# THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. CELSO MADRELEJOS Y QUILILAN JR. ALIAS PATRICK MADRELEJOS, ACCUSED AND APPELLANT.

Ponente: BARRIOS, M. M., J.

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**BARRIOS, M. M., J.:**

This is an appeal from the Joint Decision dated 10 November 2011 of the Regional Trial Court, Branch 127, Caloocan City, in Criminal Case Nos. 79533 and 79534, which convicted accused-appellant for Violation of Section 11 and Section 5, Article II, of R. A. 9165. The dispositive portion reads:

> "x x x
>
> WHEREFORE, premises considered, judgment is hereby rendered as follows:
>
> In Criminal Case No. 79533, accused CELSO MADRELEJOS Y QUILILAN JR. alias PATRICK MADRELEJOS is hereby adjudged GUILTY beyond reasonable doubt of the offense of Violation of Section 11, Article II, Republic Act 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002". Accordingly, this Court hereby sentences said accused to suffer an imprisonment of Twelve (12) years and one (1) day as the minimum to Seventeen (17) years and eight (8) months as the maximum, and to pay the fine of Three Hundred Thousand Pesos (Php300,000.00).
>
> In Criminal Case No. 79534, accused CELSO MADRELEJOS Y QUILILAN JR. alias PATRICK MADRELEJOS is hereby adjudged GUILTY beyond reasonable doubt of the offense of Violation of Section 5 of the same Act, and hereby sentences said accused to suffer LIFE IMPRISONMENT and to pay a fine of Five Hundred Thousand Pesos (Php500,000.00).
>
> The drugs subject matter of these cases are hereby ordered confiscated and forfeited in favor of the government. In this regard, the Branch Clerk of Court of this Sala is hereby directed to turn over the same to the Philippine Drug Enforcement Agency for its immediate destruction in accordance with the law.
>
> SO ORDERED."
>
> x x x

## THE FACTS

In two (2) separate Informations, accused-appellant was charged as follows:

In Criminal Case No. 79533:

> "xxx
>
> That on or about the 6[th] day of May, 2008 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control Five (5) heat-sealed transparent plastic sachets each containing dried MARIJUANA fruiting tops weighing 0.85 gram, 0.71 gram, 0.74 gram, 0.76

> gram, 0.72 gram, which when subjected to laboratory examination gave positive result to the tests of Marijuana, a dangerous drug.
>
> Contrary to Law."

In Criminal Case No. 79534:

> "xxx
>
> That on or about the 6[th] day of May, 2008 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously sell and deliver to PO2 GEORGE ARDEDON, who posed, as buyer, MARIJUANA weighing 0.70 gram, a dangerous drug, without the corresponding license or prescription therefore, knowing the same to be such.
>
> Contrary to Law."

When arraigned, accused-appellant pleaded "Not Guilty" to both charges.

During the pre-trial proceeding, the parties stipulated on the identity of the accused, the jurisdiction of the court, and the witnesses to be presented. The parties reserved their rights to mark their documentary exhibits in the course of the trial. Trial on the merits then ensued.

The prosecution's witnesses were: PO2 George Ardedon and PO2 Randulfo Hipolito. By agreement, the testimonies of the other police officers: SPO1 Fernando Moran, PO3 Ferdinand Modina and Forensic Chemist PSI Albert Arturo, were dispensed with in view of the stipulations made during the trial. For the defense, the witnesses were accused-appellant, Jay-r Regacho, and Alejo Alman.

The prosecution's evidence established that on 05 May 2008, at around 3 o'clock in the afternoon, an informant tipped the Station Anti-Illegal Drugs Special Operations Unit of the Caloocan City Police that a certain "Patrick" was involved in drug pushing within the area of Phases 7 and 8, Bagong Silang, Caloocan City. The Chief of Police, Superintendent Carlito Dimalanta, immediately ordered a surveillance of the area and simultaneously coordinated with the Philippine Drug Enforcement Agency (PDEA) for the conduct of a buy-bust operation. PO2 Ardedon prepared the buy-bust money of One Hundred (P100) peso bill with serial number YW706158 and marked it with the initials "GA".

