



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila  
SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated August 31, 2022 which reads as follows:*

“**G.R. No. 255339 – (People of the Philippines, *plaintiff-appellee*, v. Ronald Dinawanao y Olvis, *accused-appellant*)**. – Assailed in this ordinary appeal<sup>1</sup> is the Decision<sup>2</sup> dated August 27, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02039-MIN which affirmed *in toto* the Decision<sup>3</sup> dated January 3, 2018 of the Regional Trial Court of Dipolog City, Branch 6 (RTC), finding accused-appellant Ronald Dinawanao y Olvis (Dinawanao) guilty of illegal sale of dangerous drugs and illegal possession of dangerous drugs, as defined and penalized under Sections 5 and 11, Article II of Republic Act No. (RA) 9165, otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002,’<sup>4</sup> respectively.

**The Facts**

This case stemmed from an Informations<sup>5</sup> filed before the RTC charging Dinawanao with the aforesaid crimes, the accusatory portions of which read:

**Criminal Case No. 16229**  
(Illegal Sale of Dangerous Drugs)

That on February 23, 2010 at 11:45 in the evening, more or less at Estaka Street, Estaka, Dipolog City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well that unauthorized sale and distribution of dangerous drug is (sic) punishable by law and without legal authority to sell the same, did then and there willfully, unlawfully and feloniously sell, distribute and deliver to a poseur buyer one (1) small transparent plastic sachet of Methamphetamine Hydrochloride, more popularly known as “*Shabu*” approximately weighing of 0.1164 gram, after having received marked money as payment therefor and recovered from his possession cash money which included one (1) piece Two Hundred

<sup>1</sup> See Notice of Appeal with Compliance dated September 11, 2020, *rollo*, pp. 29–30.

<sup>2</sup> Id at 5–28. Penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Edgardo T. Lloren and Richard D. Mordeno.

<sup>3</sup> CA *rollo*, pp. 49–56. Penned by Presiding Judge Jose Rene G. Dondoyano.

<sup>4</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,” approved on June 7, 2002.

<sup>5</sup> Not attached to the *rollo*.

Peso bill bearing Serial No. BQ948800 and one (1) piece Fifty Peso bill bearing Serial No. ZJ832041 used as marked money, said acted having been committed in gross violation of [Section 5, Article II of R.A. No. 9165].<sup>6</sup>

**Criminal Case No. 16230**  
(Illegal Possession of Dangerous Drugs)

That on February 23, 2010, at 11:45 in the evening, more or less at Estaka Street, Estaka, Dipolog City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well that unauthorized possession and control of dangerous drug (*sic*) is punishable by law, did then and there willfully, unlawfully and feloniously have in his possession and control and (*sic*) ten (10) small transparent plastic sachets of methamphetamine hydrochloride, more popularly known as “*Shabu*”, a form of dangerous drug, approximately weighing a total of 1.0551 grams, without legal authority to possess the same, in gross [v]iolation of Section 11, Par. 3, Article II of R.A. 9165.<sup>7</sup>

The prosecution alleged that at around 1:00 p.m. of February 22, 2010, the Dipolog City Police Station received a tip from a confidential informant (CI) regarding Dinawanao’s rampant selling of *shabu*. The next day, or on February 23, 2010, the Dipolog City Police Station organized a buy-bust team composed of, *inter alia*, Senior Police Officer 2 (SPO2) Roy P. Vertudes as the poseur buyer, and Police Officer 3 (PO3) Gardito E. Aniñon, Police Officer 1 (PO1) Generoso Mindoro, and PO1 Mark Salinas as backups. At around 11:00 p.m. of even date, the CI contacted the police officers informing them that Dinawanao was inside a billiard hall along Estaka Street, Estaka, Dipolog City, thus, prompting the buy-bust team to proceed to the area to implement the operation. Upon arrival thereat, the CI and SPO2 Vertudes approached Dinawanao and expressed their intent to buy *shabu* worth ₱250.00. Dinawanao agreed and handed over one (1) small transparent plastic sachet containing white crystalline substance to SPO2 Vertudes, and in turn, the latter gave the former the money.<sup>8</sup>

