

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SONNY PADUA Y REYES, ACCUSED-APPELLANT.

G.R. No. 174097. July 21, 2010

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-174097/>

LEONARDO-DE CASTRO, J.:

For review is the Decision[1] dated May 25, 2006 of the Court of Appeals in CA-G.R. CR.-H.C. No. 00553 which affirmed the Decision[2] dated October 5, 2004 of the Regional Trial Court (RTC), Branch 157, Pasig City, in Criminal Case Nos. 11595-96-D, finding accused-appellant Sonny Padua y Reyes guilty of illegal sale and possession of methamphetamine hydrochloride, popularly known as shabu, under Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The facts gathered from the records are as follows:

Two separate informations dated August 19, 2002 were filed before the RTC against appellant for illegal sale and possession of shabu under Sections 5[3] and 11,[4] Article II of Republic Act No. 9165. The accusatory portion of the informations read:

Criminal Case No. 11595-D

The undersigned Assistant Provincial Prosecutor accuses SONNY PADUA y REYES of the crime of violation of Section 5, Article II of Republic Act 9165, committed as follows:

That, on or about the 18[th] day of August 2002, in the Municipality of Taguig, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law did, then and there willfully, unlawfully and knowingly sell, deliver and give away to another one (1) heat sealed transparent plastic sachet containing 0.20 gram of white crystalline substance, which substance was found positive to the test for "shabu", which is a dangerous drug, in consideration of the amount of P200.00 in violation of the above-cited law.[5]

Criminal Case No. 11596-D

The undersigned Assistant Provincial Prosecutor accuses SONNY PADUA y REYES of the crime of violation of Section 11, 2[nd] Par., No. 3, Article II of Republic Act 9165, committed as follows:

That, on or about the 18[th] day of August 2002 in the Municipality of Taguig, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law did, then and there willfully, unlawfully and knowingly have in his possession, custody and control four (4) heat sealed transparent plastic sachets, each sachet containing 0.20 gram, 0.10 gram, 0.20 gram and 0.20 gram, respectively, or in the aggregate total weight of 0.70 gram, of white crystalline substance, which substance were found positive to the test for "shabu," which is a dangerous drug, in violation of the above-cited law.[6]

Subsequently, these cases were consolidated. When arraigned on September 18, 2002, appellant, assisted by counsel de oficio, pleaded "Not guilty" to each of the charges.[7]

During the pre-trial conference, the public prosecutor marked their evidence but the defense did not mark any evidence. The prosecution decided to present four witnesses, namely: Senior Police Officer (SPO) 2 Nilo Banzuela, Police Officer (PO) 3 Felix Mayuga, PO3 Cirilo Zamora and PO2 Roberto Jovenir. The parties dispensed with the testimony of Forensic Chemist Maria Ana Rivera-Dagasdas on the stipulation that she received the request for laboratory examination and the specimen allegedly confiscated from the accused on August 18, 2002 and upon her examination, the specimen proved positive for methamphetamine hydrochloride as appearing in Chemistry Report No. D-1237-02. The defense agreed to present three witnesses, the accused, Alicia Padua and Christopher Griego.[8]

Trial on the merits thereafter followed.

Evidence for the prosecution adduced before the RTC consisted of the sole testimony of witness PO2 Dante Aguilar of the District Drug Enforcement Unit (DDEU), Southern Police District (SPD), Taguig City. He established that in the morning of August 18, 2002, when he arrived at their office at the Police Station of SPD, District Drug Enforcement Group in Taguig City, his team leader, Police Inspector (P/Insp.) Rodolfo Anicoche, upon the tip of an informant, ordered him and the rest of his teammates, namely, SPO2 Banzuela, PO3 Cirilo Zamora, PO3 Felix Mayuga, PO2 Roberto Jovenir and PO1 Michael Esparagoza to conduct a buy-bust operation against accused-appellant, who was allegedly selling illegal drugs in Taguig City.[9] Per instructions, PO2 Aguilar was tasked to pose as the poseur-buyer. Following the briefing, his team leader handed him P200.00 marked money.[10]

