

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DENNIS SUMILI, ACCUSED-APPELLANT.

Ponente: LLOREN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/95a5eede929e/>

LLOREN, J.:

This is an Appeal from the Decision[1] dated August 10, 2009 of the Regional Trial Court of Iligan City, 12[th] Judicial Region, Branch 3, convicting the accused-appellant Dennis Sumili for violation of Section 5, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, the dispositive portion of which is quoted as follows:

WHEREFORE, premises considered, the court finds the accused Dennis Sumili GUILTY beyond reasonable doubt for Viol. of Sec. 5, Art. II of RA 9165 and is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.

The Branch Clerk of Court (OIC) is directed to transmit to the Drug Enforcement Agency the plastic sachet of Methamphetamine Hydrochloride weighing 0.32 grams subject of this case for said agency's proper disposition.

SO ORDERED.[2]

On June 30, 2006, appellant Dennis Sumili was charged with violation of Section 5, Article II of Republic Act No. 9165, the Information[3], docketed as Criminal Case No. 12595, reads as follow:

That on or about June 7, 2006, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, without having been authorized by law, did then and there willfully, unlawfully and feloniously sell one (1) sachet of Methamphetamine Hydrochloride, a dangerous drug commonly known as Shabu for the amount of P200.00

Contrary to and in violation of Sec. 5, ART. II, RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

When arraigned, the appellant, assisted by counsel,[4] pleaded NOT GUILTY. Thereafter, trial on the merits followed.

The facts as culled from the records:

The version of the prosecution is summarized by the Office of the Solicitor General as follows:

On June 7, 2006, the Philippine Drug Enforcement Agency (PDEA) Iligan City Sub-Office stationed at Camp Tomas Cabili, Tipanoy, Iligan City received a report about the illegal activities of one Dennis Sumili (appellant) who is actively engaged in the selling of shabu.

Having received the information, team leader SPO2 Edgardo Englatiera dispatched SPO2 Diosdado Cabahug to conduct a casing surveillance on the appellant to verify the report and subsequently to conduct a narcotic operation in the area.

After confirming the report, SPO2 Englatiera organized his team into two (2) groups and briefed them of the buy-bust operation that will be conducted on appellant. The first team was comprised of SPO2 Cabahug and Non-uniform Personnel (NUP) Carlito Ong while the second team was composed of SPO2 Casambaka, SPO2 Englatiera, NUP Blanco, NUP Ostia and the confidential agent.

SPO2 Englatiera also prepared a two hundred peso bill bearing a serial number L507313 and designated it as the money that will (sic) use for the buy-bust operation. He designated the PDEA confidential informant as the poseur-buyer.

By 5:10 in the afternoon of the same day, the two teams proceeded to Purok 6, Saray, Iligan City where appellant was allegedly selling shabu.

When the team arrived in the area, the poseur-buyer proceeded to the house of appellant to buy shabu while the police officers position themselves eight (8) meters away where they can observe the transaction between the appellant and the poseur-buyer.

From where they were hiding, the police officers saw the poseur-buyer approached the house of appellant. When the poseur-buyer reached for the front door of the house, appellant opened the door and the poseur-buyer in into the house.

After a few seconds, the poseur-buyer used his cell-phone and made a missed call, the pre-arranged signal that the transaction has been consummated, to SPO2 Cabahug. Upon instruction of SPO2 Englatiera, SPO2 Cabahug and NUC (sic) Ong rushed to the area to effect the arrest of appellant while the group of SPO2 Englatiera followed behind.

When the raiding team reached the house, appellant noticed their presence as the dog at the ground floor barked and SPO2 Cabahug fired his gun. Appellant then immediately escaped and jumped through the window of the house and threw the marked money at the roof beside his house. SPO2 Cabahug and NUP Ong ran after appellant but failed to apprehend him as he ran towards an unknown direction. Nevertheless, SPO2 Englatiera, who was left behind the house of appellant, was able to recover the marked money.

While still at the house of appellant, SPO2 Englatiera talked with the PDEA agent who acted as poseur-buyer. The latter handed over to SPO2 Englatiera the sachet of white crystalline substance bought from appellant. SPO2 Englatiera immediately marked the said item with SPO2 Cabahug's initial "DC-1". Thereafter, SPO2 Englatiera, together with the rest of the police officers, went back to the police station and prepared the request for laboratory examination.

On June 9, 2007, SPO2 Englatiera forwarded the recovered sachet of white crystalline substance to the PNP Crime Laboratory at Camp Tomas Cabili, Tipanoy, Iligan City for examination where it was confirmed to contain Methamphetamine Hydrochloride or Shabu.[5]

[Citations omitted]

Evidence for the Defense

Appellant Dennis is a fishball vendor. He testified that on June 7, 2006 he was not around their house when the alleged buy-bust operation was carried out because he was at the market to buy the ingredients for his fishball. When he arrived home from the market, his wife told him that there were policemen looking for him. Appellant vehemently denied having engaged in the selling of shabu.[6]

The daughter of the appellant, Sheila Marie Sumili also corroborated the testimony of the appellant that he was not present in their house at around 5:00 in the afternoon of June 7, 2006 because the appellant went to the market.[7]

After trial, the court a quo rendered its Decision finding the appellant guilty of Violation of Section 5, Art. II of Republic Act No. 9165. On appeal,[8] the appellant assigns the following as errors of the court a quo, to wit:

I

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE HEREIN ACCUSED-APPELLANT DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT;

II

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE HEREIN ACCUSED-APPELLANT DESPITE BLATANT VIOLATION OF SECTION 21 OF RA 9165 COMMITTED BY THE ARRESTING TEAM.[9]

The Ruling of this Court

Section 5 of Republic Act No. 9165 pertinently provide as follows:

XXX

XXX

XXX

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 such transactions.

