

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FILOMENA FIGUEROA VILLAPANE, ACCUSED-APPELLANT.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is an appeal[1] from the June 8, 2010 Judgment[2] of the Regional Trial Court (RTC), Branch 57, Cebu City in Criminal Case No. CBU-76442 finding accused-appellant Filomena Figueroa Villapane guilty beyond reasonable doubt of illegal possession of dangerous drugs in violation of Section 11, Article II of Republic Act No. 9165 (The Comprehensive Dangerous Drugs Act of 2002).

The Antecedents

Accused-appellant was charged under an Information[3] which reads:

The undersigned Assistant Prosecutor of the City of Cebu, accuses FILOMENA VILLAPANE Y FIGUEROA A.K.A. FELOMINA VILLAPANE Y FIGUEROA for Violation of Sec. 11 Art. II of RA 9165, committed as follows:

That on or about the 12th day of March, 2006, at about 7:30 P.M., in the City of Cebu, Philippines and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, did then and there have in her possession and under her control ten (10) heat-sealed plastic packets of white crystalline substance with a total net weight of 1.98 grams locally known as “shabu”, containing Methylamphetamine hydrochloride, a dangerous drug, without authority of law.

CONTRARY TO LAW.

Upon arraignment on May 10, 2006, accused-appellant, duly assisted by counsel, pleaded not guilty to the crime charged.[4]

During the pre-trial conference, there were no stipulation of facts for admission by the parties but the following issues were submitted for resolution: 1) whether or not the accused is guilty of the crime as charged; and 2) legality of arrest and search warrant.[5]

Thereafter, trial on the merits ensued.

The prosecution presented as its witnesses, PO3 Cesar Pandong[6] and PO2 Benigno Ilagan,[7] and formally offered in evidence Exhibits “A” to “E,” namely: the Letter Request for Laboratory Examination dated March 12, 2006;[8] ten (10) plastic packs of white crystalline substance marked “FFV-01” to “FFV-10”;[9] Chemistry Report No. D-464-2006;[10] police blotter;[11] and the brown pouch marked “FFV.”[12]

The prosecution likewise presented Jude Daniel Mendoza, Forensic Chemist of the PNP Crime Laboratory, Camp Sotero Cabahug, Gorordo Avenue, Cebu City. He testified on the laboratory examination he conducted on the submitted specimens.[13]

For its part, the defense presented accused-appellant[14] herself and Joan Tuñacao[15] as its witnesses but did not

formally offer in evidence any documentary exhibits.

The Prosecution's Version

As summarized by the Office of the Solicitor General (OSG),^[16] the version of the prosecution is as follows:

On March 12, 2006, at about 6:40 p.m., PO3 Cesar Pandong (PO3 Pandong), a PNP member assigned at the Cebu City Police Office (CCPO), Criminal Investigation and Intelligence Branch (CIIB) and temporarily detailed at PDEA 7 based at Camp Sotero Cabahug, Gorordo Ave., Cebu City, was on duty at said office when he received a call from their confidential informant informing him about the presence of a lady in yellow blouse and maong pants who was peddling shabu at the pier in Arellano Blvd. corner V. Sotto St., Cebu City.^[17]

PO3 Pandong immediately relayed the report to his fellow officers on duty namely PO3 Bezaleel Olmedo, Jr. (PO3 Olmedo) and PO2 Benigno Andrew Ilagan (PO2 Ilagan) who coordinated by phone with PDEA 7.^[18] After a short briefing, PO3 Pandong, PO2 Ilagan and PO3 Olmedo proceeded to the pier to conduct verification and surveillance operation.^[19]

At around 7:30 p.m., PO3 Pandong and his companions arrived at their targeted area. They were on board an unmarked vehicle crossing the street when they noticed a woman (accused-appellant) who matched the description given by their informant. She was standing on the roadside of Arellano Blvd. corner V. Sotto Street and appeared to be waiting for somebody.^[20] PO3 Pandong then proceeded to a store a meter or two behind accused-appellant on the pretext of buying something while his co-officers strategically positioned themselves eight (8) meters from appellant to observe her activities.^[21]

