

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMNIC L. BULLECER ACCUSED-APPELLANT.

Ponente: INTING, J.

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INTING, J.:

Before Us on appeal is the Decision[1] dated March 28, 2012 of the Regional Trial Court of Medina, Misamis Oriental, Branch 26 rendered in Criminal Case No. 1898-M(2010) finding accused-appellant guilty beyond reasonable doubt for violation of Republic Act (RA) No. 9165.[2]

The facts[3] are as follows:

On October 14, 2010, an Information was filed against accused-appellant Romnic Lasdose Bullecerc, which reads:

“That on or about October 12, 2010 at around 3:00 in the afternoon more or less, at Medina, Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the above named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously have in his possession and control one (1) bundle of dried Marijuana fruiting tops with stalks with a net weight of 956.43 grams and one (1) orange plastic bag of dried Marijuana fruiting tops with stalks with a net weight of 76.10 grams.”[4]

Upon arraignment, the accused-appellant, with the assistance of his counsel, entered a plea of not guilty before the court a quo.[5]

On March 31, 2011, the prosecution presented its first witness, Police Senior Inspector Erma Condino Salvacion-Sampaga (Sampaga).

Sampaga testified before the court a quo that she is a forensic chemist of the Philippine National Police (PNP) Crime Laboratory in Cagayan de Oro (CDO) City. On October 13, 2010, while on duty, she received a letter request for laboratory examination, along with the specimen (a dark blue backpack containing marijuana), from the PNP Station of Medina. The letter had a rubber stamp impression marked control no. 614-2010, which indicated that it is the 614[th] letter request received by the office for 2010. The dark blue backpack had the markings, RBN, with the following contents: one (1) transparent plastic bag with markings RBN, a signature, and the date ‘October 12, 2010’, with the name and address of the suspect. The transparent plastic bag contained one (1) bundle of dried marijuana fruiting tops with stalks having a net weight of 956.43 grams and one (1) orange plastic bag that contained 76.10 grams of dried marijuana fruiting tops with stalks. [6]

Sampaga conducted a qualitative examination on the specimen. The qualitative examination comprised three (3) basic steps: physical test, screening test and confirmatory test. The test yielded positive for the presence of marijuana, a dangerous drug. After conducting the examination, she turned the evidence to the custodian, PO1 Dagatan.[7]

During cross-examination, Sampaga testified that she was the one who personally received the evidence from PO3 Neri who delivered it to the crime lab. The backpack was marked with a signature and the initial, RBN. The white transparent cellophane containing the drugs was also signed and marked with the initial, RBN. The white

transparent cellophane contained one (1) bundle of marijuana fruiting tops and one (1) orange plastic bag that contained marijuana fruiting tops, which were unmarked. Sampaga testified that she was the one who placed a masking tape around the bundle and marked the item. She also marked the orange plastic bag with her initial, ECS.[8]

On May 5, 2011, SPO3 Raymundo Oswaldo Centino (Centino) testified before the court a quo that he currently serves as the Deputy Chief of Police, Team Leader of the Arresting Team and a Police Non-Commissioned Officer (PNCO). As PNCO, he gathers information regarding criminals in his area. He has handled ten (10) drug cases in his twenty-nine (29) years as a police officer. On October 12, 2010, at around 10:00 o'clock in the morning, while on duty at his station, he received an information that a certain Tommy Ruedas and a certain Bullecer from Bulua were boarding a bus going to Cagayan de Oro for the purpose of buying marijuana. Centino testified that he has known the informant since 2004 and has helped them obtain information regarding drug-related cases involving Tommy Ruedas.[9]

