

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TERESITA MANIMTIM Y MORALES AND MARIO MORALES Y ANICETE, ACCUSED-APPELLANTS.

Ponente: CRUZ, S. C., J.

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CRUZ, S. C., J.:

Before Us is an appeal via Rule 122 of the Revised Rules of Court from the June 26 2012 Judgment[1] of the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 31, in Criminal Case No. 6151-SPL, entitled “People of the Philippines vs. Teresita Manimtim y Morales and Mario Morales y Anicete”, finding accused-appellants Teresita Manimtim and Mario Morales guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 (RA 9165), otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”. The fallo is quoted below, viz:

“WHEREFORE, judgment is hereby rendered finding TERESITA MANIMTIM y MORALES and MARIO MORALES y ANICETE GUILTY beyond reasonable doubt of violation of Section 5, Article II of RA 9165 and they are hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of Php500,000.00 each.

The Branch Clerk of Court is hereby ordered to transmit the illegal drugs to the Philippine Drug Enforcement Agency for proper disposition while the P500.00 buy-bust money is directed to be transmitted to the Office of the Clerk of Court for deposit to the National Treasury.

SO ORDERED.”[2]

THE CASE

Accused-appellants stand charged for violation of Section 5, Article II of Republic Act No. 9165 (RA 9165), otherwise known as the “Comprehensive Dangerous Drugs Act of 2002” under an Information[3], the accusatory portion of which reads:

“That on or about April 19, 2007, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping another without any legal authority, did then and there willfully, unlawfully and feloniously sell, pass and deliver to a police poseur buyer one (1) heat-sealed transparent plastic sachet of METHAMPHETAMINE HYDROCHLORIDE ('shabu'), a dangerous drug, weighing zero point eleven (0.11) gram.

CONTRARY TO LAW.”

Upon arraignment on June 13, 2007, accused-appellants Teresita Manimtim and Mario Morales separately pleaded NOT GUILTY to the offense charged.

The pre-trial conference was conducted on July 17, 2007. Thereafter, trial on the merits ensued.

THE FACTS

The prosecution presented two (2) witnesses, SPO2 Gerry Abalos[4] and PO3 Maritess Villanueva[5] to establish its case. It dispensed with the testimony of forensic chemist Lalaine Ong Rodrigo after the defense admitted the following:

- That Forensic Chemist Lorna Tria is an expert witness;
- The existence and due execution of the request for laboratory examination;
- The existence, due execution, and authenticity of Final Chemistry Report;
- The existence of Exhibit “M” with markings “GSA” and that said item was examined by the Forensic Chemist.[6]

The inculpatory facts, as unveiled by the prosecution in its evidence given during the trial, are synthesized by the Office of the Solicitor General (OSG)[7], as follows:

“On April 19, 2007, at around eight o'clock in the morning, Philippine Drug Enforcement Agency (PDEA) Police Superintendent Raul Bargamento received a report from a confidential informant that drug pushing is rampant in 957 Brgy. Cuyab, San Pedro, Laguna. At around nine o'clock in the morning, a team composed of PO3 Maritess Villanueva, SPO2 Gerry Abalos, and the confidential informant was formed to conduct surveillance in said barangay. After the surveillance, the team immediately reported their findings to Police Inspector Gregorio O. Caraig. A team composed of SPO2 Abalos, PO3 Villanueva, seven other police officers, and the confidential informant was formed to conduct a buy-bust operation. SPO2 Abalos was designated as the poseur-buyer. The team prepared a Five Hundred Peso (Php500.00) bill containing SPO2 Abalos' initials as marked money.

The team proceeded to the church of San Pedro on board a Toyota Revo and an Isuzu Crosswind. At the church, SPO2 Abalos and the confidential informant transferred to a tricycle. The tricycle, followed by the Revo and Crosswind, proceeded to Brgy. Cuyab. Upon reaching Brgy. Cuyab, SPO2 Abalos and the confidential informant alighted from the tricycle while the rest of the team remained in their vehicles parked around twenty meters away from SPO2 Abalos and the confidential informant.

