

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELMER ESTABILLO Y SEVILLA, ACCUSED-APPELLANT.

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

Before the Court is an appeal from the Decision dated December 6, 2013[1] in Criminal Case No. DC 04-358 of Branch 57, Regional Trial Court, Angeles City, Third Judicial Region, finding accused-appellant Elmer Estabillo y Sevilla guilty beyond reasonable doubt of violation of Section 5[2], Article II, Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

THE ANTECEDENTS

Around 1:30 P.M. of November 1, 2004, a “civilian asset” informed the Drug Enforcement Unit of the Philippine National Police in Angeles City, through Police Chief Inspector Eufemio de Guia Espino, about the sale by accused-appellant of illegal drugs at Zamora Street, corner Agapito del Rosario Street, Lourdes Northwest, Angeles City. Upon receiving the information, Police Chief Inspector Eufemio de Guia Espino conducted a briefing and formed a buy-bust team composed of PO1 Frederick T. Torres as poseur-buyer and Officer Ernie Guarin, Officer Mendoza and Officer Lagman, as back-up. Before proceeding to the target area, Police Chief Inspector Eufemio de Guia Espino gave three (3) P100.00 bills[3] to PO1 Frederick T. Torres who marked each bill with his initials “FTT”.

Upon arrival at the target area, PO1 Frederick T. Torres and the “civilian asset” proceeded to meet accused-appellant, while the other members of the team stayed about 10 to 15 meters away. After the “civilian asset” introduced PO1 Frederick T. Torres to accused-appellant, PO1 Frederick T. Torres told accused-appellant that he was buying P300.00 worth of shabu. PO1 Frederick T. Torres gave accused-appellant the marked money and the latter proceeded to an alley, about 10 meters away, where he met an unidentified man who received the marked money. In turn, said man handed to accused-appellant a plastic sachet of shabu. Accused-appellant then went back to PO1 Frederick T. Torres and gave him the plastic sachet of shabu. Thereupon, PO1 Frederick T. Torres gave the pre-arranged signal by scratching his nape. Officer Ernie Guarin and PO1 Frederick T. Torres came to the scene and arrested accused-appellant. The other members of the buy-bust team chased the unidentified man who had the marked money, but he was able to escape.

On the same day, November 1, 2004, accused-appellant was brought to the police station where PO1 Frederick T. Torres marked the plastic sachet of shabu received from accused-appellant with his initials “FTT”, and prepared an inventory thereof in the presence of accused-appellant and Raul Suscano, a media representative.[4] Police Chief Inspector Eufemio de Guia Espino also prepared the “Request for Laboratory Examination”[5] of the confiscated substance. An initial field test on the seized substance conducted by Officer Ernie Guarin showed that it was “positive for the presence of Methamphetamine Hydrochloride (MHCL), a dangerous drug”.[6]

On November 2, 2004, PO3 Cetunico brought the plastic sachet of shabu, as marked, to the PNP Crime Laboratory Office 3, Camp Olivas, San Fernando City, Pampanga for examination. Ma. Luisa G. David, PNP Forensic Chemical Officer, examined the specimen which tested positive of “Methylamphetamine

hydrochloride”, per Chemistry Report No. D-365-2004.[7]

However, accused-appellant claims that he was merely framed-up by the police. Allegedly, “while he was seated at the back of the owner type jeep parked outside their ancestral house, x x x a policeman went directly to him and immediately handcuffed him”. Thereafter, he was brought to the PDEA office, where the police officers inflicted injuries upon him. He just came to learn during the inquest that he was being charged with selling illegal drugs.[8]

An information was filed with the trial court against accused-appellant charging him with violation of Sections 5, Article II, RA 9165, to wit:

“That on or about the 1st day of November, 2004 in the City of Angeles, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell and/or deliver to a poseur buyer one (1) small size plastic sachet containing SHABU (Methamphetamine Hydrochloride, weighing more or less THREE TENTHS OF A GRAM (0.3) grams which is a dangerous drug, without authority whatsoever.

CONTRARY TO LAW.”[9]

Upon arraignment, accused-appellant pleaded “not guilty” to charge.[10] At the pre-trial[11], the defense admitted the following:

- The identity of accused-appellant;
- The presence of accused-appellant at Zamora Street, corner Agapito del Rosario Street, Lourdes Northwest, Angeles City on November 1, 2004 around 2:00 P.M.

