



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 233533

Present:

- versus -

PERALTA, C.J., Chairperson,  
CAGUIOA,  
REYES, J., JR.,  
LAZARO-JAVIER, and  
LOPEZ, JJ.

JOEL LIMSON y FERRER, JOEY  
C. MENESES and CAMILO  
BALILA,

Accused,

Promulgated:

JOEY MENESES y CANO,  
Accused-Appellant.

JUN 30 2020 *mt/mbals*

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DECISION

PERALTA, C.J.:

On appeal is the March 22, 2017 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07989 which affirmed the September 30, 2015 Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 48, Urdaneta City, Pangasinan, in Criminal Case No. 19298, finding accused-appellant Joey Meneses y Cano guilty beyond reasonable doubt for violation of Section 5, Article II of Republic Act (R.A.) No. 9165, or the *Comprehensive Dangerous Drugs Act of 2002*.

In an Information<sup>3</sup> dated December 13, 2013, Meneses, together with his co-accused, Joel Limson and Camilo Balila, was charged with violation of Section 5, Article II of R.A. No. 9165, committed as follows:

<sup>1</sup> Rollo, pp. 2-15; penned by Associate Justice Manuel M. Barrios, with the concurrence of Associate Justices Ramon M. Bato, Jr. and Renato C. Francisco.

<sup>2</sup> Records, pp. 205-218; penned by Presiding Judge Gonzalo P. Marata.

<sup>3</sup> *Id.* at 1.

That on or about 9:30 o'clock (*sic*) in the evening of December 11, 2013 at Urdaneta City, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together, did then and there willfully, unlawfully and feloniously sell one marijuana brick weighing 950 grams and one (1) heat-sealed transparent plastic sachet containing 0.581 gram of Methamphetamine Hydrochloride (SHABU), both dangerous drugs.

CONTRARY to Section 5, Article II, R.A. 9165.<sup>4</sup>

In his arraignment, Meneses, together with his co-accused, pleaded not guilty<sup>5</sup> to the crime charged. He was detained at the Urdaneta City District Jail during the trial of the case.

During the trial, Limson filed a Demurrer to Evidence<sup>6</sup> which was subsequently granted in a Resolution<sup>7</sup> dated November 20, 2014, acquitting him of the crime charged.

The prosecution presented seven (7) witnesses, namely: Police Officer 3 (PO3) Elmer Manuel, PO2 Honesto Campos, PO3 Julius Quitaleg, PO2 Marman Dela Cruz, Department of Justice (DOJ) representative Twinkle Ramos, media representative Melanie Hing, and *barangay kagawad* Darwin Barcolta. The defense, for its part, presented Meneses, accused Balila, and Ruffa Balila.

### *Version of the Prosecution*

On November 27, 2013, at around 10:00 p.m., a confidential informant (CI) approached PO2 Dela Cruz, a member of the City Anti-Illegal Drugs Special Operations Group (CAIDSOG), to report a drug trade being conducted by an unidentified male driver of an Elf Truck with plate number RJU 543. On November 28, 2013, a day after, the same CI personally reported to the Intelligence Office of the Urdaneta City Police Station that the said driver made a call to him and had one (1) pack of marijuana worth Three Thousand Pesos (₱3,000.00). The said Elf Truck was parked on Caviganan Street, Poblacion, Urdaneta City and would leave at about 8:00 a.m. Due to time constraints, PO2 Dela Cruz and the CI rushed to the place, but failed to put on blotter the transaction and the serial numbers of the three (3) One Thousand-Peso (₱1,000.00) bills. Upon arrival, the CI went towards the Elf Truck and spoke with three (3) male persons beside it. Meanwhile, PO2 Dela Cruz stood around ten (10) steps away, until he was introduced as the buyer of the marijuana to the truck driver who was subsequently identified as Meneses. Meneses asked PO2 Dela Cruz to give the money to his companion as the other male person served as a lookout. Right after, Meneses brought out one

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 45.

<sup>6</sup> *Id.* at 165-171.

<sup>7</sup> *Id.* at 181-183.