On the same day, at around 10:30 a.m., the group proceeded to the residence of accused-appellant at No. 216 Mozo St., Purok 2, Napindan, Taguig City. PO2 Aguilar, SPO2 Banzuela, the asset, and P/Insp. Anicoche parked their car about 50 to 75 meters away from the residence of accused-appellant, conducted a surveillance, and observed that there were persons coming in and out of Padua's house talking to the latter. They then went back to the other police officers and told them the place where accused-appellant was. Thereafter, PO2 Aguilar and the asset proceeded to the house of accused-appellant. The asset called Sonny, and when the latter went out of his house, the asset introduced PO2 Aguilar to him as a delivery truck driver who had just arrived from a provincial trip and in dire need of shabu for his personal consumption. Aguilar handed the P200.00 marked money to the accused-appellant, who folded and placed it on his left pocket. Accused-appellant then took something from his right pocket and handed an aluminum sachet to PO2 Aguilar. Subsequently, PO2 Aguilar removed his cap, the pre-arranged signal to the rest of the buy-bust team that he had already bought the shabu. When PO1 Esparagoza arrived, PO2 Aguilar frisked and arrested the accused-appellant. He recovered the buy-bust money in the left pocket and four sachets in the right pocket of the accused-appellant. He informed accused-appellant of his right to remain silent, and of the fact that he would be charged with violation of Republic Act No. 9165. They brought him to the police station. Later, PO2 Aguilar turned over the seized drugs to the investigator, who thereafter brought the evidence to the SPD Crime Laboratory Office, Fort Bonifacio, Taguig City.

For failure of PO3 Cirilo Zamora to appear on the April 3, 2003 hearing,[11] PO1 Michael Esparagoza to appear on the July 24, 2003 hearing,[12] and PO2 Robert Jovenir to appear at the November 12, 2003 hearing,[13] despite notices, their testimonies were deemed waived.

The prosecution also adduced documentary and object evidence to buttress the testimony of its witness, to wit: (1) joint affidavit of the arresting officers signed by SPO2 Nilo Banzuela, PO3 Cirilo Zamora, PO2 Dante Aguilar, PO3 Felix Mayuga, PO2 Roberto Jovenir and PO1 Michael Esparagoza;[14] (2) request for laboratory examination dated August 18, 2002;[15] (3) Physical Science Report No. D-1237-02 dated August 18, 2002, signed by Forensic Chemist Maria Ana Rivera-Dagasdas;[16] (4) one heat-sealed transparent plastic sachet containing 0.20 gram of shabu; (5) four heat-sealed transparent plastic sachets each containing 0.20 gram, 0.10

gram, 0.20 gram and 0.20 gram respectively, of shabu; and (6) photocopy of two one-hundred-peso bills with serial numbers FW840532 and YR684136.[17]

The defense, on the other hand, had an entirely different version of what transpired that morning. It presented two witnesses: accused-appellant Sonny Padua and Miranda Estanislao. The testimony of Alice Padua, the wife of the accused was dispensed with, on the stipulation that if presented she will just corroborate the testimony of the accused.

Accused-appellant testified that there was no buy-bust operation on August 18, 2002. On direct examination, accused-appellant asserted that at around 8:00 to 9:00 o'clock in the morning of August 18, 2002, he was awakened by the operatives who went to his house located at No. 216, Mozo Street, Purok 2, Barangay Napindan, Taguig City. When he opened his eyes, a gun was poked at him. He was handcuffed by the police officers and was brought to DDEU at Fort Bonifacio, where he was detained. While inside the vehicle on their way to Fort Bonifacio, accused-appellant alleged that the police officers asked him to give them money in the amount of P120,000.00 otherwise a case will be filed against him.

The following day, accused-appellant was allegedly brought to the Capitol Compound for inquest and was thereafter brought to the Taguig Municipal Jail. He was not aware of any violation he committed. It was only during the inquest proceedings in court that accused-appellant learned of the charges filed against him.

