

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
LORENA TALADUA @ MALOU, JOHN MICHAEL TALADUA @ PALITO
AND JASON TALADUA, ACCUSED, JOHN MICHAEL TALADUA @
PALITO, ACCUSED-A...**

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is an appeal[1] from the Joint Decision[2] dated March 26, 2010 of the Regional Trial Court (RTC), Branch 4, Tagbilaran City in Criminal Case No. 12953 for Violation of Section 12, Article II of Republic Act (RA) No. 9165 and Criminal Case No. 12954 for Violation of Section 11, Article II of RA No. 9165. In the assailed Joint Decision, co-accused Lorena Taladua alias Malou (Lorena) was acquitted in both cases while accused-appellant John Michael Taladua alias Palito (John Michael) was found guilty beyond reasonable for illegal possession of dangerous drugs, in violation of Section 11, Article II of RA No. 9165 or The Comprehensive Dangerous Drugs Act of 2002.

The Antecedents

Accused-appellant John Michael and co-accused Lorena were formally charged for violation of Section 12, Article II of RA No. 9165, docketed as Criminal Case No. 12953, and violation of Section 11, Article II of RA No. 9165, docketed as Criminal Case No. 12954, under the following Informations,[3] to wit:

CRIMINAL CASE NO. 12953[4]

“That on or about the 15[th] day of November, 2005, in the municipality of Dausi, Province of Bohol, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to possess an equipment, instrument, apparatus or other paraphernalia for dangerous drugs and of disregarding existing laws, did then and there, willfully, unlawfully, feloniously, consciously and knowingly have in their possession, custody and control the following: Eighteen (18) pieces folded aluminum foil for consuming shabu, Three (3) pieces disposable lighter for consuming shabu, Twenty seven (27) pieces transparent cellophane packs for repacking shabu, Two (2) pieces folded aluminum foil for consuming shabu, Sixteen (16) pieces sliced cellophane pack for repacking shabu One (1) piece twisted tissue for consuming shabu and One (1) piece half size blade (DORCO) for repacking shabu, which are fit or intended for smoking, consuming, administering ingesting or introducing dangerous drugs into the body, without first obtaining a license or permit from competent authority; to the damage and prejudice of the Government of the Republic of the Philippines.

Acts committed contrary to the provisions of Section 12, Article II of R.A. 9165.”

CRIMINAL CASE NO. 12954[5]

“That on or about the 15[th] day of November, 2005 in the municipality of Dausi, Province of Bohol, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping with one another with deliberate intent to possess and disregarding existing

law, did then and there willfully, unlawfully and knowingly have in their possession, custody and control one (1) heat sealed transparent plastic sachet containing Methamphetamine Hydrochloride locally known as “shabu” with a weight of 0.01 gram, and three (3) heat sealed transparent plastic sachets with traces of white substance which gave a positive to the test for the presence of methamphetamine hydrochloride a dangerous drug, without first obtaining permit from competent authority; to the damage and prejudice of the Republic of the Philippines.”

During arraignment, both accused, duly assisted by their counsel, entered a plea of not guilty to both offenses charged.[6] Thereafter, trial on the merits ensued.

The Prosecution’s Version

The prosecution's account of the events pieced together from the testimonies of PO3 Marlito A. Ingking,[7] PO1 Beatriz Pogoy,[8] Barangay Kagawad Emigdio P. Dolauta[9] and PC/Insp. Victoria Celis de Guzman[10] is as follows:

“1- PO3 Marlito A. Ingking, married, member of Daus Police Station and a resident of Bingag, Daus, Bohol testified inter alia that at about 5:00 o'clock in the morning of November 15, 2005, he together with P/Insp. Joseph C. Villas, SPO4 Mauro Sumaylo, SPO1 Dominie Ragusta, PO3 Ireneo Igar, PO3 Noel Aguarang, PO2 Calixto Pinat and PO2 Jose Pogoy, as well as members of the Special Reaction Unit (SRU) based in Camp Dagohoy, Tagbilaran City led by Nicomedes Olaivar, Jr., and PDEA representative. They were armed with a search warrant issued by Vice Executive Judge Venancio J. Amila. Before going to the house of Lorena or Malou Taladua on November 15, 2005 there (sic) they brought along witnesses, namely: barangay kagawads Emigdio Dolauta and Rolando Cimafranca of Mayacabac, Daus, Bohol, DOJ representative Jesus Caballero and media representative Willie Maestrado. When they arrived, the door of Malou Taladua's house was still closed, so Chief of Police Villas knocked on the door and moments later Malou Taladua opened the door. Thereafter, Chief of Police Villas presented two search warrants to her and the Chief of Police designated him and PO1 Beatriz Pogoy, a policewoman as searchers. There were three (3) rooms in Malou Taladua's house. They first searched the front room and Malou Taladua went with them. At that time, John Michael Taladua was hiding at the back of the ceiling while Jason Taladua was able to escape when they arrived. Since no illegal item was found in the first room, they proceeded to the second room but again nothing was found, so they proceeded to the 3rd room but after searching it nothing illegal was found. Thereafter, they searched the kitchen portion of said house in the presence of Malou Taladua where they found two pieces of small sachets containing suspected shabu powder and one (1) transparent cellophane pack with suspected shabu residue, which were placed inside a match box found at the back portion of the door of the kitchen. When he found the said items, Malou Taladua was present.

2 – PO1 Beatriz Pogoy, married, member of Daus PNP Station, and a resident of Songculan, Daus, Bohol testified inter alia that at about 5:00 o'clock in the morning of November 15, 2005, she and her companions were at the house of Malou Taladua to serve the search warrant issued by Judge Amila. There were four (4) witnesses present during the raid[,namely:] two barangay tanods, one DOJ representative and one media representative. She and PO3 Ingking were designated by Chief of Police Villas as searchers. After the search, PO3 Ingking found two (2) small packs of suspected shabu and one (1) sachet of suspected shabu residue and 18 aluminum foils for consuming shabu and others. Thereafter, the said items were turned over to the recorder, SPO1 Dominie Ragusta. That aside from Malou Taladua, her son John Michael alias Palito were present when the search warrant was served. Lorena Taladua alias Malou accompanied them when they searched the rooms of her house, more particularly, the rooms, sala and kitchen. While she and PO3 Ingking were doing their tasks as designated searchers, their other companions were at the sala and outside the house of Taladua per instruction of the Chief of Police.

3 – Barangay Kagawad Emigdio P. Dolauta of Mayacabac, Daus, Bohol testified inter alia that at about 5:00 o'clock in the morning of November 15, 2005, he was a witness to the search conducted by the police in the

house of Lorena Taladua alias Malou. That he accompanied the policemen after he was fetched by them to act as witness during the raid. Upon their arrival at Taladua's house, the policemen started the search. After the items were found during the search they were placed on the top of the old washing machine placed outside of the kitchen. Before the matchbox was allegedly found, he heard PO3 Ingking saying, 'here it is' holding a matchbox and when he asked PO3 Ingking where he found it, Ingking told him it was placed on top of a washing machine. When PO3 Ingking opened the match box, it contained a small cellophane which according to Inking contained shabu. He did not see Lorena Taladua sign the certificate of good conduct search/seizure and confiscation. After the items were listed in the physical inventory, he and Kagawad Rolando Cimafranca were made to sign the same as well as Malou Taladua. He and barangay Kagawad Rolando Cimafranca also affixed their signatures on the Seizure and confiscation receipt.

4 – PC/Insp. Victoria Celis de Guzman, Forensic Chemical Officer, Camp Francisco Dagohoy, Tagbilaran City declared inter alia that she received a written request for laboratory examination dated November 15, 2005 from the Chief of Police of Dausi, Bohol. That she examined specimens A, B, C and D for the presence of any dangerous drugs.