XXX

XXX

XXX

To secure a conviction for illegal sale of shabu, the following essential elements must be established: (a) the identities of the buyer and the seller, the object of the sale, and the consideration; and (b) the delivery of the thing sold and the payment for the thing. What is material in prosecutions for illegal sale of shabu is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti as evidence.[10]

All the aforementioned elements were proven and duly established in this case. The testimonies of prosecution witnesses NUP Carlito Ong,[11] SPO2 Edgardo Englatiera[12] and SPO2 Diosdado Cabahug[13] satisfactorily established how the police officers came to know of the illegal activity of appellant, how they conducted the initial surveillance on appellant, and subsequently, how they were dispatched to the area to conduct a buy-bust operation and how the buy-bust transaction took place. SPO2 Cabahug declared that after the consummation of the sale, he received the pre-arranged signal and the other members of the team immediately rushed towards the area to arrest the appellant[14]. The poseur-buyer personally gave the shabu to SPO2 Englatiera who marked it with “DC-1”[15]. Likewise, SPO2 Englatiera personally recovered the marked money[16]. According to Forensic

Chemical Officer Leslie C. Segualan, RMT, the substance subject of the transaction, which weighed 0.32 gram was examined and found to be methamphetamine hydrochloride or shabu, a dangerous drug.[17]

Furthermore, a thorough scrutiny of the records revealed that the transfer of custody of the shabu or the corpus delicti in the present case was properly testified to and documented by SPO2 Englatiera who recovered the same through the following links: (1) SPO2 Englatiera recovered the 1-piece heat-sealed transparent sachet containing white crystalline substance from the poseur-buyer[18]; (2) Likewise, SPO2 Englatiera recovered the Php200.00 peso marked bill;[19] (3) SPO2 Englatiera marked the 1-piece heat-sealed transparent sachet containing white-crystalline substance from the poseur-buyer with “DC-1”[20] and prepared the request for Laboratory Examination of the seized items[21]; (4) Chemistry Report No. D-91-06 confirmed that the marked items sold by the appellant to poseur-buyer gave a positive result to the test for the presence of methamphetamine hydrochloride (shabu), a dangerous drug[22].

Based on the foregoing, there is no proof that the integrity and the evidentiary value of the seized shabu have been compromised at some stage. Thus, We find no reason to overturn the findings of the trial court.

Assuming arguendo, that there was non-compliance with the provisions of RA 9165 on the custody and disposition of dangerous drugs, the argument would still fail. The non-compliance did not affect the evidentiary weight of the drugs seized from the appellant because the chain of custody of the evidence was shown to be unbroken under the circumstances of the case. In *Zalameda v. People of the Philippines*[23]:

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. [Emphasis supplied]

Besides, appellant cannot be allowed too late in the day to question the police officers’ alleged non-compliance with the provisions of RA 9165 on the custody and disposition of dangerous drugs for the first time on appeal.²⁴ In *People v. Sta. Maria*,[25] the Supreme Court ruled:

“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.

Also, it is a settled rule that in cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers, for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary.[26] Appellant failed to overcome this presumption by showing clear and convincing evidence that the police officers did not properly perform their duty or that they were inspired by an improper motive.

WHEREFORE, the assailed Decision of the Regional Trial Court, Branch 3, finding accused-appellant Dennis Sumili 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 AFFIRMED in toto.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Jacob and Contreras, JJ., concur.

[1] RTC Decision penned by Judge Albert B. Abragan, Rollo, pp. 27-30.

[2] Rollo, p. 30.

[3] Records, p. 1.

[4] Records, p. 14.

[5] Rollo, pp. 60-61

[6] Direct Testimony of Dennis Sumili, TSN dated February 20, 2008, p. 3.

[7] Direct Testimony of Sheila Marie Sumili, TSN dated Nov. 12, 2007, p. 4.

[8] Records, p. 71.

[9] Rollo, p. 14.

[10] People v. Bautista, G.R. No. 177320, February 22, 2012; People v. Naquita, G.R. No. 180511, July 28, 2008; People v. Del Monte, G.R. No. 179940, April 23, 2008; People v. Santiago, G.R. No. 175326, Nov. 28, 2007.

[11] TSN dated August 6, 2007, pp. 3-12.

[12] TSN dated August 6, 2007, pp. 13-19.

[13] TSN dated September 12, 2007, pp. 4-21.

[14] Id., p. 8.

[15] TSN dated August 6, 2007, p. 16.

[16] Ibid; and Records, p. 8.

[17] Records, p. 48; and Direct Testimony of Leslie C. Segualan, RMT, TSN dated May 28, 2007, p. 4.

[18] See footnote no. 13.

[19] Id.

[20] Id.

[21] Request for Laboratory Examination, Records, p. 49; Testimony of SPO2 Englatiera, TSN dated Aug. 6, 2007, p. 16.

[22] Records, p. 48.

[23] G.R. No. 183656, September 4, 2009.

[24] People v. Campomanes, G.R. No. 187741, August 8, 2010.

[25] People v. Sta. Maria, G.R. No. 171019, February 23, 2007.

[26] People v. Marcelino, G.R. No. 189278, July 26, 2010.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.