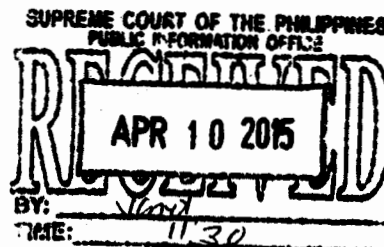




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 25, 2015**, which reads as follows:*

“G.R. No. 206395 (*People of the Philippines vs. Melita Jandoc y Ong*). – This is an appeal assailing the Decision¹ dated September 27, 2012 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03383 which affirmed the conviction of Melita Jandoc y Ong (Jandoc) in the Decision² dated May 7, 2007 of the Regional Trial Court (RTC) of Santiago City, Branch 21 for violating Sections 5 and 11 of Republic Act (R.A.) No. 9165 or otherwise known as the Comprehensive Dangerous Drugs Act of 2002 in Criminal Case Nos. 21-5014 and 21-5013, respectively.

Two informations charged Jandoc for selling 4.2 grams of *shabu* and of possessing 54 pieces of transparent plastic bags of *shabu* weighing a total of 245.94 g. She pleaded “not guilty” when arraigned.³

During the trial, the prosecution presented Police Officer 3 Peter Almarez (PO3 Almarez) and PO1 Rey Dulinas (PO1 Dulinas) as its witnesses. The testimony of Forensic Chemist Previ Luis was no longer presented. A report was received by the Philippine Drug Enforcement Agency (PDEA) on April 25, 2005 about Jandoc’s drug peddling in Purok 3, Mabini, Santiago City. A surveillance was conducted which confirmed the report received. Hence, a buy-bust team was formed by the PDEA in coordination with the Philippine National Police (PNP) on April 26, 2005 with PO1 Dulinas as the poseur-buyer who would use four 500-peso bills as buy-bust money during the entrapment operation.⁴

The buy-bust team proceeded to Purok 3 in Mabini, Santiago City. PO1 Dulinas and the civilian asset headed to Jandoc’s store while the rest watched at about 10 meters away. PO1 Dulinas was introduced to Jandoc at her store located in front of her house. PO1 Dulinas handed the ₱2,000.00

¹ Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Rodil V. Zalameda and Angelita A. Gacutan concurring; CA *rollo*, pp. 122-148.

² Issued by Judge Fe Albano Madrid; *id.* at 83-89.

³ *Id.* at 83.

⁴ *Id.* at 123.

while Jandoc, in return, handed a sachet of *shabu* to him which she took from a pail inside her store. PO1 Dulinas removed his baseball cap and the rest of the buy-bust team rushed towards them and apprehended Jandoc. While PO1 Dulinas marked the plastic sachet handed to him by Jandoc, the others went inside her store and saw the same pail colored blue and red which contained the buy-bust money, two (2) plastic bags and eight (8) bundles of small plastic sachets all containing *shabu*. Empty plastic sachets, scissor, black leatherette purse, a small plastic purse, an empty plastic and a plastic bag containing two (2) lighters, toother and aluminum foil, a bundle of eight (8) lighters, aluminum foil and a NOKIA box were also found in the pail. The team apprehended seven persons who were having a pot session and took them together with Jandoc and the pail to the police station. PO3 Almarez made an inventory of the pail's contents while PO1 Dulinas placed his initials on the seized items especially the white crystalline substance in the sachets which were submitted for chemical analysis to the PNP Crime Laboratory which yielded positive result for *shabu*, as evidenced by Chemistry Report No. D-028-2005S.⁵

The defense presented Jandoc, her mother Elsa and daughter-in-law, Chona Gironella as it witnesses. Jandoc denied the charges and averred that she was framed-up by the PDEA. She claimed she was in her store on April 26, 2005 when some PDEA officers from Tuguegarao suddenly barged in. They did not show her any papers and pointed a gun at her then searched her house. Her family and relatives were surprised because there was a birthday celebration. When the PDEA officers found nothing, they again pointed a gun at her and threatened to kill her and asked where *shabu* can be purchased. Jandoc pointed a house to them which was 10 small houses away which, according to her, was owned by a non-resident well-known in *shabu* peddling. The PDEA officers proceeded at such house with her and her mother Elsa where they found the pail containing *shabu*. She was detained in the police station and was charged with possession and sale of *shabu*.⁶

In its Decision⁷ dated May 7, 2007, the RTC convicted Jandoc of the charges against her as it accorded great weight and merit to the testimonies of the prosecution witnesses. There was no proof of any ill motive when they conducted the buy-bust operation. Jandoc's defenses of denial and claim of frame-up were brushed aside. Thus, the *fallo* of the decision reads:

WHEREFORE[,] in the light of the foregoing considerations, the Court finds the accused Melita Jandoc y Ong GUILTY beyond reasonable doubt of violation of Section 11 of R.A. 9165 in Crim. Case No. 21-5013 and hereby sentences her to the penalty of life imprisonment and a fine in the amount of Five hundred thousand pesos (P500,000.00).

