



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2021** which reads as follows:*

“G.R. No. 251632 (People of the Philippines v. Roweno Abila y Obellianda alias ‘Boboy’). – The Court **NOTES** the: (1) manifestation dated December 18, 2020 of the Office of the Solicitor General that it shall no longer file a supplemental brief considering that its brief filed before the Court of Appeals has already exhaustively discussed the issues and matters raised in accused-appellant’s brief, and reserving its right to file a supplemental brief in case accused-appellant raises new matters and issues in its supplemental brief; and (2) manifestation (in lieu of supplemental brief) dated November 26, 2020 of the Public Attorney’s Office, adopting its brief filed before the Court of Appeals as its supplemental brief, as the same had adequately discussed all the matters pertinent to accused-appellant.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the Court of Appeals committed any reversible error in affirming the conviction of accused-appellant Roweno Abila y Obellianda alias ‘Boboy’ (accused-appellant) of the crime of Illegal Possession of Dangerous Drugs, as defined and penalized under Section 11, Article II of Republic Act No. (RA) 9165,² otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002.’

As correctly ruled by the courts *a quo*, all the elements of the aforesaid crime³ are present as the prosecution clearly established that: (a) accused-appellant was found to be in possession of the illegal drugs upon the implementation of Search Warrant No. 66-2015⁴ by the Tagbilaran Police Station in the presence of Barangay

¹ *Rollo*, pp.17-19.

² Entitled ‘AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES,’ as approved on June 7, 2002.

³ ‘[T]he elements of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.’ (See *People v. Piñero*, G.R. No. 242407, April 1, 2019)

⁴ Records, p.20.

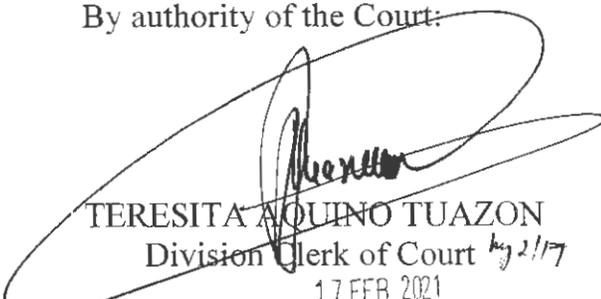
Officials Joyful Ybañez (Ybañez) and Gloria Cagampang (Cagampang), Media Representative Willy Maestrado, and Department of Justice (DOJ) Representative Saturnina Baricuatro (Baricuatro); (b) said possession was not authorized by law; and (c) accused-appellant freely and consciously possessed the said drugs.

Furthermore, all the links⁵ of the chain of custody have been likewise established, considering that PO2 Gary Labial (PO2 Labial), a member of the search team, immediately took custody of the seized plastic sachets and conducted the marking, inventory, and photography thereof in the presence of accused-appellant, Barangay Officials Ybañez and Cagampang, and DOJ Representative Baricuatro.⁶ Thereafter, PO2 Labial secured the seized plastic sachets and delivered the same to the forensic chemist at the crime laboratory, who conducted the qualitative examination on the specimens and eventually, delivered the seized items to the court for identification during trial.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision⁷ dated July 25, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 02633 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Roweno Abila y Obellianda alias 'Boboy' **GUILTY** beyond reasonable doubt of the crime of Illegal Possession of Dangerous Drugs, as defined and penalized under Section 11, Article II of Republic Act No. 9165, otherwise known as the 'Comprehensive Dangerous Drugs Act of 2002.' Accordingly, he is sentenced to suffer the penalty of imprisonment of twenty (20) years and one (1) day, as minimum, to thirty-five (35) years, as maximum, and ordered to pay a fine of ₱400,000.00 and costs.

SO ORDERED."

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court *ky 2/17*
17 FEB 2021

⁵ "Thus, the following links should be established in the chain of custody of the confiscated item: *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 from the forensic chemist to the court." (*People v. Que*, G.R. No. 212994, 828 Phil. 882, 895 [2018], citing *People v. Nandi*, 639 Phil. 134 [2010]).

⁶ In conformity with the witness requirement under Section 21 (1), Article II of RA 9165, as amended by RA 10640, entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES," as approved on June 7, 2002.

⁷ *Rollo*, pp. 12-16. Penned by Associate Justice Marilyn B. Lagura-Yap with Associate Justices Edgardo L. Delos Santos (now a member of the Court) and Dorothy P. Montejo-Gonzaga, concurring.

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Accused-Appellant
c/o The Director
Bureau of Corrections
1776 Muntinlupa City

THE DIRECTOR (reg)

Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 4
6300 Tagbilaran City, Bohol
(Crim. Case No. 17967)

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Supreme Court, Manila

COURT OF APPEALS (reg)

Visayas Station
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CA-G.R. CEB CR-H.C. No. 02633

*with copy of the CA Decision dated 25 July 2019

Please notify the Court of any change in your address.

GR251632. 02/03/2021(62 & 106)

M/A