(1) pack of tape-sealed suspected marijuana from his shirt and handed the same to PO2 Dela Cruz.<sup>8</sup>

At the particular exchange, PO2 Dela Cruz wanted to immediately arrest Meneses and his companions but for security reasons, he aborted his plan. Instead, he negotiated with Meneses if he could make another delivery for a pack of marijuana, as well as “shabu.” However, Meneses did not respond and instead asked for PO2 Dela Cruz’s phone number and left together with his companions. Thereafter, PO2 Dela Cruz marked the pack of tape-sealed marijuana as “TEST BUY 28 NOV. 2013 UCPS” and submitted it to the Crime Laboratory Office in Lingayen, Pangasinan for laboratory examination. The examination yielded a positive result for the presence of marijuana, a dangerous drug.<sup>9</sup>

On December 11, 2013, the CI came to PO2 Dela Cruz to inform him that Meneses was looking for him and they could meet in front of the CB Mall Public Transport Terminal. The said matter was immediately reported by PO2 Dela Cruz to their Chief of Police. Subsequently, a briefing was conducted for a possible buy-bust operation, designating PO2 Dela Cruz as the poseur-buyer and the other members of the team, PO3 Quitaleg and PO2 Campos, would serve as back-up. It was agreed by the team that the CI would run towards the south direction to signal that the sale was already consummated.<sup>10</sup>

On even date, at around 8:30 p.m., the buy-bust operation was set but for security reasons, the team decided not to put on blotter the buy-bust operation, as well as the serial numbers of the buy-bust money.<sup>11</sup> At about 9:30 p.m. of the same date, the team proceeded to the CB Mall Public Transport Terminal. PO2 Campos positioned himself near the benches of the terminal, while PO3 Quitaleg settled among the waiting passengers in front of the arriving buses. Upon the arrival of the Elf Truck loaded with vegetables, Meneses and his two (2) companions alighted therefrom. Meneses then approached the CI and PO2 Dela Cruz, and then positioned himself on the left side of the Elf Truck. Thereafter, Meneses brought out from his shirt a marijuana brick and a sachet of “shabu” from his left side pocket, then asking PO2 Dela Cruz if he was going to buy them. PO2 Dela Cruz responded positively and Meneses instructed the former to hand over the money to his companion who was subsequently identified as Balila. Immediately after the exchange, PO2 Dela Cruz grabbed Meneses and the CI ran towards the south direction as a pre-arranged signal, prompting PO3 Quitaleg and PO2 Campos to rush to the scene to arrest Balila and the other companion, identified as Limson.<sup>12</sup>

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<sup>8</sup> *Id.* at 2.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 3.

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

<sup>12</sup> *Id.*

Later on, the inventory and taking of photographs were conducted at the place of arrest, witnessed by Ramos, Hing and Barcolta. On December 12, 2013, the Request for Laboratory Examination from PO2 Dela Cruz was received by Police Chief Inspector Emelda Roderos for the conduct of laboratory examination of the subject specimen, comprising of one (1) marijuana brick wrapped in paper and packaging tape, with marking "MEC 12/11/13 9:30 pm purok 1 B brgy nancayasan Urdaneta City Pangasisnan," and one (1) heat-sealed transparent plastic sachet, with marking "MEC 12/11/2013 9:30 pm purok 1 B brgy nancayasan Urdaneta city B." The examinations yielded a positive result for marijuana and shabu, respectively.<sup>13</sup> The said specimen was then turned over to the evidence custodian, PO3 Elmer Manuel, for safekeeping.<sup>14</sup>

### *Version of the Defense*

On December 11, 2013, Meneses, Balila and Limson, together with Anthony Guzman, were onboard an Elf Truck bound from Tarlac to Manila. Between 9:00 and 9:30 p.m., they parked the Elf Truck in front of the CB Mall Public Transport Terminal to check the tires of the Elf Truck. Meneses alighted from the driver's side, while Balila alighted from the passenger side. Unexpectedly, armed men approached them and pointed their guns at them. They were forced to lie facedown in front of the Elf Truck. Later on, the armed men separated Anthony Guzman and made him board a blue pick-up. After that, they were ordered to sit in front of the CB Mall Public Transport Terminal as the armed men placed something wrapped with a masking tape on a chair in front of them. PO2 Dela Cruz then claimed that the item belonged to them. They were surprised and insisted that the said item was not theirs. After a while, a media personnel and a *barangay kagawad* arrived at the area. Subsequently, they were brought to the hospital for medical check-up and later to the police station where they were detained.<sup>15</sup>

Thereafter, Meneses was told by her wife Rowena that Sally Espino, the owner of the Elf Truck, paid Fifty Thousand Pesos (₱50,000.00) for the release of the Elf Truck and that Anthony Guzman was also released after paying the same amount to the police. This fact was corroborated by Balila after his wife, Ruffa, informed him of the matter. Also, Ruffa testified that her husband told her that a child was singing a Christmas carol to him when the police arrived and arrested him.<sup>16</sup>

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<sup>13</sup> *Id.* at 8.

