



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 203026

Present:

SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO
BERSAMIN,
PEREZ and
PERLAS-BERNABE, JJ.

- versus -

NATHANIEL PASION Y DELA CRUZ
A.K.A. "ATHAN" AND DENNIS
MICHAEL PAZ Y SIBAYAN,
Accused-Appellants.

Promulgated:

JAN 28 2015

X-----X

RESOLUTION

PEREZ, J.:

This is an appeal from the Decision¹ of the Court of Appeals (CA) promulgated on 30 January 2012 affirming the Decision² of the Regional Trial Court (RTC) Branch 13, Laoag City sustaining the verdict of conviction of accused-appellants Nathaniel Pasion y dela Cruz (Pasion) and Dennis Michael Paz y Sibayan (Paz) for violation of Sections 5 and 11 of Republic Act No. 9165 (R.A. No. 9165) or the "Comprehensive Dangerous Drugs Act of 2002."

The Information against Pasion is docketed as Criminal Case No. 14074, to wit:

¹ Rollo, pp. 2-32; Penned by Associate Justice Priscilla J. Baltazar-Padilla with Associate Justices Jose C. Reyes, Jr. and Agnes Reyes-Carpio concurring.

² CA rollo, pp. 14-52; Penned by RTC Presiding Judge Philip G. Salvador.

The undersigned Assistant Provincial Prosecutor of Ilocos Norte accuses NATHANIEL PASION Y DELA CRUZ a.k.a. “ATHAN” a resident of Brgy. 3, San Nicolas, Ilocos Norte, for VIOLATION of SECTION 5, ARTICLE II OF REPUBLIC ACT 9165 (Illegal Sale of Dangerous Drugs), committed as follows:

That on or about 10:40 in the evening of June 10, 2009, in the municipality of San Nicolas, province of Ilocos Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell one (1) small heat-sealed plastic sachet containing methamphetamine hydrochloride, commonly known as “shabu”, a dangerous drug, weighing 0.0987 gram worth One Thousand Pesos (P1,000.00) to an agent poseur-buyer in the person of IO1 MERTON FESWAY of the PDEA-INSET, Laoag City, without the necessary authority or license from the appropriate government agency or authority to do so.

CONTRARY TO LAW.³

The Informations against Paz for delivering and possessing “*shabu*” and “*marijuana*” read:

Criminal Case No. 14075
(Violation of Section 5 [Delivery], Article II of R.A 9165)

The undersigned Assistant Prosecutor of Ilocos Norte, accuses DENNIS MICHAEL PAZ y SIBAYAN, a resident of Brgy. 13, Laoag City, for VIOLATION OF SECTION 5, ARTICLE II OF R.A. 9165 (Illegal Delivery of Dangerous Drugs) committed as follows:

That on or about 11:10 in the evening of June 10, 2009, in the municipality of San Nicolas, province of Ilocos Norte, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously deliver and give away to NATHANIEL PASION y DELA CRUZ a.k.a. “ATHAN” one (1) small heated-sealed plastic sachet containing methamphetamine hydrochloride, commonly known as “shabu”, a dangerous drug, weighing 0.0741 gram, without the necessary authority or license from the appropriate government agency in violation of the aforesaid law.

CONTRARY TO LAW.

³ Rollo, p. 3.

Criminal Case No. 14076
(Violation of Section 11 [Possession], Article II of RA 9165)

The undersigned Assistant Provincial Prosecutor of Ilocos Norte, accuses DENNIS MICHAEL PAZ y SIBAYAN, a resident of Brgy. 13, Laoag City, of the crime for VIOLATION OF SECTION 11, ARTICLE II OF R.A. 9165 (Illegal Possession of Dangerous Drugs), committed as follows:

That on or about 11:10 o'clock in the evening of June 10, 2009, in the Municipality of San Nicolas, Province of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to possess, did then and there willfully, unlawfully and knowingly have in his possession, control and custody one (1) small heat sealed plastic sachet containing dried marijuana leaves, weighing 2.9921g, without having the authority or license to possess the same from the appropriate government agency or authority, in violation of the afore-cited law.