The confidential informant met accused-appellants Teresita Manimtim and Mario Morales. The confidential informant introduced SPO2 Abalos as a buyer of the shabu. The confidential informant then left to act as a lookout. Accused-appellant Manimtim asked SPO2 Abalos how much 'stuff' he will buy. SPO2 Abalos responded that he wanted to buy shabu worth Five Hundred Pesos (Php500.00). Accused-appellant Manimtim then instructed accused-appellant Morales to get the 'stuff' inside their house. After five minutes, accused-appellant Morales returned and handed over a plastic sachet containing white crystalline substance to SPO2 Abalos. SPO2 Abalos gave the marked money to accused-appellant Manimtim. Thereafter, SPO2 Abalos gave the pre-arranged signal to the team. The team rushed to the scene and arrested accused-appellants after they were informed of their constitutional rights. SPO2 Abalos recovered the marked money from accused-appellant Manimtim. SPO2 Abalos likewise marked the plastic sachet containing white crystalline substance with his initials and signature.

Accused-appellants and the marked plastic sachet were brought to the police station. SPO2 Abalos then conducted an inventory of the seized plastic sachet in the presence of accused-appellants, a media representative and a barangay official. The certificate of inventory was then signed by accused-appellants. After the inventory, the seized plastic sachet was brought to the Philippine National Police (PNP) Crime Laboratory for examination. Per Chemistry Report No. D-295-07, the specimen submitted turned out positive for shabu.”

After the presentation of its testimonial evidence, the prosecution formally offered its documentary evidence, to wit:

Exhibit “A” “A-1”

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Affidavit of Poseur Buyer;

“A-2”

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Signature of SPO2 Gerry S. Abalos;

Exhibit “B” “B-1”

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Affidavit of Back-Up Arresting Officer;

“B-2”

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Signature of PO2 Maritess Villanueva;

Exhibit “C”

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Request for Laboratory Examination dated April 19, 2007;

“C-1”

-

Stamp mark receipt by Crime Laboratory Office;

“C-1-A”

-

Signature of SPO2 Abalos;

Exhibit “D”

-

Chemistry Report No. D-295- 07;

“D-1”

-

Description of the specimen submitted to and received by the Crime Laboratory Office 4;

“D-2”

-

Findings that the specimen submitted and examined by the forensic chemist gave a positive result for the presence of Methamphetamine Hydrochloride;

Exhibit “E”

-

Request for Physical/Medical Examination;

Exhibit “F”

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Physical Examination Report of Teresita Manimtim;

Exhibit “G”

-

Physical Examination Report of Mario Morales;

Exhibit “H”

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Certificate of Inventory;

Exhibit “I”

-

Five Hundred Peso Bill with Serial No. FK287377;

Exhibit “I-1”

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Initial “GSA”;

Exhibits “J”

-

Pre-Operation Report;

“J-1”

-

Signature of Gregorio Caraig, Team Leader;

“J-2”

-

Signature of PSUPT Raul Bargamento, Regional Director;

“J-3”

-

Signature of PO3 Valdez and PO1 De Quiroz;

Exhibit “K”

-

Request for Drug Test dated April 19, 2007;

Exhibits “L”, “L-1” “L-3”, “L-4” and “L-5”

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Pictures of the two (2) accused together with the Arresting Officers, Mediaman and Barangay Official;

Exhibit “L-2” and sub-markings

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Pictures of the Certificate of Inventory, Specimen Marked Money;

Exhibit “M”

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Heat-sealed transparent plastic sachet with markings EXH “A” GSA 04/19/07 and D-295-07, containing Methamphetamine Hydrochloride.[8]

On the other hand, the defense presented three (3) witnesses: the accused-appellants Teresita Manimtim[9] and Mario Morales[10] and Noralyn Morales[11], the niece of the accused-appellant Manimtim.

The defense version of facts[12] is synthesized by the Public Attorney's Office (PAO), as follows:

“On April 19, 2007, at around 2 o'clock in the afternoon, while Teresita was sitting outside their house with her niece, Noralyn, a male person approached her and asked for Zaira, the wife of her nephew who lived at the back of their house. She told the man that she had not seen Zaira that day. The man left, and after a while, her kumare passed by and told her that several people were at her house. She then went to check and, indeed, there were people inside their house.

It was Mario who first saw the policemen inside his grandmother Teresita's house. While he was in the kitchen, cleaning and washing the dishes, five (5) to seven (7) people entered the house through the backdoor which was left open. They were carrying long firearms and they introduced themselves as police officers. He identified two (2) of the police officers who entered their house as prosecution witnesses SPO2 Abalos and PO3 Villanueva.

He asked them what they wanted but they ignored him at first. After repeatedly asking them what they wanted, they told him that they were looking for Teresita.

