

PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. RODELIO SERADILLA Y EUSEBIO, ACCUSED-APPELLANT.

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

Assailed in this appeal is the Judgment dated August 14, 2013[1] in Criminal Case No. 08-002 of Branch 204, Regional Trial Court, City of Muntinlupa, convicting accused-appellant Rodelio Seradilla y Eusebio @ “Bukyo” of violation of Section 5,[2] Article II, Republic Act (RA) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and sentencing him to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.

THE ANTECEDENTS

Around 3:00 in the afternoon of December 27, 2007, the Chief of Police of the Station Anti-Illegal Drugs, Special Operations Task Group (SAID-SOTG), Police Inspector Ariel P. Sanchez, formed a team and directed the members thereof to coordinate with the Philippine Drug Enforcement Agency (PDEA) for possible conduct of surveillance, casing, buy-bust operation and possible arrest of persons appearing on SAID-SOTG's Official Watch List for rampant selling of illegal drugs in different barangays of Muntinlupa City.[3] Said persons were @ “Jun Solema,” “Randy Mata,” “Bayawak,” “Palpak,” “Oneng,” “Dante” and “Bukyo.”[4] The team was composed of Police Inspector Ariel P. Sanchez who was the team leader, and SPO1 Reynaldo Marcella, PO1 Domingo Julaton, PO2 Gastanes, PO1 Tianero, PO1 Ocampo and PO1 Genova, who were the members.[5] Police Inspector Ariel P. Sanchez prepared a Pre-Operation Form[6] and Coordination Form[7] both dated December 27, 2007 which were sent to the PDEA and received by PO2 Judiel Martin Colico. Control No. MMRO-12-27-07-0220 was issued by the PDEA, per Certificate of Coordination dated December 27, 2007.[8]

Thereafter, the team boarded a white Toyota Revo and proceeded to Barangay Bayanan to conduct surveillance and monitoring of illegal drug activities reportedly then carried out by @ “Bayawak.”[9] When they arrived at the place, “Bayawak” could not be found. Meanwhile, an informant called Police Inspector Ariel P. Sanchez and told him that one of the team's targets could be found in Barangay Tunasan.[10] According to the informant, @ “Bukyo” told him that “if somebody want (sic) to buy shabu just contact him.”[11] Upon meeting the informant at the police station, the team learned that “Bukyo” was listed in the Watch List.[12] The team immediately planned a buy-bust operation. Police Inspector Ariel P. Sanchez provided two (2) 100-peso bills[13] to be used as buy-bust money and had the same photocopied.[14] SPO1 Reynaldo Marcella was designated as the poseur-buyer, while PO1 Domingo Julaton was assigned as immediate back-up.[15] It was agreed upon that SPO1 Reynaldo Marcella would take off his bull cap as pre-arranged signal that he had completed the purchase.[16]

SPO1 Reynaldo Marcella, PO1 Domingo Julaton and the informant boarded a tricycle and proceeded near the boundary of Barangay Tunasan, to the bridge of Barangay Tunasan and San Pedro.[17] The other members of the buy-bust team also proceeded to the same area and positioned themselves discreetly. Before reaching the target place, PO1 Domingo Julaton got out of the tricycle and positioned himself near the other members of the

team.[18] The informant pointed out accused-appellant to SPO1 Reynaldo Marcella as the person standing by the side of the road. SPO1 Reynaldo Marcella and the informant alighted from the tricycle and walked towards accused-appellant.[19]

After the informant had introduced SPO1 Reynaldo Marcella as a “scorer of shabu”[20] to accused-appellant, the latter asked how much SPO1 Reynaldo Marcella was going to buy. SPO1 Reynaldo Marcella handed accused-appellant the buy-bust money and said “Dalawang daan lang muna, Pare, titikman ko lang muna ang item mo”[21] (I told him that I will score and taste the item in the amount of Two Hundred Pesos, sir.)[22] to which accused-appellant replied, “Dadagdagan ko ang bigay ko sa 'yo para siguradong babalik ka, maganda ito Pare”[23] (He informed me that he has and he will add more if I want more, sir).[24] Accused-appellant retrieved a transparent plastic sachet containing white crystalline substance from the pocket of his black short pants and handed the same to SPO1 Reynaldo Marcella.[25] After inspecting the transparent plastic sachet, SPO1 Reynaldo Marcella made the pre-arranged signal by taking off his bull cap. The team immediately rushed towards accused-appellant as SPO1 Reynaldo Marcella was introducing himself as a police officer and informing accused-appellant of his rights.[26] SPO1 Reynaldo Marcella recovered the buy-bust money from accused-appellant's hand.[27]