'Specimen 'A' - One (1) heat sealed transparent plastic sachet containing white crystalline substance weighing 0.01 gram and attached to a plastic tape with a label of MI/MT, JMT, JT 11-15-01

Specimen 'B' - One (1) heat sealed transparent plastic sachet containing small amount of white crystalline substance and attached to a plastic tape with a label of MI/MT, JMT, JT 11-15-01

Specimen 'C' - One (1) open transparent plastic sachet with traces of white crystalline substance and attached to a plastic tape with a label of MI/MT, JMT, JT 11-15-01

Specimen 'D' - One (1) opened transparent sachet w/ traces of white crystalline substance and attached to a plastic tape with a label of CP/MT, JMT, JT 11-15-01.'

That after the qualitative examination was conducted by her on the said specimens, they gave the following results: Specimens A, B, C and D contained methamphetamine hydrochloride, a n drug as shown in her Chemistry Report No. D152-2005.”[11]

In order to fortify its case, the prosecution formally offered the following exhibits which were likewise admitted, to wit:

Exhibit “A”

Search Warrant No. 2005-40[12]

Exhibit “B”

Search Warrant No. 2005-39[13]

Exhibit “C”

Affidavit of PO2 Calixto R. Pinat[14]

Exhibit “D”

Joint Affidavit of PO3 Ingking and PO1 Pogoy[15]

Exhibit “E”

Compliance on Physical Inventory[16]

Exhibit “F”

Seizure/Confiscation Report[17]

Exhibit “G”

Certificate of Good Search[18]

Exhibit “H”

Chemistry Report No. D-152-2005[19]

Exhibit “H-1”

Findings

Exhibit “H-2”

Signature of P/Supt. De Guzman

Exhibit “H-3”

Signature of the Subscribing Officer

Exhibit “I”

Request for Laboratory Examination dated November 15, 2005[20]

Exhibit “J”

Evidence bag containing specimen “A” - one (1) heat sealed transparent plastic sachet containing white crystalline substance weighing 0.01 gram; specimen “B” - one (1) heat sealed transparent plastic sachet containing small amount of white crystalline substance; specimen “C” - one (1) open transparent plastic sachet with traces of white crystalline substance; specimen “D” - one (1) opened transparent plastic sachet w/ traces of white crystalline substance[21]

Exhibit “K”

Three (3) disposable lighters[22]

Exhibit “L”

Twenty seven (27) transparent cellophane packs[23]

Exhibit “M”

Blade (broken)[24]

Exhibit “N”

One (1) twisted tissue[25]

Exhibit “O”

Two (2) folded aluminum foil[26]

Exhibit “P”

Eighteen (18) pieces folded aluminum foil[27]

The Appellant’s Version

The evidence for the defense, meanwhile, consisted of the testimonies of accused-appellant himself,[28] co-accused Lorena,[29] Brgy. Kagawad Rolando Cimafranca[30] and Aubrey Z. Taladua.[31] However, no

documentary exhibit was offered by the defense. Their narration of what purportedly transpired during the aforesaid time and date, is as follows:

“1 – Rolando Cimafranca, married, barangay Kagawad and a resident of Mayacabac, Dauis, Bohol testified inter alia that at about 5:00 o'clock in the morning of November 15, 2005, some policemen of Dauis, Bohol fetched him at his house and asked him to accompany them because they will conduct a raid in the house of Malou Taladua. Being a barangay Kagawad, he acceded to the request and accompanied the policemen to the house of Malou Taladua. They arrived at Lorena Taladua's house at 5:30 o'clock in the morning, the the (sic) Chief of Police read the search warrant in front of Lorena Taladua after she opened the door and let the policemen entered her house. He and barangay Kagawad Emegdio Dolauta together with Chief of Police Villas, Policemen Ingking and Pinat and others whose names he could no longer recall, Lorena or Malou, her baby and two daughters only were inside the house during that time. He did not see John Michael and Jason Taladua inside said house. The four rooms in Taladua's house were searched by policeman Ingking followed by him and Kagawad Dolauta but nothing illegal was found. Thereafter, PO3 Ingking went out through the kitchen door and he followed and he heard PO3 Ingking saying 'Here it is' and Ingking found on top of a washing machine placed outside the kitchen. Then Ingking opened the match box in front of the Chief of Police and others. He did not notice if Lorena Taladua was invited to see the things inside the match box. That the search of Taladua's house was proper and in order. He signed as a witness being the barangay kagawad the Certificate of Good Conduct Search and Physical Inventory both dated November 15, 2005. He was not forced to sign such documents by the policemen.

