



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated June 23, 2021, which reads as follows:

“G.R. No. 247609 (*People of the Philippines v. Arnulfo A. Esquivel*). - On appeal is the October 9, 2017 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR HC No. 08797, which affirmed the October 24, 2016 Consolidated Judgment² of the Regional Trial Court (RTC) of Legazpi City, Branch 3, in Criminal Case Nos. 11890 and 11891, finding accused-appellant Arnulfo A. Esquivel (Esquivel) guilty beyond reasonable doubt for violation of Section 5, Article II of Republic Act No. 9165 (RA 9165), otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”.

The Antecedents:

In two separate Informations³ both dated May 13, 2011, Esquivel was charged with the crimes of violation of Sections 11 and 5, Article II of RA 9165, which respectively alleged:

Criminal Case No. 11890:

That on or about the 29th day of April 2011, in the City of Legazpi, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, and for a consideration of the amount of Five Hundred Pesos (P500.00) did then and there willfully, unlawfully and feloniously have in his possession the following: two (2) small heat sealed transparent plastic sachet containing white crystalline substance and upon examination contains METHAMPHETAMINE HYDROCHLORIDE known as SHABU, a dangerous drugs.

CONTRARY TO LAW.⁴

¹ *Rollo*, pp. 3-29; penned by Associate Justice Fernanda Lampas Peralta and concurred in by Associate Justices Elibu A. Ybañez and Carmelita Salandanan-Manahan.

² *CA rollo*, pp. 34-61; penned by Judge Frank E. Lobrigo.

³ Records, Folder 1, pp. 1-2 & 45-46.

⁴ *Id.* at 45.

Criminal Case No. 11891:

That on or about the 29th day of April 2011, in the City of Legazpi, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, and for a consideration of the amount of Five Hundred Pesos (P500.00) did then and there willfully, unlawfully and feloniously deliver and/or sell to a poseur-buyer one (1) small heat-sealed transparent plastic sachet containing 0.036 gram of white crystalline substance and upon examination contains METHAMPHETAMINE HYDROCHLORIDE known as SHABU, a dangerous drugs.

CONTRARY TO LAW.⁵

On May 30, 2011, accused-appellant Esquivel filed an ex-parte motion to consolidate⁶ Criminal Case No. 11891 with Criminal Case No. 11890 which the trial court granted in its Order⁷ dated June 24, 2011.

Upon arraignment, Esquivel pleaded not guilty to the crimes charged.⁸ Trial thereafter ensued.

The prosecution presented as witnesses the following: (1) PDEA Agent Aida Jarne Ferolino (Agent Ferolino); (2) Intelligence Officer 1 Rowell D. Eduarte (IO1 Eduarte); (3) IO2 Fructuoso O. Perlas (IO2 Perlas); (4) Jesus Arsenio R. Aragon from the Office of the City Prosecutor (Aragon); (5) Brgy. Chairwoman Nimfa Bolaños (Bolaños); and (5) Police Senior Inspector Wilfredo Idian Pabnstan, Jr. (PSI Pambustan). On the other hand, the defense presented as witnesses the following: (1) Christian Roy Esquivel (Boboy); (2) Barangay Chairperson Bolaños; (3) Barangay Kagawad Clarita Buen; (4) Barangay Tanod Fernando Flores; and (5) accused-appellant himself, Esquivel.

Evidence for the Prosecution:

Agent Ferolino narrated that at about 7:00 o'clock in the morning, a confidential agent arrived at their office informing them about Esquivel's alleged illegal activities.⁹ Upon learning such information, Agent Ferolino, as the team leader of the Albay Special Enforcement Team, formed a buy-bust team. IO2 Perlas was assigned as the poseur-buyer and IO1 Eduarte as the back-up arresting officer.¹⁰ Agent Ferolino then handed to IO2 Perlas a genuine P500.00 bill to be used as the buy-bust money.

IO2 Perlas corroborated the testimony of Agent Ferolino. He testified that on or about 7:00 o'clock in the morning of April 29, 2011, he attended a briefing regarding a planned buy-bust operation against accused-appellant

⁵ Id. at 1.