The following day, the police team led by SPO1 Arnel Victoriano was dispatched. PO2 Ardedon was designated as the poseur-buyer, while PO3 Modina and PO2 Hipolito acted as back-ups. At the target area, PO2 Ardedon and the informant went ahead of the others. Upon seeing accused-appellant, the duo immediately approached him. Accused-appellant then asked, "Ano kukuha ba kayo? Magkano?" PO2 Ardedon replied, "Oo pakuha ng tsongke halagang piso lang" and handed the marked money to accused-appellant. In turn, accused-appellant took a plastic sachet of marijuana from his right pocket and gave it to PO2 Ardedon. At that point, PO2 Ardedon executed the pre-arranged signal by scratching his head, and thereupon, the other members of the team arrested accused-appellant. PO2 Ardedon marked the plastic sachet with the initials "PMQ-GA 05-06-08" representing the initials of the accused-appellant and his own, as well as the date of arrest. When accused-appellant was frisked, PO2 Hipolito retrieved another five (5) sachets of marijuana from his right pocket, and which were marked by PO2 Ardedon as "PMQ-1" to "PMQ-5". Thereafter, at the police station, the arresting police officers turned over accused-appellant and the seized marijuana to police investigator SPO1 Fernando Moran who, in turn, forwarded the seized drugs to the PNP crime laboratory for chemical examination. Upon examination, the plastic sachets yielded a positive result for marijuana.

On the other hand, accused-appellant vehemently denied the charges against him. According to him, on 05 May


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2008 at around 7 to 8 o'clock in the evening, he, along with his friend JR Regacho, went to the house of their kumpare Alejo Alman to inquire about his job application at the Sta. Ana race track. Upon knowing that his application was approved, he and Regacho immediately went home. Along the way, a white back-to-back vehicle passed by them, and thereupon, two (2) policemen and barangay tanod Danny Negrete alighted and blocked their path. One of them asked if his name was Patrick, and when he replied positively, he and Regacho were immediately boarded on the vehicle on the pretext that the police will just ask something from them. But contrary to this, they were brought to the police station and detained. Accused-appellant was forced to point the whereabouts of his brother Al Madrelejos who was allegedly involved in a robbery case. He told them that he does not know about the whereabouts of his brother because he has his own family. The next day, he was transferred to the Sangandaan police station while Regacho was left at the detachment. At Sangandaan, he was surprised when three (3) police officers, Moran, Ardedon and Hipolito, whom he met for the first time asked him if he was the person they arrested. He was then brought to the Prosecutor's Office for inquest proceedings. Jay-R Regacho and Alejo Alman corroborated his testimony.

As heretofore said, the trial court rendered the assailed decision convicting accused-appellant of the crimes of Illegal Sale and Possession of Drugs.

Hence, the instant appeal. Accused-appellant raises the following assignment of errors:

> I
>
> THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT
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> II
>
> THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY DESPITE THE POLICE OFFICERS' NON-COMPLIANCE WITH SECTION 21 OF REPUBLIC ACT NO. 9165 AND ITS IMPLEMENTING RULES AND REGULATIONS
>
> III
>
> THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY DESPITE THE BROKEN CHAIN OF CUSTODY OF THE ALLEGEDLY CONFISCATED MARIJUANA.

## OUR RULING

The appeal is without merit.

Accused-appellant imputes improper motive on the part of the police officers inasmuch as they were actually looking for his brother Al who was allegedly involved in a robbery incident.

This contention, to Our minds, has not overcome the legal presumption of the regularity of his arrest. For one, it has not been established that the arresting police officers and the accused-appellant priorly knew each other, nor that there is bad blood existing between them. From the evidence, the police elements went to the scene of the arrest to respond to the report of drug peddling in the area and which, incidentally resulted in accused-appellant's apprehension. It is well-settled that absent any showing of ill-motive or bad faith on the part of the arresting officers, the doctrine of presumption of regularity in the performance of official duty finds application.[1] In the instant case, accused-appellant's testimony is self-serving and unsubstantiated by concrete proof that the arresting officers were driven by ill-motive in implicating him of the crime. Even the corroborating testimonies of the defense witnesses were marred by inconsistencies which crumble their defense.


