

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LUZVIMINDA PUTOL Y NAVALES, ACCUSED-APPELLANT.

Ponente: REYES-CARPIO, A., J.

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REYES-CARPIO, A., J.:

This is an Appeal,[1] filed under Rule 122 of the 2000 Revised Rules of Criminal Procedure, seeking the reversal of the Joint Decision,[2] dated November 28, 2013, rendered by the Regional Trial Court of Cavite City, Branch 88 in Criminal Case Nos. 182-10 and 183-10, entitled “People of the Philippines vs. People vs. Luzviminda Putol y Navales.”

THE CASE

In two (2) separate Informations,[3] dated June 21, 2010, accused-appellant Luzviminda Putol was charged with possession and sale of illegal drugs under Republic Act No. 9165 committed as follows:

Criminal Case No. 182-10 for violation of Article II, Section 11 –

“That on or about the 20[th] day of June 2010, in the Municipality of Rosario, Province of Cavite, 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 have in her possession, control and custody 0.92 gram of Methamphetamine Hydrochloride, commonly known as 'Shabu' a dangerous drugs (sic), which is in Violation of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

CONTRARY TO LAW.”[4]

Criminal Case No. 183-10 for violation of Article II, Section 12 –

“That on or about the 20[th] day of June 2010, in the Municipality of Rosario, Province of Cavite, 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 have in her possession, control and custody twenty three (23) transparent plastic, one (1) plastic sachet containing twenty (20) pcs rolled aluminum foil, one (1) (sic) pcs (sic) empty transparent plastic, considered under Section 12, RA 9165 as an equipment, instrument, apparatus or paraphernalia fit or intended for smoking, consuming or introducing dangerous drugs into the body, in violation of the said provisions of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

CONTRARY TO LAW.”[5]

Upon arraignment, accused-appellant entered a plea of “not guilty.”[6]

PROSECUTION'S VERSION

On June 20, 2010, at around 6:00 o'clock in the morning, SPO4 Ruben Peñaflor and SPO2 Ian Sagucio went to Barangay Tramo, Tejeros Convention, Rosario, Cavite to serve an arrest warrant[7] upon Rovic O. Llamas, Carlito A. Pansio and accused-appellant Luzviminda N. Putol for violation of Article II, Section 14 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

When the officers approached the residence of accused-appellant, they noticed that the door was open and from less than a meter away,[8] they saw a man and a woman seated on the floor inside the house with a blanket covering their laps.[9] The officers observed that both of them were holding plastic sachets containing white crystalline substance.[10] On the suspicion that the said substance was actually methamphetamine hydrochloride (shabu), the officers entered the house and arrested the man and woman who were later identified as Narciso Corporal and accused-appellant Luzviminda Putol.[11]

PO4 Peñaflor confiscated the sachet held by accused-appellant and found out that there were ten (10) smaller sachets inside.[12] She also had a purse on her lap and upon opening the same, PO4 Peñaflor discovered an additional thirteen (13) plastic sachets containing the same white substance as well as aluminum foil and money in the amount of P800.00 inside another plastic sachet.[13] Another empty plastic sachet was also confiscated from accused-appellant.[14]

Meanwhile, PO2 Sagucio confiscated the sachet held by Corporal which, in turn, contained eight smaller packets of the white substance.[15] Along with it, Corporal possessed a camera bag containing ten (10) more sachets of the powder.[16]

Upon asking for their names, the officers found out that the woman was accused-appellant Luzviminda Putol and thereafter informed her about the pending warrant for her arrest.[17]

They proceeded to the police station where SPO4 Peñaflor marked the confiscated items, and listed in the Certificate of Inventory[18] the following items:

- "1) Twenty three (23) transparent plastic sachet containing suspected shabu w/ markings 'LP-1 to LP-23.'
- 2) One (1) plastic sachet containing 20 pcs rolled aluminum foil w/markings 'LNP'
- 3) One (1) small clutch bag w/markings 'LNP'
- 4) Three (3) pcs P100.00 bill w/markings 'LP-1, LP-2, LP-3'
- 5) Four (4) pcs P50.00 bill w/markings 'LP-4 to LP-7'
- 6) Fifteen (15) pcs P20.00 bill w/markings 'LP-8 to LP-22'
- 7) Two (2) pcs empty transparent plastic sachet w/markings 'LP-1 & LP-2'"[19]