<sup>14</sup> *Rollo*, p. 6.

<sup>15</sup> *Id.* at 7.

<sup>16</sup> *CA rollo*, pp. 59-62.

### *RTC Ruling*

After trial, the RTC handed a guilty verdict on Meneses for illegal possession and sale of dangerous drugs. The dispositive portion of the September 30, 2015 Decision<sup>17</sup> states:

WHER[E]FORE, finding accused Joey Meneses guilty beyond reasonable doubt of the crime of Illegal Sale of Dangerous Drugs defined and penalized under Sec. 5, Art. II of R.A. 9165 otherwise known as Comprehensive Dangerous Drugs Act of 2002, the court hereby sentences him to suffer the penalty of Life Imprisonment and to pay a fine of Php 500,000.00.

For failure of the prosecution to prove the guilt beyond reasonable doubt of accused Camilo Balila, he is hereby acquitted of the crime charged.

The prohibited drugs presented in court as evidence are hereby forfeited in favor of the government and shall be forwarded to the PDEA Office for proper disposition.

Accused Joey Meneses having been convicted is hereby ordered committed to the National Bilibid Prison, Muntinlupa City, Philippines, for the service of his sentence and in the meanwhile[,] he is hereby ordered detained at the Bureau of Jail Management and Penology, Urdaneta City, Pangasinan, pending his transfer to the National Bilibid Prison.

The Jail Warden, Bureau of Jail Management and Penology (BJMP), Urdaneta City is hereby ordered to immediately release accused Camilo Balila upon receipt of this Decision unless he is being detained for some other legal causes.

SO ORDERED.<sup>18</sup>

### *CA Ruling*

On appeal, the CA affirmed the RTC Decision. The CA agreed with the findings of the trial court that the policemen who took part in the buy-bust operation were able to convincingly prove the sale of illegal drugs between the seller, Meneses, and the poseur-buyer, PO2 Dela Cruz. The appellate court wants to emphasize that the idea to sell illegal drugs emanated from Meneses himself, and was not instigated by the operatives as Meneses was the one who requested the CI to relay his offer to PO2 Dela Cruz who had earlier purchased marijuana from him. The CA is not convinced with the assertion of Meneses that the sale transaction between him and PO2 Dela Cruz was not consummated on the ground that the price or consideration for the illegal drugs was not established. For the appellate court, the moment Meneses delivered the illegal drugs to the operative after payment was made, there was already a meeting of the minds as to the consideration thereof, regardless of

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<sup>17</sup> *Supra* note 2.

<sup>18</sup> *Id.* at 217-218.

the amount tendered, simply because in accepting the payment, Meneses had expressed his affirmation to the price thereof. Further, the twin defenses of denial and frame-up of Meneses were viewed by the CA with disfavor as no evidence of malice or ill-motive on the part of the operatives in testifying against Meneses was adduced. Lastly, for the appellate court, the identity and the integrity of the seized illegal drugs were preserved and safeguarded.

Before us, the People and Meneses manifested that they would no longer file a Supplemental Brief, taking into account the thorough and substantial discussions of the issues in their respective appeal briefs before the CA. Essentially, Meneses maintains his position that, there is a failure on the part of the prosecution to establish the existence of an agreed consideration in the alleged sale and, therefore, he should be acquitted of the crime of illegal sale of dangerous drugs.

### *Our Ruling*

We find the appeal bereft of merit.

Under Section 5, Article II of R.A. No. 9165 or illegal sale of prohibited drugs, in order to be convicted of the said violation, the following must concur:

(1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor.<sup>19</sup>

In the crime of illegal sale of dangerous drugs, the delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money consummate the illegal transaction. What matters is the proof that the transaction or sale actually took place, coupled with the presentation in court of the prohibited drug, the *corpus delicti*, as evidence.<sup>20</sup>

Here, poseur-buyer PO2 Dela Cruz and arresting officers PO2 Campos and PO3 Quitaleg positively identified Meneses as the person who sold to PO2 Dela Cruz the brick of marijuana leaves and the plastic sachet of "shabu." On the other hand, the buy-bust money which was a Five Hundred-Peso (₱500.00) bill, with serial number TY223398, used as consideration of the illegal drug sale, was identified by PO2 Dela Cruz. With the foregoing, it is clear that a transaction and a sale took place.