After obtaining the information, Centino sent a pre-operation report to the Philippine Drug Enforcement Agency (PDEA), through text message, informing them regarding the tip they received from their informant. PDEA then replied with Pre-Operation Report Control No. 1010-00004. Centino and his team then conferred with their Police Chief to plan their action on the operation. After the meeting, they were told by their Police Chief to return after lunch for their final briefing. They then proceeded to the area at around 2:45 in the afternoon, on the same day. Three (3) teams handled the operation. One team was led by Centino, while the other teams were led by the Police Chief and PO3 Cabaraban. Centino's team was tasked to arrest and apprehend the suspect at the designated area. His team was composed of SPO2 Reny Rombo, PO3 Ajitor Jaculan and PO2 Michael Maestrado. A few minutes after they arrived at the bus stop in Mimbolo, they saw a person disembark from a bus who fit the description given by their informant. They then approached the accused-appellant and asked him of his name and place of residence. The accused-appellant identified himself and told the policemen that he is from Bulua. Centino and his group then identified themselves as policemen and asked accused-appellant the contents of his backpack. Accused-appellant then cried and answered, "Marijuana, Sir, and this is my first time." Centino then requested accused-appellant if he could open his backpack. Accused-appellant acceded and opened his backpack. Then Centino and his team saw that there was a transparent plastic bundle with marijuana inside. They then arrested accused-appellant and informed him of his Miranda rights. They asked a passerby to be a witness during the opening of the plastic bundle inside the backpack. After they took pictures of the evidence, they turned over the evidence to the investigator of the other team in the person of PO3 Robinson Neri (Neri). Neri made the inventory report wherein Centino affixed his signature as the seizing officer. They also called two (2) barangay officials from Barangay Tambagan to witness the seizure and confiscation of the marijuana. The accused-appellant was then brought to the police station, while the seized marijuana was brought to the PNP Crime Laboratory in CDO by SPO1 Robinson Neri. Accused-appellant was charged with the violation of RA 9165.[10]

During cross-examination, Centino admitted that he did not see the police officer who marked the evidence (i.e. the backpack and plastic cellophane containing marijuana). Centino also testified that the informant personally relayed the information to him and PO3 Jaculan. The informant mentioned one Tommy Ruedas, who has long been under surveillance by the PNP and listed as a drug pusher, and accused-appellant (identified by the informant only as 'Bullecer'). Centino testified that the accused-appellant signed the inventory receipts but nevertheless admitted that he did not actually witness the weighing of the seized marijuana, although he knew that it was (Investigator) Neri who conducted the weighing of the evidence in the police station. He likewise admitted that there were no media representatives and barangay officials who were with them during the inception of the operation. The barangay officials were called by his team only after the accused-appellant had been handcuffed and the marijuana was already on the ground.[11]

Thereafter, on May 19, 2011, SPO1 Robinsons Belandres Neri (Neri) testified before the court a quo that he has been a member of the PNP for almost fifteen (15) years. At present, he serves as the criminal investigator of PNP Medina. On October 12, 2010, at around 10:00 o'clock in the morning, while on duty, they received a tip from their informant that one of their targets, Tommy Ruedas, along with Romnic Bullecer, rode on a bus to CDO in order to buy illegal drugs. It was PO3 Jaculan, warrant server and intelligence operative, who received the information and immediately relayed it to Deputy Chief of Police, SPO2 Raymundo Oswaldo Centino. Their Police Chief then called for an emergency meeting to discuss the operation. They were divided into three (3) groups. The team led by Centino was assigned at Sitio Mimbolo because of the possibility that the suspect will alight there. Neri's group, led by SPO3 Bernardo Cabaraban, was assigned along the junction of Tambagan. The third group was at the stopover manned by Police Chief James Olores Gaylan.

At around 1:45 o'clock in the afternoon of the same day, they proceeded to the designated area and awaited further development. Thereafter, at around 3:00 o'clock in the afternoon, Centino sent him a text message informing him that they had already arrested the suspect (accused-appellant). Neri and his team immediately proceeded to the area (Sitio Mimbolo, Tambagan). When they arrived at the area, he personally saw the unzipped backpack which contained a bundle of cellophane with dried marijuana leaves inside and a small orange cellophane with marijuana leaves inside. Present during the arrest and seizure of marijuana were Kagawad Benjamin Bacus and Kagawad Najeal of Sitio Mimbolo. Centino then turned over the evidence to Neri. PO1 Michael Maestrado took pictures during the apprehension of the suspect and seizure of marijuana. They then proceeded to the police station where Neri made an inventory report of the seized items. They invited the barangay officials to go to the police station to witness the inventory of the items, but they failed to do so. Consequently, Neri went to their houses to let them affix their signatures on the inventory receipt. Neri weighed the seized marijuana using a weighing scale he borrowed from a fish vendor. The two cellophanes containing marijuana weighed one and one-fourth (1 ¼) kilo or 250 grams. He also marked his initials 'RBN' on the evidence and affixed the date '10-12-10'. After the preparation of the inventory report, he secured the evidence in his locker and delivered it to the PNP Crime Laboratory the following day or on October 13, 2010, along with the letter-request for laboratory examination. He was accompanied by PO3 Jaculan. The evidence and the letter-request were received by Police Senior Inspector Erma Condino Salvacion-Sampaga.[12]