The defense also offered the testimony of Miranda Estanislao, cousin of the wife of accused-appellant. Per her statement, on August 18, 2002 in front of the house of her mother and beside the house of accused-appellant located at No. 216 Mozo St., Purok 2, Napindan, Taguig City, five men arrived. The three entered the gate of the premises of accused-appellant, one was left outside of the gate while the other approached her and asked her of the address of the place. Ten minutes after they entered the house of accused-appellant, they came out together with accused-appellant who was then handcuffed and half-naked.[18]

After trial, the court a quo found accused-appellant guilty as charged. The dispositive portion of the trial court's decision reads:

WHEREFORE, the court finds accused SONNY PADUA Y REYES guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act 9165, and hereby sentences him to suffer life imprisonment and to pay a fine of P500,000.00.

The Court also finds accused GUILTY beyond reasonable doubt of violation of Section 11, Article II of the same law and sentences him to suffer a prison term ranging from TWELVE (12) YEARS and ONE (1) DAY, AS MINIMUM, to TWENTY (20) YEARS, as maximum, and to pay a fine of P300,000.00

The confiscated evidence are forfeited in favor of the Government and the Branch Clerk of Court is directed to cause their immediate transmittal to the Philippine Drug Enforcement Agency (PDEA) for immediate disposal in accordance with law.[19]

On May 25, 2006, the Court of Appeals affirmed the findings and conclusion of the RTC. The appellate court ruled that the buy-bust operation conducted by the police officers was proper and there was no irregularity in the conduct of the same. Accused-appellant was caught in flagrante delicto, thus, his arrest was lawful and the sachets of shabu confiscated from him were admissible in evidence, being the fruits of the crime. The Court of Appeals also ruled that there was no evidence of any improper motive on the part of prosecution witness PO2 Aguilar, who was a member of the team who conducted the buy-bust operation.

The records of this case were thereby forwarded by the Court of Appeals to this Court pursuant to its Resolution dated July 20, 2006, giving due course to accused-appellant's Notice of Appeal.

In our Resolution[20] dated October 16, 2006, the parties were notified that they may file their respective supplemental briefs, if they so desired, within 30 days from notice. People[21] opted not to file a supplemental brief on the ground that it had exhaustively argued all the relevant issues in its brief, and the filing of a supplemental brief would only entail a repetition of the arguments already discussed therein. Accused-appellant submitted his supplemental brief on December 20, 2006.

In his Supplemental Brief,[22] accused-appellant assigned the following errors:

I.

THE GUILT OF THE ACCUSED-APPELLANT WAS NOT PROVEN BEYOND REASONABLE DOUBT FOR FAILURE OF THE PROSECUTION TO ESTABLISH THE CHAIN OF CUSTODY OF THE SPECIMEN.

II.

THE APPELLATE COURT, WITH DUE RESPECT, GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE FAILURE OF THE PROSECUTION TO PRESENT THE ALLEGED INFORMANT.

Accused-appellant asserts that the police officers failed to account for the chain of custody of the seized items alleged to be shabu. He questions the non-presentation as witness of the alleged investigator, the officer on duty who received the specimen together with the request for laboratory examination from PO2 Aguilar. He maintains that the specimen, which PO2 Aguilar turned over to Forensic Chemist Rivera-Dagasdas, may no longer be the same specimen taken from him by PO2 Aguilar.

Contrary to accused-appellant's claim, there is no broken chain in the custody of the seized items, found to be shabu, from the time PO2 Aguilar got the shabu, to the time it was turned over to the investigating officer, and up to the time it was brought to the forensic chemist at the PNP Crime Laboratory for laboratory examination.

The procedure for the custody and disposition of confiscated, seized and/or surrendered dangerous drugs, among others, is provided under paragraph 1, Section 21, Article II of Republic Act No. 9165, as follows:

(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.

Section 21(a), Article II of the Implementing Rules and Regulations of Republic Act No. 9165, which implements said provision, stipulates:

(a)

The apprehending officer/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: x x x Provided, further, that non-compliance with these 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.

