THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARHASSAN HASSAN Y BASANUL, ACCUSED-APPELLANT,

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SANTOS, J [2].:

Addressed here is an appeal from the Decision[3] dated November 11, 2011 of the Regional Trial Court, Branch 13, Zamboanga City (trial court), finding accused-appellant Arhassan Hassan guilty beyond reasonable doubt of violation of Section 5,[4] Article II of Republic Act No. 9165,[5] otherwise known as Comprehensive Dangerous Drugs Act of 2002. The dispositive portion of the assailed Decision reads:

> WHEREFORE, the foregoing considered, this Court finds accused, ARHASSAN HASSAN y BASANUL, GUILTY beyond reasonable doubt of violation of Section 5, Article II of R.A. 9165 and hereby sentences him to suffer a penalty of LIFE IMPRISONMENT, and pay a FINE of FIVE HUNDRED PESOS (PhP 500,000.00) without subsidiary imprisonment in case of insolvency.
>
> Meanwhile, let this case against SALMA HASSAN be ARCHIVED and an Alias Warrant of Arrest be issued against her.
>
> SO ORDERED.[6]

In an Information dated October 5, 2004, accused-appellant together with co-accused Salma Hassan were charged with violation of Section 5, Article II of RA 9165 which reads:

> That on or about October 4, 2004, in the City of Zamboanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together. Mutually aiding and assisting one another, not being authorized by law to sell, deliver, transport, distribute or give away to another any dangerous drug, did then and there willfully, unlawfully and feloniously SELL and DELIVER to PO1 RONALD C. CORDERO, PNP, Anti-Illegal Drug Special Operation Task Force, one (1) small heat-sealed transparent plastic pack containing white crystalline substance weighing 0.0161 gram, which when subjected to qualitative examination gave positive result to the test for METHAMPHETAMINE HYDROCHLORIDE (SHABU), all accused know that the same is a dangerous drug.
>
> CONTRARY TO LAW.[7]

On June 14, 2007, accused-appellant was arraigned and pleaded not guilty to the crime charged.[8] Accused Salma Hassan, on the other hand, remained at-large.[9]

The Antecedents

The prosecution presented the following witnesses: SPO1 Amado Mirasol, Jr., PO3 Ronald Cordero and P/C Insp. Mercedes Diestro. The testimony of PO2[10] Arlan Delumpines, the investigator who investigated the case, was dispensed with in view of the few stipulations of the parties.[11]

On October 4, 2004 at 3:00 o'clock in the afternoon, a confidential informant went to the Zamboanga City Police Station to inform SPO1 Amado Mirasol, Jr. (SPO1 Mirasol, Jr.) of an alleged drug peddler at the PPA local wharf. SPO1 Mirasol, Jr. informed their City Director, P/Supt. Mano Yanga, of the information who instructed him to

pursue an operation against the drug peddler. SPO1 Mirasol, Jr., formed a buy-bust team where he is the team leader and the back-up, PO3 Ronald Cordero (PO3 Cordero) as the poseur buyer, SPO1 Roberto Roca (SPO1 Roca) and PO2 Hilda Montuna (PO2 Montuna) as perimeter security. During the briefing, SPO1 Mirasol, Jr. told PO3 Cordero that their pre-arranged signal to show that the sale transaction has been consummated is to transfer the white towel placed on his left shoulder to his right shoulder. SPO1 Mirasol, Jr. thereafter gave PO3 Cordero a P100.00 peso bill with Serial Number PW058979[12] as the money to be used in the buy-bust.[13]

After the briefing, at about 4:30 o'clock in the afternoon, the team went to the PPA wharf. PO3 Cordero went ahead on board his motorcycle with the confidential informant, while SPO1 Mirasol, Jr., SPO1 Roca and PO3 Montuna rode an L-300 vehicle. PO3 Cordero's motorcyle parked near a particular tower at the wharf while the L-300 vehicle parked in front of the Bureau of Customs.[14]

Thereafter, the confidential informant pointed to PO3 Cordero a man standing beside an old dump truck about four meters away from them. PO3 Cordero and the confidential informant approached the man. The confidential informant introduced PO3 Cordero as a buyer. The man, who PO3 Cordero later learned to be accused-appellant Arhassan Hassan, asked "Pila sin?" (How much?) in the tausug dialect. PO3 Cordero replied "Isang piso lang" (One peso only) to which accused-appellant said "Sibih da" (Only a small amount). Thereafter, accused-appellant went underneath the dump truck about three meters away and shouted "Rang, awun buyer" (Rang, we have a buyer). A woman shouted back asking "Pila sin?" (How much?) to which accused-appellant answered P100.00 only. PO3 Cordero subsequently saw the woman take one piece of small heat-sealed transparent plastic sachet from her pocket and give it to accused-appellant. The latter went back to PO3 Cordero and handed the plastic sachet to him. PO3 Cordero scrutinized the plastic sachet first and afterwards gave the P100.00 peso bill to accused-appellant.[15]