⁶ Id. at 43.

⁷ Id. at 48.

⁸ Id. at 61.

⁹ TSN, November 29, 2012, p. 5.

¹⁰ Id. at 7.

Esquivel. After the briefing, the said team was deployed to Brgy. Cabangan, Legazpi City. At around 9:00 o'clock in the morning of the same day, their confidential informant received a text message from Esquivel.¹¹ Thereafter, IO2 Perlas and the confidential informant proceeded to Brgy. Cabangan, Legazpi City. Later that day, a buy-bust operation was conducted and a sale of *metamphetamine hydrochloride* in the amount of P500.00 took place between him as the poseur-buyer and Esquivel. During the transaction, IO2 Perlas handed over the marked P500.00 bill to Esquivel; in turn, Esquivel handed him a small transparent plastic sachet containing white crystalline substance.¹² Thereafter, IO2 Perlas executed the pre-arranged signal of scratching his head to indicate the consummation of the sale and immediately pulled out his badge to effect the arrest. However, when Agent Eduarte tried to restrain Esquivel, the latter resisted and smashed the former with a helmet.¹³ Esquivel pushed IO2 Perlas and then ran towards the Abbey Road but the rest of the operatives were able to catch up with him and eventually he was subdued and handcuffed by Agent Eduarte.

IO2 Perlas likewise narrated that he conducted the onsite markings and inventory of the items seized from Esquivel, which were the subject of the sale, at a vacant portion of land near the Victory Christian Fellowship.¹⁴ During the conduct of the said inventory, appellant as well as two barangay officials of Brgy. Cabangan, Legazpi City, and representatives from the media and the Department of Justice, were present.¹⁵ Thereafter, IO2 Perlas placed the seized items in a plastic container and together with the Request for Laboratory Examination brought them to the crime laboratory where testing was conducted by PSI Pabusan, which test yielded a positive result for *metamphetamine hydrochloride*.¹⁶

Evidence for the Defense:

Accused-appellant Esquivel, on the other hand, interposed the defense of denial. He argued that on April 29, 2011 at around 9:30 in the morning, he was at home overseeing renovations at his house.¹⁷ He narrated that he wanted to borrow his brother's motorcycle so he went to the barangay hall to find him. While on his way to Legazpi City, he saw his brother's motorcycle parked in front of Honda Motortrade. Esquivel tried to get hold of his brother so he asked his nephew, Boboy, who at the same time was within the vicinity, to buy him a P20.00 worth of prepaid load.¹⁸ While waiting for his nephew, two male persons alighted from a motorcycle in front of Honda Motortrade. Thereafter, these two male persons approached Esquivel and asked him if he knew Roman Estrellado (Roman). Esquivel then told them that he knew Roman but it's been

¹¹ Id. at 16.

¹² Id. at 21-22.

¹³ Id. at 23.

¹⁴ Id. at 24-25.

¹⁵ Id. at 32-33.

¹⁶ TSN, January 10, 2012, p. 24.

¹⁷ TSN, October 20, 2015, p. 4.

¹⁸ Id. at 6.

a long time since he last saw the latter.¹⁹ Esquivel affirmed that he was asked to go to the barangay hall but he refused. A scuffle thereafter ensued. One of the duo then picked up two plastic sachets while the other inserted something inside Esquivel's pocket. This prompted Esquivel to ask for help but he was forced to lie face down on the ground.²⁰ Suddenly, he was handcuffed and frisked. Cash amounting to P7,000.00 was recovered from his pocket. He was then brought to the PDEA Office where he was detained.²¹

Ruling of the Regional Trial Court:

In its Decision²² dated October 24, 2016, the RTC rendered a consolidated judgment acquitting Esquivel for violation of Section 11, Article II of RA 9165 on reasonable doubt, and finding him guilty beyond reasonable doubt for violation of Section 5, Article II of RA 9165. The dispositive portion of the RTC Decision reads:

WHEREFORE, the Court renders judgment acquitting accused Arnulfo Esquivel on reasonable doubt in Criminal Case No. 11890, and finding him guilty beyond reasonable doubt in Criminal Case No. 11891 for the illegal selling of prohibited drugs proscribed and penalized under Section 5, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. Considering the abolition of the death penalty under Republic Act No. 9346, the accused is sentenced to suffer the penalty of life imprisonment and to pay a fine of One Million Pesos (P1,000,000.00). Conformably with Supreme Court Circular No. 4-92-A, the Court hereby directs the issuance of *mittimus* for the immediate remission of the accused to the Bureau of Corrections, Muntinlupa City.

The Court is hereby further directs the Branch Clerk of Court, with the assistance of the Sheriff, to transmit the drug evidence submitted by the prosecution to the Dangerous Drugs Board, PDEA, Regional Office No. 5, Legazpi City, immediately upon the promulgation of this consolidated judgment, for its appropriate disposition in accordance with the law, rules or regulation. The Court hereby directs the Dangerous Drugs Board to submit to the Court a report on the disposition of the drug evidence within five days thereof.

SO ORDERED.²³

The RTC found that the prosecution has satisfactorily established all the elements of the crime of illegal sale of dangerous drugs. There was strict compliance with the chain of custody rule and the integrity and evidentiary value of the *corpus delicti* have been duly preserved from the time it was sold, marked, inventoried, and delivered to the office of the forensic chemist, until its presentation in court.

¹⁹ Id. at 8.

²⁰ Id. at 10.

²¹ Id. at 17-18.

²² CA *rollo*, pp. 34-61.

²³ Id. at 61.

The trial court did not give credence to Esquivel's denial and claim of frame up in view of the positive and consistent testimonies of the witnesses presented by the prosecution.

Aggrieved, accused-appellant appealed his conviction before the CA.

Ruling of the Court of Appeals:

The CA, in its Decision²⁴ dated October 9, 2017, affirmed the decision of the RTC. It found no cogent reason to disturb the findings of the trial court, which found proof beyond reasonable doubt that accused-appellant violated Section 5, Article II of RA 9165.

The CA likewise concluded that the prosecution established strict compliance with the chain of custody rule and that the police operatives were able to preserve the integrity and evidentiary value of the seized items during the buy-bust operation conducted on April 29, 2011.

Lastly, the CA rejected Esquivel's defense of denial and claim of frame-up. It held that such defense cannot prevail over the categorical and convincing testimonies of the prosecution witnesses.

The dispositive portion of the CA Decision dated October 9, 2017 reads:

WHEREFORE, the trial court's Consolidated Judgment dated October 24, 2016 is AFFIRMED.

SO ORDERED.²⁵

Hence, the instant appeal.

Issue

Whether the accused-appellant is guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165.

Our Ruling

The Court finds the appeal bereft of merit.

For the prosecution of illegal sale of dangerous drugs, the following elements must concur, to wit: (a) the identity of the buyer and the seller, the object, and the consideration, and (b) the delivery of the thing sold and the

²⁴ *Rollo*, pp. 3-29.

²⁵ *Id.* at 29.

payment.²⁶ Here, the trial court and the appellate court correctly found that all the elements of the crime of illegal sale of dangerous drugs were sufficiently established by the prosecution. The records show that Equivel, as the seller, was caught *in flagrante delicto* selling *shabu* to IO2 Perlaz, who was the poseur-buyer, in a legitimate buy-bust operation.

It is likewise essential for a conviction of the crime of illegal sale of dangerous drugs that the apprehending team must be able to establish that the chain of custody rule laid down under Section 21 of RA 9165 as well as Section 21 of its Implementing Rules and Regulations (IRR) was complied with. Moreover, the integrity and evidentiary value of the seized drug must be preserved with moral certainty through an unbroken chain of custody. In this relation, Section 21 of Republic Act No. 9165 outlined the procedure that the apprehending team must comply in handling the seized drugs in order to ensure that the evidentiary value of the same are preserved. The pertinent portion of the said section reads:

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;

x x x x

In addition, Section 21(a) of the IRR of RA 9165 expressly provides:

SECTION 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:

(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

²⁶ *Belmonte v. People*, 811 Phil. 844, 856 (2017).

