



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 15 February 2021 which reads as follows:*

“G.R. No. 253590 (People of the Philippines v. Brian Castillo y Bitoin a.k.a. ‘Kid’). – The Court **NOTES** the manifestation (in lieu of supplemental brief) dated February 1, 2021 of the Office of the Solicitor General in compliance with the Resolution dated November 11, 2020, dispensing with the filing of supplemental brief as its brief filed before the Court of Appeals (CA) is already exhaustive to support its position.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal<sup>1</sup> for failure to sufficiently show that the CA committed any reversible error in affirming the conviction of accused-appellant Brian Castillo y Bitoin a.k.a. ‘Kid’ (accused-appellant) for the crime of Illegal Sale of Dangerous Drugs, as defined and penalized under Section 5, Article II of Republic Act No. 9165,<sup>2</sup> otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002.’

As correctly ruled by the courts *a quo*, all the elements of the aforesaid crime<sup>3</sup> are present, as the prosecution clearly established that accused-appellant was caught *in flagrante delicto* selling a small plastic sachet containing 0.08 gram of methamphetamine hydrochloride or *shabu* to the designated poseur-buyer during a legitimate buy-bust operation conducted by the Mabini Municipal Police Station in Mabini, Batangas.<sup>4</sup>

Furthermore, all the links<sup>5</sup> of the chain of custody had been likewise established, considering that: (a) after accused-appellant was arrested, PO1 Bernie

<sup>1</sup> *Rollo*, pp. 19-20.

<sup>2</sup> Entitled ‘AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES,’ as approved on June 7, 2002.

<sup>3</sup> ‘The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment.’ (See *People v. Piñero*, G.R. No. 242407, April 1, 2019).

<sup>4</sup> *Rollo*, pp. 4-6.

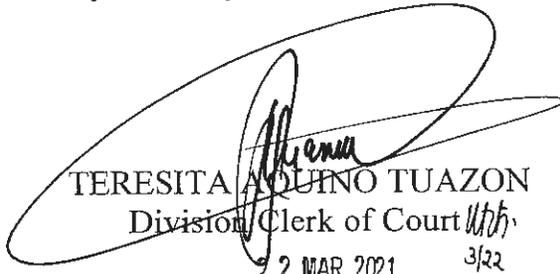
<sup>5</sup> ‘[T]he following links should be established in the chain of custody of the confiscated item: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating

Mark Anthony L. Faderagao<sup>6</sup> took custody of the confiscated item from the moment of seizure, during the inventory conducted in the presence of accused-appellant, Media Representative Lito Rendora, Department of Justice Representative Judith Buhay, and Barangay Councilor Constantino Abarintos, and up to the time it was delivered to Police Senior Inspector Herminia C. Llacuna (PSI Llacuna) at the Batangas Provincial Crime Laboratory for qualitative examination; (b) after examination, PSI Llacuna turned over the confiscated item to the evidence custodian, SPO3 Jesus T. Agustin (SPO3 Agustin), for safekeeping; and (c) PSI Llacuna then retrieved the confiscated item from SPO3 Agustin and brought the same to the trial court for identification.<sup>7</sup>

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision<sup>8</sup> dated February 19, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 09522 and **AFFIRMS** said Decision finding accused-appellant Brian Castillo y Bitoin a.k.a. 'Kid' **GUILTY** beyond reasonable doubt of Illegal Sale of Dangerous Drugs, as defined and penalized under Section 5, Article II of Republic Act No. 9165, otherwise known as the 'Comprehensive Dangerous Drugs Act of 2002.' Accordingly, he is sentenced to life imprisonment and a fine in the amount of ₱500,000.00.

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court *Utth*  
22 MAR 2021 3/22

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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 from the forensic chemist to the court.' (*People v. Que*, G.R. No. 212994, 828 Phil. 882, 895 [2018], citing *People v. Nandi*, 639 Phil. 134 [2010]).

<sup>6</sup> 'Faderagao' in some parts of the records.

<sup>7</sup> *Rollo*, at 6-8.

<sup>8</sup> *Id.* at 3-18. Penned by Associate Justice Maria Filomena D. Singh with Associate Justices Priscilla J. Baltazar-Padilla (now a retired member of the Court) and Louis P. Acosta, concurring.

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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 4  
Batangas City  
(Crim. Case No. 18413)

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*Please notify the Court of any change in your address.*  
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