When they noticed that Teresita was sitting outside their house, they approached her, introduced themselves as policemen and immediately arrested her for selling drugs. Surprised, she tried to explain her side and insisted to them that the drugs were not hers as those were brought by the policemen themselves when they arrived.

The policemen forced her to go with them despite her protests and she, together with Mario, was brought to Camp Vicente Lim in Canlubang where they were detained. They do not know of any reason why the police officers arrested them and were not informed of their rights when they got arrested.”

The defense did not mark any documentary evidence. After the presentation of its three (3) witnesses, it rested its case.

On June 26, 2012, the RTC rendered its assailed judgment finding accused-appellants Teresita Manimtim and Mario Morales GUILTY beyond reasonable doubt of the crime charged.

Hence, this appeal.

Now dealing with the instant appeal, accused-appellants assail the following assigned errors for the consideration of this Court:

THE ISSUES

“I.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS WHOSE GUILT HAVE NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II.

THE COURT A QUO GRAVELY ERRED IN REJECTING THE ACCUSED-APPELLANTS' DEFENSE.

III.

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE PROSECUTION ESTABLISHED THE CORPUS DELICTI OF THE OFFENSE CHARGED.”[13]

THE COURT'S RULING

We AFFIRM accused-appellants' conviction.

DISCUSSION

The first two (2) issues raised by accused-appellants, being interrelated, are discussed jointly.

In their Brief[14], accused-appellants Teresita Manimtim and Mario Morales interpose a defense of denial of having possession of illegal drugs and that they were merely framed up. They aver that: (i) the trial court should not have given credence to the testimony of the police officers because of obvious inconsistencies; (ii) that it is

doubtful whether there really was a buy-bust operation that took place; (iii) that the presumption of regularity in the performance of the police officers' duties cannot overcome the presumption of innocence of the accused-appellants; (iv) that the failure of the prosecution to present the testimony of the confidential informant gives suspicion as to the existence or legality of the buy-bust operation; and (v) finally, that police officers failed to inform the accused-appellants of their constitutional rights.

These contentions are devoid of merit.

We elucidate.

A person may be convicted of the crime of illegal sale of drugs as defined and punished under Section 5, Article II, R.A. No. 9165, if the following elements have all been established: (a) the identity of the buyer, seller, object and consideration; and (b) the delivery of the thing sold and the payment therefor.[15]

All these elements were sufficiently established by the prosecution. It is beyond reasonable doubt that the transaction actually took place, as ruled by the trial court. Prosecution witness SPO2 Gerry S. Abalos narrated that he was introduced by the confidential informant to accused-appellants as a buyer of shabu. SPO2 Abalos then told accused-appellant Manimtim that he was going to buy shabu worth Five Hundred Pesos (Php500.00). SPO2 Abalos was then handed a small plastic sachet containing the prohibited drug by accused-appellant Mario Morales. After his receipt of the item, he handed accused-appellant Manimtim the marked money. SPO2 Abalos then gave the pre-arranged signal and introduced himself to accused-appellants as a police officer. Following the pre-arranged signal, the rest of the team rushed to the scene. Thus:

“PROS. SERRANO:

Q

What happened when you and your informant arrived at the target area?

A:

I and the confidential informant alighted from the tricycle, while PO3 Villanueva were (sic) just inside the vehicle parked opposite the place where we alighted, sir.

Q:

How far was the vehicle of PO3 Villanueva and the rest of the team members from the place where you alighted?

A:

More or less 20 meters, sir.

Q:

What did you do upon arrival specifically at 957 Barangay Cuyab, San Pedro, Laguna?

A:

When we arrived at 957 Barangay Cuyab, San Pedro, Laguna, our asset saw @ Tessie and introduced me to her as the buyer, sir.

Q:

When you were introduced to this @ Tessie as the buyer, what were you wearing at that time?

A:

I was wearing short pants and t-shirt, sir.

Q:

After you were introduced to this @ Tessie by the informant as a buyer, what happened next?

A:

Our informant asked permission that he will buy cigarette and he will act as a look out, sir.

Q:

When you were left behind by the confidential informant with @Tessie, what happened next?

A:

@ Tessie asked me how much I will buy, sir.

Q:

What was your response to that question of Tessie?

A:

I will buy worth Php500.00, sir.

Q:

After you told her that you wanted to buy Php500.00 worth of stuff from Tessie, what was her reaction?

A:

@ Tessie instructed Mario to get the stuff to (sic) their house, sir.

Q:

When @ Tessie instructed or asked Mario to get the stuff, how far was Tessie?

A:

He was just beside us, sir.