During cross-examination, Neri testified that the team departed from the police station at around 1:40 o'clock in the afternoon and arrived in Tambagan junction before 2:00 o'clock p.m. His team was in police uniform while Centino's group was in civilian clothes. He also testified that he was not present when PO1 Maestrado was taking pictures of the seized items. He conducted the inventory of the items in the police station and made the necessary markings on the backpack, plastic cellophanes and marijuana. During the delivery of the evidence to Camp Evangelista, he and Jaculan did not make any stopovers and proceeded directly to the crime lab. They turned over the evidence to Police Senior Inspector Sampaga.[13]

He also testified that Tommy Ruedas, whom their informant mentioned, had long been under surveillance by PNP Medina. Accused-appellant, on the other hand, had not been under surveillance in the past and it was only during the operation that they first encountered his name and knew about his involvement. Neri also admitted that the two (2) barangay officials were present during the arrest of accused-appellant and the seizure of the marijuana but not during the inventory of the evidence. He requested the barangay officials to proceed to the police station for the inventory but the latter did not heed to their request. After making the inventory report, Neri proceeded to the house of the barangay officials where the latter eventually signed the report. When accused-appellant was detained in the police station, he was asked about his personal circumstances by some of the police officers. He told them he and Tommy got the marijuana leaves from Puerto, Bugo in CDO and that the latter had boarded a bus ahead of him. During the interrogation, accused-appellant was not assisted by a lawyer nor did he sign a

waiver of his right to obtain counsel.[14]

On June 2, 2011, PO2 Michael A. Maestrado (Maestrado) testified before the court a quo that he has been in the police service for seven (7) years. He currently serves at the Traffic Division of the Medina PNP Station. Prior to this, he was assigned at the Anti-Drugs Section. On October 12, 2010, at around 3:00 o'clock in the afternoon, while on duty, he was informed by PO3 Jaculan that they will conduct an operation where they will apprehend someone at the bus stop in Medina. He was assigned to take pictures of the operation. They were divided into three (3) groups: one group was assigned at the stopover (bus stop), the other group was assigned in Mimbolo (Maestrado's group), while the third one was assigned at the junction of Tambagan road. Maestrado's group was composed of SPO3 Centino (team leader), SPO2 Rombo and PO3 Jaculan. They arrived at Mimbolo road at 2:55 o'clock in the afternoon. After a few minutes, a 'Bachelor' bus made a stop where a man carrying a black backpack alighted. Maestrado's group approached the man and asked him his place of residence. The man replied, "from Bulua, Sir." When asked of his name, he replied, "I am Romnic Bullecer, Sir." The group then identified themselves as police officers of PNP Medina. Thereafter, accused-appellant started crying. When he was asked regarding the contents of his backpack, accused-appellant replied, "Marijuana, Sir." He then opened his bag upon the request of the police officers. Maestrado saw that the backpack contained dried marijuana leaves. SPO3 Centino then apprised accused-appellant of his constitutional rights in the Bisaya dialect. Maestrado took pictures of the contents of the bag upon instruction of Centino. Present during the apprehension of accused-appellant and the seizure of the marijuana were Kagawad Najial and Kagawad Bacus.[15]

During cross-examination, Maestrado testified that they were not accompanied by representatives from the media, the Department of Justice (DOJ), PDEA and local officials when they arrived at Mimbolo-Tambagan road. His team was in civilian or plain clothes at that time, and they were not armed with a warrant of arrest. He also testified that when accused-appellant was apprehended, Centino called the barangay officials in the area to witness the arrest. Maestrado was not present during the inventory of the evidence conducted by PO3 Neri. After the arrest of the accused-appellant and the seizure of the evidence, he continued his tour of duty as police-in-charge of traffic patrol in the market.[16]

Finally, on June 16, 2011, Rogelio Najeal (Najeal) was called to the witness stand and testified that he is a barangay official of Tambagan, Medina, Misamis Oriental with residence at Purok 3, Mimbolo, Tambagan. Najeal has served as a barangay official for seven (7) years. On October 12, 2010, at around 3:00 o'clock in the afternoon, he was campaigning in his barangay since the election of barangay officials was already fast approaching. During such time, accused-appellant was apprehended by police officers in the area for possession of marijuana. Najeal was able to witness the seizure of the marijuana from accused-appellant. He saw that there were two (2) bundles of marijuana. One was covered with orange cellophane while the other bundle was already unwrapped and placed on the ground. He estimated the latter bundle to be more or less one (1) kilo. Najeal also identified the joint-affidavit he executed together with Kagawad Bacus, who, at that time, was not yet holding a public position in their barangay. The joint-affidavit pertained to the apprehension of the accused-appellant and the seizure of marijuana from him.[17]

During cross-examination, Najeal testified that at the time of the incident, Benjamin Bacus was not yet a kagawad of their barangay.[18]

Accused-appellant did not present any evidence, testimonial or otherwise.

