

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RADDIE DELOS REYES Y ROBLES @ RADDIE, ACCUSED-APPELLANT.

Ponente: GONZALES-SISON, M., J.

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GONZALES-SISON, M., J.:

This appeal challenges the Decision dated 22 May 2013 of the Regional Trial Court of Valenzuela City, Branch 269 in Criminal Case Nos. 575-V-12 and 574-V-12, which found accused-appellant Raddie Delos Reyes y Robles, guilty of the crime of illegal sale of methamphetamine hydrochloride, more popularly known as shabu, under Article II, Section 5 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The indicting Informations allege:

“Criminal Case No. 116-V-12

“That on or about June 4, 2012, in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously have in his possession and control one (1) heat-sealed transparent plastic sachet containing zero point zero two (0.02) gram of white crystalline substance Methamphetamine Hydrochloride (Shabu), knowing the same to be a dangerous drugs.

CONTRARY TO LAW.”[1]

“That on or about June 4, 2012, in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, without any authority of law, did then and there willfully, unlawfully and feloniously sell to PO1 JULIUS R. CONGSON, who posed as buyer of zero point zero two gram (0.02) of Methamphetamine Hydrochloride (Shabu), knowing the same to be a dangerous drug.

CONTRARY TO LAW.”[2]

Duly arraigned on 18 June 2012, accused, assisted by counsel de oficio, pleaded "Not Guilty[3] to the crimes charged. During the pre-trial conference, the prosecution and the defense agreed on the following stipulations of facts, to wit:

- The identity of the accused as the same person charged in the Informations; and
- The jurisdiction of the Court over the cases.

Joint trial on the merits forthwith ensued.

During the initial hearing of the case, the prosecution and the defense stipulated that Police Senior Inspector (PSI) Bernardo Roque is a duly qualified forensic chemist connected with the Valenzuela City Crime Laboratory Satellite Office of the Northern Police District and the said laboratory received two letter-requests for the laboratory examination of the specimens mentioned therein and for the drug test of one Raddie delos Reyes. In his capacity as a forensic chemist, PSI Roque, after the laboratory examinations of Exhibits “T-1”and “T-2”,

rendered a report stating his findings that said exhibits contain methamphetamine hydrochloride, a dangerous drug. After the examination of the urine sample of Delos Reyes, PSI Roque submitted the initial and final reports of his findings that the urine specimen was positive for the presence of methamphetamine hydrochloride, a dangerous drug. PSI Roque does not have personal knowledge of the circumstances of the arrest of Delos Reyes and of the person from whom the subject evidence were recovered or confiscated.

On cross-examination, PSI Roque testified that the length of time that marijuana stays in the body of a person depends on the metabolism and the activities of the person. Based on literature, it could stay for at least one (1) week. On the other hand, shabu is removed faster from the body. Based on literature, it is removed after two (2) days. It is possible for a urine test to have a positive result for methamphetamine if the person is taking medication that contains such drug but only shabu can convert the drug into methamphetamine.

The prosecution presented four (4) other witnesses, namely: (1) PO1 Julius Congson; (2) SPO3 Ronald Sanchez; (3) Kagawad Cesar Samala; and (4) PO1 Allan Pabusa Ruba. On the other hand, the defense presented two (2) witnesses: the accused himself and Manuel Alojado.

From the evidence and testimonies presented by the prosecution and the defense, the trial court culled the following conclusions:

“At around 12:05 a.m. of June 4, 2012, a regular confidential informant of the Station Anti-Illegal Drugs-Special Operation Task Group (SAID-SOTG), Valenzuela City Police Station, personally appeared at the SAID office and reported that a certain Raddie delos Reyes was selling shabu in Filipinas Aluminum, Navarete Street Arkong-Bato, Valenzuela City. The informant described Raddie as tall, with fair complexion and has previously been arrested in Marilao, Bulacan, and in Malabon. The informant also disclosed that said Raddie keeps the shabu in a small plastic box. With the information, Police Chief Inspector (PCI) Allan Ruba formed a team, composed of PO1 Julius Congson, PO3 Fajardo, PO2 Fabreag, PO2 Recto, and PO1 Lino Raya, to conduct an anti-illegal drugs operation. The team held a briefing, wherein PO1 Congson was designated as poseur-buyer. The unit chief gave him three one-hundred peso bills as buy-bust money. PO1 Congson placed his initials “JC” on the money bills before proceeding to the target area.