Q:

And as soon as Mario received the instruction from @ Tessie to get the stuff, what did Mario do?

A:

He went inside their house, sir.

Q:

Are you trying to impress upon us that your 'transaction' with @ Tessie was done outside their house?

A:

Yes, sir.

Q:

And you said that Mario went inside their house to get the stuff, is that correct?

A:

Yes, sir.

Q:

For how long a period of time until Mario get (sic) back?

A:

Five minutes, sir.

Q:

When he returned, what happened next?

A:

He handed to me one (1) piece of plastic sachet containing white crystalline substance, sir.

Q:

Can you describe to me that plastic sachet?

A:

It is a small transparent plastic sachet, sir.

Q:

After Mario gave to you this plastic sachet, what transpired next?

A:

@ Tessie demanded the payment of the shabu from me, sir.

Q:

And how did you respond to her demand for you to give her the payment for the stuff?

A:

I pulled out the buy-bust money or marked money and get the stuff, sir.

Q:

As soon as she had received from you that marked money in exchange of the stuff, what happened next?

A:

After she received it, I immediately introduced myself as PDEA Operatives, sir.

Q:

What was their reaction when you introduced yourself as a government agent?

A:

They were shocked and did not move when they saw my gun, sir.

Q:

After that what happened next?

A:

Immediately, I missed call my arresting officer PO3 Villanueva, sir.

Q:

How did she respond to your missed call?

A:

She arrived together with the other members of the team, sir.”[16]

From the foregoing positive testimony of SPO2 Abalos, the buyer (SPO2 Abalos), seller (accused-appellants Teresita Manimtim and Mario Morales), object (one [1] piece of heat-sealed transparent plastic sachet containing white crystalline substance which was later on found to be Methamphetamine Hydrochloride or shabu) and consideration (Php500.00 marked money[17]) were all identified. The white crystalline substance was confirmed to be Methamphetamine Hydrochloride or shabu by Chemistry Report No. D-295-07[18]. Furthermore, the prosecution has also established the delivery of the heat-sealed transparent plastic sachet containing white

crystalline substance by the accused-appellants Manimtim and Morales to SPO2 Abalos after payment thereof of the marked money worth Php500.00.

For their part, accused-appellants made use of denial/alibi as their defense. Accused-appellants allege that they were merely victims of a frame-up operation conducted by the police officers. This was evident in the testimony of accused-appellant Manimtim, where she stated:

“ATTY. CABANLAS:

Q:

While you were having lunch at that time, Ms. Witness, do you recall of any particular incident that took placed (sic)?

A:

We just finished our lunch, Ma'am and I instructed JP to wash the dishes and clean the kitchen and JV went out and I seated outside the door, Ma'am.

x x x

x x x

x x x

COURT:

Q: Pangkaraniwan ba iyon o hindi pangkaraniwan?

A:

After that while I was sitting my cousin approached me and we chat and a male person approached us and asked me if I know a person named Zaira.

ATTY. CABANLAS:

Q: What is the name of your cousin?

A: I cannot recall, she is the wife of my nephew.

Q: You said that a male person approached you and was looking for a person named Zaira. Do you know this male person?

A: No, Ma'am.

Q: So, what happened after that person approached you?

A: I told the male person that I did not see Zaira since that morning and I know Zaira because she was living at the back of our house and she is the wife of my nephew.

Q: So what happened when you informed the male person that Zaira is not around?

A: He immediately left, Ma'am.

Q: Were you present when PO2 (sic) Gerry Abalos testified in this court?

A: Yes. Ma'am.

Q: According to him, Mr. Witness (sic) that he was able to buy shabu from you on April 19, 2007 at around 2:00 o'clock in the afternoon. What can you say about that?

A: That is not true, Ma'am.

Q: What is the truth, Ms. Witness?

A: After he left we have a conversation with Noralyn that a (sic) several persons were in our house, Ma'am.

COURT:

Q: Who left?

A: The person who were asking about Zaira, Your Honor.

ATTY. CABANLAS:

Q: So your cousin Noralyn informed you that there were people in your house?

A: Yes, Ma'am.

Q: What did you do when you find (sic) out that there were people in your house?

A: I checked on it and I saw that there were indeed persons inside our house and when they noticed us, they approached us.

Q: What happened when they approached you?

A: They introduced themselves as policemen, Ma'am.

Q: So what (sic) you tell them when they introduced themselves as policemen?

A: After they introduced themselves as policemen they arrested me for selling illegal drugs.