Apparently sensing their presence, accused-appellant drew out from her front pocket a brown pouch, measuring about 1 1/2 by 2 inches, and slowly dropped it to the ground. When the pouch reached the ground, several plastic packs came out from the pouch and scattered on the ground.^[22] PO3 Pandong and his companions recognized the plastic packs as shabu since the place was well-lighted.^[23]

Upon realizing that the conduct of their surveillance has been compromised due to the circumstances PO3 Pandong and his companions rushed towards accused-appellant and introduced themselves as police officers.^[24] PO2 Ilagan then held and arrested accused-appellant while simultaneously informing her of her constitutional rights and the nature of the offense she committed.^[25] Meanwhile, PO3 Pandong picked up the brown pouch and ten (10) plastic packs of shabu which were scattered on the ground (Exh. "B"). PO3 Olmedo then acted as security for his companions in the event that accused-appellant's companions attempted to rescue her.^[26]

Thereafter, PO3 Pandong and his companions brought accused-appellant together with the recovered items to the police station for investigation and proper disposition.^[27] At the police station, PO3 Pandong instructed PO2 Olmedo to reflect accused-appellant's arrest and the seizure of the illegal drugs (Exh. "D") from her in the police blotter.^[28]

At the station, the police learned that accused-appellant's name is "Filomena Villapane y Figueroa." Afterwards, in her presence and that of PO2 Olmedo, PO3 Pandong marked the brown pouch (Exh. "E") with accused-appellant's initials - "FFV," while the ten (10) recovered packets of shabu were marked as "FFV-01" to "FFV-10."^[29]

Subsequently, a letter-request for laboratory examination of the items seized was prepared by PO2 Olmedo (Exh. "A").^[30] In the same evening of March 12, 2006, PO3 Pandong delivered the letter-request and the subject specimens, with markings "FFV-01" to "FFV-10" (Exh. "B"), to the PNP Crime Laboratory Station 7.^[31] Per rubber stamped impression "RECEIVED," the delivered specimens were received by PO2 Sudaria of the PNP

Crime Laboratory on March 12, 2006 at 2020 hrs. (Exhibit “A-1”). PO2 Sudaria then turned over the specimens to Forensic Chemist, Jude Daniel Mendoza who forthwith conducted the necessary tests thereon. All the specimens yielded positive results for Methamphetamine Hydrochloride, a dangerous drug.[32] His findings for all the specimens were reflected in Chemistry Report No. D-464-2006 (Exhibit “C”).[33]

The Appellant’s Version

The facts as alleged by the accused-appellant were summarized in its Brief[34] as follows:

Accused-appellant Filomena Figueroa Villapane testified that on the date in question, she was in Manalili, Cebu City to buy clothes for her children's school activities. Thereafter, she went back to the house of Joan Tuñacao who is the godmother of her son. While accused-appellant was on board a jeepney, on her way to the pier area to go home to Hilongos, Leyte, the jeepney stopped as a passenger disembarked. However, two persons (policemen) pulled her out and she shouted because she was forced to board a taxi with one policeman while the other policeman drove a motorcycle. In a waiting shed near Camp Sotero Cabahug, the policemen demanded Php 40,000.00 for her release when in fact she did not commit a crime.[35]

Joan Tuñacao, on the other hand, testified that she knows the accused as she is her “kumare.” Accused-appellant went to her house at around past noon on March 12, 2006. At around 2:00 o'clock in the afternoon, the two of them went to Manalili because accused-appellant bought shoes and clothes for her children. At past 5:00 o'clock in the afternoon, accused-appellant boarded a passenger jeepney bound for Pier 3 as she was leaving for Leyte. The following day, she learned that accused-appellant was arrested.[36]

The Ruling of the RTC

In its June 8, 2010 Judgment[37] the RTC convicted accused-appellant for illegal possession of dangerous drugs. The dispositive portion[38] of the assailed Judgment reads:

“For all the foregoing, accused Filomena Villapane Y Figueroa is hereby sentenced to suffer the penalty of imprisonment ranging from twelve (12) years and one (1) day to fifteen (15) years and a fine of P300,000.00.

