

## THIRD DIVISION

[ G.R. No. 220715, August 24, 2016 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RONNIE BOY EDA Y CASANI, APPELLANT.**

### DECISION

**PERALTA, J.:**

On appeal is the December 10, 2014 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06470, which affirmed *in toto* the September 17, 2013 Joint Decision<sup>[2]</sup> of the Regional Trial Court (RTC), Branch 9, Balayan, Batangas, in Criminal Cases No. 6604 and 6605, convicting appellant Ronnie Boy Eda y Casani (*Eda*) of illegal possession and sale of Methamphetamine Hydrochloride, commonly known as "shabu," in violation of Section 11, Paragraph 2 (3) and Section 5, respectively, Article II of Republic Act (R.A.) No. 9165 or the *Comprehensive Dangerous Drugs Act of 2002*.

On February 18, 2011, two (2) Informations were filed against Eda, charging him as follows:

Criminal Case No. 6604:

That on or about the 17<sup>th</sup> day of February, 2011, at about 5:00 o'clock in the afternoon, at Barangay Caloocan, Municipality of Balayan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully and unlawfully have in her (*sic*) possession, custody and control four (4) heat-sealed transparent plastic sachets referred to as specimens A-2 (RCB2) to A-5 (RCB5) in Chemistry Report No. BD-040-2011 each containing methamphetamine hydrochloride, commonly known as "shabu", having a total weight of 0.08 gram, a dangerous drug.

Contrary to law.<sup>[3]</sup>

Criminal Case No. 6605:

That on or about the 17<sup>th</sup> day of February, 2011, at about 5:00 o'clock in the afternoon, at Barangay Caloocan, Municipality of Balayan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully and unlawfully sell, deliver and give away one (1) heat-sealed transparent plastic sachet referred to as Specimen A-1 (RCB1) in Chemistry Report No. BD-040-2011, containing methamphetamine hydrochloride, commonly known as shabu, weighing 0.02 gram, a dangerous drug.

Contrary to law.<sup>[4]</sup>

In his arraignment, Eda entered a plea of "Not Guilty."<sup>[5]</sup> Trial ensued while he was under detention. The prosecution presented PO2 Roman De Chavez Bejer, PO1 Reynante Brosas Briones, and PO3 Bryan De Jesus, who were part of the buy-bust team. Only Eda testified for the defense.

## ***Evidence for the Prosecution***

On February 37, 2011, at around 2:00 p.m., PO2 Bejer received a telephone call from a civilian asset informing that Eda was selling shabu in Barangay Caloocan, Balayan, Batangas. He relayed the matter to Police Chief Inspector Elpidio Argoncillo Ramirez, who immediately formed a buy-bust team composed of PO2 Bejer, PO1 Briones, PO3 Alvin Andulan Baral and PO2 Johnny De Joya Dechoso. PO2 Bejer prepared the P500.00 marked money as well as the Pre-Operation Report and Coordination Sheet, which were sent to the Philippine Drug Enforcement Agency (*PDEA*) Office in Calamba City, Laguna and PAIDSOTF, Batangas Police Provincial Office.<sup>[6]</sup> At around 3:00 p.m., the buy-bust team, together with the civilian asset proceeded to Brgy. Caloocan. By 4:30 p.m., PO2 Bejer received a call from SPO1 Gomer Tebes De Guzman, who confirmed receipt of the Pre-Operation Report and Coordination Sheet. PO1 Briones, PO3 Baral, and PO2 Dechoso acted as lookouts and positioned themselves near Saver's grocery store located at Brgy. Ermita, Balayan, Batangas. PO2 Bejer was on board the tricycle being driven by the civilian asset. They proceeded to Jamaica Subdivision in Brgy. Caloocan. At around 5:00 p.m., they approached Eda, who was already waiting along the road near Balayan Cable Network in Brgy. Caloocan. While PO2 Bejer was inside the sidecar of the tricycle, the civilian asset and Eda talked to each other. PO2 Bejer heard the civilian asset telling Eda that he would buy shabu in the amount of P500.00. When PO2 Bejer saw the exchange of one plastic sachet containing white crystalline substance and the marked money, he immediately alighted from the tricycle and introduced himself to Eda as a police officer. While PO2 Bejer was arresting him, PO1 Briones approached the scene to render assistance. PO2 Bejer was able to recover the marked money from the left hand of Eda.<sup>[7]</sup> When PO1 Briones frisked him, additional four plastic sachets with white crystalline contents were also found in his right pocket. PO1 Briones turned over the same to PO2 Bejer. After Eda was apprised of his constitutional rights, the confiscated items were marked by PO2 Bejer. When people began to converge in the area, the arresting officers decided to continue and complete the inventory of the seized items at the nearby barangay hall of Caloocan. The physical inventory was witnessed by the representatives of the Department of Justice (Benilda Diaz), barangay (Brgy. Captain Reynaldo Ballelos), and media (ABC President Raul De Jesus). PO3 De Jesus prepared the inventory receipt, which was signed by the witnesses, and took photographs at the crime scene and the barangay hall.<sup>[8]</sup> Thereafter, Eda was brought to the Balayan Police Station.<sup>[9]</sup> On the same day, requests for drug test and laboratory examination with the Batangas Provincial Crime Laboratory were made.<sup>[10]</sup> Per Chemistry Report No. BD-040-2011 dated February 18, 2011 and sworn to by Police Inspector Herminia Carandang Lacuna, the specimens submitted were tested and found positive for the presence of methamphetamine hydrochloride.<sup>[11]</sup>