Q: So what did you do when those police officers tell you that they are arresting you for selling illegal drugs.

A: I was surprised and I explained my side and I was insisting that it was not mine.

Q: Why did you say, Ms. Witness that was not mine? Why did you say that?

A: It was not really mine because when they came they already brought with them the said item. And it is my cousin who can attest to that fact.

Q: Now, Ms. Witness, are you telling us that when these officers informed you that you were selling drugs, they showed you shabu?

A: Yes, Ma'am.

Q: And who was in possession of that shabu when it was shown to you?

A: One of the persons who introduced as policeman, Ma'am.

Q: When for the first time did you see that shabu that was shown to you by the police officers?

A:

On that time, Ma'am.”[19]

Such contention, however, deserves scant consideration specially in this case where no proof of any intent on the part of the police officers to falsely impute accused-appellants in the commission of the crime was presented.

In a plethora of cases, one of which is the case of *People vs. Libnao*[20], the Honorable Supreme Court has, time and again, enunciated that:

“Against the credible positive testimonies of the prosecution witnesses, appellant's defense of denial and alibi cannot stand. The defense of denial and 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 cases involving violation of the Dangerous Drugs Act. It has to be substantiated by clear and convincing evidence.”

The proof presented in the lower court by the accused-appellants to support their claim of denial and alibi were their very own testimonies and that of a certain Noralyn Morales, which We find to be self-serving statements for being baseless and unfounded.

Furthermore, during her cross-examination, accused-appellant Manimtim testified as follows:

“ATTY. CABANLAS:

Q: Ms. Witness, did you file a case against these police officers?

A: No. Ma'am.

Q: Why not?

A: I told that (sic) I will not file a case and we will just participate in this case, Ma'am.

Q: Even these police officers arrested you without any basis?

A: No, Ma'am.”[21]

Hindsight, accused-appellants should have filed criminal charges against the involved police officers for planting of evidence. Their failure to do so only leads to the conclusion that the alleged frame-up was merely concocted and an afterthought.

As to the alleged inconsistencies in the prosecution witnesses' testimonies, We find the same to be immaterial.

Basic is the rule that a few discrepancies and inconsistencies in the testimonies of witnesses referring to minor details and not actually touching upon the central fact of the crime do not impair the credibility of the witnesses. Instead of weakening their testimonies, such inconsistencies tend to strengthen their credibility because they discount the possibility of their being rehearsed.[22]

The alleged inconsistency on the venue of the transaction cited by accused-appellants between the testimonies of prosecution witnesses SPO2 Abalos and PO3 Villanueva is really minor in character and insufficient to cast doubt on the said witnesses' credibility. Such inconsistent testimony does not, in any way, negate the occurrence of the buy-bust operation and accused-appellants' involvement therein.

Accused-appellants further contended that the police officers failed to inform them of their constitutional rights, that is, the Miranda Rights, at the time they were arrested. Hence, there was an irregularity in their arrest.

Such contention, however, is misplaced. Accused-appellants were properly informed of their rights prior to their arrest as testified to by SPO2 Abalos[23].

Assuming arguendo that the accused-appellants were deprived of their right to be informed of their rights prior to their arrest, the same may no longer be raised in the instant appeal.

The proper time to question the validity of their arrest should have been before they were arraigned and not when the case is already on appeal. Otherwise, the objection is deemed waived.[24]

This has been the ruling of the Honorable Supreme Court in the case of *Filoteo, Jr. vs. Sandiganbayan*[25], where it held:

“It is well-settled that any objection involving a warrant of arrest or procedure in the acquisition by the court of jurisdiction over the person of an accused must be made before he enters his plea, otherwise the objection is deemed waived. Besides, this issue is being raised for the first time by appellant. He did not move for the quashal of the information before the trial court on this ground. Consequently, any irregularity attendant to his arrest, if any, was cured when he voluntarily submitted himself to the jurisdiction of the trial court by entering a plea of not guilty and by participating in the trial. Moreover, the illegal arrest of an accused is not sufficient cause for setting aside a valid judgment rendered upon a sufficient complaint after trial free from error.”

This pronouncement was reiterated in the 2008 case of *Eugenio vs. People*[26], where the Honorable Supreme Court further explained:

“Any irregularity attending the arrest of an accused, depriving the trial court of jurisdiction over her person, should be raised in a motion to quash at any time before entering her plea. Petitioner's failure to timely raise this objection amounted to a waiver of such irregularity and resulted in her concomitant submission to the trial court's jurisdiction over her person. Indeed, not only did petitioner submit to such jurisdiction, she actively

invoked it through her participation during the trial. Petitioner cannot now be heard to claim the contrary.”