2- Lorena Taladua y Alidon [Zafra], married, beautician and a resident of Mayacabac, Dauis, Bohol testified inter alia that sometime in November 2005, her house was searched by virtue of a search warrant even if it was not in her name Lorena Taladua as the name stated in the search warrant was Malou Taladua. After the police investigated her at the Dauis Police Station, they changed her name from Malou Taladua to Lorena Taladua.

The raiding team entered her house after she opened the door as someone knock on it. PO3 Ingking and barangay kagawads Emigdio Dolauta and Rolando Cimafranca searched first her room while she and her children stayed at the sala. She was not told by PO3 Ingking to accompany them while making a search in the four rooms of her house wherein they found nothing illegal. Aside from the searcher and the barangay kagawads there were some policemen outside surrounding their house. She did not sign the inventory prepared by the policemen in her house. She only signed the inventory at the police station when the police forced her to sign without the assistance of counsel. Her husband was imprisoned after he was convicted for illegal possession of illegal drugs and her house was earlier searched on August 23, 2004 in connection with the case against her husband. She could not go with searchers at the time of the search because she was staying at the sala carrying her 8-month old baby girl. Her 3 year old boy and two daughters were also with her. PO3 Ingking allegedly found a match containing shabu on top of the washing machine outside the kitchen of their house. She did not file any complaint against the raiding policemen relative to the raid by virtue of a search warrant conducted in her house at about 5:00 o'clock in the morning of November 15, 2005.

3 – Accused John Michael Taladua y Zafra, 23 years old, single and a resident of Mayacabac, Dauis, Bohol declared inter alia that at about 6:00 o'clock in the morning of November 15, 2005 he rushed home after passing the night at his friend's house where he took vigil upon being awakened and told by a friend that there were policemen in their house and as he was worried about his mother Lorena Taladua who was in their house then with his four (4) siblings: 8-month old baby girl, 3-years old boy and two younger sisters. Upon arriving at their house, he was held by PO3 Ingking saying, 'Here is Palito.' He used to be called by that name. He was told the search was just over, which yielded things placed inside a match box, which were shown to him by the police allegedly found on top of their washing machine placed in the laundry area of the kitchen. When he examined the items – he found one pack of shabu and 18 rolled aluminum foils. He asked the policemen where they got the items as he is always spending his time in the sea, while his mother Lorena being a beautician, is reporting to the beauty parlor in Tagbilaran City daily from 8:00 A.M. to 8:00 P.M. That the illegal items

found by the policemen in their house may be owned by the raiding policemen because that was the same thing they did to his father who was earlier convicted of illegal possession of drugs and is now serving sentence in Manila. He did not anymore ask his mother about the items because such items were already shown to him by the police, especially the shabu.

4 – Aubrey Z. Taladua, 18 years old, daughter of accused Lorena Taladua, and sister of accused John Michael Taladua testified inter alia that when the police conducted search in their house at about 5:00 o'clock in the morning of November 15, 2005, she was with her mother together with her younger sisters Rose Ann, Aaron and Loraine. Her brother John Michael Taladua arrived home when the search was already in progress. Her other brother Jason was not present, as like her brother John Michael Taladua, was also taking vigil in another house. She observed the searchers separately conducted search in the four rooms and kitchen of their house. That when the police officer proceeded to the kitchen they found a match box at the washing machine and the assigned searcher shouted 'here it is' and the police officer who found the match box showed it to his companions. That their washing machine was placed outside the kitchen of their house. That she did not ask the police officer to open the match box because she was crying why they included her mother because her mother was working in a beauty parlor to earn a living for her family. That she did not ask her elder brother John Michael who owns that match box because she did not know then that there was match box inside the washing machine. That at the time of the search in her parent's house in the early morning of November 15, 2005, his father was imprisoned at the BDRC as he was also charged with a crime involving drugs.”[32]

