



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. 242214 (*People of the Philippines v. Alfredo Domondon y Casem, Jr.*). - On appeal is the March 22, 2018 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09013 which affirmed the December 12, 2016 Joint Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 29, San Fernando City, La Union in Criminal Case Nos. 11209 and 11210, finding accused-appellant Alfredo Domondon, Jr. (Alfredo) guilty beyond reasonable doubt for violation of Sections 5 and 11, Article II of Republic Act No. 9165 (RA 9165), otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”.

**Antecedents:**

In two separate Informations<sup>3</sup> both dated September 22, 2015, Alfredo was charged with violation of Sections 5 and 11, Article II of RA 9165 which respectively alleged:

Criminal Case No. 11209:

That on or about the 21<sup>st</sup> day of September 2015 in the City of San Fernando, province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and feloniously for and in consideration of the amount of Two Thousand Pesos, sell and deliver two (2) heat sealed transparent plastic sachet containing methamphetamine hydrochloride otherwise known as SHABU, a dangerous drug, weighing 0.1649 gram and 0.2110 gram, respectively, to PO3 Jose Marie Bersola, who posed as buyer thereof using marked money, one (1) One Thousand Peso bill bearing serial number LU933539 and one (1) One

<sup>1</sup> *Rollo*, pp. 1-20; penned by Associate Justice Renato C. Francisco and concurred in by Associate Justices Magdangal M. De Leon and Rodil V. Zalameda (now a member of this Court).

<sup>2</sup> *CA rollo*, pp. 49-61; penned by Presiding Judge Asuncion F. Mandia.

<sup>3</sup> Records, p. 1, 35.

Thousand Pcsso boodle money with serial number LS 676325, without securing the necessary permit, license or prescription from the government agency.

CONTRARY TO LAW.<sup>4</sup>

**Criminal Case No. 11210:**

That on or about the 21<sup>st</sup> of September 2015 in the City of San Fernando, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, control and custody two heat sealed transparent plastic sachets containing methamphetamine hydrochloride, a dangerous drug, weighing 0.1780 gram and 0.1147 gram, respectively without first securing the necessary permit, license or prescription from the proper government agency to possess the same.

CONTRARY TO LAW.<sup>5</sup>

Upon arraignment, accused-appellant pleaded not guilty to both charges.<sup>6</sup>

On November 20, 2015, the prosecution filed a Motion to Consolidate<sup>7</sup> Criminal Case No. 11210 with Criminal Case No. 11209 which was granted by the trial court in its Order<sup>8</sup> dated November 23, 2015. Joint trial thereafter ensued.

Police Senior Inspector Amiely Ann Navarro (PSI Navarro), PO2 Jose Marie Bersola (PO2 Bersola), PO3 Armand Bautista (PO3 Bautista), and Luciano Trinidad (Trinidad) testified for the prosecution. The defense, on the other hand, presented appellant and Noly Valdriz (Valdriz).

#### **Version of the Prosecution:**

PO2 Bersola narrated that on September 21, 2015, at around 10:30 a.m., he went to the San Fernando City Police Station where he was introduced to the Team Leader, Police Inspector Buaron (PI Buaron) and to the confidential informant (CI).<sup>9</sup> Thereafter, he was informed that a buy-bust operation will be conducted against Alfredo at Brgy. Lingsat. After being informed of the subject and place of operation, he was assigned as the poseur buyer with PO3 Bautista as his immediate backup. PO3 Bautista instructed the CI to call Alfredo to inform the latter that he found an interested buyer of *shabu*. As instructed, the CI called Alfredo. During their conversation, Alfredo informed

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<sup>4</sup> Id. at 1.

<sup>5</sup> Id. at 35.

<sup>6</sup> Id. at 29-27.

<sup>7</sup> Id. at 37.

<sup>8</sup> Id. at 40.