Finally, accused-appellants alleged that the presumption of regularity in the performance of duties cannot overcome the presumption of innocence.

Unfortunately for the accused-appellants, such contention is again misplaced.

It is true that the law enforcers enjoy the presumption of regularity in the performance of their duties and this presumption cannot prevail over the constitutional right of the accused to be presumed innocent. However, this only applies when the presumption of regularity in the performance of duties is the only basis for the conviction of the accused. This was the Honorable Supreme Court's pronouncement in the case of *People vs. Cañete*[27], where it declared:

“While the Court is mindful that the law enforcers enjoy the presumption of regularity in the performance of their duties, this presumption cannot prevail over the constitutional right of the accused to be presumed innocent and it cannot, by itself constitute proof of guilt beyond reasonable doubt.” The presumption of regularity in the performance of official duty cannot be used as basis for affirming accused-appellant's conviction because “First, the presumption is precisely just that — a mere presumption. Once challenged by evidence, as in this case, . . . [it] cannot be regarded as binding truth. Second, the presumption of regularity in the performance of official functions cannot preponderate over the presumption of innocence that prevails if not overthrown by proof beyond reasonable doubt.” The presumption also cannot prevail over positive averments concerning violations of the constitutional rights of the accused. In short, the presumption of regularity in the performance of official duty cannot by itself overcome the presumption of innocence nor constitute proof beyond reasonable doubt.” (Underlining Ours)

The overwhelming evidence, documentary and testimonial, of the prosecution were more than enough to overturn the presumption of innocence.

As to the third issue, accused-appellants, in the same Brief[28], further allege that the prosecution failed to establish an unbroken chain of custody due to the failure of SPO2 Abalos to establish that he marked the sachet of shabu in the presence of the accused-appellants and also due to prosecution's failure to identify the person who had custody of the seized sachet after it has been examined by the forensic chemist.

This contention, however, does not persuade.

There is unbroken chain of custody when the integrity of the seized item is preserved by duly recording its authorized movements from the time of its seizure, to its handling by the police, to the receipt of the forensic laboratory, until it is presented in court and subsequently destroyed.[29]

In the present case, upon receipt of the sachet and after delivery of the marked money, SPO2 Abalos then introduced himself as a PDEA agent; signaled the other members of the team and then arrested the accused-appellants. He then marked the plastic sachet with “Exhibit A-GSA, 04-19-07” (date of the arrest) and his signature before proceeding to the police station. At the police station, SPO2 Abalos immediately prepared an inventory, took pictures of the accused[30] together with the confiscated items[31]. The corresponding Certificate of Inventory[32] was then signed by P/Insp Caraig, the two accused, the media representative and the barangay official. Afterwards, SPO2 Abalos prepared a written request for laboratory examination[33], and a request for the medical and physical examination of the two accused[34]. During all this time, the accused-appellants were all at the police station, under custody, as they had waived their right under the provisions of Article 125 of the Revised Penal Code. Thus, while not specifically mentioned in the testimonies, evidence shows that the accused were all at the very same place where the markings and inventory of the seized items took place.

The records further clearly bear out that the confiscated item was forwarded to the PNP Crime Laboratory, where it was received by PO3 Mariano[35]. The turnover of the confiscated item was documented through the request for laboratory examination, Exhibit "C," dated April 19, 2007, with time of receipt by PO1 Mariano at 8:48 p.m. PO3 Mariano, in turn, gave the confiscated item to Police Chief Inspector Lorna Ravelas Tria for examination to determine the presence of dangerous drugs. After the qualitative examination was conducted on the submitted specimen, PCI Tria concluded that the white crystalline substance tested positive for the presence of Methamphetamine Hydrochloride. When the prosecution presented these marked specimens in court, SPO2 Abalos positively identified the item to be the same item he seized from the appellant, marked with "Exhibit A-GSA, 04-19-07" (date of the arrest) and his signature and which he turned over to the laboratory for examination based on a duly prepared request. We quote the pertinent portions of the records:

"PROSECUTOR SERRANO

Q: After Mario gave to you this plastic sachet, what transpired next?

A:

@ Tessie demanded the payment of the shabu from me, sir.

Q:

And how did you respond to her demand for you to give her the payment for the stuff?