The Ruling of the RTC

After trial, the RTC rendered on March 26, 2010 a Joint Decision[33] acquitting both accused in Criminal Case No. 12953 while finding accused-appellant John Michael guilty beyond reasonable doubt in Criminal Case No. 12954. The dispositive portion[34] of the assailed Decision rendered reads:

“WHEREFORE, premises considered[,] judgment is hereby rendered as follows:

1 – In Criminal Case No. 12953 for violation of Section 12, Article II, Republic Act No. 9165, accused Lorena Taladua y Zafra alias Malou and John Michael Taladua are both acquitted on the ground of reasonable doubt.

2 – In Criminal Case No. 12954 for violation of Section 11, Article II, Republic Act No. 9165, this Court finds accused John Michael Taladua guilty beyond reasonable doubt of violating Section 11, Article II, RA 9165 and sentences him to suffer the penalty of imprisonment ranging from Twelve (12) Years and One (1) Day to Twenty (20) Years and to pay a fine of P100,000.00. Accused Lorena Taladua y Zafra alias Malou is acquitted of the instant charge on the ground of reasonable doubt. She is ordered released from custody unless there is/are other valid ground/s for her continued detention. The case against accused Jason Taladua, who is at large, is ordered archived. Let an alias warrant of arrest be issued against him.

xxx.

SO ORDERED.“

Failing to secure a favorable judgment, accused-appellant is now before Us with the following assigned errors:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF VIOLATION OF SECTION 11, ARTICLE II, R.A. 9165 DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II.

THE TRIAL COURT ALSO ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE FAILURE OF THE PROSECUTION TO ESTABLISH THE CHAIN OF CUSTODY OF THE ALLEGED

SACHETS OF SHABU.[35]

This Court's Ruling

The appeal is bereft of merit.

The foregoing issues being interrelated, they shall be discussed jointly hereunder.

Proof of Guilt Beyond Reasonable Doubt Adequately Established by the Prosecution

After a careful examination of the records of this case, We are satisfied that the prosecution's evidence established the guilt of accused-appellant beyond reasonable doubt.

In deciding this appeal, this Court is guided by the legal aphorism that factual findings of the of the trial court are binding on this Court, unless there is a clear showing that such findings are tainted with arbitrariness, capriciousness, or palpable error.[36]

Here, accused-appellant failed to show any palpable error, arbitrariness, or oversight on the findings of fact of the trial court as to warrant a reversal of such findings.

Accused-appellant John Michael was charged and convicted of the crime of illegal possession of dangerous drugs.

Under Section 11, Article II of R.A. No. 9165, the elements necessary for the prosecution of illegal possession of dangerous drugs are: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.[37]

In this case, all the elements for the illegal possession of dangerous drugs were amply proven not only by the categorical and materially consistent declarations of the prosecution witnesses, but also by laboratory examination of the items seized which were submitted in court. First, some members of the Daus Police Station, in coordination with the PDEA, along with some witnesses including barangay kagawads, DOJ representative and media representative proceeded to the house of accused-appellant at Barangay Mayacabac, Daus, Bohol on November 15, 2005 to enforce the search warrants issued against the accused-appellant and co-accused Lorena and Jason Taladua. Second, after a search was conducted on the premises, the plastic sachets containing shabu subject of the case for the illegal possession of drugs were found at the kitchen area of the accused-appellant's house. Third, accused-appellant did not adduce evidence showing his legal authority to possess the shabu. Fourth, accused-appellant's actions, as culled from the records, clearly showed that he freely and consciously possessed the illegal drugs such that when confronted with the items seized in his house, accused-appellant did not deny the discovery of the same and merely uttered the following:

"Q: And upon reaching the police station, what happened there?