<sup>9</sup> TSN, April 14, 2016, pp. 3-4.

the CI that he wants to talk with the buyer.<sup>10</sup> In the course of their conversation, PO2 Bersola and Alfredo agreed on the terms and place of the transaction.<sup>11</sup>

Thereafter, PI Buaron formed a team composed of more or less five (5) members of the City Anti-Illegal Drugs Special Task Group (CAIDSOTG). PI Buaron personally handed to PO2 Bersola one piece of genuine ₱1,000 bill with Serial No. LU933539 and one piece of ₱1,000 boodle money with Serial No. LS676325, which he immediately marked with his initials "JMB".<sup>12</sup> Thereafter, the Pre-Operational Report and Coordination Report were prepared by the San Fernando City Police Station and the same were submitted by the Duty Rider to the PDEA Regional Office at Brgy. Carlatan San Fernando City, La Union.<sup>13</sup>

At around 12:50 p.m., the buy-bust team proceeded to the place of transaction and strategically positioned themselves. Upon their arrival at the target area, they saw a male person whom the CI identified as Alfredo. Thereafter, the CI introduced PO2 Bersola to Alfredo as the interested buyer with whom he talked over the phone.<sup>14</sup> Alfredo, thereafter, handed two (2) plastic sachets containing white crystalline substance to PO2 Bersola. In turn, PO2 Bersola handed the buy bust money to Alfredo and thereafter executed the pre-arranged signal.

The perimeter security together with PO3 Bautista immediately rushed in and arrested Alfredo. PO3 Bautista informed Alfredo of the nature of his arrest while PO2 Bersola conducted a body search on him. PO2 Bersola was able to confiscate the buy bust money and two more plastic sachets from the right pocket of Alfredo and a cellular phone.<sup>15</sup> Thereafter, they conducted the marking and inventory at the place of the transaction in the presence of the appellant, the Brgy. Captain of Lingsat, and a representative from the Department of Justice (DOJ). Photographs of the inventory were taken by PO3 Bautista. After the inventory, they brought Alfredo to the City Health Office for medical examination. Thereafter, they proceeded to the San Fernando City Police Station for the preparation of the documents necessary in filing the case against Alfredo.<sup>16</sup> A Request for Laboratory Examination was personally brought by PO2 Bersola to the PNP Regional Crime Laboratory together with the seized items, where the qualitative testing conducted by PSI Nayarro yielded positive results for *methamphetamine hydrochloride*.

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<sup>10</sup> Id. at 4.

<sup>11</sup> Id. at 5.

<sup>12</sup> Id.

<sup>13</sup> Id. at 6.

<sup>14</sup> Id. at 7.

<sup>15</sup> Id. at 10-11.

<sup>16</sup> Id. at 13.

Corroborating the testimony of PO2 Bersola, PO3 Bautista testified that on September 21, 2015, at around 10:00 a.m., the CI informed him regarding the illegal drug activities of Alfredo.<sup>17</sup> He was able to verify from their Drug Watch List that Alfredo is one of the drug pushers and users in their barangay.<sup>18</sup> Thereafter, he relayed the information to PI Buaron, who in turn instructed him to coordinate with the Provincial Intelligence Division of Anti-Illegal Drugs Section for a possible drug operation. He instructed the CI to call Alfredo and inform him that he already found a buyer of *shabu*. In the course of his conversation with the CI, Alfredo requested to talk with the buyer. PO2 Bersola then talked to Alfredo and arranged their meeting place and other details of their transaction.<sup>19</sup>

After the conversation, they relayed the pending transaction to PI Buaron. Upon learning such information, the Chief of Police instructed PI Buaron to conduct a briefing wherein PO2 Bersola was designated as the poseur buyer and the rest of the team will serve as the perimeter backup. After the briefing, PO2 Bersola prepared the buy bust money consisting of one genuine ₱1,000 bill and one ₱1,000 boodle money and immediately marked them with his initials "JMB". Before 1:00 p.m., they proceeded to the agreed place of transaction. When the transaction between Alfredo and PO2 Bersola finally transpired, and after PO2 Bersola executed the pre-arranged signal, they immediately rushed to arrest Alfredo. After introducing themselves as members of the CAIDSOTG and informing Alfredo of his constitutional rights, he immediately handcuffed the latter while PO2 Bersola conducted a body search on Alfredo.<sup>20</sup> As a result, PO2 Bersola was able to confiscate the buy bust money, another two sachets of *shabu* from the right pocket of Alfredo and a cellular phone. He took photographs during the inventory taking which was conducted in the presence of the appellant, the Barangay Captain of Lingsat, and the DOJ representative.<sup>21</sup>

PSI Navarro, the Forensic Chemist of the PNP Crime Laboratory Office I, on the other hand, testified that on September 21, 2015, she witnessed PO3 Eimernate receive a Request for Laboratory Examination from San Fernando City Police Station together with four (4) transparent heat-sealed plastic sachets containing white crystalline substance with the markings JMB1, JMB2, JMB2-A, and JMB2-B.<sup>22</sup> The said request was thereafter turned over to her for qualitative examination to determine the possible presence of dangerous drugs on the said items. The qualitative examination yielded positive results for the presence of methamphetamine hydrochloride or *shabu* and such findings were reduced in Chemistry Report Number D-320-2015 dated September 21, 2015.<sup>23</sup> PSI Navarro then sealed the items with her

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<sup>17</sup> TSN, June 8, 2016, p. 3.