At around 1:30 a.m., the team arrived at Filipinas Aluminum located along Navarete Street, Arkong-Bato, Valenzuela City. Upon arrival thereat, PO1 Congson saw a male person around 10 meters away, standing beside a Meralco post and talking with some male persons. The informant casually told PO1 Congson that the tall person is their target. PO1 Congson and the informant went to the place where the target was standing. The informant introduced PO1 Congson and informed the target that he was buying shabu. The target, herein accused Raddie delos Reyes, responded “Magkano ba, tropa?”. PO1 Congson replied, “Tatlong piso lang, Boss”. After that, the accused took the bait money from PO1 Congson and put it inside his right pocket. Then, he brought out from his left pocket a small plastic box, containing two small heat-sealed transparent plastic sachets with white crystalline substance, which PO1 Congson believed to be shabu. Delos Reyes handed to PO1 Congson one small heat-sealed sachet and then, returned the small plastic box in his left pocket. After PO1 Congson received the small heat-sealed sachet, he put it inside his pocket and then made the signal, as prearranged with his colleagues, by holding the suspect. When he introduced himself as a police officer, the accused tried to resist. But the other police operatives were able to immediately approach and assist PO1 Congson in handcuffing Raddie. When the latter was searched and frisked, PO1 Congson recovered a small plastic box from his left pocket, as well as the bait money and a five-hundred-peso bill. The police officers brought the accused to the barangay outpost.

While waiting for the barangay kagawad who will witness the inventory, the evidence were placed on top of the table at the barangay hall of Brgy. Arkong-Bato. Two police officers and a barangay tanod fetched Kagawad Cesar Samala from his house at 2:30 a.m. of June 4, 2012. When Kagawad Samala arrived at the barangay hall at 2:40 a.m., the drug inventory started. The accused informed the kagawad that nothing was

taken from him. One of the police officers told the accused just to state that in court since he has [sic] already been arrested. The police officers presented to the kagawad two transparent plastic sachets with white crystalline substance, one plastic container similar to a pill box, one Globe prepaid SIM card, three P100 bills, and one P500 bill, which were allegedly recovered from Raddie. SPO3 Ronald Sanchez wrote down on the inventory form the details of the recovered evidence, after PO1 Congson placed markings on them. After marking the evidence with his initials, signature and the date, PO1 Congson placed them in a small brown envelope and turned them over to SPO3 Sanchez. PO1 Congson, Kagawad Samala and SPO3 Sanchez signed the inventory form. The two police officers alternated in taking pictures. There was no representative from the media or the Department of Justice (DOJ) during the inventory.

After the inventory at the barangay outpost, the accused was subjected for medical examination at Polo Emergency Hospital. Then SPO3 Sanchez prepared the request for laboratory examination and the request for drug test of the accused. Thereafter, he brought the accused and the recovered evidence to the PNP Crime Laboratory Office of the Valenzuela City Police Station. He also prepared the Spot Report, the IDF, the case referral, the affidavit of the arresting officer, and his Affidavit of Attestation, as well as request-letters to the Malolos Regional Trial Court and Malabon Regional Trial Court for a record check of Raddie delos Reyes.

PO1 Julius Congson positively identified accused Delos Reyes in open court. He also identified the three one-hundred-peso bills used as buy-bust money; the two plastic sachets, the Inventory of Seized Property/Items that he had signed; the Chain of Custody Form, the Police Blotter, and his Sinumpaang Salaysay ng Pag Aresto.

SPO3 Ronald Sanchez also identified the three one-hundred-peso bills turned over to him by PO1 Congson, the pictures taken during the drug inventory at the barangay hall, the Inventory of Seized Property/Items that he had prepared; the Chain of Custody Form, the Spot Report, the case referral addressed to the City Prosecutors Office, the affidavit of the arresting officer, and his Affidavit of Attestation.