Under the same proviso, non-compliance with the stipulated procedure, under justifiable grounds, shall not render

void and invalid such seizures of and custody over said items, for as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officers.

Clearly, the purpose of the procedure outlined in the implementing rules is centered on the preservation of the integrity and evidentiary value of the seized items. The testimony of PO2 Aguilar outlines the chain of custody of the confiscated items, i.e., sachets of shabu:

Q

What else did you do when you arrested Sonny Padua?

A

I frisked him.

Q

When you say frisk him, who is that?

A

Sonny Padua.

Q

What else did you do when you arrested Sonny Padua?

A

After I arrested him I recovered from him the buy-bust money in his left pocket and the 4 sachets of shabu in his right pocket.

Q

What else did you do?

A

And I apprised him of his violation of 9165.

Q

If this person is shown to you, will you be able to recognize him?

A

Yes, sir.

Q

Is he here in this court-room today?

A

Yes, sir.

Q

Will you please stand up and point to him?

A

Witness is pointing to a man wearing a yello (sic) t-shirt who when asked he replied he is Sonny Padua.

Q

I am showing to you a brown envelope inside the same brown envelope is a plastic sachet of shabu, will you please go over the same and tell us if this is the plastic sachet which you bought from the accused and also you confiscated from him other plastic sachets?

A

This is the shabu I bought [f]rom accused with marking DA-1-180802.

Q

What about the remaining 4?

A

These are the 4 sachets I recovered in his right pocket.

PROS. TOLENTINO:

Q

When you were reading the rights and informing the charges of accused and confiscating from him the shabu including the money, where was your immediate superior officer?

A

Beside me.

Q

What was he doing at the time?

A

He is assisting me.

PROS. TOLENTINO:

We are adapting the same marking during the pre-trial the brown envelope exh. D, the marking identified by the police officer, the witness in this case and after arresting and reading and informing the accused of his violation under the law, where did you bring him?

A

We brought him to our office.

Q

By the way, why are you sure when you identified all the shabu the same plastic sachet that you bought from the accused, why do you say they are the same?

A

Because I put marking.

Q

Where?

A

At the area.

Q

And the other shabu that were confiscated from him, why do you say these were the plastic sachets of shabu confiscated from the accused?

A

The same because I put markings at the area.

Q

When you say area?

A

The place where I arrested the accused.

Q

And bringing him to the police station, what happened Mr. witness?

A

Upon arrival at the station I turned him to our investigator.

Q

What about the specimen you confiscated from him?

A

I turned them over to our investigator for examination.[23]

The fact that the persons who had possession or custody of the subject drugs, such as Forensic Chemist Rivera-Dagasdas and the alleged investigator, were not presented as witnesses to corroborate SPO2 Aguilar's testimony is of no moment. The non-presentation as witnesses of other persons such as the investigator and the forensic chemist, is not a crucial point against the prosecution. The matter of presentation of witnesses by the prosecution is not for the court to decide. The prosecution has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses.[24]

As may be noted, the prosecution dispensed with the testimony of Forensic Chemist Rivera-Dagasdas because the defense had already agreed during the pre-trial in the substance of her testimony to be given during trial, to wit:

To expedite the proceeding, the parties dispensed with the testimony of Forensic Chemist Maria Ana Rivera-Dagasdas, who appeared today, on stipulation that she received the Request for Laboratory Examination dated August 18, 2002 and the specimen allegedly confiscated from the accused, that upon her examination the specimen proved positive for methamphetamine hydrochloride, a dangerous drug, as appearing in the Chemistry Report No. D-1237-02.[25]

Anent the failure of the prosecution to present the testimony of the informant, it is well-settled that the testimony

of an informant in drug-pushing cases is not essential for conviction and may be dispensed if the poseur-buyer testified on the same.[26] Informants are almost always never presented in court because of the need to preserve their invaluable service to the police.[27]