## ***Evidence for the Defense***

Eda denied that he sold and possessed the illegal drug seized, claiming that not even once in his life did he use shabu. On February 16, 2011, he was in the house of his sister-in-law, Joan Nicole Macalalad, in Brgy. Caloocan to ask if he could celebrate his birthday at their farm on February 19, 2011. He left his house in Brgy. Sta. Lucia, Dasmariñas, Cavite at 4:00 p.m. and reached Joan's place about 9:00 p.m. After talking to Joan's husband, Christopher Macalalad, they had a drinking spree that lasted until dawn next day. Thereafter, he rested. Then they had a drinking session again around 10:00 a.m. until before lunchtime. After eating lunch, he rested. Around 3:00 p.m. to 4:00 p.m., he went home. While he was walking towards a tricycle going to the bus terminal, four men approached him near Saver's grocery, which was just across the public cemetery. One of them immediately grabbed his left hand and placed it at his back. Somebody said, "Ikaw ay tulak," or pusher in that place. Since he was drunk at the time, he fought back as one of them continued saying, "Ikaw ang tulak dito, ikaw ang nagdadala ng shabu dito." He got hurt because PO2 Bejer hit him on his nape. Likewise, he was punched and pushed, and a gun was pointed at him. He was asked to sit in front of the public cemetery. Out of fear and so that his pain would stop, he just said "yes" on their accusation. PO2 Bejer then

drew five sachets of shabu from his pocket and placed it on top of a concrete structure on the ground. Eda was directed to point those items while pictures were being taken. When PO3 De Jesus arrived, he was asked to stand and was brought to the Caloocan barangay hall. Upon entering the hall, he was handcuffed at the back. One of the barangay officials approached him and inquired if he was a real "tulak" or pusher in that place. Said official also punched him in the lower chest while being told that "Ikaw ang tulak dito." Again, out of fear and pain, he just said "yes" and accepted every accusation. Thereafter, with handcuffed removed, he was brought near a table and was asked to point the sachets of shabu on top of it as if the items were his. He was then made to rest and eat snacks, after which he was brought to the Balayan Municipal Police Station, where he was questioned if the seized illegal drug belonged to him. Since he previously answered in the affirmative, "umoo na langpo ako ng umoo, inako ko na lang." He was then incarcerated.

When shown with a copy of the Receipt/Inventory of Property(ies)/Item(s) Seized dated February 17, 2011, Eda declared that none was issued to him. He stressed that the alleged sachets of prohibited drug recovered from him after the conduct of body search were actually from PO2 Bejer, who "planted" the same. He admitted that he has no proof to show that he suffered physical injuries as a result of the harm caused by the arresting officers and the unknown barangay official. Likewise, he does not know any reason why the police would choose him to be the target of their buy-bust operation, "plant" shabu, and charge him with a very serious offense.