The ten (10) plastic sachets of shabu is forfeited in favor of the government.

SO ORDERED.”

The RTC held that the evidence adduced by the prosecution established beyond reasonable doubt the guilt of accused-appellant for the crime charged. It did not find impressive accused-appellant’s claim of extortion by the police officers and instead found the positive and direct testimonies of the police officers to be credible. It ruled that absent proof of evil motive on the part of the police officers, the presumption of regularity which runs in their favor stands. It likewise concluded that the identity and chain of custody of the shabu had been duly preserved.

Insisting on her innocence, accused-appellant is now before Us with this lone assignment of error:

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FACT THAT THE PROSECUTION FAILED TO PROVE HER GUILT BEYOND REASONABLE DOUBT.[39]

This Court’s Ruling

The appeal lacks merit.

Accused-appellant insists that her guilt was not proven beyond reasonable doubt based on the following considerations, to wit: that the claim of the police officers that the accused-appellant threw the pouch, which

contained packs of shabu, on the ground is not only incredible but also defies logic and is not worthy of belief; and that the integrity of the seized illegal drugs which was the corpus delicti of the offense was questionable since the requirements provided under Section 21 of RA 9165 regarding the custody and disposition of seized drugs have not been complied with.

We do not agree with accused-appellant.

All the elements for the prosecution of illegal possession of shabu were sufficiently established in this case.

In a successful prosecution for illegal possession of dangerous drugs, like shabu, the following elements must be established: (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.[40]

In this case, the prosecution successfully established all the elements of illegal possession of shabu. The testimony of PO3 Pandong reveals that a surveillance operation was organized and conducted in response to a tip from an informant that a certain woman, who later turned out to be the accused-appellant, was peddling shabu in the pier area. He spontaneously narrated in detail the circumstances before, during and after accused-appellant's apprehension. He also categorically and positively identified accused-appellant as the one who slowly dropped the brown pouch which contained plastic sachets of shabu.[41] Accused-appellant was clearly in possession of the ten (10) plastic packs of shabu at the time of her arrest. PO3 Pandong and PO2 Ilagan clearly testified that PO3 Pandong picked up the scattered packs of shabu which spilled out from the brown pouch which accused-appellant purportedly dropped to the ground. PO3 Pandong likewise clearly identified the corpus delicti of the crime which they recovered from accused-appellant and duly marked in her presence and that of PO2 Ilagan.[42]

PO2 Ilagan corroborated the declarations of PO3 Pandong. He also identified the specimens seized from accused-appellant which were marked by PO3 Pandong in his presence. PO2 Ilagan also identified the documents which he himself prepared such as the police blotter and joint affidavit of apprehension. He further identified the Chemistry Report No. D-464-2006 which their office received from the PNP Crime Laboratory.[43]

Meanwhile, Forensic Chemist Jude Daniel Mendoza identified Chemistry Report No. D-464-2006 and confirmed that the items turned over to them by PO3 Pandong and received by his office, thru PO2 Sudaria, were tested and were found positive for methamphetamine hydrochloride.[44]

Moreover, accused-appellant did not adduce evidence showing her legal authority to possess the shabu. Finally, accused-appellant freely and consciously possessed the ten (10) plastic packs of shabu. As correctly pointed out by the RTC, the element of possession and control by accused-appellant of the ten (10) plastic packs of shabu has been established and that her act of surreptitiously dropping the brown pouch which contained shabu was done for the purpose of divesting herself discreetly of the illegal drugs.[45]

Based on the foregoing observations, We are satisfied that the prosecution's evidence established the guilt of accused-appellant beyond reasonable doubt.