Accused-appellant was taken to SAID-SOTG where the transparent plastic sachet containing white crystalline substance was marked with “RS” and turned over by SPO1 Reynaldo Marcella to the investigator, PO2 Gastanes.[28] PO1 Domingo Julaton photographed the seized item and accused-appellant.[29] PO2 Gastanes prepared the Certificate of Inventory[30] of the transparent plastic sachet which was witnessed by local government employee Ashvin Navarro, Spot Report,[31] Request for Drug Test[32] of accused-appellant and Request for Laboratory Examination[33] of the transparent plastic sachet of white crystalline substance recovered from accused-appellant which were signed by Police Inspector Ariel P. Sanchez.

At “2320H” of the same day, SPO1 Reynaldo Marcella, PO1 Domingo Julaton and PO1 Tianero personally delivered the seized item to the PNP Crime Laboratory Southern Police District Crime Laboratory Office[34] where the transparent plastic sachet and the requests for drug test and laboratory examination were received by Crescini.[35] Upon examination by the PNP Crime Laboratory Southern Police District Crime Laboratory Office, the plastic sachet of white crystalline substance weighing 0.02 gram “gave POSITIVE result to the tests for Methylamphetamine Hydrochloride, a dangerous drug,” per Physical Science Report No. D-973-07S issued at “0130H” of December 28, 2007[36] by Forensic Chemist P/SI Abraham Verde Tecson.

Accused-appellant was thus charged with “Violation of Section 5 of Republic Act No. 9165” in an information which reads:

“That on or about the 27[th] day of December, 2007, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully, unlawfully and feloniously sell, trade, deliver and give away to another, Methylamphetamine Hydrochloride, a dangerous drug, weighing 0.02 gram, contained in one (1) heat-sealed transparent plastic sachet, in violation of the above-cited law.

Contrary to law.”[37]

Upon arraignment, accused-appellant entered a plea of “not guilty.”[38] During the pre-trial,[39] the parties made the following admissions:

“1.

That the person in Court who responds to the name Rodelio Seravilla is the same Rodelio Seravilla who is the accused in this case;

2.

That this Court has jurisdiction over the person of the accused and over this case;

3.

That PS/Insp. Abraham Tecson is a member of the PNP Crime Laboratory, Makati City as of December 28, 2007 and that he is an expert in Forensic Chemistry;

4.

That pursuant to the Request for Laboratory Examination submitted to his office by the Muntinlupa City Police he conducted laboratory examination on the item submitted to him which examination yielded positive result to the test of methylamphetamine hydrochloride on specimen A with markings 'RS' containing 0.02 gram of white crystalline substance;

5.

That there was also a Request for Drug Test submitted by the police on the person of the accused in this case.”

Trial ensued. The prosecution presented SPO1 Reynaldo Marcella[40] and PO1 Domingo Julaton[41] as witnesses. The defense presented accused-appellant[42] as its sole witness.

After the prosecution and the defense had presented their respective evidence, the trial court rendered a Judgment dated August 14, 2013[43] convicting accused-appellant as follows:

“WHEREFORE, premises considered and finding the accused GUILTY beyond reasonable doubt of the offense charged, RODELIO SERADILLA y EUSEBIO is sentenced to Life Imprisonment and to pay a Fine of Php500,000.00.

The preventive imprisonment undergone by the accused shall be credited in his favor.

The drug evidence is ordered transmitted to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

Issue a MITTIMUS committing accused RODELIO SERADILLA y EUSEBIO to the National Bilibid Prisons (NBP) for the service of his sentence pending any appeal that he may file in this case.

SO ORDERED.”

Thus, accused-appellant filed the present appeal which is premised on this lone assigned error:

“THE TRIAL COURT GRAVELY ERRED IN HOLDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME CHARGED WAS PROVEN BEYOND REASONABLE DOUBT.”[44]

THE ISSUE

Whether the trial court erred in finding accused-appellant guilty beyond reasonable doubt of violation of Section 5, Article II, RA No. 9165.