On September 17, 2013, the RTC convicted Eda of the crimes charged. The dispositive portion of the Joint Decision states:

**WHEREFORE**, in view of the foregoing, this Court hereby finds accused Ronnie Boy Eda y Casani **GUILTY** beyond reasonable doubt for Violation of Section 11, paragraph 3, and Section 5, Article II, Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and sentences him to suffer:

for **Crim. Case No. 6604** — the penalty of **imprisonment for Twelve (12) Years, Four (4) Months and One (1) Day, as minimum, to Fourteen (14) Years and Six (6) months, as maximum**, and to pay a fine of **Three Hundred Thousand Pesos (P300,000.00)** with subsidiary imprisonment for non-payment thereof; and

for **Crim. Case No. 6605** - the penalty of **Life imprisonment** and a fine of **Five Hundred Thousand Pesos (P500,000.00)** with subsidiary imprisonment for non-payment thereof.

With costs.

Let the necessary mittimus be issued for the immediate transfer of the accused to the New Bilibid Prison, Muntinlupa City, for the service of his sentence.

**SO ORDERED.** [12]

The RTC held that the prosecution established with moral certainty all the elements constitutive of the offenses that were charged against Eda. As to the illegal sale of shabu, it viewed:

Herein prosecution witnesses testified in open Court categorically and convincingly. They evinced firmness and consistency all throughout their narrations of the subject incident. The Court finds their testimonies credible and worthy of credence.

PO2 Bejer and PO1 Briones gave a detailed narration of every step of the entire operation, from receipt of the information from the civilian asset, the pre-operation, planning, actual conduct of the buy-bust operation, to the post-operation activities.

As declared in the Joint Sworn Statement (Exh. "A") by prosecution witness PO2 Bejer, herein accused was caught delivering one (1) heat-scaled transparent plastic sachet of shabu to the civilian asset. Although the asset was not presented in Court to testify, the actual transaction of sale was witnessed by PO2 Bejer. PO2 Bejer identified the accused as the same person he arrested during the buy-bust operation (t.s.n. [p.] 13 February 15, 2012). When the shabu subject of sale was presented in Court, PO2 Bejer identified it to be the same item sold to the asset by the accused because of the marking "RCB-1" which PO2 Bejer had written thereon (t.s.n. [p.] 4, May 29, 2012). PO1 Briones corroborated such testimony as he was near PO2 Bejer when the latter marked the shabu (t.s.n. [p.] 9, November 27, 2012). PO2 Bejer also identified in Court the buy-bust money recovered from the accused in the amount of Five Hundred Pesos with serial number DQ-247003 (t.s.n. [p.] 7, February 15, 2012).<sup>[13]</sup>

With respect to the illegal possession of shabu, it found:

On the occasion of the accused's lawful arrest from the buy-bust operation, four (4) sachets of shabu (Exhs. "G-3" to "G-6") were recovered from his right pocket by PO1 Briones. PO1 Briones positively identified in open Court the four (4) sachets of shabu as the same shabu he recovered from the accused (t.s.n. [p.] 9, November 25, 2012). PO2 Bejer affirmed PO1 Briones' testimony on the basis of the markings "RCB-2", "RCB-3", "RCB-4", and "RCB-5" that he placed thereon (t.s.n. pp. 4-5, May 29, 2012). There is also no showing from the records of the case that herein accused was legally authorized by law to possess the four (4) plastic sachets of shabu.

It is a settled rule [that] mere possession of a prohibited drug constitutes *prima facie* evidence of knowledge or *animus possidendi* sufficient to convict an accused in the absence of satisfactory explanation (People vs. De Jesus, G.R. No. 198794, February 6, 2013). The accused, instead of giving explanations on his absence of knowledge or *animus possidendi* of the shabu recovered in his possession, accepted the accusations against him (t.s.n. pp. 9 and 11, August 7, 2013).<sup>[14]</sup>

The RTC opined that Section 21 (1), Article II of R.A. No. 9165 and its Implementing Rules and Regulations were properly observed in this case:

Record shows that after PO2 Bejer recovered the shabu sold to the asset, he placed the marking "RCB-1" thereon. Such testimony was confirmed by PO1 Briones. PO1 Briones testified further that after he recovered from the body of the accused the four (4) plastic sachets of shabu, he turned them over to PO2 Bejer for marking (t.s.n. [p.] 9, November 27, 2012). During inventory, DOJ representative Benilda Diaz and Barangay Chairman Reynaldo Ballelos of Barangay Caloocan, Balayan, Batangas signed the Inventory Receipt of the Property Seized (Exh. "D") in the presence of herein prosecution witnesses. Photograph was taken by PO2 De Jesus during inventory. After a Request for Laboratory Examination (Exh. "H") was prepared, PO2 Bejer and PO1 Briones brought the seized drugs to the Crime Laboratory Office for examination, which yielded positive result for the presence of methamphetamine hydrochloride, as evidence by Chemistry Report No. BD-119-2011 (Exh. "I"). The seized drugs were offered as evidence in Court and were positively identified by both PO2 Bejer and PO1 Briones on the basis of the markings thereon.<sup>[15]</sup>

Finally, Eda's claim of frame-up and planting of evidence was dismissed for his failure to adduce any clear and convincing evidence sufficient to overcome the presumption of regularity in favor of the police officers.

Eda elevated the case to the CA *via* notice of appeal.<sup>[16]</sup> The appellate court, however, sustained his conviction. It ruled that the alleged inconsistencies in the testimonies of the

prosecution witnesses are immaterial because they refer only to irrelevant and collateral matters that have nothing to do with the elements of the crimes charged, and that there was an unbroken chain of custody of the shabu seized. The CA declared:

Evidently, illegal sale was consummated when accused-appellant sold shabu to the civilian informant of PO2 Bejer. Likewise, it was duly established that the marked money used for the purchase of shabu was recovered from the accused-appellant. The laboratory report further proved that the plastic sachets with white crystalline substance, indeed, contained methamphetamine hydrochloride, a dangerous drug. All of [the] aforementioned evidence were positively and categorically identified in court.

Consequently, the evidences (*sic*) submitted by the prosecution to convict the accused-appellant for illegal possession of prohibited drugs were all established in this case. The accused-appellant was found in possession of the five small plastic sachets of shabu, an item or object that is identified to be a prohibited or dangerous drug, that such possession by the accused-appellant of the five small plastic sachets of shabu is not authorized by law and that the accused-appellant freely and consciously possessed the dangerous drug.

x x x x

The prosecution was able to sufficiently establish the following circumstances showing an unbroken chain of custody over the shabu that was seized from herein accused-appellant:

(1) PO2 Bejer, at the time when the accused-appellant was apprehended, marked the plastic sachets on site. The confiscated items and the accused-appellant were brought to [the] Barangay Hall of Caloocan, Balayan, Batangas, to complete the physical inventory report and this was witnessed by Benilda Diaz, Brgy. Captain Reynaldo Ballelos and Raul De Jesus;

(2) The arresting officers then brought the accused-appellant to [the] Balayan Police Station and thereafter requested a drug test and laboratory examination of the seized items;

(3) The arresting officers had turned-over the seized items to PO3 Dc Jesus; and

(4) P/Insp. Llacuna then conducted a qualitative examination on the specimen and prepared a report which gave a positive result to the test for the presence of methamphetamine hydrochloride.

The foregoing did not show any gap in the transfer of the seized items from one officer to another or even showed a scintilla of irregularity.<sup>[17]</sup>

Now before Us, Eda manifests that he repleads and adopts all the defenses and arguments raised in his Appellant's Brief filed before the CA.<sup>[18]</sup> Similarly, the Office of the Solicitor General manifests that it adopts its Appellee's Brief in lieu of filing a Supplemental Brief.<sup>[19]</sup>

The appeal is dismissed.

For a successful prosecution of illegal sale of dangerous drugs under Section 5,<sup>[20]</sup> Article II of R.A. 9165, the following elements must be satisfied: (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 the payment therefor.<sup>[21]</sup> The delivery of the illicit drug to the *poseur*-buyer and the receipt by the seller of the marked money consummate the illegal transaction.<sup>[22]</sup> What is material is the

proof that the transaction or sale transpired, coupled with the presentation in court of the prohibited drug, the *corpus delicti*, as evidence.<sup>[23]</sup>