A:

I pulled out the buy-bust money or marked money and get the stuff, sir.

Q:

As soon as she had received from you that marked money in exchange of the stuff, what happened next?

A:

After she received it, I immediately introduced myself as PDEA Operatives, sir.

Q:

What was their reaction when you introduced yourself as a government agent?

A:

They were shocked and did not move when they saw my gun, sir.

Q:

After that what happened next?

A:

Immediately, I missed call my arresting officer PO3 Villanueva, sir.

Q:

How did she respond to your missed call?

A:

She arrived together with the other members of the team, sir.

Q:

When they arrived, what did you do with @ Tessie and Mario?

A:

PO3 Villanueva recovered the Php500.00 Peso bill marked money from @ Tessie, sir.

Q:

How about you, what did you do after that?

A:

I took my pentel pen and marked the plastic sachet which I bought, sir.

Q:

What marking did you effect on the sachet?

A:

Exhibit A-GSA, date of arrest and my signature, sir.

Q:

When you said the date of arrest as one of the marking that you have indicated on the stuff, can you be more specific?

A:

Yes, sir. 04-19-07.

Q:

So, after you made the corresponding marking on the stuff that you have obtained from the accused, what happened next?

A:

PO3 Villanueva informed the accused of their constitutional rights, sir.

Q:

Aside from informing the accused of their constitutional rights under the Miranda Doctrine, what else did you tell them, if any?

A:

That we are arresting them for selling illegal drugs, sir.

Q:

Where did you proceed, after that operation?

A:

We proceeded to our office at the PDEA, sir.

Q:

As soon as you have returned to your office together with the accused that you have arrested, what happened thereat?

A:

When we arrived at the office, I immediately made an inventory, took pictures of the accused together with the confiscated items, sir.

Q: You said that you were the one who prepared this Inventory Report?

A: Yes, sir.

Q: Would you know who signed this Inventory Report?

A: Yes, sir. Our team leader Police Inspector Caraig, the two accused, the media representative and the barangay official, sir.

Q: May I confront you with Exhibit "H" denominated as Certificate of Inventory dated April 19, 2007 signed by Team Leader, P/INSP. Gregorio Caraig, are you referring to the same document which you claimed yourself have prepared and was duly signed by the parties?

A: Yes, sir.

x x x

x x x

x x x

Q: You said that you were the one who indicated the specific markings of the subject stuff delivered to you by the accused, if this item will be shown to you, will you be able to identify it?

A: Yes, sir.

x x x

x x x

x x x[36]

During the continuation of direct examination of SPO2 Abalos, the witness added:

“PROSECUTOR IBANA

Q: By the way, who submitted the specimen to the crime laboratory office?

A:

I, ma'am.

Q:

Do you have any proof to show that you were indeed the one who submitted the same to the crime laboratory office?

A:

Yes, ma'am.

x x x

x x x

x x x

Q:

Mr. Witness did you come to know the result of the examination?

A:

Yes, positive, ma'am.

Q:

Positive for what?

A:

Methamphetamine hydrochloride, ma'am.

Q:

Do you have any proof that it was positive for the presence of methamphetamine hydrochloride?

A:

Yes, ma'am.

Q:

What is that proof?

A:

The result of the crime laboratory, ma'am.

x x x

x x x

x x x"[37]

Clearly apparent from all these is that the whole operation, all the way up to the submission of the seized shabu to the laboratory for testing, were duly recorded, overseen and under the immediate charge of SPO2 Abalos who himself was brought to court to testify thereon. The prosecution thus duly established the crucial links in the chain of custody of the seized items from the time they were confiscated until they were brought for examination. The totality of the testimonial, documentary, and object evidence adequately supports not only the findings that a delivery of the illicit drugs took place but accounted for an unbroken chain of custody of the seized evidence as well.

Assuming arguendo, that there were some defects in the chain of custody, as alleged by accused-appellants, these defects did not, in any way, affect the integrity and evidentiary value of the confiscated item.

R.A. No. 9165 outlines the procedure to be followed in the custody and handling of seized dangerous drugs under its Section 21, paragraph 1, Article II. This is implemented by Section 21 (a), Article II of the Implementing Rules and Regulations of R.A. No. 9165, which 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: 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.” (Emphasis Ours)

This provision stresses that the overriding concern in the rules on the chain of custody of seized and confiscated drugs is the maintenance of their integrity and evidentiary value. In other words, mere lapses in procedures need not invalidate a seizure if the integrity and evidentiary value of the seized items can be shown to have been preserved.