Prosecutions for illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation or surveillance operation, as in this case. Their narration of the incident, "buttressed by the presumption that they have regularly performed their duties in the absence of convincing proof to the contrary, must be given weight." [46] Here, the RTC ruled that the testimonies of prosecution witnesses were consistent with each other as well as with the physical evidence. Thus, there is no justification to disturb the findings of the RTC on the matter.

In deciding this appeal, this Court is guided by the legal aphorism that factual findings 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.[47]

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.

The defenses of denial and frame-up are unavailing.

In this case, accused-appellant vehemently denies the charge against her, however, such a denial cannot prevail over the positive testimonies of the prosecution witnesses.

This Court cannot convince itself to reverse the finding of facts of the trial court on the basis of accused-appellant's self-serving allegations of denial and extortion/frame-up.

Denial cannot prevail against the positive testimony of a prosecution witness. "A defense of denial which is unsupported and unsubstantiated by clear and convincing evidence becomes negative and self-serving, deserving no weight in law, and cannot be given greater evidentiary value over convincing, straightforward and probable testimony on affirmative matters." [48]

Appellant cannot likewise avail of the defense of frame-up which "is viewed with disfavor since, like alibi, it can easily be concocted and is a common ploy in most prosecutions for violations of the Dangerous Drugs Law." [49] To substantiate this defense, the evidence must be clear and convincing and should show that the buy-bust team was inspired by improper motive or was not properly performing its duty. [50]

Here, there is no evidence that there was ill motive on the part of the arresting officers. Accused-appellant did not know the police officers prior to her arrest. There could therefore be no bad blood between her and the said police officers. Moreover, there was no proof that the arresting officers improperly performed their duty in arresting accused-appellant. [51]

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. [52] Especially here, where an astute analysis of police operatives' testimonies do not indicate any inconsistency, contradiction, or fabrication.

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. [53]

Non-compliance with Section 21, Article II of Republic Act No. 9165 is not fatal.

In arguing for her acquittal, accused-appellant highlighted the failure of the police officers to immediately photograph and inventory as well as mark the seized items at the crime scene. In this regard, Section 21(1), Art. II of RA 9165 provides:

Sec. 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;

However, failure to strictly comply with the above procedure will not render an arrest illegal or the seized items inadmissible in evidence. Substantial compliance is allowed as provided for in Section 21(a) of the Implementing Rules and Regulations of RA 9165.[54] This provision reads:

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: 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 supplied).

The failure of the prosecution to show that the police officers conducted the required physical inventory and photographed the objects confiscated does not ipso facto result in the unlawful arrest of the accused or render inadmissible in evidence the items seized. This is due to the proviso added in the implementing rules stating that it must still be shown that there exists justifiable grounds and proof that the integrity and evidentiary value of the evidence have not been preserved.[55] “What is crucial is that the integrity and evidentiary value of the seized items are preserved for they will be used in the determination of the guilt or innocence of the accused.”[56]

Accused-appellant’s contention that the marking of the seized packs of shabu should have been made at the scene of the crime instead of in the police station likewise fails to impress.

It is clear from the earlier cited Sec. 21(a) of the Implementing Rules and Regulations of RA 9165 that the marking of the dangerous drug may be done in the presence of the violator in the nearest police station or the nearest office of the apprehending team. Accused-appellant should not confuse the instant situation from search and seizure conducted by virtue of a court-issued warrant. It is in the latter case that physical inventory (which includes the marking) is made at the place where the search warrant is served.[57] Nonetheless, “non-compliance with [the] 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.”[58]

Identity and Integrity of Seized Shabu Preserved; Chain of Custody: Unbroken

“The integrity and evidentiary value of seized items are properly preserved for as long as the chain of custody of the same are duly established.”[59] “‘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. Such record of movements and custody of seized item shall include the identity and signature of the person who had 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.”[60]

There are links that must be established in the chain of custody, 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 from the forensic chemist to the court.”[61]