A: There, I was shown the things accordingly they searched. I asked them where they got those it and the police said that they got those things on top of the washing machine and I asked them why it was found on top of the washing machine when these things are supposed to be hidden.

xxx."[38]

Moreover, as noted by the trial court, accused-appellant executed a counter-affidavit admitting that he possessed the items seized inside their house during the implementation of the search warrants.[39] On this point, We quote the trial court's finding which said:

"To the mind of the Court, the aforequoted counter-affidavit is not a valid confession as there is no showing that accused John Michael Taladua was assisted by counsel nor his waiver thereto put into writing. However, it

may be considered as an admission under Section 26, Rule 130 of the Revised Rules of Court as it is not an acknowledgment of guilt as accused John Michael Taladua merely declared being the owner of the aforementioned dangerous drug.”[40]

Hence, taken collectively, these pieces of evidence bear out that the accused-appellant was correctly charged and convicted for illegal possession of shabu.

While accused-appellant vehemently denies the charges against him, such a denial cannot prevail over the positive testimonies of the prosecution witnesses.

The defense of denial, like alibi, has been viewed by the court with disfavor for it can just as easily be concocted. Denial in drug cases requires strong and convincing evidence because of the presumption that the law enforcement agencies acted in the regular performance of their official duties.[41] Time and again, it has been held that denials unsubstantiated by convincing evidence are not enough to engender reasonable doubt particularly where the prosecution presents sufficiently telling proof of guilt.[42]

In the absence of any intent on the part of the police authorities to falsely impute such crime against the accused-appellant, the presumption of regularity in the performance of duty stands.[43] Especially here, where an astute analysis of police operatives' testimonies do not indicate any inconsistency, contradiction, or fabrication.

Further, accused-appellant's contentions of frame-up and that the dangerous drug or shabu was planted by the police officers do not deserve further considerations by this Court.

While We are aware that in some cases, law enforcers resort to the practice of planting evidence in order that to, inter alia, harass, nevertheless the defense of frame-up in drug cases requires strong and convincing evidence because of the presumption that the police officers performed their duties regularly and that they acted within the bounds of their authority.[44]

Frame-up, like alibi, is generally viewed with caution by the Court because it is easy to contrive and difficult to disprove. It is a common and standard line of defense in prosecutions of violations of the Dangerous Drugs Act.[45] In this case, the narration of the incident by police officers, buttressed by the presumption that they have regularly performed their duties in the absence of convincing proof to the contrary, must be given weight.

Identity of Seized Shabu Preserved; Chain of Custody: Unbroken

Accused-appellant's theory that the corpus delicti of the crime was not established by the prosecution since the chain of custody rule or Section 21 of R.A. No. 9165 was not observed by the apprehending officers equally lacks merit.

The OSG posits that the specimen subjected to laboratory examination was identified in open court by Forensic Chemical Officer P/Supt. Victoria Celis de Guzman and regarding the issue on the chain of custody of the evidence in this case, the prosecution has sufficiently established the integrity of the pieces of evidence from the time that they were seized from accused-appellant during the implementation of the search warrant until their presentation, identification and submission to the court a quo as evidence.

We concur with the OSG.

"Chain of Custody" means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment 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 of custody was made in the

course of safekeeping and use in court as evidence, and the final disposition.[46]

In the case of *People v. Kamad*,[47] the Court had the opportunity to enumerate the different links that the prosecution must prove in order to establish the chain of custody in a buy-bust operation, namely:

First, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer;

Second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer;

Third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and

Fourth, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.