THE COURT'S RULING

In convicting accused-appellant of violation of Section 5, Article II, RA No. 9165, the trial court gave credence to the testimonies of SPO1 Reynaldo Marcella and PO1 Domingo Julaton, the poseur-buyer and immediate back-up, respectively, of the team of police officers who conducted the buy-bust operation. Said the trial court:

“x x x The court finds the testimonies of the police officers, who admittedly had no ill motive to grind against the accused, as credible and worthy of belief. SPO1 MARCELLA and PO1 JULATON vividly described how they came up with said operation from their initial contact through their asset who knew the accused until the sale was consummated. x x x

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Against these positive testimonies, accused defended himself by simply denying the act complained of. He claimed that he was just about to buy rice when suddenly, the police officers grabbed him and poked their guns on him. Then, the men entered the house of his mother-in-law, where his family consisting of his wife, children and mother-in-law were inside and searched the house. Apart from this denial, no corroboration came from other witnesses whom accused claimed to have witnessed the search of the house. In this case, accused miserably failed to present any evidence in support of his claims. Aside from his self-serving assertions, no plausible proof was presented to bolster his allegations. The court therefore, cannot sustain his defense as against the positive and straight forward testimonies of the police officers in whose favor, regularity in the performance of their official functions is presumed.”[45]

However, accused-appellant faults the trial court in convicting him and argues that “the buy-bust team failed to follow the legal procedure and guidelines on his arrest and the confiscation of the suspected shabu, x x x.”[46] Allegedly, “the records of the case” and “the testimonies of the apprehending officers” do not show that the seized item was marked “immediately after confiscation.”[47]

The asseverations are unfounded.

It is settled that the conduct of a buy-bust operation is a common and accepted mode of apprehending those involved in illegal sale of prohibited or regulated drugs. It has been proven to be an effective way of unveiling the identities of drug dealers and of luring them out of obscurity.[48] Unless there is clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimonies on the operation deserve full faith and credit.[49]

The elements necessary for the prosecution of illegal sale of drugs are: (i) the identities of the buyer and the seller, the object, and consideration, and (ii) the delivery of the thing sold and the payment therefor. The delivery of the contraband to the poseur-buyer and the receipt of the marked money consummate the buy-bust transaction between the entrapping officers and the accused.[50] What is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of evidence of corpus delicti.[51]

Notably, the issue of whether or not there was indeed a buy-bust operation primarily boils down to one of credibility. In a prosecution for violation of the Comprehensive Dangerous Drugs Act of 2002, a case becomes a contest of the credibility of witnesses and their testimonies.[52] When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is obvious. Having the full opportunity to observe directly the witnesses' deportment and manner of testifying, the trial court is in a better position than the appellate court to evaluate testimonial evidence properly.[53]

The prosecution evidence positively showed the presence of all the elements of illegal sale of “shabu” during the buy-bust operation. The testimony of the poseur-buyer, SPO1 Reynaldo Marcella, is replete with material details showing the elements of the crime, including the exchange of the two (2) marked 100-peso bills and the sachet of “shabu” between him and accused-appellant. Thus:

“Q:

Mr. Witness do you recall having reported for office on December 27, 2007

A:

Yes, sir.

Q:

What if any task was given to you by your head of office?

A:

Police Senior Inspector Ariel Sanchez coordinated with the PDEA, sir.

Q:

For what purpose?

A:

To conduct anti-narcotic operation, sir, within the area of Muntinlupa City, sir.

Q:

And what would narcotic operation do?

A:

Regarding persons who are involved in the distribution, proliferation of illegal drugs in Muntinlupa City.

Q:

In what particulars were you directed to do in relation to that operation?

A:

We coordinated with the PDEA, sir.

Q:

What else was given to you or instructed to you by your head of office aside from coordinating with the PDEA?

A:

To conduct narcotic operation, sir.

Q:

Did you in fact coordinate with the PDEA?

A:

Yes, sir.

Q:

What document did you prepare to coordinate with the PDEA?

A:

Sir, Pre-Operation and Coordination Form.

Q:

How did you know that there were documents prepared?

A:

We sent it to the PDEA, sir.

Q:

What was the reply of the PDEA?

A:

They issued a Certificate of Coordination, sir.

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Q:

Now, aside from you, who else was given the task in that operation?