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: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; 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;

X X X X

*People v. Siator*²⁷ enumerated the links in the chain that need to be established by the prosecution, to wit:

First, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer;

Second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer;

Third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and

Fourth, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.²⁸

Based on the facts, all the links have been duly accounted by the prosecution. First, IO2 Perlas personally marked the plastic sachet with white crystalline substance that Esquivel handed over to him at the place where the sale was consummated with JP "A" and the date "4/29/11". He likewise marked the other two (2) heat sealed transparent plastic sachets containing white crystalline substance with JP "B1" and the date "4/29/11" and JP "B2" and the date "4/29/11", respectively. Moreover, the marking of the seized items was made in the presence of barangay officials, a media representative, a DOJ representative, and the accused-appellant himself. He likewise conducted onsite inventory and photography in the presence of the same witnesses. Furthermore, he personally took custody and control of the seized items and immediately submitted them for laboratory examination. Upon receipt from the crime laboratory, PSI Pabustan prepared the chemistry report on his findings, which yielded a positive result for the presence of *metamphetamine hydrochloride*, commonly known as shabu. Thereafter, the seized items were produced and presented by PSI Pabustan in court.

In *People v. Havana*,²⁹ We held that compliance with the chain of custody rule ensures the integrity and evidentiary value of the seized drug

²⁷ 789 Phil. 87 (2016).

²⁸ Id. at 98-99.

²⁹ 776 Phil. 462 (2016).

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered in evidence, in such a way that every person who touched the exhibit would describe 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 the condition in which it was delivered to the next link in the chain. These witnesses would then describe 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.³⁰

Accordingly, We find no cogent reason to depart from the factual findings of the trial court which was likewise affirmed by the appellate court, that the chain of custody remained unbroken and that the integrity and evidentiary value of the seized drugs are preserved. As this Court stated in the case of *Medina v. People*:³¹

Time and again, this Court has deferred to the trial court's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of any clear showing that the trial court overlooked or misconstrued cogent facts and circumstances that would justify altering or revising such findings and evaluation. This is because the trial court's determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and attitude under grilling examination, thereby placing the trial court in the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor.³²

It is likewise clear from the foregoing that the items seized, marked, tested and offered in evidence were the very same items seized by IO2 Perlas from Esquivel in the said buy-bust operation.

This Court likewise rejects the defense of denial and claim of frame-up interposed by Esquivel. His denial is unavailing considering the fact that Esquivel was caught *in flagrante delicto* pursuant to a legitimate buy-bust operation. Moreover, jurisprudence dictates that the defense of denial or frame-up, like alibi, has been invariably viewed by the courts with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecution for violation of the Dangerous Drugs Act.³³

Section 5, Article II of RA 9165 expressly provides for the penalty for illegal sale of dangerous drugs, viz.:

Section 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

³⁰ Id. at 471-472.

³¹ 724 Phil. 226 (2014).

³² Id. at 234-235.

³³ *People v. Domingo*, 786 Phil. 246, 251 (2016).

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.

In view of the foregoing, We sustain Esquivel's conviction as well as the penalty imposed on him.

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals in in CA-G.R. CR HC No. 08797 is hereby **AFFIRMED**.

SO ORDERED."

By authority of the Court:

Mislocbat
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

Atty. Edmiró V. Regino
Counsel for Accused-Appellant
#36 Barangay 3
4500 Legazpi City, Albay

OFFICE OF THE SOLICITOR GENERAL
134 Amoroso Street
Legaspi Village, 1229 Makati City

COURT OF APPEALS
CA G.R. CR HC No. 08797
1000 Manila

The Presiding Judge
REGIONAL TRIAL COURT
Branch 3, 4500 Legazpi City
(Crim. Case No. 11891)

Arnulfo A. Esquivel y Araojo
c/o The Superintendent
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

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1770 Muntinlupa City

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