



Republic of the Philippines  
**Supreme Court**  
Manila

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff/appellee,*

**G.R. No. 193661**

Present:

- versus -

**CARPIO, J.,**  
*Chairperson,*  
**BRION,**  
**DEL CASTILLO,**  
**PEREZ, and**  
**PERLAS-BERNABE, JJ.**

**RYAN BLANCO Y SANGKULA,**  
*Accused/appellant.*

Promulgated:

AUG 14 2013

X ----- X

**RESOLUTION**

**PEREZ, J.,**

This is an appeal from the Decision of the Court of Appeals<sup>1</sup> in CA-G.R CR-HC No. 03624, which affirmed the Joint Decision<sup>2</sup> dated September 16, 2008 of the Regional Trial Court, Branch 267, Pasig City, finding

<sup>1</sup> Penned by Associate Justice Manuel M. Barrios, with Associate Justices Rosmari D. Carandang and Ricardo R. Rosario, concurring. *Rollo*, pp. 125-132.

<sup>2</sup> Penned by Acting Presiding Judge Raul Bautista Villanueva (now Deputy Court Administrator of the Supreme Court). *Rollo*, pp. 53-63

accused-appellant Ryan Blanco y Sangkula guilty of the illegal sale and possession of *shabu* or *methylamphetamine hydrochloride*, a dangerous drug, in violation of Section 5, 1<sup>st</sup> paragraph and Section 11, 3<sup>rd</sup> paragraph of Article 11 of Republic Act No. 9165, otherwise known as *The Comprehensive Dangerous Drugs Act of 2002*.

On March 26, 2007, two (2) Informations were filed against accused-appellant Blanco: Criminal Case No. 15537-D-TG for the crime of Sale of Dangerous Drugs in violation of Section 5, 1<sup>st</sup> paragraph, Article II, and Criminal Case No. 15538-D-TG for Possession of Dangerous Drugs in violation of Section II, 2<sup>nd</sup> paragraph, Number 3, Article II, of Republic Act No. 9165.

The Information for illegal sale reads:

Criminal Case No. 15537-D-TG

“That, on or about the 23<sup>rd</sup> day of March 2007, in the City of Taguig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did, then and there[,] willfully and knowingly sell, dispense, deliver and cause to pass upon and/or give PO2 Renato Ibanez, who acted as poseur buyer one (1) heat-sealed transparent plastic sachet containing, zero point zero one (0.01) gram of white crystalline substance, which substance was found positive to the test for *methylamphetamine hydrochloride*, commonly known as “*shabu*”[,] a dangerous drug and in consideration of the amount of One Hundred (Php100.00) pesos, in violation of the above-cited law.”

The Information for illegal possession of dangerous drugs reads:

Criminal Case No.15538-D-TG

“That, on or about the 23<sup>rd</sup> day of March 2007, in the City of Taguig, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law to possess any dangerous drug, did, then and there willfully, unlawfully and knowingly have in his possession, custody and control a total of zero point zero six (0.06) gram of white crystalline substance, broken down into zero point zero one (0.01) gram, then separately contained in six (6) heat-sealed transparent plastic sachets, which were found positive to the test for *methylamphetamine hydrochloride*, commonly known as “*shabu*”[,] a dangerous drug and in consideration of the amount of One Hundred (Php100.00) pesos, in violation of the above-cited law.”

The Regional Trial Court, Branch 267, Pasig City, conducted a joint trial after accused-appellant pleaded “not guilty” of the crimes charged.

On September 16, 2008, the trial court rendered a Joint Decision finding that the prosecution established the essential requisites of the crimes charged and accused-appellant is guilty beyond reasonable doubt of illegal sale and possession of *shabu*. Thus, it sentenced him as follows:

“WHEREFORE, and the foregoing considered, the court finds that:

- i. Accused Ryan Blanco is GUILTY beyond reasonable doubt of selling 0.01 gram of *shabu*, or *methylamphetamine hydrochloride*, a dangerous drug, without authority[,] in violation of Section 5, 1<sup>st</sup> paragraph, Article II of RA No. 9165, as alleged in the Information in Criminal Case No. 15537-D-TG and he is hereby sentenced to suffer the penalty of life imprisonment, to pay a fine of [Php]500,000.00 and to suffer the accessory penalties provided for by law; and
- ii. Accused Blanco is GUILTY beyond reasonable doubt as well of possessing a total of 0.06 gram of *shabu*, or *methylamphetamine hydrochloride*, a dangerous drug, contained in 6 plastic sachets, without authority[,] in violation of Section 11, 3<sup>rd</sup> paragraph, Article II of RA No. 9165 as alleged in the Information in Criminal Case No. 15538-D-TG and he is hereby sentenced to suffer the penalty of imprisonment of TWELVE (12) YEARS AND ONE (1) DAY of *reclusion temporal*, as minimum, up to TWENTY (20) YEARS of *reclusion temporal*, as maximum, to pay a fine of [Php] 300,000.00 and to suffer the accessory penalties provided for by law.