Further, not all people who came into contact with the seized drugs are required to testify in court. There is nothing in Republic Act No. 9165 or in any rule implementing the same that imposes such requirement. As long as the chain of custody of the seized drug was clearly established not to have been broken and that the prosecution did not fail to identify properly the drugs seized, it is not indispensable that each and every person who came into possession of the drugs should take the witness stand.[28] In *People v. Zeng Hua Dian*,[29] we ruled:

After a thorough review of the records of this case, we find that the chain of custody of the seized substance was not broken and that the prosecution did not fail to identify properly the drugs seized in this case. The non-presentation as witnesses of other persons such as SPO1 Grafia, the evidence custodian, and PO3 Alamia, the officer on duty, is not a crucial point against the prosecution. The matter of presentation of witnesses by the prosecution is not for the court to decide. The prosecution has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses.

What determines if there was, indeed, a sale of dangerous drugs in a buy-bust operation is proof of the concurrence of all the elements of the offense, to wit: (1) the identity of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor, which the prosecution has satisfactorily established. The prosecution satisfactorily proved the illegal sale of dangerous drugs and presented in court the evidence of *corpus delicti*. [30]

In the instant case, all the elements of the crime have been sufficiently established by the prosecution. The witness for the prosecution was able to prove that the buy-bust operation indeed took place, and the shabu subject of the sale was brought to and duly identified in court. The poseur-buyer (PO2 Aguilar) positively identified accused-appellant as the one who had sold to him one heat-sealed, transparent plastic sachet containing twenty decigrams (0.20 gram) of shabu. After accused-appellant received the marked money and handed to PO2 Aguilar one plastic sachet of shabu, the latter called his team mates and right away frisked the accused-appellant. From the body search, PO2 Aguilar recovered from the possession of accused-appellant, specifically from the latter's right pocket, another four sachets of shabu.

On the other hand, for an accused to be convicted of illegal possession of prohibited or regulated drugs, the following elements must concur: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possesses the said drug.[31]

With respect to the charge of illegal possession of dangerous drugs under Section 11, Article II of Republic Act No. 9165, all of these elements were present and duly proven in Criminal Case No. 11596-D. These are: (1) accused-appellant was found to be in possession of .70 gram of shabu, a dangerous drug; (2) the identity of accused-appellant as the person found in possession of the dangerous drug was established; and (3) accused-appellant, the person found to be in possession, was not authorized to possess the dangerous drug. The prosecution has established that the arresting officers were able to retrieve four more plastic sachets of shabu in accused-appellant's possession when he was directed to empty his pockets upon being arrested in *flagrante delicto* in the buy-bust operation.

PO2 Aguilar straightforwardly narrated the circumstances leading to the consummation of the sale of illegal drugs, the possession of four plastic sachets of shabu and the arrest of accused-appellant. Credence was properly accorded to the testimony of prosecution witness PO2 Aguilar who is a law enforcer. The testimony of the police

officers carried with it the presumption of regularity in the performance of official functions. Law enforcers are presumed to have performed their duties regularly in the absence of evidence to the contrary. When police officers have no motive for testifying falsely against the accused, courts are inclined to uphold the presumption of regularity in the performance of their duties^[32] and no evidence whatsoever was presented that would suggest any improper motive on the part of the police enforcers. This Court accords great respect to and treats with finality the findings of the trial court on the matter of credibility of witnesses, absent any palpable error or arbitrariness in its findings.

Accused-appellant also contends that the prosecution failed to prove that he received the money as payment for the sale of illegal drugs, by its failure to prove that he was positive for ultraviolet fluorescent powder. The accused-appellant fails to persuade us. Since the prosecution has discharged its onus of proving the accusation, as in fact it presented the prohibited drug and identified accused-appellant as the offender, it is immaterial that prosecution present report that accused-appellant was indeed positive for ultraviolet fluorescent powder.

In a last-ditch but futile attempt to evade culpability, the accused-appellant tried to argue on his behalf that no surveillance was conducted before the buy-bust operation.