After realizing that the small plastic sachet is a suspect illegal drug, PO3 Cordero executed the pre-arranged signal by transferring the white towel placed in his left shoulder to his right shoulder. He then placed the plastic sachet to his front pocket and told accused-appellant that he is a police officer.[16] When SPO1 Mirasol, Jr. saw the pre-arranged signal, he rushed to the crime scene and assisted PO3 Cordero in arresting accused-appellant who was then struggling. While arresting accused-appellant, the team saw the woman who earlier handed the small plastic sachet to accused-appellant, run away from the dump truck towards where the fast craft of the Basilan Lines was docked. PO3 Cordero thereafter told SPO1 Mirasol, Jr. in the chavacano dialect: "Poy, ase apas kunakel mujer kay uban kel deste hombre" (Poy, run after that woman because that is the companion of this man).[17] SPO1 Mirasol, Jr. ran after the woman who subsequently threw a medium heat-sealed transparent plastic sachet on the ground, and managed to get away. SPO1 Mirasol, Jr. picked up the medium plastic sachet and noticed that the same is also a suspected illegal drug. SPO1 Mirasol, Jr. went back to PO3 Cordero and asked accused-appellant who is the woman, to which he replied that she is his wife and her name is Salma Hassan.[18]

The team thereafter brought accused-appellant together with the two plastic sachets to the police station. Upon arrival therein, PO3 Cordero marked the small plastic sachet retrieved from accused-appellant with "RC" which stands for "Ronald Cordero" and turned it over to PO2 Arlan Delumpines (PO2 Delumpines), the investigator of the case.19 On the other hand, SPO1 Mirasol, Jr. marked the medium plastic sachet which he picked up on the ground with "AM" which stands for "Amado Mirasol" and also gave it to PO2 Delumpines.[20] PO2 Delumpines later prepared the Request for Laboratory Examination of the suspected illegal drugs[21] and the Affidavits[22] of SPO1 Mirasol, Jr. and PO3 Cordero.

On the same day, the two plastic sachets were brought to the PNP Crime Laboratory Services, Governor Lim Avenue, Zamboanga City.[23] Based on Chemistry Report No. D-383-2004[24] prepared by P/C Insp. Merceditas Diestro (P/C Insp. Diestro), the forensic chemist who conducted a qualitative examination on the two specimens

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submitted, show that the same are positive for the presence of methamphetamine hydrochloride or commonly known as shabu, a dangerous drug. The small heat-sealed transparent plastic sachet with marking “RC AD-1” contained 0.0161 gram of shabu while the medium heat-sealed plastic sachet with marking “AM AD-2” contained 0.5566 gram of shabu. She affixed her initials on the specimen as “MD” and “MD-1,” respectively.

On the other hand, accused-appellant, in defense of himself, testified in order to establish the following:

Accused-appellant is a porter at the PPA wharf who earns an income P100.00-P200.00 a day. At times, he lived at the docking place of Basilan Lines and sometimes, he sleeps inside the Doña Ramona vessel.[25]

On October 4, 2004 at around 2:30 o’clock in the afternoon, accused-appellant was with his co-workers Anding, Nurasan, Eddie Boy, Ramil and Boyboy loading ice case to the Doña Ramona vessel at the pier of Zamboanga City. After their work and after the vessel has left, accused-appellant and his companions rested at the docking area of Basilan Lines. After they rested, the group left the docking area. Thereafter, the group saw four men in civilian attire chasing two persons: one male and one female. Accused-appellant saw that the four men were not able to catch the two persons. Subsequently, somebody pointed at accused-appellant and said that he is with the persons they are chasing. Few moments later, the four men, with short firearms tucked to their waist, approached accused-appellant’s group and handcuffed him. Accused-appellant’s companions did not say anything because they were afraid they will be arrested as well and they afterwards run away. Later, one of the men frisked accused-appellant, took his wallet, opened it and returned it to him. They thereafter told accused-appellant to go with them. When accused-appellant asked them where they will take him, they told him that they have questions for him.[26]