With costs *de officio*.<sup>3</sup>”

The Court of Appeals, in a decision promulgated on May 24, 2010 affirmed the Joint Decision, with the modification that the penalty to be imposed on accused-appellant in Criminal Case No. 15538-D-TG for illegal possession of 0.06 grams of “*shabu*” “shall be (12) years and one (1) day as minimum up to twenty (20) years as maximum, to pay a fine of P300,000.00, and to suffer the accessory penalties provided in RA No. 9165.”

Hence, the present appeal.

Appellant was charged with and convicted of illegal sale and possession of dangerous drug. He, however, merely raises on appeal his conviction insofar as the charge for illegal sale of dangerous drug is concerned.

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<sup>3</sup> *Rollo*, pp. 25-26.

We dismiss the appeal for lack of merit.

Appellant contends that the trial court, in convicting him of the crime of illegal sale of *shabu*, erred in giving full weight and credence to the prosecution's testimony notwithstanding its material and glaring inconsistencies. He particularly claims that the conduct of a surveillance and test-buy operation by the buy-bust team is crucial to his conviction. He further asserts the alleged variations as to how the actual transaction of sale took place as narrated in the joint affidavits of arrest and as testified to in open court by PO2 Renato Ibañez (PO2 Ibañez). Thus, appellant insists that the presentation of the confidential informant is necessary in this case. Appellant also questions the propriety of conducting a buy-bust operation by the apprehending police officers against him.

We find appellant's contentions not sustainable and are indeed utterly untenable.

The prosecution presented as witnesses PO2 Ibañez and PO3 Atanacio Allauigan (PO3 Allauigan) of the District Anti-Illegal Drugs-Special Operations Task Force (DAID-SOTF), Fort Bonifacio, Taguig City.

PO2 Ibañez declared that on March 23, 2007, a confidential informant arrived at the Southern Police District Office in Fort Bonifacio, Taguig City. The informant told him of the drug pushing activities of one Ryan Blanco y Sangkula, accused-appellant at Sitio Uno, Western Bicutan, Taguig City. PO2 Ibañez immediately informed their Team Leader, Senior Inspector Edward Quijano. Immediately, a buy-bust operation was planned. After coordinating with the Philippine Drug Enforcement Agency (PDEA), the team prepared a plan whereby PO2 Ibañez was to act as poseur-buyer. He was given a Php100.00 bill as marked money. At 5:10 p.m. of that day, the buy-bust team arrived at the target area and saw accused-appellant by the railroad tracks. He and the informant approached and asked the accused-appellant if they could buy "*shabu*" worth "*isang piso lang*", meaning Php100.00. As he handed the marked money, accused-appellant took out his purse and got one (1) plastic sachet, which he handed to the police poseur-buyer. At that juncture, PO2 Ibañez took the construction helmet off his head as the pre-arranged signal to his teammates that the transaction was completed. PO3 Allauigan was first to approach and assisted him in arresting and handcuffing accused-appellant. Aside from the sachet subject of the buy-bust, he also confiscated the purse in the possession of accused-

appellant and recovered six (6) more sachets of “*shabu*”, and the Php100.00 buy-bust money.

All the seized items were promptly marked with the initials of the accused-appellant who was then brought to the police station for booking, and where the request for laboratory examination and the affidavits of arrest were prepared. With their request, they then turned over the items to the crime laboratory, which later confirmed that the substances in the sachets turned positive for *methyldamphetamine hydrochloride*, otherwise known as *shabu*.

PO3 Allauigan, in his testimony, disclosed that on March 23, 2007 they were tasked to conduct an anti-illegal drug operation on accused-appellant Blanco at Railroad Gate 3, Sitio Malangaw, Western Bicutan, Taguig City. He was designated as the immediate back-up of poseur-buyer PO2 Ibañez. In preparation for their operation, he, PO2 Ibañez and the confidential informant conducted a surveillance or casing of the target area. At around 5:10 in the afternoon, they arrived at the target area. They parked their vehicle and walked towards the railroad tracks. The team strategically positioned themselves with him being more or less 20 to 30 meters away from PO2 Ibañez and accused-appellant Blanco. He then saw the two talk for about 10 to 15 minutes after which he saw PO2 Ibañez give something to accused-appellant Blanco and the latter thereafter gave a plastic sachet to the said officer. When the pre-arranged signal was given by PO2 Ibañez, he immediately rushed to the scene and saw PO2 Ibañez confiscate the marked bill. He handcuffed accused-appellant Blanco and he brought the latter to their office. He confirmed that accused-appellant Blanco was the person they arrested in a buy-bust operation. He also identified the affidavit of arrest he executed in connection therewith. Upon being cross-examined, he admitted that from his position during the transaction between PO2 Ibañez and accused-appellant Blanco, he could not clearly see what was handed over by the said officer. He also claimed that he merely saw a plastic sachet being given by accused-appellant to PO2 Ibañez.