PO1 Allan Rabusa identified his signatures on the Coordination Form, the Pre-Operation Report, and the referral for inquest.

Kagawad Cesar Samala also identified the inventory document that he signed.

After presenting five witnesses, the prosecution filed its formal offer of evidence and rested its case. Upon admission of the prosecution evidence, the Court proceeded to hear the defense of the accused.

According to the defense, on June 4, 2012 at past midnight to 1:00 a.m., the accused and his friend, Jose Sacro, went to attend a party at the house of another friend, Fernando Ubas, at Pilipinas Aluminum in Navarete Street, Arkong Bato, Valenzuela City. When they arrived at said house, there were many people, so they stayed by the door. After 5-10 minutes, about 10 police officers arrived, looking for someone. One of them called Delos Reyes and told him to go with them for verification. Since it was allegedly for verification only, Delos Reyes went with the police to their office in Valenzuela. Upon arrival thereat, the police officers ate first, then, one of them talked to the accused. The police officer who talked to the accused initially asked him how he could help himself. In a while, the police asked the accused for money in the amount of P80,000.00. Delos Reyes said that he had no money to give and, besides, no case could be filed against him since he just went with them upon their invitation for verification purposes. The police reduced the amount they were asking from him to P40,000.00. Again, the accused told them that he does not have that amount. He reiterated that he has not done anything wrong and that nothing was recovered or seized from him; thus, no case could be filed against him. But Major Ruba suddenly brought out a box, took therefrom two small sachets labeled “Boy Halili” and told the accused that those items will be used as evidence against him.

The police officers, then, arranged some documents. Major Ruba chose Julius Congson and SPO1 Sanchez as the arresting officers. They brought the accused to the barangay hall of Arkong Bato. On their way to Arkong Bato, Congson apologized to the accused and explained that they could not do anything but follow the orders

of higher officials to file a case against him. When they arrived at the barangay hall, they waited [for] more than an hour for the barangay kagawad. When the kagawad arrived, the accused told him that the police were not able to recover anything from him. But the kagawad merely replied that the evidence and document will just be presented to him. Sanchez also told the accused to just prove his innocence in court. After photographs were taken, the accused was brought to the Polo Emergency Hospital for medical examination. Thereafter, he was brought to the detention center.”[4]

On 22 May 2013, the trial court rendered a decision[5], the dispositive portion of which reads as follows:

“WHEREFORE, in Criminal Case No. 573-V-12, accused RADDIE DELOS REYES y ROBLES is hereby found GUILTY beyond reasonable doubt of illegal sale of a dangerous drug, in violation of Section 5, Article II of Republic Act No. 9165, and imposed the penalty of life imprisonment and a fine of five hundred thousand pesos (P500,000.00). The period that said accused has served under preventive imprisonment may be credited in his favor, in accordance with Article 29 of the Revised Penal Code, as amended, and applicable rules.

In Criminal Case No. 574-V-12, the accused is ACQUITTED of violation of Section 11, Article II of RA 9165, due to insufficiency of evidence.

The Acting Branch Clerk of Court is hereby directed to turn over with dispatch the drug specimen subject of these cases to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

SO ORDERED.”

Hence, this appeal, with the lone assignment of error, to wit:

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.

Maintaining his innocence, appellant appealed to this Court, arguing that the prosecution failed to comply with the requirements of Section 21 of R.A. No. 9165 regarding the chain of custody of the seized items. Although the prosecution made an inventory of the items seized from the appellant, the said inventory fell short of the mandatory requirement of the law in that it shall be signed not only by an elected public official but also by 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).

On the other hand, the People, through the Office of the Solicitor General maintains that the prosecution was able to prove beyond reasonable doubt the elements of illegal sale of dangerous drugs under Section 5, Article II of R.A. 9165. Furthermore, the prosecution claims that the chain of custody of the seized drugs under Section 21 was properly observed by the police officers and the arresting team acted in accordance with their duty and in good faith; hence, they are accorded presumption of regularity.

The Court finds no merit in the appeal.

