Collado), the officers who participated in the buy-bust operation. The testimony of Engr. Leonardo Cabonillo, the Forensic Chemist of the Philippine National Police (PNP) who tested the drug specimen, as well as that of PO1 Judy de Jesus, the police investigation assigned to the case, was dispensed with by

agreement of the parties.

From the evidence for the prosecution, the following version is culled:

On February 25, 2004, a confidential informant reported to P/Chief Insp. Paterno, head of the Talipapa Police Station at barangay Baesa, Quezon City, that a certain person known as Federico Campos was engaged in selling illegal drugs in said barangay. A buy-bust team as the poseur-buyer and given a 500 peso bill which he marked with his initials "MSP," PO1 Collado, SPO4 An, SPO2 Sevilla, SPO1 Catiis, and SPO1 Adona.

On board two vehicles, the team along with the informant proceeded to F. Carlos St., barangay Baesa where the informant saw appellant and a male companion, later identified to be Jaitin. The informant then introduced PO2 Panlilio to appellant as a friend who wanted to buy *shabu*, whereupon PO2 Panlilio remarked that he wanted to buy P500 worth. As appellant agreed, PO2 Panlilio gave the initialed 500 peso bill to him and, in exchange, appellant gave PO2 Panlilio a plastic sachet containing white crystalline substance. PO2 Panlilio at once signaled his team members to close in, introduced himself as a police officer, and arrested appellant from whom he recovered the 500 peso bill. PO1 Collado then arrested Jaitin from whom he recovered a plastic sachet containing white crystalline substance.

The team brought appellant and Jaitin to the police station and turned them over to the desk officer. PO2 Panlilio marked the plastic sachet he received from appellant with his (PO2 Panlilio's) initials and turned it over, together with the initialed 500 peso bill, to the desk officer. PO2 Collado likewise marked the plastic sachet he seized from Jaitin with his own initials "CCC" and turned it over to the desk officer. The substance inside the plastic sachets were found positive for Methylamphetamine Hydrochloride or *shabu*. That received from appellant weighed 0.16 gram, while that seized from Jaitin weighed 0.13.

Appellant denied the accusation and claimed that he was framed-up. His version follows:

At around 3:00 o'clock in the morning of February 25, 2004, while he and his live-in partner Rachel Macapagal were inside his house, PO2 Panlilio together with three men, barged inside looking for a certain "Bunso" Failing to find "Bunso", the police officers brought him and Rachel to the police station on board mobile car where he first met Jaitin.

At the police station, the officers asked appellant if he knew one "Bunso", to which he replied in the negative. The officers also talked to Rachel, threatening to file a case against appellant if they fail to produce P10,000. He told the officers that he did not have such amount, following which the officers remarked "*tuluyan na yan*". He was thereafter brought before the inquest prosecutor.

The trial court, by Joint Decision, convicted appellant as charged.

As for Jaitin who jumped bail and has remained at large, the trial court convicted him as charged.

Appellant appealed to the Court of Appeals before which he contended that the