Accused-appellant Blanco denied the charges against him. According to him, at around 11:00 in the evening of March 23, 2007, he and his wife were segregating cartons, newspapers and bottles at the railroad tracks near his house when suddenly two (2) persons, a female and a male, ran in front of them. After several minutes, five (5) armed men came with their guns pointed at him and his wife. He was asked not to move and to point to the person who was selling *shabu* in their area. In reply thereto, he told the armed men that he does not know any such person as he is merely a junk trader. The armed men then handcuffed him and brought him and his wife

to a vehicle. He then saw inside the vehicle two (2) men and a woman also in handcuffs. They were then brought to the Southern Police District Police Station at Fort Bonifacio where a police officer with the name Sanchez in his name plate told him that to be set free he must name somebody in their place who was selling *shabu*. When he informed the said officer that he does not know anyone involved in illegal drugs in their area, he was asked who between him and his wife will be detained. As his wife was then 2 months pregnant, he offered himself to be detained instead. He testified further that he was never shown any illegal drugs that the arresting officers claimed he allegedly sold. He admitted that he did not ask why he had to be detained and that he does not personally know the persons who arrested him prior to the incident.

For the prosecution of illegal sale of drugs to prosper, the following elements must be proved: (1) the identity of the buyer and seller, the object, and the consideration; and (2) the delivery of the thing sold and its payment. What is material is the proof that the transaction actually took place, coupled with the presentation before the court of the prohibited or regulated drug or the *corpus delicti*<sup>4</sup>.

The prosecution duly established the identity of accused-appellant as a drug seller or pusher, through the testimonies of PO2 Ibañez, the poseur-buyer, and PO3 Allauigan, as back-up officer. PO2 Ibañez testified that it was to accused-appellant that he handed the marked Php100.00 bill for the *shabu* that he bought on March 23, 2007; and that accused-appellant was the one who took out of his coin purse a plastic sachet containing *shabu*. Both PO2 Ibañez and PO3 Allauigan identified accused-appellant as the one they arrested during the buy-bust operation.

Indeed in the instant case, all the elements constituting the illegal sale of dangerous drug are present. The sale of *shabu* was consummated. The alleged inconsistencies in the testimonies of the prosecution witnesses are mere minor matters, which do not detract from the fact that a buy-bust operation was conducted.

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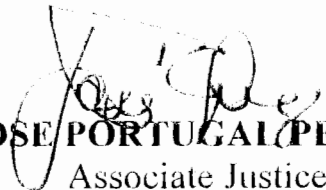
<sup>4</sup> *People vs. Lorui Catalan*, G.R. No. 189330, Nov. 28, 2012; *People vs Mantaleba*, G.R.186227, July 20, 2011, 654 SCRA 188; *People v. Cruz*, G.R. 187047, June 15, 2011, 652 SCRA 286; *People v. De la Cruz*, G.R. 177324, March 30, 2011, 646 SCRA 707; *People v. Presas*, G.R. 182525, March 2, 2011; 644 SCRA 443; *People v. Agulay*, G.R. 181747, September 26, 2008, 566 SCRA 571.

Inconsistencies in the testimonies of prosecution witnesses with respect to minor details and collateral matters do not affect the substance of their declaration, its veracity or the weight of their testimonies.<sup>5</sup>

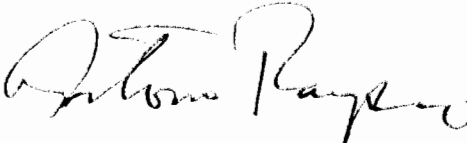
The non-presentation of the confidential informant is not fatal to the prosecution. Informants are usually not presented in court because of the need to hide their identity and maintain their valuable service to the police.<sup>6</sup>

**WHEREFORE**, the appeal is **DISMISSED** and the Decision of the Court of Appeals dated May 24, 2010 in CA-G.R. CR No. 03624 is **AFFIRMED**.

**SO ORDERED.**

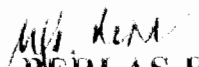
  
**JOSE PORTUGAL PEREZ**  
Associate Justice

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

  
**ARTURO D. BRION**  
Associate Justice

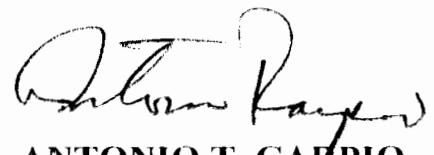
  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

<sup>5</sup> *People v. Cruz*, G.R. 185381, December 16, 2009, 608 SCRA 350, 364.  
<sup>6</sup> *People v. Doria*, 361 Phil. 601, 622 (1999).

### ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**

Associate Justice

Second Division, Chairperson

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's attesting, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**

Chief Justice