A:

Police Senior Inspector Ariel Sanchez was with us, sir, PO1 Julaton, PO2 Gastanes, PO1 Tianero, myself, PO1 Ocampo, PO1 Genova.

Q:

So what did you do after you received this Certificate of Coordination from the PDEA?

A:

We conducted casing and surveillance at Bayanan, Muntinlupa, sir, regarding alias 'Bayawak.

Q:

Before you went out from your office to conduct this operation, what else was prepared aside from the three documents?

A:

Police Inspector Sanchez conducted the briefing, sir.

Q:

What was discussed during the briefing?

A:

To conduct casing and surveillance against Bayawak, sir.

Q:

What else?

A:

It turned out negative, sir.

Q:

What do you mean turn out negative?

A:

Our operation yielded negative result against Bayawak, sir.

Q:

So when your operation against Bayawak turned out negative, what did you do next?

A:

Police Senior Inspector Sanchez told us that an asset called our office that one of our targets was somewhere in the boundary of Tunasan, sir.

Q:

How did you know that?

A:

The asset called PS/Ins. Sanchez, sir, thru cellular phone.

Q:

How did you know that there was such communication from Police Inspector Sanchez?

A:

He related to us, sir.

Q:

By the way, what time was the operation conducted which you said turned out negative?

A:

Around 4:00 in the afternoon, sir.

Q:

So when it yielded negative, what happened next?

A:

We went back to our office, sir.

Q:

What time did you arrive at your office?

A:

About 5:30 in the afternoon, sir.

Q:

What did you do when you reached your office?

A:

We met our confidential informant, sir, in our office.

Q:

What if any did you gather from your informant in your office?

A:

The confidential informant told us that alias 'Bukyo' was offering him a shabu, sir.

Q:

So after receiving that information, what if any did you do next?

A:

PS/Insp. Sanchez conducted briefing and prepared the buy bust money and as a result of the briefing I was tasked as the poseur buyer, PO1 Julaton as my immediate back-up, sir.

Q:

You said that the buy bust money was prepared, what did you do with the buy bust money?

A:

We had it photocopied, sir.

xxx xxx xxx

Q:

By the way, what denomination were those buy bust money?

A:

Two pieces of One Hundred Peso bills.

xxx xxx xxx

Q:

Okay, we will go back to that later. So after the briefing, what else was done?

A:

We proceeded to the area, sir.

Q:

Where is the area?

A:

Almost the boundary of Tunasan and San Pedro, sir.

Q:

What time did you reach the area?

A:

Around 6:15 in the evening, sir.

Q:

How did you get there?

A:

We boarded the tricycle, sir.

Q:

Who were with you inside the vehicle going to the target place?

A:

Julaton, the asset and myself, sir.

Q:

When you reached the target place what did you do next?

A:

When we got near the place, PO1 Julaton alighted from the tricycle, sir.

Q:

What about what did you do?

A:

We proceeded to the area, sir.

Q:

Where in particular is this area?

A:

Its near the boundary, the bridge of Brgy. Tunasan and San Pedro, sir.

Q:

What happened next?

A:

Rodelio Seradilla was pointed to me by the informant, sir.

Q:

How did you know that his name is Rodelio Seradilla?

A:

I came to know the name after the operation, sir.

Q:

So what was Rodelio Seradilla doing at the time you seen him?

A:

He was just standing, sir.

Q:

So it was pointed to you by your informant?

A:

Yes, sir.

Q:

What did you do next?

A:

We alighted from the tricycle and approached him, sir.

Q:

What did you tell him?

A:

The asset and Seradilla were talking and I was introduced to him as scorer in the amount of Two Hundred Pesos.

Q:

What in particular did you tell him?

A:

I told him that I will score and taste the item in the amount of Two Hundred Pesos, sir.

Q:

What item in particular did you tell him that you will buy?

A:

Shabu, sir.

Q:

So what was his reply then?

A:

He informed me that he has and he will add more if I want more, sir.

Q:

What did you do when he was telling you the item which he said, 'maganda.'

A:

I gave the marked money, sir.

Q:

This person you mentioned as Rodelio Seradilla what did he do when you said you gave him the Two Hundred Peso bills?

A:

He withdrew something from his right black short pants and he handed to me, sir. He got the money from me, sir, and he likewise gave me the item, sir.

Q:

When he gave you the item what did you do next?