In this case, the Court believes and so holds that all the requisites for the illegal sale of shabu were met. As demonstrated by the testimonies of the prosecution witnesses and the supporting documents they presented and offered, the identities of the buyer, the seller, the prohibited drug, and the marked money, have all been proven by the required quantum of evidence. Contrary to Eda's contention that PO2 Bejer was not privy to the transaction, the sale of shabu was actually witnessed by the latter since he and the civilian asset were beside each other ("magkatabi") during the buy-bust operation.<sup>[24]</sup> At the time, the civilian asset was at the driver's seat, while PO2 Bejer was inside the tricycle. On the witness stand, PO2 Bejer identified Eda as the person he arrested during the buy-bust operation.<sup>[25]</sup> When the specimen marked as "RCB-1" was presented in court, PO2 Bejer identified it as the same item sold by Eda to the civilian asset because he was the one who marked it.<sup>[26]</sup> PO1 Briones corroborated PO2 Bejer's testimony as he was near him when he marked the sachet of shabu.<sup>[27]</sup> PO2 Bejer also identified in court the P500.00 bill with serial number DQ-247003, which he prepared for the buy-bust operation and recovered from Eda after the illegal sale.<sup>[28]</sup>

On the other hand, the following elements must be established to convict an accused of illegal possession of a prohibited drug under Section 11,<sup>[29]</sup> Paragraph 2 (3), Article II of R.A. 9165: (1) the accused was in possession of an item or an object identified to be a prohibited or regulated drug; (2) such possession is not authorized by law; and (3) the accused was freely and consciously aware of being in possession of the drug.<sup>[30]</sup> Mere possession of a regulated drug *per se* constitutes *prima facie* evidence of knowledge or *animus possidendi* sufficient to convict an accused absent a satisfactory explanation of such possession; the *onus probandi* is shifted to the accused, to explain the absence of knowledge or *animus possidendi*.<sup>[31]</sup>

Here, PO1 Briones confirmed his statement in the *Magkasamang Sinumpaang Salaysay*<sup>[32]</sup> that after Eda's lawful arrest, he conducted a body search on him and recovered four (4) more sachets of shabu.<sup>[33]</sup> He positively identified in open court the specimen marked as "RCB-2" to "RCB-5" as the same sachets of shabu he recovered from Eda because he gave them to PO2 Bejer, who put the markings thereon while they were near each other.<sup>[34]</sup> Likewise, PO2 Bejer affirmed that the specimens marked as "RCB-2" to "RCB-5" were confiscated by PO1 Briones from Eda since the same were given to him for marking.<sup>[35]</sup> There is no showing from the records that Eda was legally authorized by law to possess the four plastic sachets of shabu. Instead of giving any plausible explanation on his absence of *animus possidendi* so as to negate a finding that he was freely and consciously aware of possessing said illegal drug, he readily accepted the accusations against him.

Against the prosecution evidence, Eda merely denied the accusations against him and raised the defense of frame-up. We note, however, that the defense of denial and frame-up has been invariably viewed with disfavor for it can easily be concocted and is a common and standard defense ploy in prosecutions for violation of R.A. No. 9165.<sup>[36]</sup> In order to prosper, the defense of denial and frame-up must be proved with strong and convincing evidence.<sup>[37]</sup> In this connection, Eda had the burden of proof to defeat the presumption that the police officers handled the seized drugs with regularity and that they properly performed their official duties. He failed. No bad faith or planting of evidence was actually shown. He did not substantiate any illicit motive on the part of the police officers, as to why they would choose to falsely implicate him in a very serious crime that would cause his imprisonment for life. For this failure, the testimonies of prosecution witnesses deserve full faith and credit.

Further, this Court is of the view that the chain of custody of the seized shabu did not suffer from serious flaws.

Pertinent portion of Section 21, Article II of R.A. No. 9165 provides:

*SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;
- (2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;
- (3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: *Provided*, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours;

x x x

In *People v. Ros*,<sup>[38]</sup> We held:

Notably, Section 21 of R.A. No. 9165 serves as a protection for the accused from malicious imputations of guilt by abusive police officers. The illegal drugs being the *corpus delicti*, it is essential for the prosecution to prove and show to the court beyond reasonable doubt that the illegal drugs presented to the trial court as evidence of the crime are indeed the illegal drugs seized from the accused. In particular, Section 21, paragraph no. 1, Article II of the law prescribes the *method* by which law enforcement agents/personnel are to go about in handling the *corpus delicti* at the time of seizure and confiscation of dangerous drugs in order to ensure full protection to the accused. x x x

Section 21, however, was not meant to thwart the legitimate efforts of law enforcement agents. The Implementing Rules and Regulations of the law clearly expresses that "non-compliance with [the] requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items."