On March 28, 2012, the court a quo rendered the assailed decision finding the accused-appellant guilty beyond reasonable doubt for violation RA 9165. The dispositive portion of which reads:

"WHEREFORE, the accused is adjudged GUILTY of the crime charged of Violation of Article II, Section 11

of R.A. 9165 and he is sentenced to suffer the penalty of Life Imprisonment and to pay the fine of P500,000.00, plus costs. The seized prohibited drugs are forfeited in favor of the government pursuant to Section 20 of R.A. 9165.”[19]

Hence, this appeal.

Accused-appellant assigns the following assignment of errors:

I

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE HEREIN ACCUSED-APPELLANT DESPITE HIS ILLEGAL ARREST;

II

THE COURT A QUO GRAVELY ERRED IN ADMITTING IN EVIDENCE THE ALLEGED MARIJUANA LEAVES DESPITE THE FACT THAT IT IS INADMISSIBLE IN EVIDENCE IN ANY PROCEEDING BEING FRUIT OF A POISONOUS TREE; AND

III

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.[20]

Our Ruling

The appeal is bereft of merit.

The accused-appellant questions the legality of his arrest and argues that the arresting officers committed procedural lapses during his apprehension and the seizure of the alleged marijuana.[21]

With regard to the legality of his arrest, We concur with the court a quo that the warrantless arrest of the accused-appellant was valid. Jurisprudence dictates that a warrantless search is allowed under the following circumstances: (i) a warrantless search incidental to a lawful arrest; (ii) search of evidence in “plain view;” (iii) search of a moving vehicle; (iv) consented warrantless search; (v) customs search; (vi) a “stop and frisk” search; and (vii) exigent and emergency circumstances.[22]

This case falls under consented warrantless search. According to the Supreme Court in *Luz v. People*, consent to a search is not to be lightly inferred, but shown by clear and convincing evidence. It must be voluntary in order to validate an otherwise illegal search; that is, the consent must be unequivocal, specific, intelligently given and uncontaminated by any duress or coercion. Whether consent to the search was in fact voluntary is a question of fact to be determined from the totality of all the circumstances. Relevant to this determination are the following characteristics of the person giving consent and the environment in which consent is given: (1) the age of the defendant; (2) whether the defendant was in a public or a secluded location; (3) whether the defendant objected to the search or passively looked on; (4) the education and intelligence of the defendant; (5) the presence of coercive police procedures; (6) the defendant’s belief that no incriminating evidence would be found; (7) the nature of the police questioning; (8) the environment in which the questioning took place; and (9) the possibly vulnerable subjective state of the person consenting. It is the State that has the burden of proving, by clear and positive testimony that the necessary consent was obtained, and was freely and voluntarily given.[23]

The records reveal that, pursuant to the tip they received from their informant, SPO3 Centino proceeded to

Mimbolo Road near the bus stop. They were on the lookout for someone who fit the description given by the informant. Several minutes later, a bus arrived and unloaded some passengers, one of which was accused-appellant. Seeing that accused-appellant matched the description given by their informant, they approached him and asked him of his identity and residence. Accused-appellant then introduced himself as “Romnic Bullecer” and averred that “he is from Bulua”. SPO3 Centino and his team then introduced themselves as police officers and asked him the contents of his backpack. It was at this moment that accused-appellant started to cry and admitted that “it was marijuana and that it was his first time”. Centino then asked accused-appellant if the latter could open his backpack. Accused-appellant readily acceded. Upon opening of the backpack, Centino saw that there were two bundles of marijuana. They then placed the accused-appellant under arrest and informed him of his constitutional rights.

During his testimony, SPO3 Centino recalled how they apprehended accused-appellant, to wit:

“Q:

When you saw that the bus were (sic) already arriving, what did you do?

A:

I immediately informed the team to be alert because somebody, our suspect, might be disembarking from the bus.

Q:

Then, what happened after that?

A:

Seconds later, we saw a person carrying a backpack coming from the bus and crossing to the other side going to the market area from the highway.

Q:

Upon seeing that person, what did you do?

A:

We approached him.

Q:

And after that, what did you do?

A:

While he was walking and we were riding two motorcycles and I was the one who approached the accused and asked from where he was (sic), and where he is living.