CONTRARY TO LAW.⁴

The foregoing charges were consolidated and tried jointly having arisen from related anti-narcotics operations conducted on the same day of 10 June 2009 by the Ilocos Norte Special Enforcement Team (INSET) of the PDEA, Regional Office I.

Immediately, during arraignment, Pasion pleaded not guilty; Paz, on the other hand, refused to enter a plea arguing that his arrest was illegal. Pursuant to the Rules⁵ the trial court ordered the entry of a plea of “not guilty” on Paz’s behalf.

Thereafter, trial ensued where the following facts were presented by the prosecution:

Around 4:00 o'clock in the afternoon of June 10, 2009, a confidential informant came to the INSET office of the PNP Police Station in Laoag City to inform Intelligence Officer 1 (IO1) Merton P. Fesway about the illegal activities of a certain Nathaniel Pasion at Barangay 1, San Nicolas, Ilocos Norte. Upon receiving said information, PO1 Armando Bautista, INSET's team leader, made a phone call to IO2 Charlton Carame of the Intelligence and Investigation Section of the PDEA, Regional

⁴ Id. at 3-4.

⁵ See Section 1, paragraph (c), Rule 116 of the Rules of Court.

Office, to verify if the suspect is included in the Order of Battle or watch list of drug personalities. As said inquiry yielded positive result, PO1 Bautista instructed IO1 Efren Esmin and IO1 Fesway to further validate and investigate on the intelligence report. In the presence of the confidential informant, PO1 Bautista conducted a briefing for their projected surveillance operation.

Around 4:30 p.m. of the same day, IO1 Fesway, IO1 Esmin and the informant arrived at their drop site in Big Mak, Brgy. 1, San Nicolas, Ilocos Norte. From across the highway, which was about twenty-five (25) meters away from where they stood, the confidential informant saw appellant Pasion standing near the waiting shed. The informant immediately confirmed to IO1 Esmin and IO1 Fesway the identity and exact location of appellant Pasion and left afterwards.

IO1 Fesway and IO1 Esmin strategically positioned themselves about ten (10) meters away from appellant Pasion and pretended to be waiting for a passenger jeepney. For about twenty (20) minutes, they closely monitored the actions of appellant Pasion. x x x. It was also observed that in each transaction, appellant Pasion and the other person would engage in a brief conversation and afterwards, the other person would hand a monetary bill which appears to be five hundred pesos (Php500.00) in exchange for suspected shabu.

Around 5:30 o'clock in the afternoon of even date, IO1 Fesway and IO1 Esmin went back to INSET's office to report to PO1 Bautista the result of their investigation surveillance operation. PO1 Bautista immediately made a phone call to Regional Director Robert Ofenia of PDEA Region 1 to secure a permit to conduct anti-narcotic operation. PO1 Bautista sought the assistance of the team leader of the PDEA's Special Operations Group in Vigan, Ilocos Sur.

A team was constituted, composed of IO1 Fesway, IO1 Esmin, IO1 Dumatog Leander, IO2 Ricky Ramos and SPO2 Annabelle Cabarles. PO1 Bautista designated IO1 Fesway as the poseur-buyer, while IO1 Esmin was tasked as the latter's immediate back-up. The other members of the team were assigned as the perimeter defense. The PDEA agents agreed that the pre-arranged signal to indicate that the sale has been consummated would be for IO1 Fesway to place his white handkerchief on his shoulder. IO1 Fesway marked two pieces of fake P500.00 bill with the initials "MF1" and "MF2", respectively, for identification purposes.

Soon thereafter, PO1 Bautista and his team proceeded to their safe house in San Nicolas, Ilocos Norte and around 9:00 o'clock in the evening of June 10, 2009, the members of Vigan's Special Operations Group composed of PO3 Abang Allan, IO2 Jojo Gayuma, IO2 Apiit Aaron, IO2 Delia Inay and IO2 Daniel Discaya arrived. PO1 Bautista conducted another briefing to discuss the strategies to be undertaken in the buy-bust operation. IO1 Leander Dumatog, IO2 Ricky Ramos and SO2 [sic] Annabelle Cabarles, together with the members of the Special Operations Group of Vigan were designated as part of the back-up force.