We find that the different links to establish the chain of custody are here present. The testimonies of prosecution witnesses duly established the identity of the shabu seized and the integrity and evidentiary value thereof duly preserved. PO3 Marlito Ingking testified in open court that during the implementation of the search warrants, he recovered, inter alia, one (1) small plastic sachet suspected to be containing shabu powder and three (3) small plastic sachets suspected to be containing shabu residue inside a match box. The items recovered were immediately turned over to SPO1 Ragusta for the appropriate marking and recording of the same. After the marking and inventory of the said items, the same were brought to the Bohol Provincial Crime Laboratory where P/Supt. Victoria Celis de Guzman conducted the laboratory examination on the items seized which yielded a positive result for the existence of methamphetamine hydrochloride and she likewise identified the specimens which she conducted an examination on to be the same specimens presented and submitted as evidence to the trial court.

Clearly, from the foregoing, there was no hiatus or confusion in the confiscation, handling, custody and examination of the shabu. The illegal drugs that were confiscated from accused-appellant, taken to the police headquarters, subjected to qualitative examination at the crime laboratory, and finally introduced in evidence against appellant were the same illegal drugs that were confiscated from the accused-appellant's house.

The function of the chain of custody requirement is to ensure that the integrity and evidentiary value of the seized items are preserved, so much so that unnecessary doubts as to the identity of the evidence are removed. To be admissible, the prosecution must show by records or testimony, the continuous whereabouts of the exhibit at least between the time it came into possession of the police officers and until it was tested in the laboratory to determine its composition up to the time it was offered in evidence.[48]

On a final note, it may be well to stress that accused-appellant wants this Court to weigh the credibility of the prosecution witnesses vis-à-vis his bare and lame assertions, a task entrusted to the trial court, which is in the best position to discriminate between truth and falsehood because of its untrammelled opportunity to observe the deportment and demeanor of witnesses during trial.[49]

It is a hornbook doctrine that the evaluation of the trial court of the credibility of the witnesses and their testimonies is entitled to great weight and is generally not disturbed upon appeal.[50] This is so because the trial court is in a unique position to observe the witnesses' demeanor on the witness stand.[51] Thus, the Court will not disturb the findings of the trial court in assessing the credibility of the witnesses, unless some facts or circumstances of weight and influence have been overlooked or the significance of which has been misinterpreted by the trial court.[52] In this case, the circumstances that, when properly appreciated, would warrant the acquittal of accused-appellant, are wanting.

Thus, We so hold and find that the prosecution has discharged its burden of proving the guilt of accused-appellant beyond reasonable doubt.

Wherefore, the appeal is hereby DENIED. The March 26, 2010 Joint Decision of the RTC, Branch 4, Tagbilaran City in Criminal Case No. 12953 and Criminal Case No. 12954 is hereby AFFIRMED in toto.

SO ORDERED.

Ingles,[*] and Azcarraga-Jacob, JJ., concur.

[*] Acting Chairperson per Office Order No. 14-14-GTI dated June 26, 2014.

[1] Records, page 224.

[2] Penned by Judge Achilles L. Melicor, records, pages 209-220.

[3] Records, pages 1-2.

[4] See pages 1-2 of RTC Joint Decision, records, pages 209-210.

[5] Supra.

[6] See Certificate of Arraignment dated July 31, 2006, records, page 46.

[7] TSN-Ingking, November 26, 2007, pages 2-15; December 10, 2007, pages 2-19.

[8] TSN-Pogoy, January 14, 2008, pages 2-10; June 16, 2008, pages 2-11.

[9] TSN-Dolauta, September 1, 2008, pages 2-11; September 15, 2008, pages 2-8.

[10] TSN-de Guzman, October 8, 2007, pages 2-11.

[11] See Pages 4-5 of RTC Joint Decision, records, pages 212-213.

[12] Records, page 9.

[13] Records, page 10.

[14] Records, page 8.

[15] Records, page 7.

[16] Records, page 11.

[17] Records, page 12.

[18] Records, page 13.

[19] Records, page 14.

[20] Records, page 152.

[21] In the custody of the court of origin.

[22] Supra.

[23] Supra.

[24] Supra.

[25] Supra.

[26] Supra.

[27] Supra.