Q:

Did he reply?

A:

He replied that he is from Bulua.

Q:

By the way, did you identify yourself as a police officer?

A:

Not yet at that time, during my first question, we did not introduce ourselves.

Q:

Why is that so?

A:

There was no purpose, Sir. Just asked him from where he was, because if I go further I have an idea that the person, the suspect, is Tommy Ruedas. So, we ask (sic) the person from where are you.

Q:

So when you asked the person from where are you?

A:

He answered Bulua.

Q:

And after that what question you further asked him?

A:

After that I asked him, what is his name and after he answered, that is the time we introduced ourselves that we are policemen.

Q:

And after that, what did you do?

A:

We asked him, what is inside the bag that he was carrying.

Q:

And did he reply?

A:

He cried and he answered: Marijuana, Sir, and this is my first time, Sir.

Q:

Upon receiving the said reply, what did you do?

A:

So, we asked him. First, we requested him if he can open his backpack after he said that marijuana is inside his bag.

Q:

Did he comply with your request?

A:

Yes, Sir.

Q:

Are you trying to say that he was the one who opened the backpack?

A:

Yes, Sir.”[24]

PO2 Michael Maestrado, who was part of the arresting team, corroborated the testimony of SPO3 Centino:

"Q:

What time did your group go to your designated place, police officer Maestrado?

A:

We arrived at the Mimbolo road 5 minutes before 3:00 o'clock in the afternoon because we were riding on a motor.

Q:

After arriving at that place, police officer Maestrado, what did you do?

A:

When we arrived at the Mibolo road, we positioned ourselves in a certain place. Few minutes later, there was a

Bachelor bus coming from Cagayan de Oro City and we saw the Bachelor bus stopped. Then, somebody alighted, a man carrying a black back pack

Q:

What did you do when you saw a person or somebody alighted from the said bus?

A:

When a man alighted from the bus on said place, we saw he crossed going towards the barangay road of Mimbolo.

Q:

Who were with you then, police officer Maestrado?

A:

SPO3 Centino, SPO2 Rombo, PO3 Jaculan and I.

Q:

Then, what happened next, after that?

A:

When we came near said person, SPO3 Centino asked him 'From where are you, Doy?', and he replied 'from Bulua, Sir.' Then SPO3 Centino asked again: 'What is your name, Doy?' and he answered, 'I am Romnic Bullecer, Sir.'

Q:

Was the accused alone?

A:

Yes. He was alone.

Q:

And after SPO3 Centino asked the accused his name, what did you do after that?

A:

After that, SPO3 Centino identified that we are police officers of PNP Medina. Romnic Bullecer was crying, facing towards the ground. SPO3 Centino also asked him: 'What is inside your bag, Doy?' While crying, the accused Bullecer answered in a low voice, 'Marijuana, Sir.' SPO3 Centino also asked: 'Doy, can you open your bag?' Still crying, Romnic Bullecer opened the bag.

Q:

Then, after that, what did you do when Bullecer opened his bag?

A:

When I got near and peeped I saw the content inside the bag. It was a (sic) dried marijuana leaves. I know it was marijuana because it was part of our training how to identify marijuana by smelling it. So, when we already found out it was marijuana, SPO3 Centino then apprised him of his constitutional rights in Visayan dialect.”[25]

Verily, the prosecution presented clear and positive testimonies to prove that the search was indeed consensual. The fact remains that at the time of the arrest, the accused-appellant was of age and knew the repercussions of his actions; the confrontation was done openly in a public place and there was no evidence of duress, coercion or intimidation. Hence, the search and consequent warrantless arrest were valid.

With regard to the alleged procedural flaws, the Supreme Court in a long line of cases has reiterated that minor deviations from the procedures under R.A. 9165 would not automatically exonerate an accused.[26] In *People v. Naelga*, the Supreme Court emphasized this principle, viz:

“Assuming arguendo that the presumption of regularity in the performance of official duty will not apply due to the failure to comply with Section 21(a), the same will not automatically lead to the exoneration of the accused. Accused-appellant’s conviction was based not solely on said presumption, but on the documentary and real evidence; and, more importantly, on the oral evidence of prosecution witnesses, whom we found to be credible. One witness is sufficient to prove the corpus delicti - that there was a consummated sale between the poseur-buyer and the accused - there being no quantum of proof as to the number of witnesses to prove the same. To emphasize, accused-appellant himself verified in his testimony that the said transaction took place.