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Adverse to accused-appellant's claim, the prosecution has adequately established the elements of illegal sale of drugs: (1) proof that the transaction or sale took place and (2) the presentation in court of the corpus delicti or the illicit drug as evidence; and of illegal possession of drugs: (1) the accused was in possession of an item or an object identified to be a prohibited or regulated drug, (2) such possession is not authorized by law, and (3) the accused was freely and consciously aware of being in possession of the drug.[2] The prosecution has unequivocally established that the buy-bust transaction of the subject marijuana took place. When poseur-buyer PO2 Ardedon and the informant approached accused-appellant, he asked for the quantity of marijuana to be purchased, thus, showing that he was into the drug trade. After the poseur-buyer replied that he wanted “piso” value of marijuana, accused-appellant handed to him a plastic sachet of marijuana and accepted the buy-bust money as payment. Thereafter, upon arrest, five (5) more sachets containing marijuana were retrieved from accused-appellant. The seized items were sent to the crime laboratory and after examination, were confirmed to be marijuana. At the trial, the sachets of marijuana were presented and the prosecution witnesses identified as the very same items seized from accused-appellant.

Accused-appellant also laments that there was no inventory, photograph, representative of the media etc. as prescribed by Sec. 21(1), Article II of Republic Act No. 9165 and its implementing Rules.[3] His contention is unmeritorious. It has been consistently held that the failure of the policemen to make a physical inventory and to photograph the confiscated items is not fatal to the prosecution's cause for as long as the integrity and evidentiary value of the seized items are preserved.[4] In the instant case, the seized sachets of marijuana were presented and identified in court, with the markings “PMQ-GA 05-06-08” and “PMQ-1” to “PMQ-5” and were shown to be same items seized from accused-appellant at the time of his arrest and brought to the laboratory for examination.

Furthermore, in his plea for acquittal, accused-appellant relies on the fact that the person who received the specimen at the crime laboratory, PO1 Balora, was not presented as a witness. Regrettably, this contention is likewise unmeritorious. The non-presentation as witnesses of other persons who had custody of the illegal drugs is not a crucial point against the prosecution.[5] It is the prosecution which has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses.[6] What is important is the integrity and evidentiary value of the seized drugs are properly preserved. In this case, the principal witnesses for the prosecution namely the poseur-buyer, PO2 Ardedon, and PO2 Hipolito, testified clearly, consistently and in a straightforward manner, thus, worthy of Our full faith and credit.

It is manifest that the integrity of the subject marijuana has remained intact. The prosecution has clearly established a continuous and unbroken possession of the marijuana from the moment they were bought and seized from accused-appellant by the policemen, marked, and turned over to police investigator SPO1 Moran who thereafter personally brought them to the laboratory for examination; and after positive examination by the Forensic Chemist PSI Arturo, the plastic sachets of marijuana were presented in court. Also worthy of note is the fact that the parties have already stipulated on the testimonies of SPO1 Moran and PSI Arturo and, thus, their narratives are deemed admitted.

Finally, it bears stressing that the integrity of the evidence is presumed to be preserved, unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with.[7] Here, accused-appellant bears this burden, which he simply failed to discharge.

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 10 November 2011 of the Regional Trial Court, Branch 127, Caloocan City, is AFFIRMED.

**SO ORDERED.**

Pizarro, N.B., (Chairperson) and Paredes, V.I., JJ., concur.

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[*] Per Office Order No. 437-14-ABR dated 22 October 2014.

[1] People v. Gerolaga, G.R. No. 200507, 26 June 2013 citing People v. Tion, GR No. 172092, 16 December 2009

[2] People v. Tamayo, GR No. 187070, 24 February 2010 citing People v. Hajili, GR No. 149872-73, 14 March 2003

[3] Section 21(1), Article II of Republic Act No. 9165:

> (1) The apprehending 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.

Section 21(a), Article II of the Implementing Rules and Regulations of Republic Act No. 9165, which implements said provision, reads:

> (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; x x x Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the 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.

[4] People v. Campos, G.R. No. 186526, 25 August 2010

[5] People v. Fundales, Jr. , GR No. 184606, 5 September 2012, citing People v. Padua, GR No. 174097, 21 July 2010

[6] People v. Fundales, Jr. , GR No. 184606, 5 September 2012, citing People v. Rivera, G.R. No. 182347, 17 October 2008

[7] People v. Quiamanlon, G.R. No. 191198, 26 January 2011, citing People v. Ventura, G.R. No. 184957, 27 October 2009


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