Around 10:00 p.m. of June 10, 2009, the informant, through a text message, reported to IO1 Fesway that he spotted appellant Pasion at the house of the latter's sister in Brgy. 3, San Nicolas, Ilocos Norte. At once, the police operatives proceeded to the target area and parked their service vehicle at the corner of Bumanglang Street and Cleveland Street to meet the confidential informant.

On their way to the house of appellant Pasion's sister, IO1 Fesway and the confidential informant chanced upon appellant Pasion who was then standing near a lamp post located at the entrance of a pathway leading to his sister's house. The confidential informant approached appellant Pasion and introduced IO1 Fesway as an interested buyer. Shortly thereafter, IO1 Fesway handed the marked P500.00 bills to appellant Pasion, in exchange, appellant Pasion gave one plastic sachet containing white crystalline substance. Subsequently, IO1 Fesway placed his white handkerchief on his shoulder, the pre-arranged signal to alert the police team that the transaction was consummated.

Sensing the speeding vehicle of the PDEA agents, appellant Pasion ran towards his sister's house. IO1 Fesway chased him and IO1 Esmin immediately followed until they caught him at the gate of his sister's house.

Right there, IO1 Fesway apprised appellant Pasion of his constitutional rights and informed him that they were apprehending him for the crime of selling *shabu*. IO1 Esmin frisked him and recovered from his right front pocket the marked money. IO1 Fesway took custody of the items confiscated from appellant Pasion until it was turned over to the police station. In the meantime, other members of the back-up team were deployed to prevent people from coming in to cause any commotion.

On board the PDEA service vehicle, appellant Pasion offered to divulge his supplier in his attempt to enter into an agreement with the arresting team. PO1 Bautista allowed him to call his supplier and order *shabu* worth One Thousand Pesos (Php1,000.00). Appellant Pasion told his supplier to meet him in front of Red Ribbon at 365 Plaza, Barangay 1, San Nicolas for the delivery of the *shabu* to which his supplier agreed. Inside the service vehicle, PO1 Bautista conducted another briefing and tasked IO1 Esmin to accompany appellant Pasion with IO1 Fesway as his immediate back-up.

Upon arrival at the agreed place, the PDEA team waited for the supplier who was later identified as appellant Paz. After twenty (20) minutes, appellant [Paz] arrived in his black Honda Wave Motorcycle. Right there and then, IO1 Esmin and appellant Pasion approached him and asked for the item that he ordered. While appellant Paz was in the process of handing over the suspected *shabu* to appellant Pasion, IO1 Esmin declared that he is a PDEA agent and immediately took hold of him. The back-up team rushed towards appellant [Paz] and, at this instance, IO1 Esmin confiscated the *shabu* in his hand and frisked him. As a result,

another plastic sachet containing marijuana, an Ipod, a wallet and a cellphone were recovered from him. Subsequently, appellant Paz was apprised of his rights and together with appellant Pasion, they were brought to the PNP San Nicolas Municipal Station. IO1 Esmin kept the items seized from appellant Paz until they were finally brought to the police station.

At the police station, appellants were booked and IO1 Fesway and IO1 Esmin marked and inventoried the items confiscated from appellants. In the process, photographs were taken in the presence of appellants as well as Venerando Ute of Bombo Radyo and Barangay Kagawad Albert de Guzman who stood as witness. Certificates of inventory were executed in the presence of appellants and the witnesses. Separate letters requesting for laboratory examination of the seized items were prepared by IO1 Annabelle Cabarles. At 11:30 p.m. of June 11, 2009, IO1 Fesway and IO1 Esmin personally brought the letter requests, the plastic sachets of *shabu* and *marijuana* including appellants to the Provincial Crime Laboratory Office at Camp Juan.