A prior surveillance is not a prerequisite for the validity of an entrapment or buy-bust operation, the conduct of which has no rigid or textbook method. Flexibility is a trait of good police work. However the police carry out its entrapment operations, for as long as the rights of the accused have not been violated in the process, the courts will not pass on the wisdom thereof.^[33] The police officers may decide that time is of the essence and dispense with the need for prior surveillance.^[34]

Since accused-appellant's violation of Sections 5 and 11, Article II of Republic Act No. 9165 were duly established by the prosecution's evidence, we shall now ascertain the penalties imposable on him.

Under Section 5, Article II of Republic Act No. 9165, the unauthorized sale of shabu, regardless of its quantity and purity, carries with it 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).

Pursuant, however, to the enactment of Republic Act No. 9346, entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines," only life imprisonment and fine shall be imposed. Thus, the RTC and the Court of Appeals were correct in imposing the penalty of life imprisonment and fine of P500,000.00 on appellant in Criminal Case No. 11595-D.

Section 11(3), Article II of Republic Act No. 9165 provides that illegal possession of less than five grams of shabu is penalized with imprisonment of twelve (12) years and one day to twenty (20) years, plus a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00).

Accused-appellant was charged with and found to be guilty of illegal possession of 0.70 gram of shabu in Criminal Case No. 11596-D. Hence, the RTC and the Court of Appeals aptly sentenced appellant to imprisonment of 12 years and one day, as minimum, to 20 years, as maximum, and fined him P300,000.00, since said penalties are within the range of penalties prescribed by the aforequoted provision.

WHEREFORE, the Decision dated May 25, 2006 of the Court of Appeals in CA-G.R. CR.-H.C. No. 00553 is hereby AFFIRMED in toto.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Del Castillo, and Perez, JJ., concur.

[1] Penned by Associate Justice Amelita G. Tolentino with Associate Justices Fernanda Lampas-Peralta and Vicente S.E. Veloso, concurring; rollo, pp. 2-15.

[2] Penned by Judge Esperanza Fabon-Victorino; CA rollo, pp. 13-19.

[3] 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.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) 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 controlled precursor and essential chemical, or shall act as a broker in such transactions.

[4] Section 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

(5) 50 grams or more of methamphetamine hydrochloride or "shabu";

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.

[5] CA rollo, p. 6.

[6] Id. at 8.

[7] Certificate of Arraignment, records, p. 15.

- [8] Records, p. 25.
- [9] TSN, January 30, 2003, p. 4.
- [10] The two one-hundred-peso bills were marked with initials MF. (Records, pp. 9 and 99.)
- [11] Records, p. 49.
- [12] Id. at 58.
- [13] Id. at 80.
- [14] Id. at 5-6.
- [15] Id. at 8.
- [16] Id. at 7.
- [17] Id. at 9.
- [18] TSN, August 19, 2004, pp. 3-4.
- [19] CA rollo, p. 19.
- [20] Rollo, p. 18.
- [21] Id. at 39-40.
- [22] Id. at 29-38.
- [23] TSN, January 30, 2003, pp. 9-11; records, pp. 120-122.
- [24] *People v. Zeng Hua Dian*, G.R. No. 145348, June 14, 2004, 432 SCRA 25-32.
- [25] Records, p. 25.
- [26] *People v. Naquita*, G.R. No. 180511, July 28, 2008, 560 SCRA 430, 445; *People v. Santiago*, G.R. No. 175326, November 28, 2007, 539 SCRA 198, 223.
- [27] *People v. Domingcil*, 464 Phil. 342, 358 (2004).
- [28] *People v. Hernandez*, G.R. No. 184804, June 18, 2009, 589 SCRA 625, 645-646.
- [29] *Supra* note 24 at 32.
- [30] *People v. Padasin*, 445 Phil. 448, 462 (2003).
- [31] *People v. Lagata*, 452 Phil. 846, 853 (2003).
- [32] *People v. Khor*, 366 Phil. 762, 793 (1999).
- [33] *People v. Cadley*, 469 Phil. 515, 525 (2004).
- [34] *People v. Lacbanes*, 336 Phil. 933, 941 (1997).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.