Photographs[20] of the evidence were also taken during the preparation of the Certificate of Inventory. A Spot Report,[21] dated June 20, 2010, was also prepared and forwarded to the Philippine Drug Enforcement Agency (PDEA). Further, a Request for Laboratory Examination,[22] executed by the Chief of Police of Rosario, Cavite, was delivered by SPO4 Peñaflor to the PNP Crime Laboratory which received the same at 10:00 o'clock in the morning of the same day. The request was delivered together with the twenty-three (23) sachets confiscated from accused-appellant.

At noon of June 10, 2010, the forensic chemist, Police Senior Inspector Oliver Dechitan, conducted the tests on the specimens which yielded the following results as indicated in Chemistry Report No. D-165-10:[23]

"FINDINGS:

Qualitative examination conducted on the above-stated specimens A-1 through A-23 gave POSITIVE result to the tests for the presence of METHAMPHETAMINE HYDROCHLORIDE, a dangerous drug.

x-x-x x-x-x x-x-x

CONCLUSION:

Specimens A-1 through A-23 contain METHAMPHETAMINE HYDROCHLORIDE, a dangerous drug.

x-x-x x-x-x x-x-x

REMARKS:

The original copy of this report together with the specimen submitted is retained in this Laboratory for reference. x-x-x”

In support of its allegations, the prosecution offered the respective testimonies of the arresting officers, PO4 Ruben Peñaflor and PO2 Ian Sagucio. To corroborate the witnesses' testimonies, the following were also proffered into evidence: (1) the Request for Laboratory Examination, dated June 10, 2010; (2) Chemistry Report No. D-165-10; (3) the twenty-three (23) sachets confiscated from the accused-appellant; (4) the Affidavit of Arrest[24] executed by SPO4 Peñaflor and SPO2 Sagucio; (5) the warrant of arrest sought to be implemented by the officers when they chanced upon accused-appellant; (6) the money and sachet containing the aluminum foil; (7) Certificate of Inventory; (8) Spot Report; and (9) the Inquest Report.[25]

VERSION OF THE DEFENSE

The defense, meanwhile, offered the testimony of accused-appellant. According to her, on the morning of June 20, 2010, she was at home with her common-law partner Narciso Corporal[26] when the door of her house was pushed open and the police officers barged into her house.[27] SPO4 Peñaflor proceeded to search her house without informing her what he was looking for.[28] While SPO4 Peñaflor conducted his search, accused-appellant and Corporal were asked to sit on one side.[29] After about fifteen (15) to twenty (20) minutes of searching, accused-appellant and Corporal were taken to the police station.[30]

Accused-appellant denied that the officers recovered the drugs and paraphernalia allegedly in her possession.[31] Accused-appellant further claimed that the said evidence was planted by the police officers but that there was no attempt to extort money on the part of the latter.

FINDINGS OF THE TRIAL COURT

After weighing the evidence presented before it, the trial court rendered the appealed Joint Decision,³² dated November 28, 2013, ruling in this wise:

“WHEREFORE, in Criminal Case No. 182-10, this Court finds accused Luzviminda N. Putol guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act 9165 otherwise known as Comprehensive Dangerous Drugs Act of 2002 for having in her possession 0.92 gram of Methamphetamine Hydrochloride, a dangerous drug, and hereby sentences her to an indeterminate penalty of 12 years and 1 day to 15 years of imprisonment and to pay a fine in the amount of P300,000.00.

In Criminal Case 183-10, this Court also finds accused Luzviminda N. Putol guilty beyond reasonable doubt of violating Section 12, Article II of Republic Act 9165 otherwise known as Comprehensive Dangerous Drugs Act of 2002 for having in her possession 20 pieces rolled aluminum foil, two empty transparent plastic sachet considered as equipment or paraphernalia intended for smoking, consuming or introducing dangerous drugs into the body and hereby sentences her to a straight penalty of one (1) year imprisonment and to pay a fine of P10,000.00.

In Criminal Cases No. 184-10 and 185-10, accused Narciso Corporal y Asombrado is hereby ACQUITTED for lack of evidence.

SO ORDERED.”[33]

Hence, this appeal.