The existence of the *corpus delicti* is essential to a judgment of conviction. Hence, the identity of the dangerous drug must be clearly

<sup>19</sup> *People v. Ismael*, 806 Phil. 21, 29 (2017).

<sup>20</sup> *People v. Amaro*, 786 Phil. 139, 147 (2016).

established.<sup>21</sup> The prosecution witnesses also consistently testified that they arrested three (3) persons and conducted marking, inventory and documentation through photographs at the place where the buy-bust took place. Records show the presence of the required witnesses mandated by law during the marking and physical inventory of the items seized. Further, the brick of leaves and plastic sachet were positively found to contain marijuana and “shabu,” respectively. Lastly, the seized items were presented during trial and were positively identified by PO2 Dela Cruz to be the same items sold to him by Meneses.

Clearly, from the foregoing established facts, this Court believes and so holds that all the requisites for the illegal sale of “shabu” were met. As demonstrated by the testimonies of the prosecution witnesses and the supporting documents they presented and offered, the identity of the buyer, the seller, the prohibited drugs, and the marked money has been proven by the required quantum of evidence.

In the case under consideration, Meneses claims that the prosecution failed to prove the existence of an agreed consideration in the illegal sale of drugs. Likewise, Meneses argues that he and the poseur-buyer did not agree on any amount and consideration for the sale of the subject marijuana and “shabu.”

We do not agree.

The Court stressed in *People v. Endaya*:<sup>22</sup>

The commission of illegal sale merely requires the consummation of the selling transaction, which happens the moment the buyer receives the drug from the seller. As long as a police officer or civilian asset went through the operation as a buyer, whose offer was accepted by the appellant, followed by the delivery of the dangerous drugs to the former, the crime is already consummated. In the case at bar, the prosecution has amply proven all the elements of the drug sale with moral certainty.<sup>23</sup> (Citation omitted)

In this particular case, the sale was already consummated by the time the brick of marijuana and the sachet of “shabu” were delivered and received by PO2 Dela Cruz after the buy-bust money was handed to Meneses, through the other accused, Balila, as payment for the illegal drugs. By the time of relinquishing the physical possession of the illegal drugs, Meneses effectively accepted the offer of PO2 Dela Cruz of Five Hundred Pesos (₱500.00) as his payment for the illegal drugs. Regardless of the amount of the consideration,

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<sup>21</sup> *People of the Philippines v. Almaser Jodan y Amla*, G.R. No. 234773, June 3, 2019.

<sup>22</sup> 739 Phil. 611 (2014).

<sup>23</sup> *Id.* at 623.

in the illegal sale of dangerous drugs, the most important part of the buy-bust operation is the actual exchange of the buy-bust money and the subject drug.

In a way, Meneses is admitting that there was an actual transaction of illegal sale of dangerous drugs and the only thing that was missing was the agreement as to the value of the consideration. Meneses' argument that the sale is null and void as if no sale had transpired between him and PO2 Dela Cruz is unmeritorious. To be clear, in this kind of situation, the Civil Code will not apply. Technically, the sale was really null and void as the object of the sale is expressly prohibited by law. To emphasize, what only needs to be proven is that there should be a transaction or sale that had taken place. Sale means an actual exchange of the buy-bust money and the illegal drugs. Here, the punishable act was the act of selling the illegal drugs which cannot be negated by mere technicalities of a contract of sale. The fact that there was an agreement between the buyer and the seller to exchange money and drugs, there was already a meeting of the minds between the parties. As long as the seller accepted the consideration, followed by the delivery of the illegal drugs to the buyer, the crime is already consummated.

Likewise, Meneses maintains that he was merely framed-up for the crime of illegal sale of dangerous drugs. The defenses of denial, frame-up and extortion, like *alibi*, have been invariably viewed by the courts with disfavor for they can easily be concocted and are common and standard defense ploys in most cases involving violation of the Dangerous Drugs Act. As evidence that is both negative and self-serving, this defense of *alibi* cannot attain more credibility than the testimony of the prosecution witness who testified clearly, providing thereby positive evidence on the crime committed.<sup>24</sup> In this case, the three (3) police officers positively identified Meneses as the person who sold the illegal drugs. Another was the fact that the seized items tested positive for the presence of marijuana and "shabu."