The prosecution and the defense also stipulated on the testimony of PNP Forensic Chemical Officer Ma. Luisa G. David.

During the trial, the prosecution presented SPO1 Frederick T. Torres and Officer Ernie Guarin as witnesses. On the other hand, the defense presented accused-appellant and his wife, Florence Estabillo, as witnesses.

On December 6, 2013, the trial court rendered a Decision convicting accused-appellant of violation of Section 5, Article II, RA 9165 and sentencing him to suffer life imprisonment and to pay a fine of P500,000.00. The decretal portion of the Decision reads:

“WHEREFORE, the prosecution having established its case against the accused and having proven the guilt of the accused beyond reasonable doubt, the Court hereby finds ELMER ESTABILLO Y SEVILLA GUILTY beyond reasonable doubt of the crime as alleged in the Information and hereby sentences him to suffer the penalty of LIFE IMPRISONMENT for Violation of Section 5, R.A. 9165 and a fine of Php500,000.00

SO ORDERED.[12]

Hence, accused-appellant filed the present appeal which is premised on this sole assignment of error:

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.[13]

THE ISSUE

Whether the trial court erred in finding accused-appellant guilty beyond reasonable doubt of violation of Section 5, Article II, RA 9165.

THE COURT'S RULING

In convicting accused-appellant of violation of Section 5, Article II, RA 9165, the trial court gave weight and

credence to the positive testimonies of PO1 Frederick T. Torres and Officer Ernie Guarin. The trial court also noted that accused-appellant merely made a general denial and failed to give any plausible reason for the alleged planting of evidence by the police against him. Neither did he file any charges against the police officers. Said the trial court:

“It is very clear from the evidence of the prosecution that a civilian informant came to their office and reported the selling of drugs by a certain Elmer and the information was received by their Chief of Office Maj. Espino who conducted a briefing for a possible buy bust operation wherein Frederick Torres was designated as the poseur buyer and Guarin as one of the back up. Three pieces of Php 100.00 bills were given to Torres who marked the same and they proceeded to the target area at Zamora St., corner Agapito del Rosario, Lourdes Northwest, Angeles City. Torres went there with the asset and they met Elmer Estabillo. A sale of shabu occurred where Estabillo received the marked money from Torres and the former went to a nearby alley where he met with another man who received the marked money and gave Estabillo a plastic sachet and when he gave the plastic sachet containing shabu to Torres, accused Elmer Estabillo was arrested.

Going now to the evidence presented by the defense, the same consist of the testimony of accused Elmer Estabillo and Florence Estabillo who denied that he ever sold shabu to Officer Torres. He told the Court that he does not know anything about the shabu. Estabillo made a general denial that he ever commit the crime as imputed to him but failed to give any plausible reason why would the police plant said evidence against him. Estabillo also admitted that he did not file any charges against the police officers who arrested him.

x x x x x x x x

With complete knowledge that the defense of denial is very weak, accused Estabillo did not even try to boost its theory by presenting testimonial and documentary proof convincing enough to strengthen his credibility as well as its evidence.

The failure of Estabillo to present a witness who could corroborate his testimony is a silent proof that his defense is weak and could not stand on its own.”[14]

Accused-appellant, however, impugns his conviction on the grounds that (i) the testimonies of prosecution witnesses PO1 Frederick T. Torres and Officer Ernie Guarin were inconsistent as to the pre-arranged signal; (ii) there was no valid buy-bust operation because of lack of coordination with the PDEA; (iii) the corpus delicti was not duly proven because the evidence was not marked immediately at the place where it was seized, and no photograph thereof was taken either at the place of the arrest or at the police station.[15]

The asseverations are unfounded.