It has been consistently ruled that for the successful prosecution of offenses involving the illegal sale of drugs under Section 5, Article II of R.A. No. 9165, the following elements must be proven: (1) the identity of the buyer and seller, object and consideration; and (2) the delivery of the thing sold and the payment therefor. 24 In other words, there is a need to establish beyond reasonable doubt that the accused actually sold and delivered a prohibited drug to another, and that the former indeed knew that what he had sold and delivered to the latter was a prohibited drug. To reiterate, what is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, plus the presentation in court of corpus delicti as evidence.[6]

Contrary to the claim of accused, the prosecution was able to clearly recount how the buy-bust operation was conducted, and the eventual submission of the subject sachet of shabu as part of its evidence. We note that during

the direct examination of the prosecution's witness, PO1 Julius Congson, he categorically testified on the following factual antecedents:

"Q:

So when you stayed in your office and waited for the paperworks against Alyas Makol, what happened next?

A:

At around 12:05 a.m., Sir, of June 4, 2012, our regular confidential informant personally appeared in our office and informed that a certain Alyas Raddie Delos Reyes is currently selling shabu in Filipinas Aluminum, Navarette Street, Arkong-Bato, Valenzuela City.

Q:

So, what happened next after this informant informed you about the selling of illegal drugs of this Raddie Delos Reyes in Filipinas Aluminum?

A:

We asked him the identity of this Alyas Raddie, Sir, and he said that he is a tall person with fair complexion, and was previously arrested in Marilao, Bulacan, and also in Malabon. He also disclosed that the shabu he is selling is placed in a small plastic box.

Q:

So after you gathered this information from your regular confidential informant, what happened next?

A:

Because our Unit Chief, Police Chief Inspector Allan Ruba was there in our office, Sir, he formed a team to conduct the anti-illegal drugs operation.

Q:

This team created by PCI Allan Ruba, who was the team leader?

A:

Him, Sir. He was the team leader.

Q:

And who were the members of this team?

A:

PO3 Fajardo, PO2 Fabreag, PO2 Recto, PO1 Lino Raya and me, Sir.

Q:

What was your participation in this operation against Raddie Delos Reyes?

A:

After the team was formed, Sir, we conducted planning and briefing, and I was designated as the poseur-buyer, Sir.

Q:

And who was your supposed back-up since you were designated as poseur-buyer?

A:

My companions, Sir.

Q:

As a poseur-buyer, what kind of money did you use in this buy-bust operation?

A:

Three pieces one hundred peso bill, Sir.

Q:

Where did you get that money?

A:

From our unit chief, Sir.

Q:

So, after you've got the buy-bust money, the three one hundred peso bills, what happened next?

A:

I placed my initials "JC" in the money, Sir, which stands for Julius Congson.

Q:

Where did you place your initials in the three pieces one hundred peso bill?

A:

At our office, Sir.

Q:

When?

A:

Before we proceeded to the target area, Sir.

Q:

What time did you place your initials?

A:

At around 12:30.

Q:

12:30 a.m.? That would be June 4 of 2012 already.

A:

Yes, Sir.

Q:

What [sic] is the target area that you were mentioning?

A:

Filipinas Aluminum, Sir, along Navarette Street, Arkong-Bato.

Q:

What time did you arrive at Filipinas Aluminum along Navarette Street, Arkong-Bato, Valenzuela City?

A:

Around 1:30, Sir.

Q:

1:30 a.m., still of June 4, 2012?

A:

Yes, Sir.

Q:

Who were with you when you arrived there at 1:30 a.m. of June 4, 2012?

A:

I, as the poseur-buyer, with our informant, Sir, while the rest of the team positioned themselves in strategic locations.

Q:

As a poseur-buyer, what were you wearing at that time?

A:

I was in civilian clothes then, Sir.[7]

xxx xxx xxx

Q:

So what happened next when you arrived there at 1:30 a.m. of June 4, 2012?

A:

When we arrived in the area, Sir, we saw a man standing beside a MERALCO post and talking with some male persons there. When we saw them, our informant casually told me that the tall person is our target.[8]

xxx xxx xxx

Q:

How far was Raddie again when the informant pointed Raddie to you?

A:

Maybe up to that corner, Sir.