The inconsistencies pointed out by the defense pertaining to whether or not he was already inside the public market of Rosales at the time the operatives returned, or if the buy-bust team saw him alighting from a tricycle, is an inconsistency immaterial to the commission of the offense and, thus, cannot affect the overall credibility of the prosecution witnesses.

The records of the case indicate that after his arrest, accused-appellant was taken into police custody. After the arrest, the seized item, which had the marking ‘EN’ and alleged to contain shabu, was brought to the PNP crime laboratory for examination. The request for laboratory examination and transfer of the confiscated sachet to the PNP crime laboratory was prepared by Chief of Police Policarpio C. Cayabyab, Jr. The request indicated that the seized item was delivered by PO3 Resuello, Jr. and received by Forensic Chemist P/Insp. Emelda Besarra Roderos, the same person who conducted laboratory tests on the substance. The transparent plastic sachet containing a white crystalline substance was later on determined to be positive for methylamphetamine hydrochloride or shabu.

PO2 Sembran positively identified the plastic sachet containing shabu, which he had bought from accused-appellant in the buy-bust operation. Thus, the identity of the shabu taken from accused-appellant had been duly preserved and established by the prosecution. Besides, the integrity of the evidence is presumed to be preserved, unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with. The accused-appellant in this case bears the burden of making some showing that the evidence was tampered or meddled with to overcome the presumption of regularity in the handling of exhibits by public officers and the presumption that public officers properly discharged their duties. There is no doubt that the sachet marked “EN,” which was submitted for laboratory examination and found to be positive for shabu, was the same one sold by accused-appellant to the poseur-buyer PO2 Sembran during the buy-bust operation.”[27]

In a similar vein, evidence reveals that the chain of custody in the case at bar remained undisturbed and the

identity of the marijuana was preserved. After the arrest of accused-appellant, Centino's team took pictures of the seized items. The evidence was then turned over to Neri who conducted the inventory. The inventory report was also signed by Centino. Barangay officials were called to witness the arrest of the accused-appellant and the seizure of the dangerous drug. Neri thereafter delivered the marijuana to the PNP Crime Lab. He directly turned over the evidence to Sampaga who conducted the examination. The prosecution gave a detailed timeline of the chain of custody of the seized marijuana. Furthermore, it was stated in Naelga that non-compliance with the stipulated procedure, under justifiable grounds, shall not render void and invalid such seizures of and custody over said items, for as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officers. The evident purpose of the procedure provided for 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 the innocence of the accused. Its absence, by itself, is not fatal to the prosecution's case and will not discharge accused-appellant from his crime. What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.[28]

Contrary to accused-appellant's allegation, the arresting officers did not have ample time to apply for a search warrant and/or warrant of arrest since they received the information at around 10:00 o'clock in the morning and the accused-appellant was expected to arrive on that very same day. Hence, We find that the accused-appellant should not be exonerated merely on procedural flaws which appear to be justifiable.

WHEREFORE, the appeal is DENIED. The Decision dated March 28, 2012 of the Regional Trial Court of Medina, Misamis Oriental, Branch 38, rendered in Criminal Case No. 1898-M(2010) is AFFIRMED.

SO ORDERED.

Camello (Chairperson) and Lopez, JJ., concur.

[1] Penned by Hon. Dan R. Calderon; Rollo, pp. 47-55; Records, pp. 282-290.

[2] 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.

[3] As culled from the records.

[4] Records, pp. 1-2.

[5] Supra, p. 71.

[6] TSN, March 31, 2011, pp. 10-26.

[7] Ibid.

[8] Supra, pp. 26-33.

[9] TSN, May 5, 2011; pp. 41-59.

[10] Ibid.

[11] Supra, pp. 59-70.

[12] TSN, May 19, 2011; pp. 88-102.

- [13] Supra, pp. 103-110.
- [14] Ibid. 15TSN, June 2, 2011; pp. 122-133.
- [16] Supra, pp. 133-139.
- [17] TSN, June 16, 2011; pp. 150-156.
- [18] Supra, pp. 157-158.
- [19] See footnote 1.
- [20] Rollo, pp. 26-27.
- [21] Ibid.
- [22] Luz v. People; G.R. No. 197788; February 29, 2012.
- [23] Ibid.
- [24] TSN, May 5, 2011; pp. 49-51.
- [25] TSN, June 2, 2011; pp. 125-127.
- [26] People v. Umipang; G.R. No. 190321; April 25, 2012.
- [27] G.R. No. 171018; September 11, 2009.
- [28] Ibid.

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