We likewise recognize that while the chain of custody should ideally be perfect and

unbroken, it is not in reality "as it is almost always impossible to obtain an unbroken chain." Thus, non-compliance with Section 21 does not automatically render illegal the arrest of an accused or inadmissible the items seized/confiscated. As the law mandates, what is vital is the preservation of the integrity and the evidentiary value of the seized/confiscated illegal drugs since they will be used to determine the guilt or innocence of the accused.<sup>[39]</sup>

In the present case, the body of evidence adduced by the prosecution supports the conclusion that the integrity and evidentiary value of the subject shabu were successfully and properly preserved and safeguarded through an unbroken chain of custody. Both the testimonial and documentary evidence indubitably show the following:

1. When PO2 Bejer seized the shabu sold by Eda to the civilian asset, he immediately placed the marking "RCB-1" on the plastic sachet.
2. Similarly, after PO1 Briones recovered from Eda the four plastic sachets of shabu, he turned them over to PO2 Bejer, who marked the same as "RCB-2" to "RCB-5."
3. During the physical inventory that was conducted by PO3 De Jesus at the scene of the crime and at the Caloocan barangay hall, representatives of the DOJ, the media, and the barangay attended and signed the inventory receipt in the presence of Eda and the prosecution witnesses.
4. Photographs of the actual marking of the confiscated shabu and the proceedings during the inventory were also taken by PO3 De Jesus.
5. After the arresting officers brought Eda to the Balayan Police Station, requests for drug test and laboratory examination of the seized items were prepared on the same day.
6. PO2 Bejer was in possession of the subject shabu from the time of confiscation until he and PO1 Briones personally delivered them to the Batangas Provincial Crime Laboratory.
7. P/Insp. Llacuna, a forensic chemist, conducted a qualitative examination and prepared a report under oath which concluded that the specimens marked as "RCB-1" to "RCB-5" contained methamphetamine hydrochloride.
8. The marked sachets of shabu were presented and offered as evidence in court and were positively identified by both PO2 Bejer and PO1 Briones as the same illegal drugs taken from Eda. Further, the marked money was presented in court and offered in evidence.

Verily, the prosecution was able to establish with moral certainty and prove to the Court beyond reasonable doubt that there was an unbroken chain of custody over the recovered drug, from the time it was lawfully seized and came into the possession of the apprehending officers up to the time it was presented and offered in evidence before the trial court. The testimonies of the witnesses included every person who touched the exhibit and described how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and delivered to the next link in the chain, and the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.<sup>[40]</sup>

Lastly, as to the penalty, We sustain the amount of fine and the indeterminate sentence imposed in Criminal Cases No. 6604 and 6605. Based on Section 11, Article II of R.A. No. 9165, illegal possession of less than five (5) grams of methamphetamine hydrochloride or shabu is penalized with imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three Hundred Thousand Pesos (P300,000.00) to Four Hundred Thousand Pesos (P400,000.00). The evidence adduced by the prosecution established beyond reasonable doubt that Eda possessed a total of 0.08 gram of shabu without any legal authority. Applying the Indeterminate Sentence Law, the minimum period of the imposable penalty shall not fall below

the minimum period set by the law and the maximum period shall not exceed the maximum period allowed under the law.<sup>[41]</sup> Taking that into consideration, the penalty meted out by the RTC, as affirmed by the CA, was within the range provided by R.A. No. 9165. The appropriate penalty was, therefore, imposed by the lower court.

**WHEREFORE**, premises considered, the instant appeal is **DISMISSED**. The December 10, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06470, which affirmed *in toto* the September 17, 2013 Joint Decision of the Regional Trial Court, Branch 9, Balayan, Batangas, in Criminal Cases No. 6604 and 6605, convicting appellant Ronnie Boy Eda y Casani of illegal possession and sale of *shabu*, in violation of Sections 5 and 11, Article II of Republic Act No. 9165, is **AFFIRMED**.

**SO ORDERED.**

*Velasco, Jr., (Chairperson), Perez, and Reyes, JJ.*, concur.

*Brion, \* J.*, on leave.

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September 15, 2016

**NOTICE OF JUDGMENT**

Sirs / Mesdames:

Please take notice that on **August 24, 2016** a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on September 15, 2016 at 9:20 a.m.