A:

When I confirmed that the Item given to me was shabu, I gave the pre-arranged signal to my companions, sir.

Q:

What was the pre-arranged signal that you made?

A:

By removing my bull cap, sir.

Q:

When you removed the bull cap as pre-arranged signal, what happened next?

A:

I introduced myself as police officer and showed to him my identification card, and I arrested him.

Q:

What about your back-up?

A:

They immediately arrived, sir.

Q:

When they arrived what did they do?

A:

They assisted me, sir.

Q:

What about the informant, where was he at that time?

A:

He left the place, sir.

Q:

After you informed the person Seradilla that you are a police officer and you arrested him, what happened next?

A:

I apprised him of his constitutional rights, sir, and we brought him to our office for documentation.

Q:

What item if any did you recover from him?

A:

The shabu, sir.

Q:

Where was the marked money at that time after you arrested him?

A:

It was with me, sir.

Q:

You went back to your office with Rodelio Seradilla who was in possession of the item you recovered as well as the buy bust money going to your office?

A:

I was the one who kept the items, sir, and when we reached our office I gave the items to our Investigator in their presence.

Q:

Who was your investigator whom you gave the items?

A:

PO2 Gastanes.

Q:

In your office, what if any did you do with the items?

A:

I put markings, sir.

Q:

What markings did you place?

A:

Sir, RS.

Q:

What is the relevance of RS?

A:

It stands for Rodelio Seradilla.”[54]

It is noteworthy that accused-appellant failed to show that the members of the buy-bust team were impelled by any improper motive or that they did not properly perform their duty. The law disputably presumes that official duty has been regularly performed.[55] This presumption was not overcome, there being no evidence showing

that SPO1 Reynaldo Marcella, PO1 Domingo Julaton and the rest of the team were impelled by improper motive.

In addition to testimonial evidence, the prosecution also presented the (i) Pinagsamang Malayang Salaysay dated December 28, 2007 of SPO1 Reynaldo Marcella and PO1 Domingo Julaton;^[56] (ii) Booking and Information Sheet of accused-appellant;^[57] (iii) Certificate of Inventory dated December 27, 2007 prepared by PO2 Gastanes;^[58] (iv) Request for Drug Test dated December 27, 2007^[59] signed by Police Inspector Ariel P. Sanchez; (v) photocopy of two (2) 100-peso bills labelled as “BUY BUST MONEY DEC. 27, 2007;”^[60] (vi) Spot Report dated December 27, 2007 prepared by PO2 Gastanes;^[61] (vii) Pre-Operation Form dated December 27, 2007 with Control No. MMRO-12-27-07-0220 prepared by Police Inspector Ariel P. Sanchez;^[62] (viii) Coordination Form dated December 27, 2007 with Control No. MMRO-12-27-07-0220 prepared by Police Inspector Ariel P. Sanchez;^[63] (ix) Request for Laboratory Examination dated December 27, 2007^[64] signed by Police Inspector Ariel P. Sanchez; (x) photocopies of pictures showing accused-appellant, the seized item and the buy bust money;^[65] (xi) Certificate of Coordination dated December 27, 2007 issued by PO2 Judiel Martin Colico of PDEA;^[66] and (xii) Physical Science Report No. D-973-07S^[67] dated December 28, 2007 signed by Forensic Chemist P/SI Abraham Verde Tecson.

That the transparent plastic sachet containing “shabu” was marked at the police station, is of no moment as the integrity of the item was not at all compromised. Notably, SPO1 Reynaldo Marcella was in possession of the seized drug from the place of arrest to the police station and personally delivered the same to the PNP Crime Laboratory Southern Police District Crime Laboratory Office.^[68] The Request for Laboratory Examination^[69] and Physical Science Report No. D-973-07S^[70] both identified the plastic sachet as having been marked with “RS.” It is settled that the phrase “marking upon immediate confiscation” contemplates even marking at the nearest police station or office of the apprehending team.^[71]

Accused-appellant also claims that the chain of custody of the seized drug was not proved because “lingering doubt exists whether the specimen allegedly seized from the accused-appellant was the specimen brought to the crime laboratory and eventually offered in court as evidence” as the testimonies of the “prosecution witnesses hardly touched on the chain of custody of the seized evidence.”^[72]

