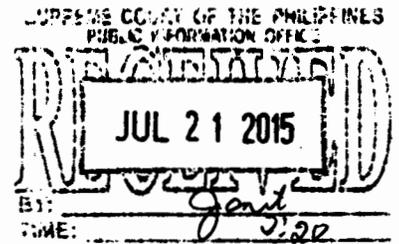




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **08 July 2015** which reads as follows:*

*GR. No. 202698 – People of the Philippines, plaintiff-appellee v. Ricardo Buenaventura y Mantala @ “Babang”, accused-appellant.*

After a careful review of the records of the case, the Court finds the appeal to be lacking in merit. Hence, we adopt and affirm the findings of facts of the Regional Trial Court of Manila, Branch 2 and the Court of Appeals. Both courts correctly found appellant Ricardo Buenaventura y Mantala @ “Babang” guilty beyond reasonable doubt of violation 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. 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* or the illicit drug in evidence.”<sup>1</sup> 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 0.012 gram of *shabu*, a prohibited drug; his possession was not authorized by law; and that he freely and consciously possessed the said illegal drug.

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>2</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. Moreover, 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 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 0.012 gram of *shabu*. Thus, he was properly meted the penalty of imprisonment ranging from twelve (12) years and one (1) day to 17 years and 4 months and a fine of ₱300,000.00.

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

<sup>2</sup>AN ACT PROHIBITING THE IMPOSITION OF THE DEATH PENALTY IN THE PHILIPPINES.

*mlg*

**WHEREFORE**, the November 10, 2011 Decision of the Court of Appeals in CA-G.R. CR-HC No. 04455 finding appellant Ricardo Buenaventura y Mantala @ "Babang" guilty beyond reasonable doubt of the crimes of violation 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 twelve (12) years and one (1) day to seventeen (17) years and four (4) months 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. (*Del Castillo, J., designated as Acting Chairman of the Second Division in view of the leave of absence of Brion, J., per Special Order 2087 [REVISED] dated July 1, 2015; Peralta, J., designated as Acting Member in view of leave of absence of Carpio, J. per Special Order No. 2088 dated July 1, 2015; Bersamin, J., designated as Acting Member in view of the leave of absence of Brion, J., per Special Order 2079 dated June 29, 2015*).

**SO ORDERED.**

Very truly yours,

  
MA. LOURDES G. PERFECTO  
Division Clerk of Court *ju* 9110

PUBLIC ATTORNEY'S OFFICE (reg)  
(ATTY. ROMMEL U. PEREYRA)  
DOJ Agencies Building  
NIA Road corner East Avenue  
Diliman, Quezon City

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

RICARDO BUENAVENTURA Y MANTALA @ "BABANG" (reg)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 2  
1000 Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR-HC No. 04455

JUDGMENT DIVISION (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-1-SC]

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

*Please notify the Court of any change in your address.*  
GR202698. 07/08/15(196)URES