Thereafter, SPO2 Vertudes performed the pre-arranged signal, prompting the buy-bust team to hastily approach Dinawanao to effect his arrest. When Dinawanao noticed the buy-bust team, he threw one (1) plastic sachet to the ground and tried to escape. However, the buy-bust team was able to subdue Dinawanao, and thereafter, restrained and arrested him. While PO1 Mindoro was informing Dinawanao of his constitutional rights, PO1 Salinas was able to recover the plastic sachet Dinawanao threw to the ground and turned over the same to PO3 Aniñon. Thereafter, PO3 Aniñon frisked Dinawanao and recovered from him eight (8) plastic sachets containing white crystalline substance and another sachet containing powder residue. Further, SPO2 Vertudes turned over the sachet subject of the sale to PO3 Aniñon. PO3 Aniñon then conducted the marking, inventory, and photography of the seized items, particularly: (a) the one (1) plastic sachet subject of the sale; and (b)

<sup>6</sup> Id. at 8–9.

<sup>7</sup> Id. at 9.

<sup>8</sup> See *id.* at 10–12.

the ten (10) sachets recovered from Dinawanao, including the one that he threw to the ground, all in the presence of DOJ representative Felix A. Rendoque (Rendoque), media representative Zorayda Eva S. Mustaril<sup>9</sup> (Mustaril), and Barangay *Kagawad* Geram Raymond Lee<sup>10</sup> (Brgy. Kgd. Lee).<sup>11</sup>

The buy-bust team then took Dinawanao and the seized items to the Dipolog City Police Station where PO3 Aniñon, acting as the investigating officer, prepared the necessary documentation, such as the request for laboratory examination. After preparing the required documents, PO3 Aniñon delivered the paperwork and the seized items to the Zamboanga Del Norte Provincial Philippine National Police (PNP) Crime Laboratory Office. The seized items, then properly marked and sealed, were received by Police Officer (PO2) Sarita,<sup>12</sup> who forwarded the same to the evidence custodian, PO1 Rey R. Saldariega (PO1 Saldariega). He, in turn, turned over the seized items to the forensic chemist, Police Chief Inspector (PCI) Anne Aimee T. Pilayre (PCI Pilayre), who upon qualitative examination, confirmed that the seized items contained methamphetamine hydrochloride, or *shabu*, a dangerous drug. After said examination, PCI Pilayre re-marked and re-sealed the seized items, and gave the specimens to PO3 Bate<sup>13</sup> for safekeeping. Later on, or on March 22, 2012, PCI Pilayre took out the seized items from the laboratory vault and brought the same to the RTC during trial.<sup>14</sup>

In defense, Dinawanao denied the accusations against him, claiming that no sale took place. He narrated that at the time and date he was arrested, he went to a billiard hall looking for a certain ‘Leo Oandasan’ to return the motorcycle he borrowed. Suddenly, five (5) persons mauled him, with one (1) of them even pointing a gun at him. He further claimed that these persons searched him but initially found nothing. Later on, he was surprised when one of the persons held a container containing *shabu* which the latter claimed to have recovered from Dinawanao.<sup>15</sup>

### The RTC Ruling

In a Decision<sup>16</sup> dated January 3, 2018, the RTC found Dinawanao guilty beyond reasonable doubt of the crimes charged. Accordingly, he was sentenced as follows: (a) for Illegal Sale of Dangerous Drugs (Criminal Case No. 16229), he was sentenced to suffer the penalty of life imprisonment, and a fine in the amount of ₱500,000.00; and (b) for illegal possession of dangerous drugs (Criminal Case No. 16230), he was sentenced to suffer the

<sup>9</sup> Referred to as “Zorayda Mostaril” and “Eva Mustaril” in the records. See *id.* at 12.

<sup>10</sup> Referred to as “Raymund Lee” in the records. See *id.*

<sup>11</sup> See *id.* at 12–13 and 22.

<sup>12</sup> Complete name of PO2 Sarita could not be found in the records.

<sup>13</sup> Complete name of PO3 Bate could not be found in the records.

<sup>14</sup> *Rollo*, p. 13.

<sup>15</sup> *Id.* at 14–15.