It is basic that in prosecutions involving narcotics and other illegal substances, the substance itself constitutes part of the corpus delicti of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt. Of chief concern in drug cases then is the requirement that the prosecution prove that what was seized by police officers is the same item presented in court. This identification must be established with moral certainty^[73] and is a function of the rule on chain of custody. The chain of custody requirement is essential to ensure that doubts regarding the identity of the evidence are removed through the monitoring and tracking of the movements of the seized drugs from the accused, to the police, to the forensic chemist, and finally to the court.^[74]

Records bear that the chain of custody requirement was complied with and the integrity of the drug seized from accused-appellant was duly preserved. After poseur-buyer SPO1 Reynaldo Marcella seized the illegal drug from accused-appellant during the buy-bust operation conducted on December 27, 2007, he maintained custody of the same until reaching the SAID-SOTG where the seized drug was immediately marked with “RS” and photographed by PO1 Domingo Julaton in the presence of accused-appellant.^[75]

Accused-appellant and the seized item, as marked, were turned over to the investigator, PO2 Gastanes,^[76] who prepared a Certificate of Inventory,^[77] Spot Report^[78] and Requests for Drug Test^[79] and Laboratory Examination^[80] of accused-appellant and the item seized from him in the presence of the latter. PO1 Domingo Julaton took pictures of accused-appellant together with the seized drug and the buy-bust money.^[81] The request

for laboratory examination specified the seized item as marked.[82] Thereupon, the same marked item, the requests for drug test and for laboratory examination were brought by SPO1 Reynaldo Marcella, PO1 Domingo Julaton and PO1 Tianero, at "2320H" of the same day, to the PNP Crime Laboratory Southern Police District Crime Laboratory Office[83] where the transparent plastic sachet, requests for drug test and laboratory examination were received by "Crescini." [84] Per Physical Science Report No. D-973-07S issued at "0130H" of December 28, 2007[85] by Forensic Chemist P/SI Abraham Verde Tecson, the specimen submitted, with the very same markings of "RS" gave "POSITIVE result to the tests for Methylamphetamine hydrochloride, a dangerous drug." Notably, the parties admitted during the pre-trial that (i) "PS/Insp. Abraham Tecson is a member of the PNP Crime Laboratory, Makati City as of December 28, 2007 and that he is an expert in Forensic Chemistry," and (ii) "pursuant to the Request for Laboratory Examination submitted to his office by the Muntinlupa City Police he conducted laboratory examination on the item submitted to him which examination yielded positive result to the test of methylamphetamine hydrochloride on specimen A with markings 'RS' containing 0.02 gram of white crystalline substance." [86]

Significantly, the Implementing Rules and Regulations of RA No. 9165 provide for exceptions to the rule on inventory and taking of photographs of the seized drugs. Thus:

"SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof; Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items. x x x" (Underlining supplied.)

Clearly, the rule admits of exceptions and need not be followed with pedantic rigor.[87] It has been settled that non-compliance with Section 21 does not render an accused's arrest illegal or the items seized/confiscated from the accused inadmissible.[88] What is essential is "the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused." [89]

It bears stressing that accused-appellant's defenses of denial and frame-up cannot overcome the categorical and positive testimonies of the prosecution witnesses. It has been consistently held that courts invariably view with disfavor denials and allegations of frame-up for these are easily concocted. They are the usual and standard defenses in prosecutions involving violation of the dangerous drugs law.[90]

Thus, the Court finds no justification to deviate from the factual findings of the trial court which deserve great weight and respect on appeal as it had the unique position of observing the witnesses' deportment on the stand, and there is no showing that material circumstances have been overlooked, misunderstood or disregarded by the trial court, which if considered will vary the outcome of the case.[91] The penalties of life imprisonment and fine

of P500,000.00 imposed on accused-appellant are also correct, being in accordance with Section 5,[92] Article II, RA No. 9165.

WHEREFORE, the trial court's Judgment dated August 14, 2013 convicting accused-appellant of violation of Section 5, Article II, RA No. 9165 is affirmed in toto.

SO ORDERED.

Acosta, and Garcia-Fernandez, JJ., concur.

[1] pp. 33-43, Rollo

[2] Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals

[3] pp. 3-4, TSN dated June 11, 2008

[4] p. 11, Original Records

[5] p. 5, TSN dated June 11, 2008

[6] p. 11, Original Records

[7] p. 12, Ibid.

[8] p. 15, Ibid.