<sup>18</sup> Id.

<sup>19</sup> Id. at 4.

<sup>20</sup> Id. at 7.

<sup>21</sup> Id. at 9.

<sup>22</sup> TSN, February 24, 2016, pp. 2-3.

<sup>23</sup> Records, p. 6

signatures on a self-sealing transparent plastic bag which she thereafter turned over to the court.

#### **Version of the Defense:**

Alfredo proffered a different account of the incident and professed denial and frame up as his defense. He narrated that on September 21, 2015, at around 9:00 a.m., he was at the National Food Authority (NFA), San Juan, La Union where he worked as a stevedore of rice from 8:00 p.m. to 8:00 a.m. the following day.<sup>24</sup> After his shift ended, he, together with his friends, Wally Dulay, Philip Benitez, Jesus Ordono, and several others played billiards in Lingsat, San Fernando City.<sup>25</sup> After playing for almost an hour, he decided to go home. While he was on his way home, a policeman named Orel who is assigned at the Lingsat Police Out-Post and who used to be his playmate at the billiard hall called him out and told him to go inside the cemetery. While they were conversing, a male person arrived on board a motorcycle. Orel then called the motorcycle rider while pointing at him. The rider alighted from his motorcycle and immediately dragged him towards a mausoleum. He shouted for help but Orel stopped him by pointing a .45 caliber pistol. While they were at the mausoleum, the motorcycle rider asked him whether he knew someone selling illegal drugs but he responded in the negative. Thereafter, he was frisked and suddenly PO3 Bautista brought out two (2) sachets of *shabu*.<sup>26</sup> Alfredo again shouted for help as he knew he was being framed up. Residents from the several houses nearby tried to help him but they were blocked by Orel.<sup>27</sup> At around 12:00 noon, the Brgy. Captain arrived and photographs were then taken inside the mausoleum. After their signatures were affixed on a document, he was forced to board a police mobile. However, when a DOJ representative arrived at around 1:00 p.m., they went back inside the cemetery where the DOJ representative signed a document and pictures were again taken.<sup>28</sup> Thereafter, he was again boarded to the police mobile and brought to the police station where he was detained for two (2) days.<sup>29</sup>

Valdriz corroborated the testimony of Alfredo and maintained that the accusations against the latter were all false.

#### **Ruling of the Regional Trial Court:**

The RTC, in its Decision<sup>30</sup> dated December 12, 2016, found Alfredo guilty beyond reasonable doubt of the offenses charged. The dispositive portion of the RTC Decision reads:

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<sup>24</sup> TSN, August 24, 2016, p. 2.

<sup>25</sup> *Id.* at 3.

<sup>26</sup> *Id.* at 7.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 8.

<sup>29</sup> *Id.*

<sup>30</sup> CA *rollo*, pp. 49-61.

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. In Criminal Case No. 11209, finding the accused Alfredo Domondo, Jr. GUILTY beyond reasonable doubt of violation of Sec. 5, Art. II of RA 9165 and is hereby sentenced to suffer the penalty of life imprisonment; to pay a fine of Five Hundred Thousand (P500,000.00) Pesos; and the cost of suit. The period of his preventive imprisonment shall be credited in his favour.

2. In Criminal Case No. 11210, finding accused Alfredo Domondo, Jr. GUILTY beyond reasonable doubt of violation of Sec. 11, Art. II of RA 9165 and is hereby sentenced to suffer an indeterminate penalty ranging from Twelve (12) years and One (1) day, as minimum, to Fifteen (15) years of imprisonment, as maximum; to pay a fine of Three Hundred Thousand (P300,000.00) Pesos; and the cost of suit. The period of his preventive imprisonment shall be credited in his favour.

The four sachets of shabu subject of the cases are ordered confiscated. The Acting Branch Clerk of Court is directed to transmit the same to the PDEA to be disposed of in accordance with law.

The genuine P1,000 peso bill and the P1,000 boodle money are ordered returned to the CAIDSOTG of the San Fernando City Police Station.