<sup>16</sup> *CA rollo*, pp. 49–56.

penalty of imprisonment for an indeterminate period of twelve (12) years and eight (8) months, as minimum, to seventeen (17) years and eight (8) months, as maximum, and a fine in the amount of ₱300,000.00.<sup>17</sup>

The RTC ruled that the prosecution had established beyond reasonable doubt the elements of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, considering that: (a) Dinawanao was caught *in flagrante delicto* to be selling *shabu* through a buy-bust operation; and (b) after Dinawanao's arrest, he was frisked and more plastic sachets containing *shabu* were recovered from him, including the one (1) sachet he threw away during his attempt to evade arrest. Moreover, the RTC found that the chain of custody was properly followed, considering that after Dinawanao's arrest and consequent seizure of the drugs against him, the drugs were properly marked, inventoried, and photographed all at the place of arrest and in the presence of Rendoque (DOJ representative), Mustaril (media representative), and Brgy. Kgd. Lee (elected public official). Thereafter, PO3 Aniñon was able to show that he was able to preserve the integrity and evidentiary value of the seized items.<sup>18</sup>

Aggrieved, Dinawanao appealed to the CA.

### **The CA Ruling**

In a Decision<sup>19</sup> dated August 27, 2020, the CA affirmed the RTC ruling *in toto*. Essentially affirming the RTC's findings, the CA held that the prosecution had established all the elements of the crimes charged, and that the integrity and evidentiary value of the plastic sachets seized from Dinawanao were preserved through an unbroken chain of custody.<sup>20</sup>

Hence, this appeal.

### **The Issue Before the Court**

The issue before the Court is whether or not Dinawanao is guilty beyond reasonable doubt of the crimes of illegal sale of dangerous drugs and illegal possession of dangerous drugs, as defined and penalized under Sections 5 and 11, Article II of RA 9165, respectively.

### **The Court's Ruling**

The appeal is without merit.

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<sup>17</sup> Id. at 55–56.

<sup>18</sup> Id. at 53–55.

<sup>19</sup> Id. at 5–28.

<sup>20</sup> Id. at 17–27.

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. While the elements of illegal possession of dangerous drugs under Section 11, Article II of RA 9165 are: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.<sup>21</sup>

Here, suffice it to say that the courts *a quo* correctly found that these elements are present, considering that the prosecution clearly established that: (a) Dinawanao was caught *in flagrante delicto* selling a plastic sachet containing *shabu* during a legitimate buy-bust operation; and (b) after his arrest, he was found to be in possession of multiple plastic sachets of *shabu*, including the one he threw away during his attempt to evade arrest.

Notably, in order to secure a conviction for the foregoing crimes, it remains essential that the identity of the confiscated drugs be established beyond reasonable doubt. To obviate any unnecessary doubts on the identity of the dangerous drugs, the prosecution has to show an unbroken chain of custody over the same. It must be able to account for each link in the chain of custody over the dangerous drug, from the moment of seizure up to its presentation in court as evidence of the *corpus delicti*.<sup>22</sup>

In this regard, case law instructs that there are four (4) links in the chain of custody of the purported drugs confiscated from the accused, namely: ‘*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 from the forensic chemist to the court.’<sup>23</sup>

The Court finds that the aforementioned links have been duly established by the prosecution.

As regards the *first link*, as soon as Dinawanao was arrested, all plastic sachets recovered from him (including the sachet subject of the sale and the sachet he threw to the ground) were placed in custody by PO3 Aniñon, who immediately conducted the marking, inventory, and taking of photographs of the seized items at the place of arrest, and in the presence of Dinawanao and the insulating witnesses, namely, Mr. Rendoque (DOJ representative), Ms.

<sup>21</sup> See *People v. Villalon, Jr.*, G.R. No. 249412, March 15, 2021.

<sup>22</sup> See *People v. Somira*, G.R. No. 252152, June 23, 2021; *People v. Racal*, G.R. No. 238870, October 6, 2021; and *Fernandez v. People*, G.R. No. 254320, July 5, 2021.

<sup>23</sup> *People v. Que*, 824 Phil. 882, 895 (2018), citing *People v. Nandi*, 639 Phil. 134, 144–145 (2010).

Mustaril (media representative), and Brgy. Kgd. Lee (elected public official). Notably, those present during the conduct of the foregoing activities signed the inventory sheet prepared by PO3 Aniñon.<sup>24</sup>

Anent the *second link*, case law instructs that “[t]he second link in the chain of custody is the transfer of the seized drugs by the apprehending officer to the investigating officer. Usually, the police officer who seizes the suspected substance, turns it over to [the investigating officer], who will then send it by courier to the police crime laboratory for testing. This is a necessary step in the chain of custody because it will be the investigating officer [that] shall conduct the proper investigation and prepare the necessary documents for the developing criminal case. Certainly, the investigating officer must have possession of the illegal drugs [for the preparation of] the required documents.”<sup>25</sup> Here, it bears pointing out that aside from being a part of the buy-bust team, PO3 Aniñon himself also acted as the investigating officer. This is evinced by the fact that as soon as the buy-bust team took Dinawanao and the seized items to the Dipolog City Police Station, it was PO3 Aniñon himself who prepared the necessary documentation, such as the request for laboratory examination. Notably, for one of the members of the apprehending team to perform a “double-duty” by also acting as an investigating officer is not expressly prohibited by RA 9165, its Implementing Rules and Regulations, or its amendatory law, RA 10640. As such, this is an allowable scenario which is deemed sufficient compliance with the second link.