In this case, the prosecution established clearly the integrity and evidentiary value of the confiscated shabu. There is no evidence that PO3 Pandong lost possession and control of the seized shabu from the time they were recovered from the accused-appellant then brought to the police station where the markings were made until their turnover to the crime laboratory. PO3 Pandong marked the seized items immediately upon arrival at the police station. After their marking, the same were brought by PO3 Pandong to the PNP Crime Laboratory where Forensic Chemist Jude Daniel Mendoza conducted the laboratory examination on the items seized which yielded a positive result for the existence of methamphetamine hydrochloride.

The RTC, in ruling that the identity, integrity and evidentiary value of the shabu was duly preserved, made the following pronouncements quoted hereunder:

“Further, the identity and chain of custody of the shabu has been secured from the time officer Pandong picked up the packets of shabu, placed the markings and delivered them to the PNP Crime Laboratory. The subject packets of shabu were duly received by Sudaria and examined by Jude Daniel Mendoza, both of the aforesaid laboratory. After the examination, the subject evidence indeed is shabu, a dangerous drug.

With the aforementioned elements of the crime duly proved, the Court does not doubt the origin, identity or integrity of the shabu confiscated from the accused. Though no inventory or photographs been made or obtained, these are only procedural requirements to safeguard the integrity of the seized evidence but their absence should not be considered absolutely to mean the illegal drugs are questionable that would adversely affect the identity of the subject shabu.”[62]

Clearly, from the foregoing, the illegal drugs that were confiscated from accused-appellant, taken to the police station, subjected to qualitative examination at the crime laboratory, and finally introduced in evidence against accused-appellant were the same illegal drugs that were confiscated from the accused-appellant's possession.

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.[63]

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.[64]

In addition, 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. However, such rule does not apply when the trial court has overlooked, misapprehended, or misapplied any fact of weight or substance.[65] In this case, the circumstances that, when properly appreciated, would warrant the acquittal of accused-appellant, are wanting. Thus, We uphold the presumption of regularity in the performance of official duties 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 Decision of the RTC, Branch 57, Cebu City dated June 8, 2010 in

Criminal Case No. CBU-76442 is hereby AFFIRMED in toto.

SO ORDERED.

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

[*]Acting Chairperson in lieu of J. Ramon Paul L. Hernando, per Office Order No. 19-14-GTI dated July 7, 2014.

[1] Records, pages 124-125.

[2] Penned by Judge Enriqueta Loquillano-Belarmino, records, pages 115-119.

[3] Records, pages 1-2.

[4] See Certificate of Arraignment, records, page 26.

[5] See Order dated June 28, 2006, records, page 33.

[6] TSN-Pandong, January 25, 2007, pages 4-16; August 8, 2007, pages 4-20.

[7] TSN-Ilagan, November 8, 2007, pages 4-31.

[8] Exhibit "A", records, page 55.

[9] Exhibit "B", retained at the RTC, Br. 57.

[10] Exhibit "C", records, page 56.

[11] Exhibit "D", records, pages 7-8.

[12] Exhibit "E", retained at the RTC, Br. 57.

[13] TSN, September 29, 2006, pages 4-6.

[14] TSN-Villapane, July 15, 2009, pages 4-22.

[15] TSN-Tuñacao, November 4, 2009, pages 4-8; February 3, 2010, pages 4-5.

[16] See Appellee's Brief, rollo, pages 71-76.

[17] Records, pages 5, 7-8; TSN, January 25, 2007, pages 4-5; TSN, August 8, 2007, page 4; TSN, November 8, 2007, pages 6, 19-21.

[18] Id.; TSN, January 25, 2007, page 6; TSN, November 8, 2007, pages 6-7.

[19] Ibid; TSN, January 25, 2007, page 6; TSN, August 8, 2007, page 17.

[20] TSN, January 25, 2007, page 6; TSN, August 8, 2007, pages 6, 14; TSN, November 8, 2007, pages 5-8, 21.