Moreover, We note that at no time during the trial did the defense question the integrity of the evidence either by questioning the chain of custody or by proof that the evidence had been tampered with. This, accused-appellants cannot do for objections to the admissibility of evidence raised for the first time on appeal cannot be considered.[38]

In the case of *People vs. Sta. Maria*[39], the Honorable Supreme Court underscored this rule and explained further, hence:

“Indeed, the police officers' alleged violations of Sections 21 and 86 of Republic Act No. 9165 were not raised before the trial court but were instead raised for the first time on appeal. In no instance did appellant least intimate at the trial court that there were lapses in the safekeeping of seized items that affected their integrity and evidentiary value. Objection to evidence cannot be raised for the first time on appeal; when a party desires the court to reject the evidence offered, he must so state in the form of objection. Without such objection he cannot raise the question for the first time on appeal.”

As the foregoing discussion shows, the integrity of the adduced evidence has never been tainted, so that it should retain its full evidentiary value.

WHEREFORE, the instant appeal is hereby DENIED. The June 26, 2012 Judgment of the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 31, in Criminal Case No. 6151-SPL, finding accused-appellants Teresita Manimtim and Mario Morales GUILTY beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165, otherwise known as, “The Comprehensive Dangerous Drugs Act of 2002”, is hereby AFFIRMED in toto.

SO ORDERED.

De Leon (Chairperson) and Peralta, Jr., concur.

[1] Penned by Judge Sonia T. Yu-Casano; Rollo, pp. 45-52.

[2] *Id.*, p. 52.

[3] Records, p. 3.

[4] 38 years old, married, police officer at the Regional Intelligence Division, R2, Camp Vicente Lim, Calamba City.

[5] 33 years old, single, police officer at RPC Division, Camp Vicente Lim, Laguna.

[6] Judgment, pp.1-2.

- [7] As culled from the Appellee's Brief, pp. 2-3; Rollo, pp. 138-139.
- [8] Records, pp. 162-164.
- [9] Accused-appellant, 61 years old, married and a resident of Brgy. Cuyab, San Pedro, Laguna.
- [10] Accused-appellant, 26 years old, married and a resident of 957 Brgy. Cuyab, San Pedro, Laguna.
- [11] 40 years old, married and a resident of 962 Brgy. Cuyab, San Pedro, Laguna.
- [12] As culled from the Appellant's Brief, pp. 7-8, Rollo, p. 99-100.
- [13] As culled from the Appellant's Brief, Rollo, p. 100; p. 106.
- [14] As culled from the Appellant's Brief, Rollo, pp. 100-106.
- [15] People vs. Mateo, G.R. No. 179478, 28 July 2008.
- [16] TSN dated 30 January 2008, pp. 9-12.
- [17] Records, p. 24 (Exhibit "I" for the plaintiff).
- [18] Id., p.19 (Exhibit "D" for the plaintiff).
- [19] TSN dated 29 March 2011, pp. 3-5.
- [20] G.R. No. 136860, 20 January 2003.
- [21] TSN dated 29 March 2011, p. 7.
- [22] People vs. Bagaua, G.R. No. 147943, 20 January 2003.
- [23] TSN dated 30 January 2008, p. 12.
- [24] People vs. Arellano, G.R. No.131518, 17 October 2000.
- [25] G.R. No. 79543, 16 October 1996.
- [26] G.R. No. 168163, 26 March 2008.
- [27] G.R. No. 138400, 11 July 2002.
- [28] Rollo, pp. 107-109.
- [29] People vs. Agulay y Lopez, G.R. No. 181747, 26 September 2008.
- [30] Records, pp.27-28 (Exhibits "L-1", L-3", "L-4", "L-5""L-6", "L-7", and "L-8" for plaintiff).
- [31] Id., p. 27 (Exhibit "L-2-A", "L-2-B" and "L-2-C" for plaintiff).
- [32] Id., p. 23 (Exhibit "H" for plaintiff).
- [33] Id., p. 18 (Exhibit "C" for plaintiff).
- [34] Id., p. 20 (Exhibit "E" for plaintiff).
- [35] Id., p. 18 (Exhibit "C-1" for the plaintiff).
- [36] TSN dated 30 January 2008, pp. 11-15.
- [37] TSN dated 25 June 2008, pp. 2-4.

[38] People vs. Alberto, G.R. No. 179717, 05 February 2010.

[39] G.R. No. 171019, 23 February 2007.

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