ASSIGNMENT OF ERRORS

Accused-appellant assigns the following errors on the part of the trial court:

- I. THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.
- II. THE TRIAL COURT GRAVELY ERRED IN NOT CONSIDERING THE POLICE OFFICERS' ENTRY AND SUBSEQUENT SEARCH INTO ACCUSED-APPELLANT'S SHANTY AS HIGHLY IRREGULAR.
- III. THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PRESERVE THE INTEGRITY AND EVIDENTIARY VALUE OF THE CONFISCATED ITEMS.[34]

RULING

Legality of the police officers'
entry and search of accused-
appellant's home –

Accused-appellant argues that the testimonies of the police officers are highly incredible and contrary to ordinary human behavior and experience. It is maintained that if accused-appellant and her partner were conducting illegal activities inside their home, it would have been illogical to leave the door open. It is also argued that there were irregularities in the search and seizure conducted by the officers.

The instant case presents a “he-said-she-said” version of the events, asking this Court to scrutinize the credibility of the testimonies of both SPO4 Peñaflor and accused-appellant and determine which is more believable.

Accused-appellant merely interposed the defense of denial during her testimony and the only corroborating evidence adduced to bolster such denial was the testimony of her live-in partner who is also her co-accused Corporal. Given that she had a romantic relationship with her corroborating witness and they both stood to gain from such testimony, the same constitutes self-serving evidence which cannot be given due weight by this Court.

In *People vs. Quiamanlon*,[35] the Supreme Court succinctly explained:

“This Court has consistently held that 'denials unsubstantiated by convincing evidence are not enough to engender reasonable doubt particularly when the prosecution presents sufficiently telling proof of guilt,' as in the instant case.

x x x

A bare denial is an inherently weak defense and has been invariably viewed by this Court with disfavor, for it can be easily concocted but difficult to prove, and is a common standard line of defense in most prosecutions arising from violations of RA 9165. And in the absence of any intent on the part of the police authorities to falsely impute such crime is against the accused, the presumption of regularity in the performance of duty stands.” (Emphasis Ours)

SPO4 Peñaflor's testimony, however, is corroborated by documentary evidence. The prosecution presented the warrant of arrest which was why SPO4 Peñaflor sought out accused-appellant in the first place. Accused-appellant contends that it would be impossible for her and her companion to commit illegal activities in broad daylight thus, casting doubt on SPO4 Peñaflor's allegation that the door was open and that they happened to see accused-appellant holding the drugs.

It was never denied that the incident occurred at 6:00 o'clock on a Sunday morning. Thus, it would make sense that persons engaged in nefarious activities would be confident that they would not be seen at such time of day because most of the neighbors at this time are occupied by their own preparations while starting on the day, if they are awake at all. Hence, accused-appellant's theory did not shake the testimony of SPO4 Peñaflor on the

circumstances surrounding her arrest and that the confiscation of the items was not illogical nor unimaginable.

Integrity of the evidence –

Accused-appellant insists that the markings on the confiscated items should have been “immediately placed by the apprehending officer and at the place where the items were seized, as it is more in keeping with the law's intent of preserving their integrity and evidentiary value,” relying on the 2009 ruling in *Dolera vs. People*.^[36] This argument, however, is contrary to the 2012 ruling in *People vs. Umipang*^[37] where it was clarified that the marking upon immediate confiscation of prohibited items contemplates even that which was done at the nearest police station or office of the apprehending team.

Here, accused-appellant herself admitted that her house was only wide enough for the living needs of two people. Thus, it could not have been practicable for the two officers to conduct the marking of the evidence without confusion or chaos in a cramped space in the presence of accused-appellant and her partner, as well as an elected barangay official. Thus, there was sufficient justification for SPO4 Peñaflor to conduct the inventory and marking at the nearest police station.

While accused-appellant concedes that the Supreme Court has upheld mere substantial compliance with the procedure set forth in Section 21 of the Implementing Rules of R.A. 9165 as long as the integrity of the evidence is not compromised, it is argued that the evidence in this case cannot be held under such standard.

This argument must fail.

Section 1(b) of the Dangerous Drugs Board Regulation No. 1, Series of 2002 defines chain of custody as “the duly recorded authorized movements and custody of seized drugs x x x of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer or custody were made in the course of safekeeping and used in court as evidence, and the final disposition.”