SO ORDERED.<sup>31</sup>

The RTC ruled that the prosecution was able to establish all the elements of both crimes. It further ruled that the requirements of Section 21 of RA 9165 have likewise been complied with by the arresting officers in both cases and that the chain of custody was unbroken. The integrity and evidentiary value of the seized items have been preserved from the time the same was sold, marked, and inventoried by PO2 Bersola. PO3 Bautista, on the other hand, took photographs of the conduct of the inventory. Immediately thereafter, PO2 Bersola personally brought the Request for Laboratory Examination and the seized items to the PNP Crime Laboratory and had them received by PO3 Embernate, who in turn handed them over to the forensic chemist. PSI Navarro, the forensic chemist, conducted the initial and confirmatory laboratory examinations, and thereafter, presented them in court.

The trial court ruled that the defense of denial raised by Alfredo cannot prevail over the positive and consistent testimonies of the witnesses presented by the prosecution. Likewise, the defense of frame-up proffered by the appellant is unavailing in view of the credible testimonies of PO2 Bersola and PO3 Bautista which were corroborated by DOJ Representative Luciano Trinidad, Jr. and PSI Navarro.

Aggrieved, Alfredo appealed his conviction before the CA.

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<sup>31</sup> Id.

**Ruling of the Court of Appeals:**

In its assailed March 22, 2018 Decision,<sup>32</sup> the CA affirmed the trial court's Joint Decision finding Alfredo guilty of violation of Sections 5 and 11, Article II of RA 9165. It ruled that the prosecution's testimonial and object evidence established all the elements of illegal sale as well as appellant's illegal possession of another two (2) sachets of shabu. Moreover, it sustained the trial court's finding that the links in the chain of custody in the subject buy-bust operation were all established by the prosecution.

The appellate court likewise rejected appellant's defense of denial, holding that denials cannot be accorded probative weight especially so when taken in the light of the superior positive evidence of the prosecution that the appellant illegally sold the two (2) plastic sachets of shabu and illegally possessed two (2) other plastic sachets of shabu seized on September 21, 2015.

Finally, the appellate court ruled that the penalties imposed by the trial court in Criminal Case No. 11209 as well as in Criminal Case No. 11210 were proper.

Thus, the dispositive portion of the CA Decision reads:

**WHEREFORE**, premises considered, the appealed December 12, 2016 Joint Decision of the Regional Trial Court in Criminal Case Nos. 11209 and 11210 for *Violation of Sections 5 and 11, Article II of Republic Act No. 9165* is hereby **AFFIRMED** *in toto*.

SO ORDERED.<sup>33</sup>

Hence, the instant appeal.

**Issue**

Whether or not the CA correctly found Alfredo guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of RA No. 9165.

**Our Ruling**

The appeal is 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 payment.<sup>34</sup>

<sup>32</sup> *Rollo*, pp. 1-20.

<sup>33</sup> *Id.* at 19.

<sup>34</sup> *Belmonte v. People*, 811 Phil 844, 856 (2017).

On the other hand, for illegal possession of dangerous drugs, the following elements must be established: (1) the accused was in possession of dangerous drugs; (2) such possession was not authorized by law; and (3) the accused was freely and consciously aware of being in possession of dangerous drugs.<sup>35</sup>

After a careful consideration, We agree with both the RTC and the CA that the prosecution has sufficiently established all the aforementioned elements. As testified to by PO2 Bersola, the sale of the dangerous drug actually took place between him as poseur buyer and Alfredo; PO2 Bersola positively identified Alfredo as the person subject of the buy-bust operation.

The prosecution likewise established that appellant had knowingly possessed and had under his control two (2) plastic sachets of *shabu*. The two (2) plastic sachets were seized immediately after the appellant's arrest, which is justified under Section 13, Rule 126 of the Rules of Court.

PO2 Bersola testified on the seizure of sachets of *shabu* from appellant after his arrest in this wise:

Q: So you were the one who conducted body search to the subject person?

A: Yes, sir.

Q: What was the result of the body search that you have conducted?

A: As a result, we were not able to confiscate deadly weapon but we were able to confiscate the buy bust money and another two items of *shabu* in the custody of the subject.

Q: From where did you recover the 2 other sachets?

A: From his right pocket sir.

Q: If you will see these sachets will you be able to identify the same?

A: Yes, sir.