Accused-appellant was caught selling illegal drugs during a buy-bust operation conducted by the police officers. It is settled that a buy-bust operation is a valid means of arresting violators of Republic Act No. 9165.[16] It is "a form of entrapment, in which the violator is caught in flagrante delicto and the police officers conducting the operation are not only authorized but duty-bound to apprehend the violator and to search him for anything that may have been part of or used in the commission of the crime.”[17]

There is no merit in accused-appellant's contention that there was no valid buy-bust operation due to lack of coordination with the Philippine Drug Enforcement Agency (PDEA). Prior coordination with the PDEA is not an indispensable element of a proper buy-bust operation. As held in *People v. Balaquit*[18]:

“In the first place, coordination with the PDEA is not an indispensable requirement before police authorities may carry out a buy-bust operation. While it is true that Section 86 of Republic Act No. 9165 requires the National Bureau of Investigation, PNP and the Bureau of Customs to maintain "close coordination with the PDEA on all drug related matters," the provision does not, by so saying, make PDEA's participation a condition sine qua non for every buy-bust operation. After all, a buy-bust is just a form of an in flagrante arrest

sanctioned by Section 5, Rule 113 16 of the Rules of the Court, which police authorities may rightfully resort to in apprehending violators of Republic Act No. 9165 in support of the PDEA. A buy-bust operation is not invalidated by mere non-coordination with the PDEA.”

The trial court cannot be faulted in giving weight and credence to the testimonies of prosecution witnesses which proved beyond reasonable doubt accused-appellant's culpability. Basic is the rule that in order to successfully prosecute an accused for illegal sale of drugs, the prosecution must be able to prove the (i) identities of the buyer and seller, the object and the consideration of the sale, and (ii) the delivery of the thing sold and the receipt by the seller of the payment therefor.[19]

PO1 Frederick T. Torres, the poseur-buyer, positively testified on the essential details of the buy-bust operation, including the consummation of sale of illegal drugs between him and accused-appellant. Thus:

“Q On November 1, 2004, tell us your whereabouts at 1:30 in the afternoon?

A We were in our office at Camp Tomas Pepito, Sto. Domingo, Angeles City, sir.

Q On that particular date and time, what happened?

A The civilian asset personally called in our office and informed us regarding the illegal drug activities at Brgy. LNW, sir.

x x x x x x x x

Q Who received the same?

A Our chief, sir.

x x x x x x x x

Q What happened next?

A He (chief) informed a team to conduct police operation, sir.

x x x x x x x x

Q Who were the members of the team?

A Officer Ernie Guarin, Officer Mendoza, and Officer Lagman, sir.

Q What will be your participation in that operation?

A I was designated as poseur buyer, sir.

Q What about Police Officer Ernie Guarin, what will be his participation?

A As a back up, sir.

Q After you were designated to act as a poseur buyer, what happened next?

A Our chief gave me three (3) pieces of P100.00 bills and I had them photo copied, sir.

Q After you photo copied the 3 P100.00 bills, what did you do, if any?

A I put my markings on the bill, sir.

x x x x x x x x

Q After placing your markings, what happened next?

A We proceeded to the target place, sir.

x x x x x x x x

Q Where exactly?

A At Zamora St., Lourdes Northwest, sir.

x x x x x x x x

Q What happened next?

A The civilian asset introduced me to Mr. Elmer Estabillo, sir.

x x x x x x x x

Q How were you introduced?

A He said that I will buy shabu, sir.

Q Without saying anything, you immediately handed the 3 pieces of P100.00 bills?

A He asked me how much and I told him P300.00, sir.

Q After giving the three (3) P100.00 bills, what happened?

A He walked through the alley and there was another person where he gave the money and in return, said person gave him the substance, and then he gave the substance to me, sir.

Q How far was this alley that you are referring to?

A About 10 meters, sir.

Q After giving to you the plastic sachet containing suspected shabu, what else happened?

A When the transaction was consummated, I gave the pre- arranged signal, sir.

x x x x x x x x

Q What happened after that?

A My back up came, sir.

Q Are you referring to Police Officer Guarin?

A Yes, sir.

Q What happened next?

A We immediately arrested the suspect, sir.

x x x x x x x x

Q What was the result of the arrest?

A We did not recover the marked money because it was with the other person, but the substance was already given to me, sir. We did not recover anything from him.

Q After that. What happened, if any?

A We brought the suspect [i]n our office, sir.

Q Who was in possession of the substance you bought from the accused from the target place up to your office?

A Me, sir.

Q What happened in your office?

A I put markings on the substance, sir.

Q What markings did you place?

A My initials FTT, sir.