[28] TSN-Taladua, April 13, 2009, pages 2-15.

[29] TSN-Taladua, January 26, 2009, pages 2-6; February 16, 2009, pages 2-16; March 30, 2009, pages 2-17.

[30] TSN-Cimafranca, November 17, 2008, pages 2-14; November 24, 2008, pages 2-12, pages 2-13.

[31] TSN-Taladua, May 25, 2009, pages 2-20.

[32] See pages 6-8 of RTC Joint Decision, records, page 214-216.

[33] Supra, at note 2.

[34] Records, pages 147-148.

[35] See Accused-Appellant's Brief, rollo, page 34.

[36] People v. Belo, G.R. No. 187075, July 5, 2010; citing Fuentes v. Court of Appeals, G.R. No. 109849, February 26, 1997, 268 SCRA 703, 705.

[37] People v. Gutierrez, G.R. No. 177777, December 4, 2009, 607 SCRA 377, 390-391; citing People v. Pringas, G.R. No. 175928, August 31, 2007, 531 SCRA 828, 846.

[38] TSN-Taladua, April 13, 2009, pages 7-8.

[39] See pages 9-10 of RTC Joint Decision, records, pages 217-218.

[40] Page 10 of RTC Joint Decision, records, page 218.

[41] People v. Soriano, G.R. No. 173795, April 4, 2007, 520 SCRA 458, 468 citing People v. Dulay, 468 Phil. 56, 65 (2004) citing further People v. Barita, 381 Phil. 832, 846-847 (2000); People v. Vinecario, 465 Phil. 192, 215 (2004); People v. Ahmad, 464 Phil. 848, 869-870 (2004); People v. Chua Uy, 384 Phil. 70, 85-86 (2000) citing People v. Dichoso, G.R. Nos. 101216-18, June 4, 1993, 223 SCRA 174, 187; People v. Constantino, G.R. No. 109119, August 16, 1994, 235 SCRA 384, 391; People v. Tranca, G.R. No. 110357, August 17, 1994, 235 SCRA 455, 462-463; People v. Lee Hoi Ming, 459 Phil. 187, 194 (2003); People v. Saludes, 451 Phil. 719, 726-727 (2003).

[42] People v. Eugenio, G.R. No. 146805, January 16, 2003, 395 SCRA 317, 326; citing People v. Del Mundo, G.R. No. 138929, October 2, 2001, 366 SCRA 471.

[43] People v. Cruz, G.R. No. 185381, December 16, 2009, 608 SCRA 350, 368.

[44] Chan v. Secretary of Justice, G.R. 147065, 14 March 2008, 548 SCRA 337, 353; Dacles v. People, G.R. No. 171487, 14 March 2008, 548 SCRA 643, 658.

[45] Chan v. Secretary of Justice, G.R. 147065, 14 March 2008, 548 SCRA 337, 353; Dacles v. People, G.R. No. 171487, 14 March 2008, 548 SCRA 643, 658.

[46] Section 1(b) of the Dangerous Board Resolution No. 1, Series of 2002.

[47] G.R. No. 174198, January 19, 2010, 610 SCRA 295, 307-308; *People v. Flordeliza Arriola y de Lara*, G.R. No. 187736, February 8, 2012.

[48] *People v. Dela Rosa*, G.R. No. 185166, January 26, 2011, 640 SCRA 635, 653 citing *People v. Rosialda*, G.R. No. 188330, August 25, 2010, 629 SCRA 507, 521; *People v. Unisa*, G.R. No. 185721, September 28, 2011, 658 SCRA 305, 334-335.

[49] *Coscolla v. People*, G.R. No. 176566, April 16, 2009.

[50] *People v. Casimiro*, G.R. No. 146277, June 20, 2002.

[51] *People v. Torres*, *supra*; *People v. Ariola*, 418 Phil. 808, 816 (2001).

[52] *People v. Campones*, G.R. No. 187741, August 8, 2010; *People v. Cruz*, G.R. No. 185381, December 16, 2009.

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