[9] p. 5, TSN dated June 11, 2008

[10] p. 6, Ibid.

[11] p. 3, TSN dated March 19, 2009

[12] p. 10, Original Records

[13] p. 9, Ibid.

[14] p. 7, TSN dated June 11, 2008

[15] p. 7, Ibid.

[16] p. 10, Ibid.

[17] p. 8, Ibid.

[18] p. 11, TSN dated April 7, 2011

[19] p. 9, TSN dated June 11, 2008

[20] pp. 7, 8, TSN dated March 19, 2009

[21] p. 36, Rollo

[22] p. 9, TSN dated June 11, 2008

[23] p. 36, Rollo

[24] p. 10, TSN dated June 11, 2008

- [25] p. 10, Ibid.
- [26] pp. 10-11, Ibid.
- [27] p. 36, Rollo
- [28] pp. 11-12, TSN dated June 11, 2008
- [29] p. 13, Ibid.
- [30] p. 7, Original Records
- [31] p. 10, Ibid.
- [32] p. 8, Ibid.
- [33] p. 13, Ibid.
- [34] p. 15, TSN dated June 11, 2008
- [35] pp. 8, 13, Original Records
- [36] p. 16, Ibid.
- [37] p. 1, Ibid.
- [38] pp. 21, 23, Ibid.
- [39] pp. 38-39, Ibid.
- [40] TSN dated June 11, 2008
- [41] TSN dated April 7, 2011
- [42] TSN dated November 8, 2012
- [43] pp. 33-43, Rollo
- [44] p. 23, Ibid.
- [45] pp. 39, 41, Ibid.
- [46] p. 27, Ibid.
- [47] p. 28, Ibid.
- [48] People of the Philippines vs. Cabugatan, 515 SCRA 537, February 12, 2007
- [49] People of the Philippines vs. Del Mundo, 510 SCRA 554, December 6, 2006
- [50] People of the Philippines vs. Zeng Hua Dian, et al., 432 SCRA 25, June 14, 2004
- [51] People of the Philippines vs. Marilyn Naquita y Cibulo, 560 SCRA 430, July 28, 2008
- [52] People of the Philippines vs. Evangelista, 534 SCRA 241, September 27, 2007
- [53] People of the Philippines vs. Escultor, 429 SCRA 651, May 27, 2004
- [54] pp. 3-12, TSN dated June 11, 2008
- [55] People of the Philippines vs. Garcia, 235 SCRA 371, August 16, 1994

[56] pp. 4-5, Original Records

[57] p. 6, Ibid.

[58] p. 7, Ibid.

[59] p. 8, Ibid.

[60] p. 9, Ibid.

[61] p. 10, Ibid.

[62] p. 11, Ibid.

[63] p. 12, Ibid.

[64] p. 13, Ibid.

[65] p. 14, Ibid.

[66] p. 15, Ibid.

[67] p. 16, Ibid.

[68] pp. 11, 15, TSN dated June 11, 2008

[69] p. 13, Original Records

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[71] *Benedicto Marquez y Rayos Del Sol vs. People of the Philippines*, 693 SCRA 468, March 13, 2013

[72] p. 29, Rollo

[73] *People of the Philippines vs. Monalyn Cervantes*, 581 SCRA 762, March 17, 2009

[74] *People of the Philippines vs. Ruiz Garcia*, 580 SCRA 259, February 25, 2009

[75] pp. 11-12, 13, TSN dated June 11, 2008

[76] p. 11, Ibid.

[77] p. 7, Original Records

[78] p. 10, Ibid.

[79] p. 8, Ibid.

[80] p. 13, Ibid.

[81] p. 14, Ibid.

[82] p. 13, Ibid.

[83] p. 15, TSN dated June 11, 2008

[84] pp. 8, 13, Original Records

[85] p. 16, Ibid.

[86] p. 38, Ibid.

[87] People of the Philippines vs. Danilo Cruz, 608 SCRA 350, December 16, 2009

[88] People of the Philippines vs. Del Monte, 552 SCRA 627, April 23, 2008

[89] People of the Philippines vs. Concepcion, 556 SCRA 421, June 27, 2008

[90] People of the Philippines vs. Reynan Santiago, 420 SCRA 248, January 20, 2004

[91] People of the Philippines vs. Rodencio Narca, 275 SCRA 696, July 21, 1997

[92] 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 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.

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