Q Which means?

A Frederick T. Torres, sir.

Q After that, what happened?

A We prepared the request for laboratory examination and bought the substance to the crime lab, sir.”[20]

The plastic sachet sold to PO1 Frederick T. Torres by accused-appellant was confirmed to contain methamphetamine hydrochloride or “shabu”, per Chemistry Report No. D-365-2004 dated November 3, 2004[21] issued by Ma. Luisa G. David, PNP Forensic Chemical Officer. Upon presentation of said plastic sachet in court, PO1 Frederick T. Torres identified it to be the same object sold to him by accused-appellant.[22]

The testimony of PO1 Frederick T. Torres was corroborated in its material points by the testimony of Officer Ernie Guarin, to wit:

“Pros. Unlas:

Q And, upon reaching the place, can you tell us what transpired next?

A PO2 Torres, with the civilian asset, managed to talk with the suspect Elmer Estabillo, sir.

Q How far were you when Officer Torres and the civilian asset were able to reach suspect Estabillo?

A More or less 10 to 15 meters, sir.

x x x x x x x x

Q And what did you observe?

A PO2 Torres and the asset were having a conversation with the suspect Elmer Estabillo wherein a minute later, PO2 Torres handed a pre-marked bill to Elmer Estabillo, sir.

Q And after suspect Estabillo received this pre-marked bill, what did he do?

A Estabillo proceeded to an alley in the nearby place, sir.

Q What did he do there if you know?

A He talked to an unidentified man wherein the unidentified man handed to Estabillo suspected shabu, sir.

x x x x x x x x

Q And, what made you say that suspect Estabillo talked to an unidentified person?

A I saw them, sir.

Q And after this unidentified person handed this suspected shabu to Estabillo, what transpired?

A Estabillo handed to the unidentified male individual the pre- marked bill, sir.

Q And after that, what happened?

A And then Estabillo returned to the place where PO2 Torres is waiting, sir.

Q And then after that, what happened to him?

A And then Estabillo handed to PO2 Torres the said suspected shabu, sir.

x x x x x x x x

Q And after Estabillo handed the suspected shabu to Officer Torres, what transpired?

A PO2 Torres gave the pre-arranged signal, sir.

Q And what is the pre-arranged signal?

A By waiving his hand, sir.

x x x x x x x x

Q When Officer Torres waived his hand, what did you do?

A We swooped down to the place, sir.

Q And, thereafter, what happened?

A PO2 Torres immediately arrested the suspect Estabillo while the other ran after the companion of the suspect, sir.”[23]

In assailing the credibility of PO1 Frederick T. Torres and Officer Ernie Guarin, accused-appellant claims that they were inconsistent as to the pre-arranged signal, because while PO1 Frederick T. Torres testified that the pre-arranged signal was the scratching of his nape, Officer Ernie Guarin said that it was the waiving of hand by PO1 Frederick T. Torres. The purported inconsistency merely refers to minor and collateral matters and does not detract from the fact that the sale of illegal drug had been consummated between PO1 Frederick T. Torres and accused-appellant. It is well-settled that “inconsistencies in the testimonies of witnesses, which refer only to minor details and collateral matters, do not affect the veracity and weight of their testimonies where there is consistency in relating the principal occurrence and the positive identification of the accused.”[24]

Jurisprudence is settled that prosecutions for illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation. Credence is given to prosecution witnesses who are police officers for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary suggesting ill-motive on the part of the police officers.[25] Their narration of the incident, "buttressed by the presumption that they have regularly performed their duties in the absence of convincing proof to the contrary, must be given weight.”[26] As explained in *People v. Tion*: [27]

“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 buy-bust operation deserve full faith and credit. Settled is the rule that in cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers, for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary suggesting ill motive on the part of the police officers or deviation from the regular performance of their duties. The records do not show any allegation of improper motive on the part of the buy-bust team. Thus, the presumption of regularity in the

performance of duties of the police officers must be upheld.”

Notably, the chain of custody requirement was duly observed in this case. Worth stressing is the rule that the links that must be established in the chain of custody in a buy-bust operation are: (i) the seizure and marking of the illegal drug recovered from the accused by the apprehending officer; (ii) the turnover of the illegal drug seized by the apprehending officer to the investigating officer; (iii) the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and, (iii) the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.