[21] TSN, January 25, 2007, page 7; TSN, August 8, 2007, pages 7-8; TSN, November 8, 2007, pages 22-23.

[22] TSN, January 25, 2007, page 8; TSN, November 8, 2007, pages 8-9, 24-27.

[23] TSN, November 8, 2007, pages 9-10.

[24] TSN, January 25, 2007, page 9; TSN, November 8, 2007, pages 10-11.

[25] TSN, January 25, 2007, page 10; TSN, November 8, 2007, pages 11, 28.

- [26] TSN, January 25, 2007, pages 9-10; TSN, November 8, 2007, pages 11-12, 27.
- [27] TSN, January 25, 2007, page 10; TSN, November 8, 2007, page 12, 27, 28.
- [28] TSN, January 25, 2007, pages 14-16; TSN, August 8, 2007, page 15; TSN, November 8, 2007, pages 12, 18, 30.
- [29] TSN, January 25, 2007, pages 10-11; TSN, August 8, 2007, page 11, 15; TSN, November 8, 2007, pages 12-15.
- [30] TSN, January 25, 2007, page 11; TSN, November 8, 2007, page 15.
- [31] TSN, January 25, 2007, pages 11-12; TSN, November 8, 2007, pages 15-16.
- [32] TSN, September 29, 2006, pages 4-5; TSN, January 25, 2007, page 13; TSN, November 8, 2007, pages 17-18.
- [33] Records, pages 55-56; TSN, September 29, 2006, page 5; TSN, January 25, 2007, page 13.
- [34] See Appellant's Brief, rollo, pages 27-28.
- [35] TSN, July 15, 2009, pages 5-10.
- [36] TSN, November 4, 2009, pages 4-8.
- [37] Supra, at note 2.
- [38] Page 5 of RTC Judgment, records, page 119.
- [39] See Accused-Appellant's Brief, rollo, page 24.
- [40] 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.
- [41] See TSN, January 25, 2007, pages 6-14.
- [42] See TSN, January 25, 2007, pages 6-14.
- [43] See page 16 of Appellee's Brief, rollo, page 84; See also TSN, November 8, 2007, pages 5-21.
- [44] See page 17 of Appellee's Brief, rollo, page 85; See also TSN, September 29, 2006, pages 5-7.
- [45] See page 3 of RTC Judgment, page 117.
- [46] People v. Llanita, G.R. No. 189817, October 3, 2012.
- [47] 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.
- [48] People v. Alberto, G.R. No. 179717, February 5, 2010.
- [49] People v. Alberto, supra.
- [50] People v. Alviz, supra note 26 at 71, citing People v. Capalad, G.R. No. 184174, April 7, 2009, 584 SCRA 717, 727.
- [51] People v. Salvador, G.R. No. 190621, February 10, 2014.
- [52] People v. Cruz, G.R. No. 185381, December 16, 2009, 608 SCRA 350, 368.

[53] *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.

[54] *People v. Salvador*, *supra*; *People v. Llanita*, *supra*.

[55] *People v. Salvador*, *supra*; *People v. Rivera*, G.R. No. 182347, October 17, 2008.

[56] *People v. Salvador*, *supra*; *People v. Manalao*, G.R. No. 187496, February 6, 2013.

[57] *People v. Salvador*, *supra*.

[58] Implementing Rules and Regulations of Republic Act No. 9165, Sec. 21(a).

[59] *People v. Salvador*, *supra*; *People v. Alviz*, G.R. No. 177158, February 6, 2013.

[60] *People v. Salvador*, *supra*; Section 1(b) of the Dangerous Drugs Board Regulation No. 1, Series of 2002; re Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, and Laboratory Equipment.

[61] *People v. Salvador*, *supra*; *People v. Kamad*, G.R. No. 174198, January 19, 2010.

[62] See pages 3-4 of RTC Judgment, records, pages 117-118.

[63] *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.

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

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

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