Q: I'm showing to you [two] (2) sachets containing of white crystalline substance marked as Exhibits "N" and "O" for the prosecution will you please go over the same and tell us the relation of these exhibits from those sachets you recovered from the possession of the accused?

A: These were the sachets of *shabu* I recovered from the possession of the suspect because I put my initials JMB2-a and JMB2-b and also the date September 21, 2015, sir.

Q: At what point in time did you place these markings?

A: Also in the conduct of the inventory in the presence of the elected official and the representative from the DOJ, sir.<sup>36</sup>

<sup>35</sup> *People v. Ismael*, 806 Phil 21, 29 (2017).

<sup>36</sup> TSN, April 13, 2016, p.10.

PO2 Bersola positively and categorically identified Alfredo as the one in possession of the two (2) plastic sachets of *shabu* seized right after the latter's arrest. The declarations of PO2 Bersola were likewise corroborated by the Chemistry Report issued and submitted by PSI Navarro stating therein that the subject sachets contained *methamphetamine hydrochloride* or "shabu".

We find no merit in Alfredo's contention that the arresting officers violated Section 21 of RA 9165 in the seizure and custody of the seized drugs.

In the prosecution of drug cases, it is of paramount importance that the integrity and evidentiary value of the *corpus delicti* is preserved. Thus, Section 21 of RA 9165, as amended, outlined the procedure to be followed by the apprehending team in the seizure, handling, and custody of the confiscated illegal drugs and/or paraphernalia, to wit:

**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 dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media 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, finally, That noncompliance of 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 and custody over said items.

x x x x

To ensure the integrity and evidentiary value of the seized drugs, the prosecution must account for each link in its chain of custody:

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.<sup>37</sup>

As can be gleaned from the established facts, PO2 Bersola personally marked the two (2) plastic sachets with white crystalline substance that Alfredo handed over to him, at the place where the sale was consummated. This is clear from the testimony of PO2 Bersola who narrated that he marked the same with JMB1 and JMB2, respectively. He likewise marked another two (2) heat sealed transparent plastic sachets containing white crystalline substance with JMB2-a and JMB2-b, respectively. Moreover, the marking of seized items was made in the presence of a barangay official and a DOJ representative, and the appellant himself. He likewise conducted onsite inventory in the presence of the same witnesses while photographs of the inventory were taken by PO3 Bautista. Furthermore, PO2 Bersola was the one who personally took custody and control of the seized drugs which were immediately submitted for laboratory examination. Upon receipt from the crime laboratory, PSI Navarro prepared the chemistry report on his findings, which yielded positive results for the presence of *metamphetamine hydrochloride*. Thereafter, the seized items were produced and presented by PSI Navarro in court. Thus, We are convinced that the prosecution had sufficiently established an unbroken chain of custody as laid down under Section 21 of RA 9165.

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 were preserved. As this Court stated in the case of *Medina v. People*:<sup>38</sup>

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.

We likewise reject the defense of denial and claim of frame-up interposed by Alfredo. Such defense of denial is unavailing considering the fact that Alfredo was caught *in flagrante delicto* pursuant to a legitimate buy-bust operation. Moreover, 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

<sup>37</sup> *People v. Siaton*, 789 Phil 87, 98-99 (2016).

<sup>38</sup> 724 Phil 226, 234-235 (2014).

concocted and is a common and standard defense ploy in most prosecution for violation of the Dangerous Drugs Act.<sup>39</sup>

Anent the impossible penalty, Section 5, Article II of RA 9165 expressly provides for the penalty for illegal sale of dangerous drugs. The pertinent provision of the said section reads:

**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 death and a fine ranging from Five hundred thousand pesos (₱500,000.00) to Ten million pesos (₱10,000,000.00) 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.

On the other hand, Section 11 of the same law specifically provides for the penalty for possession of dangerous drugs if the quantities are less than five (5) grams, to wit:

Section 11. Possession of Dangerous Drugs. –

x x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

In view of the foregoing, We sustain the conviction of appellant and the penalties imposed on him for the crime of Illegal Sale and Illegal Possession of Dangerous Drugs.

**WHEREFORE**, the appeal is **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CR-HC No. 09013 is hereby **AFFIRMED**.

<sup>39</sup> *People v. Domingo*, 786 Phil 246, 251 (2016).

**SO ORDERED.”**

By authority of the Court:

*Misael D. Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

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The Presiding Judge  
REGIONAL TRIAL COURT  
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(Crim. Case No. 11209 & 11210)

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