Regarding the drugs, to be able to create the first link in the chain, it is required that the marking be made in the presence of the accused and upon immediate confiscation which, as discussed above, contemplates even marking at the nearest police station or office of the apprehending team.^[38] In this case, as already stated, SPO4 Peñaflor marked the confiscated items accordingly, reflected in the Certificate of Inventory and seen from the photographs taken at the police station.

The second link in the chain is forged by the transfer of the confiscated items from SPO4 Peñaflor to the PNP Crime Laboratory. The receiving stamp on the Request for Laboratory Examination clearly shows that the items were personally delivered by SPO4 Peñaflor to the crime laboratory on the same morning that the arrest and confiscation were made. The same was received by SPO1 Ersando who assigned a control number before forwarding the same to the forensic chemist who, in turn, conducted the examination on the specimen.

Chemistry Report No. D-165-10, meanwhile, clearly identified and described the specimen received by the forensic chemist as those he used for testing. The report also clearly stated that the same was terminated within two (2) hours after receipt.

Finally, when the drugs were presented in open court, SPO4 Peñaflor positively identified them to be the same items confiscated from accused-appellant on the morning of her arrest, pointing out that it had the same markings which the officer had made at the police station.

As to the drug paraphernalia, per the Inquest Report,^[39] dated June 21, 2010, it was stated therein that the same

never left the custody of the investigator in charge of the case. Thus, it cannot be said that the chain of custody of the same was compromised.

WHEREFORE, in view of the foregoing, the Appeal is hereby DENIED. The Joint Decision,[40] dated November 28, 2013, rendered by the Regional Trial Court of Cavite City, Branch 88 in Criminal Case Nos. 182-10 and 183-10, is AFFIRMED.

SO ORDERED.

Carandang, R.D., Chairperson, and Barza, R.F., JJ., concur.

[1] See Order, dated December 17, 2013, Records of Criminal Case No. 183-10, p. 171

[2] Rollo, pp. 41-50

[3] Records, Criminal Case No. 182-10, p. 1 and Records of Criminal Case No. 183-10, p. 1

[4] Records, Criminal Case No. 182-10, p. 1

[5] Records, Criminal Case No. 183-10, p. 1

[6] See Certificate of Arraignment, dated August 19, 2010, Records, Criminal Case No. 183-10, p. 21 and Criminal Case No. 182-10, p. 17

[7] Records, Criminal Case No. 183-10, p. 12

[8] TSN, June 2, 2011, p. 16

[9] TSN, June 2, 2011, p. 17

[10] TSN, June 2, 2011, p. 11

[11] TSN, June 2, 2011, p. 15

[12] TSN, June 2, 2011, p. 17

[13] TSN, June 2, 2011, p. 19

[14] Ibid.

[15] TSN, June 2, 2011, p. 19

[16] TSN, June 2, 2011, p. 20

[17] TSN, June 2, 2011, p. 23

[18] Records, Criminal Case No. 183-10, p. 9

[19] Ibid.

[20] Records, Criminal Case No. 183-10, p. 10

[21] Records, Criminal Case No. 183-10, p. 8

[22] Records, Criminal Case No. 183-10, p. 7

[23] Records, Criminal Case No. 183-10, p. 13

- [24] Records, Criminal Case No. 183-10, pp. 4-5
- [25] Records, Criminal Case No. 183-10, p. 6
- [26] TSN, May 9, 2013, p. 6
- [27] TSN, May 9, 2013, p. 8
- [28] TSN, May 9, 2013, pp. 9-10
- [29] TSN, May 9, 2013, p. 11
- [30] Ibid.
- [31] TSN, May 9, 2013, p. 14
- [32] Rollo, pp. 41-50
- [33] Rollo, p. 50
- [34] See Brief for Accused-Appellant, Rollo, pp. 29-30
- [35] G.R. No. 191198, January 26, 2011
- [36] G.R. No. 180693, September 4, 2009
- [37] G.R. No. 190321, April 25, 2012
- [38] People vs. Resurreccion, G.R. No. 186380, October 12, 2009
- [39] Records, Criminal Case No. 183-10, p. 6
- [40] Rollo, pp. 41-50

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