

REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

BY: TCA  
TIME: 8:09

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **17 February 2020** which reads as follows:

“**G.R. No. 228129 (Ferdinand R. Fariñas v. People of the Philippines)**. – After a judicious study of the case, the Court resolves to **DISMISS** the instant petition<sup>1</sup> for being the wrong mode of appeal to assail the October 7, 2016 Decision<sup>2</sup> of the Court of Appeals (CA Decision) imposing a penalty of life imprisonment, the proper remedy being an ordinary appeal *via* Notice of Appeal, pursuant to Section 13 (c),<sup>3</sup> Rule 124 of the Revised Rules on Criminal Procedure, in relation to Section 3,<sup>4</sup> Rule 56 of the Rules of Court.

In any event, the Court nonetheless finds no reversible error on the part of the CA in rendering the assailed CA Decision in CA-G.R. CR-HC No. 07854, which found petitioner Ferdinand R. Fariñas (Fariñas) **GUILTY** beyond reasonable doubt of the crimes of Illegal Sale and Illegal Possession of Dangerous Drugs, defined and penalized under Sections 5 and 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 following penalties: (a) for Illegal Sale of Dangerous Drugs, the penalty of life imprisonment and a fine of ₱500,000.00; and (b) for Illegal Possession of Dangerous Drugs, the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day of *reclusion temporal*, as minimum, to fourteen (14) years, two (2) months, and one (1) day of *reclusion temporal*, as maximum, and a fine of ₱300,000.00.

<sup>1</sup> Rollo, pp. 9-28.

<sup>2</sup> Id. at 32-47. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Ramon A. Cruz and Henri Jean Paul B. Inting (now a member of this Court), concurring.

<sup>3</sup> Section 13. *Certification or appeal of case to the Supreme Court.* – x x x  
x x x

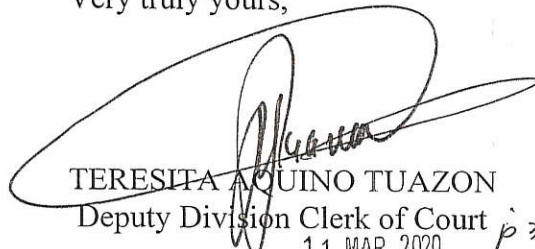
(c) In cases where the Court of Appeals imposes *reclusion perpetua*, life imprisonment, or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.

<sup>4</sup> Section 3. *Mode of appeal.* – An appeal to the Supreme Court may be taken only by a petition for review on *certiorari* except in criminal cases where the penalty imposed is death, *reclusion perpetua* or life imprisonment.

As correctly ruled by the CA, all the elements<sup>5</sup> of the crimes charged are present, as the records clearly show that Fariñas was caught *in flagrante delicto* selling *shabu* to the poseur-buyer, Intelligence Officer 1 Romulo Byron Z. Gapusan, during a legitimate buy-bust operation conducted by the Philippine Drug Enforcement Agency; and that another plastic sachet containing *shabu* was recovered from Fariñas during the search made incidental to his arrest. Moreover, the CA also correctly ruled that there is sufficient compliance with the chain of custody rule, and thus, the integrity and evidentiary value of the *corpus delicti* have been preserved.<sup>6</sup> Perforce, Fariñas's conviction must stand.

**SO ORDERED.** (Gaerlan, J., designated Additional Member *vice* Inting, J., per Raffle dated February 5, 2020.)”

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
11 MAR 2020 p 7/11

<sup>5</sup> The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (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; while the 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. Crispo*, G.R. No. 230065, March 14, 2018, 859 SCRA 356, 369; *People v. Sanchez*, G.R. No. 231383, March 7, 2018, 858 SCRA 94, 104; *People v. Magsano*, G.R. No. 231050, February 28, 2018, 857 SCRA 142, 152; *People v. Manansala*, G.R. No. 229092, February 21, 2018, 856 SCRA 359, 369-370; *People v. Miranda*, G.R. No. 229671, January 31, 2018, 854 SCRA 42, 52; and *People v. Mamangon*, G.R. No. 229102, January 29, 2018, 853 SCRA 303, 312-313; all cases citing *People v. Sumili*, 753 Phil. 342, 348 [2015] and *People v. Bio*, 753 Phil. 730, 736 [2015].)

<sup>6</sup> See *rollo*, pp. 43-45.

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Petitioner  
c/o The Director  
Bureau of Corrections  
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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 5  
Tuguegarao City, 3500 Cagayan  
(Crim. Case Nos. 14412 and 14413)

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