⁵ Id. at 84-86, 123-125, 130.

⁶ Id. at 86.

⁷ Id. at 83-89.

March 25, 2015

Likewise[,] the Court finds the accused Melita Jandoc y Ong GUILTY beyond reasonable doubt of violation of Section 5 of R.A. 9165 in Crim. Case No. 21-5014 and hereby sentences her to the penalty of life imprisonment and a fine in the amount of Five hundred thousand pesos (P500,000.00).

SO ORDERED.⁸

On appeal, the CA affirmed *in toto* the decision of the RTC and agreed with its findings regarding Jandoc's illegal drug activities and the penalties imposed upon her.

The Ruling of the Court

There is no cogent reason to reverse the conviction. The Court agrees with the RTC's findings, as affirmed by the CA, that the prosecution successfully established the elements for violations of Sections 5 and 11 of R.A. No. 9165.

In the illegal sale of *shabu*, (a) the identities of the buyer and the seller, the object of the sale, and the consideration, and (b) the delivery of the thing sold and the payment for the thing were all proved. PO1 Dulinas, as poseur-buyer, purchased ₱2,000.00 worth of *shabu* from Jandoc which she handed to him upon receiving the payment. The same sachet of *shabu* was presented in court during the trial. As consistently held, "what is material in prosecutions for illegal sale of *shabu* is the proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* as evidence."⁹

In illegal possession of *shabu*, it was duly established by the prosecution that: (a) Jandoc maintained possession of *shabu* as proved by the pail colored blue and red containing the contraband; (b) such possession is not authorized by law; and (c) Jandoc freely and consciously possessed the said drug.¹⁰

Taken altogether, the categorical and straightforward testimonies of the prosecution witnesses including the documentary evidence presented during the trial, such as Chemistry Report No. D-028-2005S and the sachets of *shabu* confiscated undoubtedly pinpoint to Jandoc's guilt beyond reasonable doubt.

The credibility of the prosecution witnesses were aptly observed by the RTC, as affirmed by the CA. No ill motive was further found against them. The birthday celebration Jandoc claimed was the pot session¹¹ which

⁸ Id. at 89.

⁹ *People v. Bautista*, G.R. No. 177320, February 22, 2012, 666 SCRA 518, 529-530.

¹⁰ *People v. Gaspar*, G.R. No. 192816, July 6, 2011, 653 SCRA 673, 687.

¹¹ CA rollo, p. 142.

March 25, 2015

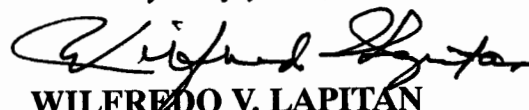
caused the apprehension of other persons found by the police operatives. Being intrinsically weak, the defenses of *alibi* and denial interposed by Jandoc cannot be countenanced for being flimsy and self-serving.

The chain of custody of the *shabu* was also sufficiently proved in accordance with Section 21 of R.A. No. 9165 from the time PO1 Dulinas marked the sachet confiscated from the sale with his initials "RBD".¹² PO3 Almarez made an inventory of all the items seized and such inventory was shown in court.¹³ As correctly stated by the CA, the inventory and marking of the subject sachets of *shabu* took place at the police station, and the absence of any of the persona indicated in Section 21 of R.A. No. 9165 does not violate the same as long as the integrity and evidentiary value of the *shabu* has been preserved.¹⁴

The Court further affirms the penalties imposed. In accordance with Sections 5 and 11 of R.A. No. 9165, Jandoc was correctly sentenced to suffer life imprisonment and to pay a fine of ₱500,000.00 for selling *shabu* weighing 4.2 g.

WHEREFORE, in consideration of the foregoing premises, the Decision dated September 27, 2012 of the Court of Appeals in CA-G.R. CR-HC No. 03383 is **AFFIRMED.**" (Jardeleza, *J.*, no part in view of participation in the Office of the Solicitor General; **Leonardo-De Castro, J.**, designated additional member per Raffle dated October 22, 2014; **Peralta, J.**, no part in view of participation of his spouse as the *ponente* of the assailed CA decision; **Bernabe, J.**, designated additional member per Raffle dated November 3, 2014.)

Very truly yours,



WILFREDO V. LAPITAN

Division Clerk of Court

Mjy 4.1.15

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¹² Id. at 141.

¹³ Id. at 142-143.

¹⁴ Id. at 145.

The Presiding Judge
REGIONAL TRIAL COURT
Branch 21, 3311 Santiago City
(Crim. Case Nos. 21-5013-14

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