The four men brought accused-appellant to the police station and it was there that the latter learned that they were police officers. The men again told accused-appellant to pinpoint the whereabouts of the two persons they were chasing earlier because allegedly, he knows them. When accused-appellant denied it, one of the men again frisked him, took his wallet, went to his back and thereafter told him that he has a shabu in his possession. Accused-appellant retorted that the shabu is not his because he is not a drug peddler but a mere laborer at the pier who is working to feed his family. The men warned accused-appellant that if he cannot pinpoint the two persons, they will incarcerate him.[27]

Accused-appellant further claimed that at the time of the incident, his wife named Minang Hassan is not with him because she was then in their house at Sta. Catalina. He further testified that he told his wife to look for his friends who can testify in his favor but his wife told him that she can no longer locate them. He also claimed that he does not know a woman named Salma Hassan.[28]

After both parties rested their case, the trial court rendered the assailed Decision[29] dated November 11, 2011 convicting accused-appellant of the crime charged.

Aggrieved, accused-appellant is now before this Court seeking the reversal of his conviction.

The Issue

In his Brief,[30] accused-appellant raised his sole assignment of error:

> THE COURT A QUO GRAVELY ERRED IN CONVICTING APPELLANT WHEN HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.[31]

On March 12, 2013, the Office of the Solicitor General (OSG) filed an Appellee’s Brief[32] refuting the arguments of accused-appellant in his Appellant’s Brief. Thereafter, the case was submitted for decision.[33]

This Court’s Ruling

Sale or possession of a dangerous drug can never be proven without seizure and identification of the prohibited drug. Of foremost importance is that the identity of the dangerous drug must be established beyond reasonable doubt.[34] Jurisprudence abound that the existence of the dangerous drugs, being the very corpus delicti of the crime, is a condition sine qua non to sustain a judgment of conviction beyond reasonable doubt.[35] The reason behind this rule was stated in the case of People v. Alcuizar:[36]

> The dangerous drug itself, the shabu in this case, constitutes the very corpus delicti of the offense and in sustaining a conviction under Republic Act No. 9165, the identity and integrity of the corpus delicti must definitely be shown to have been preserved. This requirement necessarily arises from the illegal drug's unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration or substitution either by accident or otherwise. Thus, to remove any doubt or uncertainty on the identity and integrity of the seized drug, evidence must definitely show that the illegal drug presented in court is the same illegal drug actually recovered from the accused-appellant; otherwise, the prosecution for possession under Republic Act No. 9165 fails. (Emphasis supplied)

The chain of custody requirement performs the function in ensuring that unnecessary doubts on the identity of the corpus delicti are removed.[37] In Lopez v. People,[38] the Supreme Court explained the sufficient compliance of the chain of custody rule, in this wise:

> As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witnesses' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same." (Emphasis supplied)

Ideally, the procedure on the chain of custody should be perfect and unbroken. However "a testimony about a perfect chain is not always the standard as it is almost always impossible to obtain an unbroken chain."[39] It has been consistently held by the Supreme Court that "what is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, because the same will be utilized in ascertaining the guilt or innocence of the accused."[40]

The Supreme Court, in applying the above rulings, enumerated the following links that must be established in the chain of custody of a seized illegal drug: 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 from the forensic chemist to the court.[41]

In this case, the prosecution sufficiently established all the links in the chain of custody as to remove any doubt or uncertainty on the identity and integrity of the seized illegal drugs.

There is no doubt as to the first link where it was established that after the buy-bust operation, it was PO3 Cordero who received the small plastic sachet from accused-appellant. PO3 Cordero testified thus:

> Q:
>
> So, after you parked your motorcycle near that terminal, what happened?

A:

So, after parking my motorcycle, I and the informant went at the side of the terminal where the said Auntie and Hassan is engaging (sic) in selling of the (sic) illegal drugs or shabu, sir.

Q:

After that what happened?

A:

So, we went at the site and then, a few meters after,) the informant told me that whose (sic) person standing beside that old dump truck is the very Hassan, who is the carrier of shabu(,) sir.

xxx xxx xxx

Q:

And after that what happened?

A:

And then, the informant told Hassan in Tagalog, that we have a buyer, he introduce(d) me as the buyer(.)

Q:

And what did Hassan reply(,) if any, after you were introduced as the buyer?

A:

He immediately told me, “pila sin” in Tausog dialect.

Court Interpreter:

How much(?)

ACP EBRNABE:

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xxx xxx xxx

Q:

So, after he asked you “pila sin”, what happened?

A:

And then, I told him “Isang piso lang.”

Court Interpreter:

Only one peso (P1.00).

ACB BERNABE:

And then what happened after that?

A:

And then, he replied in tausog dialect, “sibi da”.