SPO2 Diosdado C. Mamotos received the subject items which were placed in two (2) separate plastic sachets and marked them with his initials "DCM". Immediately thereafter, SPO1 Mamotos turned over the object evidence to Police Senior Inspector Anamelisa S. Bacani, the Forensic Chemist of the said crime laboratory for laboratory examination. After conducting tests on the submitted specimen, PSI Bacani found them to be positive for methamphetamine hydrochloride, a dangerous drug."⁶ (Citations omitted)

For their defense, both accused-appellants Pasion and Paz denied liability and maintained that on the evening in question they were just having a drinking spree to unwind at Pasion's house, Pasion being a regular student who had just come from the enrollment registration of his school, the Northern Christian College (NCC), for the upcoming semester. Paz, on the other hand, was supposed to go to Pasion's house later that night when he received a text message from Pasion to instead meet at 365 Plaza. Upon his arrival at 365 Plaza, he was suddenly manhandled, searched and arrested by unknown men who turned out to be PDEA officers conducting a purported buy-bust operation. In the main, appellants claimed that they were framed up in a buy-bust operation by the police for no apparent reason.

After trial, the RTC found that the prosecution had fulfilled the required burden of proof and that the prosecution disproved and overcame the presumption of innocence afforded an accused with evidence proving guilt beyond reasonable doubt.

The RTC ruled, thus:

WHEREFORE, judgment is hereby rendered declaring accused Nathaniel Pasion GUILTY beyond reasonable doubt as charged of illegal sale of shabu under Section 5, Art. II of Republic Act No. 9165 and is therefore sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of P2,000,000.00. Considering though the bargain struck by the accused with the PDEA for his liberty, it is recommended to the Office of the President that the penalty herein imposed be reduced or that clemency be extended to the accused, if appropriate.

Likewise, accused Dennis Michael Paz is hereby declared GUILTY beyond reasonable doubt as charged of illegal delivery of *shabu* under Section 5, Art. II of Republic Act No. 9165 and is therefore sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of P2,000,000.00. Said accused is additionally adjudged GUILTY beyond reasonable doubt as charged of illegal possession of *marijuana* weighing 2.9921 gram under par. 3 of Section 11, Art. II of Republic Act No. 9165 and is therefore sentenced to suffer the indeterminate penalty of imprisonment ranging from TWELVE (12) YEARS AND ONE (1) DAY to FOURTEEN (14) YEARS and to pay a fine of P300,000.00.⁷

Both accused-appellants Pasion and Paz appealed their conviction. The appellate court subsequently affirmed the RTC's decision:

WHEREFORE, the appeal is hereby **DISMISSED**. The Decision dated March 19, 2010 and the Order dated June 29, 2010 of the Regional Trial Court, Branch 13, Laoag City in Criminal Cases Nos. 14074, 14075 and 14076, are hereby **AFFIRMED**.⁸

Adamant on their innocence, accused-appellants Pasion and Paz filed the present appeal, *via* Notice of Appeal, before us.

To question the finding of guilt of both the lower courts, accused-appellants Pasion and Paz assail the testimonies of the prosecution witnesses, the Philippine Drug Enforcement Agency (PDEA) officers who conducted the surveillance of appellants, and the separate buy bust operations that led to their apprehension. Accused-appellants Pasion and Paz first insist that the intelligence officers' testimonies were riddled with inconsistencies, specifically on their respective locations during their

⁶ CA *rollo*, pp. 142-151; Brief for the Plaintiff- Appellee.

⁷ Id. at 139; RTC Decision.

⁸ *Rollo*, p. 32; CA Decision.

surveillance of accused-appellants Pasion and Paz which, they argue, indicate that no actual surveillance was carried out.

We disagree.

There is no inconsistency in the testimonies of the PDEA intelligence officers IO1 Merton P. Fesway (IO1 Fesway) and IO1 Efren Esmin (IO1 Esmin), as their narration actually agree on their position “between the tree and the gate” while monitoring the activities of Pasion who was at the waiting shed. From the vantage point on the left side of the National Highway, the intelligence officers saw Pasion conduct illegal activities, *i.e.* the sale of what turned out to be dangerous drugs. The alleged discrepancies in the narrations of IO1 Fesway and IO1 Esmin are too minor for the courts to discard their testimonies and conclude that the two were lying. The discrepancy neither affects the truth of the testimonies of prosecution witnesses nor discredits their positive identification of appellant.⁹

Accused-appellants Pasion and Paz consistently question the credibility of the police officers who arrested them in separate buy-bust operations, pointing out the inconsistencies in their testimonies and the joint affidavit of arrest they executed:

First, the affidavit stated that Pasion was standing in front of an improvised gate of his house when the PDEA-INSET arrived but the officers’ testimony in court was that Pasion was spotted at the entrance of the alley leading to the latter’s house when the PDEA-INSET arrived. *Second*, the affidavit stated that Pasion was in front of his gate when the apprehending officers approached him but IO1 Fesway testified in court that Pasion was able to make several steps away before he was apprehended. *Third*, the affidavit stated that the apprehending officers and the confidential informant were on the left side of Bumanglang Street when they proceeded east towards the alleged place where Pasion was spotted but IO1 Esmin testified that he passed through the right side of Bumanglang Street when they approached Pasion. *Fourth*, the affidavit stated that during the course of entrapment for appellant Paz, it was the said appellant who approached his co-appellant Pasion at their meeting place but IO1 Esmin testified that it was appellant Pasion who approached appellant Paz. *Fifth*, the affidavit stated that IO1 Fesway and IO1 Esmin seized a sachet of marijuana from appellant Pasion but IO1 Esmin claimed in open court that he recovered a sachet of shabu from appellant Pasion.¹⁰

⁹ *People v. Unisa*, G.R. No. 185721, 28 September 2011, 658 SCRA 305, 328-329.

¹⁰ *Rollo*, pp. 19-20; CA Decision.

We are not convinced. As the lower courts have, we likewise adhere to the well-entrenched rule that full faith and credence are given to the narration of police officers who testify for the prosecution on the entrapment or buy-bust operation, because as police officers, they are presumed to have regularly performed their duties.¹¹ Indeed, the presumption of regularity must prevail over appellants' unsubstantiated allegations. This presumption is overturned only if there is clear and convincing evidence that the officers were not properly performing their duty or that they were inspired by improper motive.¹² In this case, there was none.

Very telling is the fact that, while both accused-appellants Pasion and Paz, especially Pasion, claimed that the evidence against them was absolutely planted, they proffered no justification why the police officers would frame them both, at intertwined surrounding circumstances, for sale, delivery and possession of dangerous drugs.

We subscribe to the appellate court's ruling:

In any criminal prosecution, the defenses of denial and frame-up, like *alibi*, are considered weak defenses and have been invariably viewed by the courts with disfavor for they can just as easily be concocted but are difficult to prove. Negative in their nature, bare denials and accusations of frame-up cannot, as a rule, prevail over the affirmative testimonies of truthful witnesses.

The foregoing principle applies with equal, if not greater, force in prosecutions involving violations of [R.A. No.] 9165, especially those originating from buy-bust operations. In such cases, the testimonies of the police officers who conducted the buy-bust operations are generally accorded full faith and credit, in view of the presumption of regularity in the performance of public duties. Hence, when lined up against an unsubstantiated denial or claim of frame-up, the testimonies of the officers who caught the accused red-handed are given more weight and usually prevail.

In order to overcome the presumption of regularity, jurisprudence teaches us that there must be clear and convincing evidence that the police officers did not properly perform their duties or that they were prompted with ill motive.

While the defense denied having violated [R.A. No. 9165], it offered no evidence that the arresting officers had been improperly or maliciously motivated in effecting the arrest of appellants.

¹¹ *People v. Gaspar*, G.R. No. 192816, 26 July 2011, 653 SCRA 673, 688 citing *People v. De Guzman*, G.R. No. 177569, 28 November 2007, 539 SCRA 306.

¹² *Id.*

W[e] find the story of appellant Pasion incredible that 11 armed men just instantly barged into their house to arrest him and thereafter decided to likewise apprehend his friend appellant Paz.

With nothing to substantiate appellants' malicious accusation that the police officers were improperly motivated, credence shall be given to the narration of the incident by the prosecution witnesses because, being police officers, they are presumed to have performed their duties in a regular manner. Certainly, the presumption of regularity must prevail over appellants' unfounded allegations. Bare denials and the frail defense of frame-up cannot prevail over the categorical and unshaken testimonies of the apprehending officers who nabbed them red-handed and positively identified them as the persons they caught for violation of R.A. 9165 during the buy-bust operation.