Testimonial and documentary evidence show that the custody of the plastic sachet of shabu seized from accused-appellant on November 1, 2004 was with PO1 Frederick T. Torres, the poseur-buyer, until the police operatives reached the police station on that same day. On November 1, 2004, PO1 Frederick T. Torres marked the item seized from accused-appellant with his initials “FTT” and prepared the “Inventory of Seized/Confiscated Items” in the presence of accused-appellant and Raul Suscano, media representative. On November 2, 2004, the seized item was brought by PO3 Cetunico, together with the Request for Laboratory Examination, to the PNP Crime Laboratory where it was received by a certain PO2 Munsayac. PNP Chemical Forensic Officer Luisa G. David confirmed that the seized item weighing 0.1372 gram tested positive for methylamphetamine hydrochloride or shabu, per Chemistry Report D-365-2004 dated November 3, 2004.[28] The plastic sachet of shabu was duly presented as evidence by the prosecution before the trial court. PO1 Frederick T. Torres identified in open court the plastic sachet of shabu that was offered in evidence against accused-appellant as the same item sold to him by accused-appellant.[29]

There is no merit in accused-appellant's contention that the corpus delicti was not duly established because the evidence was not marked immediately at the place where it was seized.

Records bear that the plastic sachet of shabu was marked by PO1 Frederick T. Torres at the police station in the presence of accused-appellant and a certain Raul Suscano, a media representative.[30] It is a well-settled that “marking upon immediate confiscation” contemplates even marking at the nearest police station or office of the apprehending team, as what is important is that the seized item marked at the police station is identified as the same item produced in court.[31] Moreover, marking of the confiscated item at the nearest police station, rather than at the place where the buy-bust operation was conducted, does not, in any way, constitute a violation of the procedure set forth in Section 21 of the Comprehensive Dangerous Drugs Act of 2002. As held in *People v. Balaquit*[32]:

“... RA 9165 does not specify a time frame for "immediate marking," or where said marking should be done:

What Section 21 of R.A. No. 9165 and its implementing rule do not expressly specify is the matter of "marking" of the seized items in warrantless seizures to ensure that the evidence seized upon apprehension is the same evidence subjected to inventory and photography when these activities are undertaken at the police station rather than at the place of arrest. Consistency with the "chain of custody" rule requires that the "marking" of the seized items — to truly ensure that they are the same items that enter the chain and are eventually the ones offered in evidence — should be done (1) in the presence of the apprehended violator (2) immediately upon confiscation.

To be able to create a first link in the chain of custody, then, what is required is that the marking be made in the presence of the accused and upon immediate confiscation. "Immediate confiscation" has no exact definition. Thus, x x x testimony that included the marking of the seized items at the police station and in the presence of the accused was sufficient in showing compliance with the rules on chain of custody. Marking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team.”

Neither does the police officers' failure to take a photograph of the plastic sachet of shabu seized from accused-appellant render the same inadmissible in evidence. It has been ruled that "the evidentiary weight of the plastic sachet of shabu seized from accused-appellant is not affected notwithstanding some deviations from the required procedure on physical inventory and photographs of the seized items." [33] Apropos is *People v. Gamata* [34], wherein it was held:

"... the failure of the arresting officers to strictly comply with paragraph 1, Section 21, Article II of R.A. No. 9165 mandating the procedure for the inventory and photograph of seized illegal drugs did not affect the evidentiary weight of the drugs seized from the accused-appellant. As held in *People v. Cardenas*:

[N]on-compliance with Section 21 of said law, particularly the making of the inventory and the photographing of the drugs confiscated and/or seized, will not render the drugs inadmissible in evidence. Under Section 3 of Rule 128 of the Rules of Court, evidence is admissible when it is relevant to the issue and is not excluded by the law or these rules. For evidence to be inadmissible, there should be a law or rule which forbids its reception. If there is no such law or rule, the evidence must be admitted subject only to the evidentiary weight that will accord it by the courts. . . .

