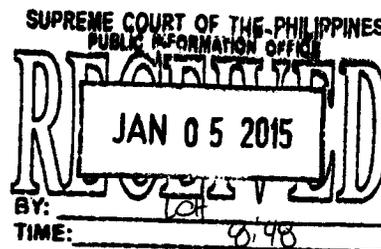




REPUBLIC OF THE PHILIPPINES  
 SUPREME COURT  
 Manila  
 SECOND DIVISION



**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 December 2014** which reads as follows:*

*GR. No. 198112 – People of the Philippines, plaintiff-appellee v. Arnold Casison y Diboma, accused-appellant.*

After a careful review of the records of the case, the Court finds the appeal to be lacking in merit. Both the Regional Trial Court of San Pedro, Laguna, Branch 31 and the Court of Appeals correctly found appellant Arnold Casison y Diboma guilty beyond reasonable doubt of violations of Sections 5 and 11, Article II of Republic Act No. 9165, as amended by Republic Act No. 9346. For the violation of Section 5, the prosecution satisfactorily established the following elements: “(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. xxx What is material in a prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti<sup>1</sup> or the illicit drug in evidence.” Similarly, the prosecution satisfactorily established the following elements for the illegal possession of dangerous drugs in violation of Section 11, to wit: appellant was shown to have been in possession of 0.05 gram of *shabu*, a prohibited drug; his possession was not authorized by law; and that he freely and consciously possessed the said illegal drug.

The trial court, as affirmed by the Court of Appeals, found the testimonies of the police officers to be consistent with each other and the physical evidence. It was likewise not shown that they had ill-motives to testify against appellant. They are therefore entitled to the legal presumption of regularity in the performance of official functions and their testimonies are accorded full faith and credence.<sup>2</sup>

Under the law, the penalty for the unauthorized sale of *shabu*, regardless of its quantity and purity, is life imprisonment to death and a fine ranging from ₱500,000.00 to ₱10 million. However, with the enactment of Republic Act No. 9346,<sup>3</sup> only life imprisonment and fine shall be imposed. Thus, the penalty imposed by the trial court and affirmed by the Court of Appeals, *i.e.*, life imprisonment and a fine of ₱500,000.00 is proper. However, appellant is not eligible for parole pursuant to Section 2 of the Indeterminate Sentence Law. The penalty for illegal possession of dangerous drugs, on the other hand, is imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine

<sup>1</sup>*People v. Dilao*, 555 Phil. 394, 409 (2007).

<sup>2</sup>*People v. Saludes*, 451 Phil. 719, 727 (2003).

<sup>3</sup>AN ACT PROHIBITING THE IMPOSITION OF THE DEATH PENALTY IN THE PHILIPPINES.

*mlg*

ranging from ₱300,000.00 to ₱400,000.00, if the quantity of the dangerous drug is less than five (5) grams. In this case, appellant was found to have been in illegal possession of 0.05 gram of *shabu*. Thus, he was properly meted the penalty of imprisonment ranging from fifteen (15) years to sixteen (16) years, and a fine of ₱300,000.00.

**WHEREFORE**, the February 28, 2011 Decision of the Court of Appeals in CA-GR. CR-H.C. No. 03190 finding appellant Arnold Casison y Diboma guilty beyond reasonable doubt of the crime of violations of Sections 5 and 11, Article II of Republic Act No. 9165, as amended by Republic Act No. 9346, and sentencing him to suffer the penalty of life imprisonment and ordering him to pay the fine of ₱500,000.00, for violation of Section 5, Article II, Republic Act No. 9165, and imprisonment of fifteen (15) years to sixteen (16) years and a fine of ₱300,000.00 for violation of Section 11, Article II, Republic Act No. 9165, is **AFFIRMED with modification** that appellant is not eligible for parole. (*J. Brion, on leave under the Court's Wellness Program from December 1-4, 2014; J. Villarama, Jr., designated as Acting Member per S.O. No. 1888 dated November 28, 2014. J. Mendoza, no part due to prior action in the Court of Appeals; J. Velasco, Jr., designated additional member per Raffle dated December 1, 2014*).

**SO ORDERED.**

Very truly yours,

  
MA. LOURDES C. PERFECTO  
Division Clerk of Court Aug 14/14

OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

PUBLIC ATTORNEY'S OFFICE (reg)  
(ATTY. BENJU V. ARDAÑA)  
Department of Justice  
PAO-DOJ Agencies Building  
NIA Road corner East Avenue  
Diliman, 1104 Quezon City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

ARNOLD CASISON y DIBOMA (reg)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 31  
San Pedro, Laguna  
Crim. Cases Nos. 3692-SPL to 3695-SPL

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR H.C. No. 03190

JUDGMENT DIVISION (x)  
Supreme Court, Manila

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
Supreme Court, Manila  
[for uploading pursuant to A.M. No. 12-7-1-SC]

*Please notify the Court of any change in your address.*  
GR198112. 12/03/14 (154)SR *MM 12/5*