There is no question that the PDEA conducted a valid buy-bust operation against appellants in coordination with the police. The regularity of the performance of their duty on this matter could not be overturned absent any convincing evidence to the contrary.¹³ (Emphasis omitted)

The prosecution satisfactorily established and proved all the elements of violations of R.A. No. 9165, illegal sale by Pasion and illegal delivery and possession by Paz.

In a prosecution for the illegal sale and illegal delivery of dangerous drugs, the following elements must be established: (1) proof that the transaction or sale took place; and (2) presentation in court of the *corpus delicti* or the illicit drug as evidence.¹⁴

On the other hand, the elements of the crime of possession of dangerous drugs are: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.¹⁵

To begin with, factual findings of the trial court, especially when affirmed by the appellate court are accorded great weight. We do not reverse

¹³ Rollo, pp. 21-22.

¹⁴ *People v. Gonzales*, G.R. No. 182417, 3 April 2013, 695 SCRA 123, 130.

¹⁵ *People v. De Jesus*, G.R. No. 198794, 6 February 2013, 690 SCRA 180, 200.

these factual findings on appeal except in exceptional circumstances which are not here present.¹⁶

The prosecution established beyond reasonable doubt, through the testimony of credible police officers, that on separate instances during the same day, after they were placed under surveillance, followed by a buy-bust operation, Pasion, engaged in the illegal sale of *shabu*, a dangerous drug, and Paz, delivered *shabu* and possessed *marijuana*, both dangerous drugs.

Moreover, we agree with the trial court's disquisition on Paz's guilt:

[D]espite all his protestations of innocence, Dennis Michael Paz has not by his claims overcome the evidence against him that on that late night of June 10, 2009, he appeared in front of the Red Ribbon at the 365 Plaza. His denial has not disproved that he had *shabu* ready to be delivered and which he actually tried to hand over to Nathaniel Pasion but was arrested even before he could do so.

x x x x

Also, Nathaniel Pasion was said to have agreed to cooperate with the PDEA in the entrapment of accused Dennis Michael Paz. He made the bargain for his freedom and the PDEA agents agreed. While Nathaniel Pasion has not admitted it for obvious reasons, this is rather clear from the evidence of the prosecution.¹⁷ x x x

Turning now to the imposable penalty on accused-appellants Pasion and Paz, we sustain the respective penalties imposed on them by the RTC, and affirmed by the CA. Sections 5 and 11, Article II of R.A. No. 9165 provide for the penalty for the illegal sale, illegal delivery and illegal possession, respectively, of dangerous drugs:

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 (P500,000.00) to Ten million pesos (P10,000,000.00) 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. (Emphasis supplied)

¹⁶ *People v. Diwa*, G.R. No. 194253, 27 February 2013, 692 SCRA 260, 268 citing *People v. Abedin*, G.R. No. 179936, 11 April 2012, 669 SCRA 322, 336.

¹⁷ CA rollo, pp. 50-52; RTC Decision.

X X X X

Section 11. Possession of Dangerous Drugs. - The penalty of life imprisonment to death and a fine ranging from Five Hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

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*.

Thus:


1. Nathaniel Pasion who was found guilty of illegal sale of *shabu* was correctly sentenced to life imprisonment and fined ₱2,000,000.00;
2. Paz who was found guilty of illegal delivery of *shabu* was likewise correctly sentenced to life imprisonment and fined ₱2,000,000.00 and for the crime of illegal possession of *marijuana* was correctly sentenced to imprisonment of twelve (12) years and one (1) day to fourteen (14) years and fined Three Hundred Thousand Pesos (₱300,000.00).


WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 04554 and the Regional Trial Court, Branch 13, Laoag City in Criminal Case Nos. 14074, 14075 and 14076 are **AFFIRMED**.

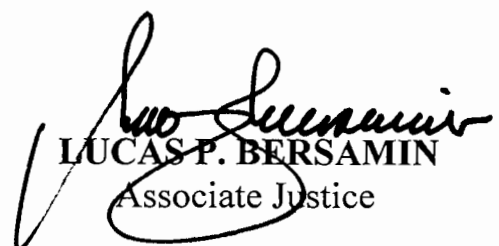
SO ORDERED.



JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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