We do not find any provision or statement in said law or in any rule that will bring about the non-admissibility of the confiscated and/or seized drugs due to non-compliance with Section 21 of Republic Act No. 9165. The issue therefore, if there is non-compliance with said section, is not of admissibility — but of weight — evidentiary merit or probative value — to be given the evidence. The weight to be given by the courts on said evidence depends on the circumstances obtaining in each case."

Notably, the fact that the marked money was not recovered does not negate accused-appellant's guilt. Jurisprudence abounds that "the absence of marked money does not create a hiatus in the evidence for the prosecution provided that the prosecution has adequately proved the sale" [35] as the "marked money is not an element to the crime of illegal sale of shabu." [36]

Considering the pieces of evidence presented by the prosecution, accused-appellant's allegation of police frame-up must fail. The defense of frame-up, like alibi, has been invariably viewed by the courts with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecutions for violation of the Dangerous Drugs Act. [37] As evidence that is both negative and self-serving, this defense cannot attain more credibility than the testimonies of the prosecution witnesses who testify clearly, providing thereby positive evidence on the various aspects of the crime committed. [38]

Pursuant to Section 5 [39] of RA 9165, the penalty for the illegal sale of dangerous drugs is life imprisonment to death and a fine ranging from Five Hundred Thousand Pesos (P500,000.00) to Ten Million Pesos (P10,000,000.00), regardless of the quantity or purity of the drug involved. Thus, the trial court did not err in imposing the penalty of life imprisonment and a fine of P500,000.00 against accused-appellant.

Then again, factual findings of the trial court in criminal cases are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record and it is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that this Court may re-calibrate and evaluate the factual findings of the trial court. [40] This Court does not find any convincing reason to depart from the finding of the trial court.

WHEREFORE, the Decision dated December 6, 2013 of the trial court is **AFFIRMED** in toto.

SO ORDERED.

Cruz, S. C., and Hernando R. P. L., J.J., concur.

[1] pp. 40-48, Rollo.

[2] Sec. 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.

[3] p. 160, Original Records.

[4] p. 157, Id.

[5] p. 159, Id.

[6] p. 156, Id.

[7] p. 158, Id.

[8] p. 31, Rollo.

[9] p. 1, Original Records.

[10] Per Order dated November 16, 2004, p. 13, Id.

[11] Per Order dated June 22, 2006, pp. 30-31, Id.

[12] p. 48, Rollo.

[13] p. 28, Id.

[14] pp. 46-47, Rollo.

[15] pp. 33-36, Id.

[16] People vs. Bartolome, G.R. No. 191726, 690 SCRA 159, February 6, 2013.

[17] People vs. dela Cruz, G.R. 185717, 651 SCRA 597, June 8, 2011.

[18] G.R. No. 206366, August 13, 2014.

[19] People vs. Somoza, G.R. No. 197250, July 17, 2013, 701 SCRA 525-547.

[20] pp. 5-11, TSN, June 26, 2012.

[21] p. 158, Original Records.

[22] p. 16-17, TSN, June 26, 2012.

[23] pp. 4-5, TSN, August 13, 2009.

[24] People vs. Bis, G.R. No. 191360, March 10, 2014.

[25] People vs. Almodiel, G.R. No. 200951, 680 SCRA 306, September 5, 2012.

[26] People vs. Salvador, G.R. No. 190621, February 10, 2014.

[27] G.R. No. 172092, 608 SCRA 299, 16 December 2009.

[28] p. 158, Original Records.

[29] pp. 16-17, TSN, June 26, 2012.

[30] p. 157, Original Records.

[31] People vs. Cerdon, G.R. No. 201111, August 6, 2014.

[32] G.R. No. 206366, August 13, 2014.

[33] People vs. Prajes, G.R. No. 206770, April 2, 2014.

[34] G.R. No. 205202, June 9, 2014, citing People vs. Cardenas, G.R. No. 190342, 668 SCRA 827, March 21, 2012.

[35] People vs. Saludes, G.R. No. 144157, 403 SCRA 590, June 10, 2003.

[36] People vs. Sarip, G.R. No. 188707, June 30, 2014.

[37] People vs. Bis, G.R. No. 191360, March 10, 2014.

[38] People vs. Steve, G.R. No. 204911, August 6, 2014.

[39] Sec. 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 a 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.

[40] People vs. Baraga, G.R. No. 208761, June 4, 2014.

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