Very truly yours,  
(SGD)  
**WILFREDO V.  
LAPITAN**  
*Division Clerk of Court*

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\* Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated November 4, 2015; on leave.

[1] Penned by Associate Justice Isaias P. Dicdican, with Associate Justices Socorro B. Inting and Victoria Isabel A. Paredes, concurring; *rollo*, pp. 2-13.

[2] Records (Crim. Case No. 6605), pp. 188-203; CA *rollo*, pp. 52-67.

[3] Records (Crim. Case No. 6604), p. 1.

[4] Records (Crim. Case No. 6605), p. 1.

[5] Records (Crim. Case No. 6604), p. 8; *id.* at 29.

[6] Records (Crim. Case No. 6605), pp. 12-13.

[7] *Id.* at 15.

[8] *Id.* at 14, 19-22.

[9] *Id.* at 16.

[10] *Id.* at 17-18.

[11] *Id.* at 23.

[12] *Id.* at 202-203; CA *rollo*, pp. 66-67. (Emphasis in the original)

[13] *Id.* at 199; *id.* at 63.

[14] *Id.* at 200; *id.* at 64.

[15] *Id.* at 201-202; *id.* at 65-66.

[16] *Id.* at 210-211, 216.

[17] *Rollo*, pp. 9-11; *id.* at 123-125.

[18] *Id.* at 21.

[19] *Id.* at 26.

[20] SEC 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

[21] *People v. Raul Amaro y Catubay alias "Lalaks,"* G.R. No. 207517, June 1, 2016; *People v. Eduardo Dela Cruz y Gumabat @ Eddie,* G.R. No. 205414, April 4, 2016; *People v. Lee Quijano Enad,* G.R. No. 205764, February 3, 2016; and *People v. Edwin Dalawis y Hidalgo,* G.R. No. 197925, November 9, 2015.

[22] *People v. Raul Amaro y Catubay alis "Lalaks,"* G.R. No. 207517, June 1, 2016; *People v. Lee Quijano Enad,* G.R. No. 205764, February 3, 2016; and *People v. Edwin Dalawis y Hidalgo,* G.R. No. 197925, November 9, 2015.

[23] *People v. Raul Amaro y Catubay alias "Lalaks,"* G.R. No. 207517, June 1, 2016; *People, v. Eduardo Dela Cruz y Gumabat @ Eddie,* G.R. No. 205414, April 4, 2016; *People v. Lee Quijano Enad,* G.R. No. 205764, February 3, 2016; and *People v. Edwin Dalawis y Hidalgo,* G.R. No. 197925, November 9, 2015.

[24] TSN, September 26, 2012, pp. 4-5.

[25] TSN, February 15, 2012, p. 13.

[26] TSN, May 29, 2012, p. 4.

[27] TSN, November 27, 2012, pp. 8-9.

[28] TSN, February 15, 2012, p. 7.

[29] SEC 11. *Possession of Dangerous Drugs*. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

x x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu," or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

[30] *Sy v. People*, 671 Phil 164, 180 (2011) and *Miclat, Jr. v. People*, 672 Phil. 191, 209 (2011).

[31] *Id.*

[32] Records (Crim. Case No. 6605), pp. 9-11.

[33] TSN, November 27, 2012, pp. 7-9.

[34] *Id.* at 9.

[35] TSN, May 29, 2012, pp. 4-5.

[36] See *Miclat, Jr. v. People*, *supra* note 30.

[37] *Miclat, Jr. v. People*, *supra* note 30.

[38] G.R. No. 201146, April 15, 2015, 755 SCRA 518.

[39] *People v. Ros*, *supra*, at 536-537; See also *People v. Eduardo Dela Cruz y Gumabat @ Eddie*, G.R. No. 205414, April 4, 2016; *People v. Jun Asislo y Matio*, G.R. No. 206224, January 18, 2016; *People v. Nicolas Lara III y Agatep, et al.*, G.R. No. 198796; and *People v. Manuela Flores y Salazar @ Wella*, G.R. No. 201365, August 3, 2015.

[40] See *People v. Lee Quijano Enad*, G.R. No. 205764, February 3, 2016.

[41] *Sy v. People*, *supra* note 30, at 182 and *Miclat, Jr. v. People*, *supra* note 30, at 212.