As to the *third link*, it was also PO3 Aniñon who, after preparing the required documents at the police station, hand-delivered the seized items, duly marked and sealed, to the Zamboanga Del Norte Provincial PNP Crime Laboratory Office.

Finally, as regards the *fourth link*, PO2 Sarita of the Zamboanga Del Norte Provincial PNP Crime Laboratory Office received the seized items, duly marked and sealed, from PO3 Aniñon. PO2 Sarita, in turn, turned over the seized items in the same condition as they were received to the evidence custodian, PO1 Saldariega. PO1 Saldariega then turned over the seized items to the forensic chemist, PCI Pilayre, who upon qualitative examination, confirmed that the seized items contain methamphetamine hydrochloride, or *shabu*, a dangerous drug. After said examination, PCI Pilayre re-marked and re-sealed the seized items, and gave the specimens to PO3 Bate for safekeeping. Later on, or on March 22, 2012, PCI Pilayre took out the seized items from the laboratory vault and brought the same to the RTC during trial.

<sup>24</sup> See Certification of Inventory; Folder of Exhibits, p. 4.

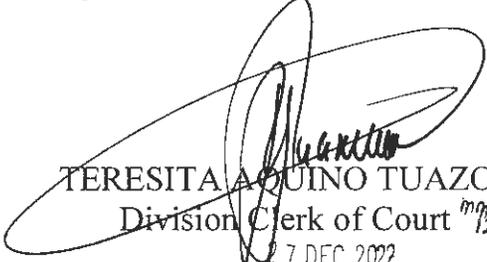
<sup>25</sup> *People v. Dahil*, 750 Phil. 212, 235 (2015). See also *People v. Lacdan*, G.R. No. 232161, August 14, 2019; *People v. Ubungen*, 836 Phil. 888 (2018); *People v. Gayoso*, 808 Phil. 19 (2017); *People v. Capuno*, 655 Phil. 226 (2011).

Given the foregoing, the Court finds no reason to deviate from the findings of the RTC, as affirmed by the CA, as there is no indication that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. In fact, the RTC was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to the same.<sup>26</sup> Thus, Dinawanao's conviction for the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, as defined and penalized under Sections 5 and 11, Article II of RA 9165, respectively, must be sustained.

**FOR THESE REASONS**, the appeal is **DENIED**. The Decision dated August 27, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 02039-MIN is hereby **AFFIRMED**. Accordingly, accused-appellant Ronald Dinawanao y Olvis is found **GUILTY** beyond reasonable doubt of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, as defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as the 'Comprehensive Dangerous Drugs Act of 2002,' respectively. Accordingly, (a) for Illegal Sale of Dangerous Drugs, he is sentenced suffer the penalty of life imprisonment, and a fine in the amount of ₱500,000.00; and (b) for Illegal Possession of Dangerous Drugs, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and eight (8) months, as minimum, to seventeen (17) years and eight (8) months, as maximum, and a fine in the amount of ₱300,000.00.

**SO ORDERED."**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court <sup>mg</sup> 12/27  
7 DEC 2022

<sup>26</sup> *Cahulogan v. People*, 828 Phil. 742, 749 (2018), citing *Peralta v. People*, 817 Phil. 554, 563 (2017).

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

PUBLIC ATTORNEY'S OFFICE (reg)  
Regional Special & Appealed Cases Unit –  
Mindanao Station  
BJS Building, Tiano-San Agustin Sts.  
Cagayan de Oro City

RONALD DINAWANAO y OLVIS (reg)  
Accused-Appellant  
c/o The Superintendent  
Sitio San Ramon, Brgy. Talisayan  
7000 Zamboanga City

THE SUPERINTENDENT (reg)  
Sitio San Ramon, Brgy. Talisayan  
7000 Zamboanga City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 6  
Dipolog City  
(Crim. Case Nos. 16229 & 16230)

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