Court Interpreter:

Only small amount.

ACP BERNABE:

And so, what happened after that?

A:

After that, he went underneath the truck, wherein that truck they use it as their temporary shelter and then, he went underneath of the truck sir, and he shouted “Rang awun buyer”.

Court Interpreter:

Rang we have a buyer.

xxx xxx xxx

ACP BERNABE:

And then, what happened after he told his wife “Rang awun buyer?”

A:

And then, the woman inside told, “pila sin”?

Court Interpreter:

The woman insider told how much.

Q:

And then, what happened after that?

A:

And then, Hassan replied one hundred pesos (P100.00) only.

Q:

So, what happened after that?

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A:

So, I (sic) few seconds, I saw the woman inside he get one (1) small sachet from her pocket and gave it to Hassan sir.

Q:

After that, what happened?

A:

So, a few seconds Hassan went back to me and the informant and immediately gave the suspected shabu to me sir.

Q:

And did you receive the suspected shabu that he gave you?

A:

Yes, sir.

Q:

And what did you do after you received it?

A:

So, first I scrutinize it first, sir.

Q:

And what happened after you scrutinized it?

A:

And in return(,) I gave the money to Hassan sir.

Q:

What was that money, that you gave Hassan?

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A:

That buy bust money that SPO1 Mirasol gave to me, sir.

ACP BERNABE:

And what(,) did Hassan receive that money?

A:

Yes, sir.

Q:

So, what happened after that?

A:

So after realizing that it was shabu, I make (sic) my pre-arranged signal already sir.[42] (Emphasis supplied)

The second link which is the turnover of the seized illegal drug from PO3 Cordero, as the poseur buyer and at the same time the apprehending officer, to PO2 Delumpines, the investigating officer was admitted by the defense during the stipulation on the testimony of PO2 Delumpines.[43] Moreover, PO3 Cordero testified:

ACP BERNABE:

Now you said that this Arhassan gave to you a sachet of shabu, which was given to you earlier by that woman underneath this old dump truck, what did you do with the sachet of shabu which she gave you?

A:

I keep it to myself.

Q:

Can you identify that?

A:

Yes, sir.

Q:

How can you identify that?

A:

Because I put my marking on it, sir.

Q:

What marking did you place?

A:

RC, sir.

Q:

What does that RC stands for?

A:

Ronald Cordero sir.

Q:

After you placed your RC marking on said sachet of suspected shabu, what did you do if any, with it?

A:

I turned it to the Investigator.

ACP EBRNABE:

Who was the Investigator at that time?

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A:

At that time it was PO3 Arlan Delumpines, sir.

Q:

I am showing you a sachet of shabu already marked as “Exhibit B”, will you please tell us what is the relation of this to the sachet of shabu which was given to buy Arhassan Hassan.

A:

This is the shabu that I bought from the suspect Arhassan Hassan, because I put my initial on it.[44] (Emphasis supplied)

The third and fourth links which are the ones between the investigating officer to the forensic chemist to the trial court were also established. Here, it was admitted[45] by the defense that P/C Insp. Diestro of the PNP Crime Laboratory received a Request for Laboratory Examination together with two specimens of the seized illegal drugs. The qualitative examination conducted on the specimen subject of this case yielded positive result to the presence of methampethamine hydrochloride commonly known as shabu which finding was shown in Chemistry Report No. D-383-2004.

With the foregoing, this Court is convinced that the prosecution has satisfactorily proved that the integrity and evidentiary value of the illegal drug recovered from accused-appellant was preserved.

Accused-appellant, however, claims that the prosecution failed to comply with the requirements of Section 21, Article II of RA 9165 particularly with respect to the conduct of inventory and photographing of the retrieved evidence in the presence of accused-appellant or his counsel, a member of the media, the Department of Justice and an elective public official.[46]

The Court is not persuaded.

Section 21(1), Article II of RA 9165 reads:

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

(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;

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Likewise, Article II, Section 21(a) of the Implementing Rules and Regulations (IRR) of RA 9165 provides:

SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant

> Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precurses and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated and/or surrendered, for proper disposition in the following manner:
>
> (a) The apprehending office/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further that non-compliance with these requirements under justifiable grounds, as long as the integrity and 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;
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> xxx xxx xxx

It should be stressed that while Section 21, Article II of RA 9165 and its IRR provide for the procedures to be followed by the police officers in the seizure and custody of the seized illegal drugs, yet, it has been recognized by the Supreme Court that substantial adherence to the requirements of RA 9165 and its IRR, not perfect adherence, is what is demanded of police officers attending to drugs cases. What is crucial is that the police officers must show that the integrity and evidentiary value of the seized illegal drugs have been preserved.[47] The pronouncement of the Supreme Court in People v. Cardenas,[48] is instructive:

> Although we find that the police officers did not strictly comply with the requirements of Section 21, Article II of the IRR implementing R.A. 9165, the noncompliance did not affect the evidentiary weight of the drugs seized from the accused, because the chain of custody of the evidence was shown to be unbroken under the circumstances of the case. We held thus in Zalameda v. People of the Philippines[49]:
> Jurisprudence teems with pronouncements that failure to strictly comply with Section 21(1), Article II of R.A. No. 9165 does not necessarily render an accused's arrest illegal or the items seized or confiscated from him inadmissible. What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as these would be utilized in the determination of the guilt or innocence of the accused. In the present case, we see substantial compliance by the police with the required procedure on the custody and control of the confiscated items, thus showing that the integrity of the seized evidence was not compromised. We refer particularly to the succession of events established by evidence, to the overall handling of the seized items by specified individuals, to the test results obtained, under a situation where no objection to admissibility was ever raised by the defense. All these, to the unprejudiced mind, show that the evidence seized were the same evidence tested and subsequently identified and testified to in court. In People v. Del Monte, we explained:
>
> We would like to add that non-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 accorded it by the courts. x x x
>
> 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. (Emphasis supplied)

Likewise, in People v. Almodiel,[50] it was ruled that:

> The Implementing Rules of RA 9165 offer some flexibility when a proviso added 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." In People v. Rosialda,[51] People v. Llamado,[52] and People v. Rivera,[53] the Court had the occasion to apply such flexibility when it ruled that the failure of the prosecution to show that the police officers conducted the required physical inventory and photograph of the evidence confiscated is not fatal and does not automatically render the arrest of the accused illegal or the items seized from him inadmissible.
>
> The Court consistently held that what is of utmost importance is the preservation of the integrity and evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused. In other words, it must be established with unwavering exactitude that the dangerous drug presented in court as evidence against the accused is the same as that seized from him in the first place. The chain of custody requirement performs this function in that it ensures that unnecessary doubts concerning the identity of the evidence are removed. (Emphasis supplied)

In this case, while it was admitted by the police operatives that no inventory was conducted and no photographs were taken on the seized illegal drugs in the presence of the persons mentioned under the law, such failure will not render inadmissible the seized illegal drug recovered from accused-appellant because it was shown by the prosecution that the integrity and evidentiary value of the specimens were properly preserved by the buy-bust team.[54] It bears reiterating that what is crucial is that the integrity and evidentiary value of the seized illegal drugs are preserved for they will be used in the determination of the guilt or innocence of the accused.[55]

Moreover, the Court notes that PO3 Cordero testified that he does know accused-appellant prior to his arrest[56] and the latter testified that he does not know that the four men who arrested him were police officers until they reached police station.[57] These negate accused-appellant's theory of improper motive against the police officers. Indeed, when the police officers involved in the buy-bust operation have no ill motive to testify against the accused, the courts shall uphold the presumption that they have performed their duties regularly.[58]

All told, there is no reason to disturb the ruling of the trial court. This Court finds that the prosecution has satisfactorily proved beyond reasonable doubt the guilt of the accused-appellant for the crime charged against him.

IN VIEW OF THE FOREGOING, the appeal is hereby DENIED. The assailed Decision dated November 11, 2011 of the Regional Trial Court, Branch 13, Zamboanga City is hereby AFFIRMED in toto.

SO ORDERED.

Lloren, J., Ch., and Contreras., JJ., concur.

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[1] "Untie" in some parts of the records.

[2] The case was unloaded to the undersigned ponente pursuant to Office Order No. 03-14-JMBP dated April 1, 2014 as part of his initial caseload.

[3] Rollo, pp. 39-50.

[4] Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of

Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and 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.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) 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 controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

[5] AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES, June 7, 2002.

[6] Rollo, p. 49.

[7] Records, p. 2.

[8] Records, p. 19.

[9] Rollo, p. 40.

[10] Referred to as “PO3” of “P/I” Arlan Dalumpines is some parts of the records but according to the Request for Laboratory Examination he prepared, his full name is PO2 Arlan L. Delumpines, see Folder of Exhibits, p.1.

[11] TSN, November 9, 2009, p. 2.

[12] TSN, September 13, 2006, p. 18; Folder of Exhibits, p. 10.

[13] TSN, September 13, 2006, pp. 6-10.

[14] TSN, September 13, 2006, pp. 11-12.

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