Furthermore, the defense of frame-up or denial in drug cases requires strong and convincing evidence because of the presumption that the law enforcement agencies acted in the regular performance of their official duties. The presumption that official duty has been regularly performed can only be overcome through clear and convincing evidence showing either of two things: (1) that they were not properly performing their duty, or (2) that they were inspired by any improper motive.<sup>25</sup>

In the instant case, Meneses failed to overcome such presumption. The bare denial of Meneses cannot prevail over the positive testimony of the prosecution witnesses that he was the person who sold "shabu." As correctly pointed out by the CA, no evidence was presented by Meneses to show that he was coerced and threatened by the CAIDSOG's operatives into admitting

<sup>24</sup> *People v. Tamaño, et al.*, 801 Phil. 981, 1004 (2016).

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



the ownership of the seized illegal drugs. In the same vein, no evidence of malice or ill-motive on the part of the said operatives was adduced to discredit their testimonies.

With regard to the compliance with Section 21, Article II of R.A. No. 9165, as well as its Implementing Rules and Regulations, it is worthy to note that the CAIDSOG's operatives strictly complied with it. Immediately after seizure and confiscation of the illegal drugs from Meneses, a physical inventory, marking and photograph were conducted in the presence of Meneses at the place of arrest where the transaction transpired. All the required witnesses - the media, a DOJ representative and an elected public official - were present, together with Meneses, during the physical inventory, marking and photograph of the seized items. Likewise, in the chain of custody, the monitoring and tracking of the movements of the seized items, from the time they were confiscated from Meneses, to receipt in the forensic laboratory for examination, to safekeeping, and up to the presentation in court, were satisfactorily accounted for by the CAIDSOG's operatives. Hence, the identity and integrity of the seized illegal drugs were preserved and safeguarded.

Settled is the rule that, unless some facts or circumstances of weight and influence have been overlooked or the significance of which has been misinterpreted, the findings and conclusion of the trial court on the credibility of witnesses are entitled to great respect and will not be disturbed because it has the advantage of hearing the witnesses and observing their deportment and manner of testifying. The rule finds an even more stringent application where said findings are sustained by the CA, as in this case.<sup>26</sup> For this, we find no compelling reason to deviate from the findings of the appellate court that Meneses is guilty beyond reasonable doubt of the crime charged.

**WHEREFORE**, premises considered, the instant appeal is **DISMISSED**. The March 22, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 07989 which affirmed the September 30, 2015 Decision of the Regional Trial Court, Branch 48, Urdaneta City, Pangasinan, in Criminal Case No. 19298, finding accused-appellant Joey Meneses y Cano guilty beyond reasonable doubt for violation of Section 5, Article II of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, is **AFFIRMED**.

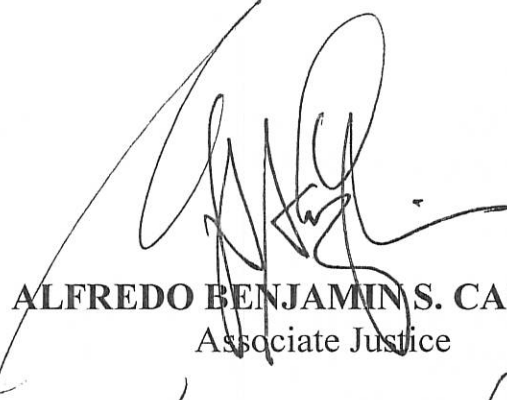
**SO ORDERED.**

  
**DIOSDADO M. PERALTA**  
Chief Justice

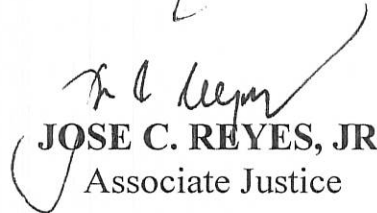
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<sup>26</sup> *Id.* at 1005.

**WE CONCUR:**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice



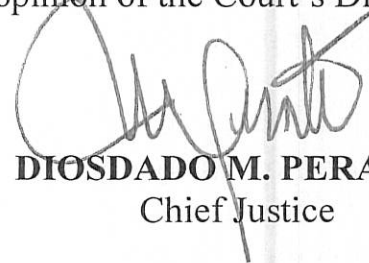
**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO N. LOPEZ**  
Associate Justice

**CERTIFICATION**

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



**DIOSDADO M. PERALTA**  
Chief Justice