PROSECUTOR MOLON:

Up to the corner of this courtroom. Witness pointing to a distance estimated at around 10 meters, Your Honor, more or less. [To the Witness] So, what happened next when you were 10 meters away and this informant pointed Raddie to you while he was talking with the other persons?

A:

When we were already at the place where he was standing, Sir, he introduced me and informed him our purpose – that we will buy shabu from him.

xxx xxx xxx

Q:

So, what happened next?

A:

When our informant said that we are going to buy shabu, Sir, he said “Magkano ba tropa?” That what was [sic] Raddie told me.

Q:

After this Raddie asked you magkano, what happened next?

A:

When he asked me “Magkano ba tropa?” I replied, “Tatlong piso lang, Boss.”

Q:

What happened next after you said “Tatlong piso lang Boss”?

A:

After that, Sir, he took the bait money from me and put it inside his right pocket.

Q:

For the record, how much bait money did you handed to Raddie?

A:

The three pieces of one hundred peso bill, Sir.

Q:

And after Raddie placed these three pieces of one hundred peso bill in his right pocket, what happened next?

A:

He brought out from his left pocket a small plastic box, Sir. And that small plastic box contains two pieces of small heat-sealed transparent plastic sachet containing white crystalline substance believed to be shabu.

Q:

After you saw this two small heat-sealed transparent plastic sachet from inside the small plastic box in the hands of Raddie, what happened next?

A:

He handed to me the one small heat-sealed, Sir.

Q:

What happened next after he handed to you the one small heat-sealed transparent plastic sachet?

A:

When he handed to me the small heat-sealed, Sir, he returned to his left pocket the small plastic box. And when I was already holding the small heat-sealed, I made the pre-arranged signal to my colleagues.

Q:

How did you make this pre-arranged signal?

A:

I held him – when I took hold of the small heat-sealed I put it inside my pocket and then I held Raddie at once.

Q:

When you held Raddie, what words did you utter, if any?

A:

I introduced myself as a police officer, Sir.

Q:

And what was the reaction of Raddie?

A:

He was resisting (nagpupumiglas), Sir. But I was just within the view of my colleagues, Sir, that was why when I held him – I made the pre-arranged signal – they immediately approached us and assisted me in handcuffing Raddie.[9]

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Q:

And where did you bring Raddie after you placed the handcuff on Raddie?

A:

When we were [sic] already handcuffed him, Sir – before we brought him to the barangay outpost, I read to him his rights.

Q:

What was the reaction, if any, of Raddie when you read to him his rights?

A:

As if he cannot believe that he was already apprehended, Sir.

Q:

So, after you read Raddie's right, where did you bring him?

A:

In the barangay outpost of Brgy. Arkong-Bato, Sir.

Q:

Is that a barangay hall or merely a barangay outpost?

A:

A barangay outpost, Sir.

Q:

What time did you arrive at this barangay outpost of Brgy. Arkong-Bato?

A:

1:40 a.m., Sir.

Q:

1:40 a.m. of June 4, 2012?

A:

Yes, Sir.

Q:

So what happened upon your arrival at this barangay outpost?

A:

We waited for the arrival of the barangay kagawad, Sir.

Q:

How many were you who waited for the arrival of this kagawad? How many police officers?

A:

Just SPO3 Sanchez and me. SPO3 Sanchez was not part of the operation, Sir. After arresting Raddie, we called him up. He immediately arrived because he was on a motorcycle.

xxx xxx xxx

Q:

So, after SPO3 Sanchez received these items – the small plastic sachet that was sold to you by Raddie, the small plastic box with another plastic sachet inside, the three one hundred peso bills and, according to you, the five hundred peso bill that you recovered from Raddie – what did SPO3 Sanchez do with these so-called evidence?

A:

We placed them on top of the table, Sir, while we were waiting for a kagawad who will witness the inventory.

Q:

Did this kagawad arrive?

A:

Yes, Sir.

Q:

What is the name of this kagawad who arrived?

A:

Kag. Cesar Samala, Sir.

Q:

What time did this kagawad arrive at the barangay outpost?

A:

Around 2:40 a.m., Sir.

Q:

And when this Kag. Cesar Samala arrived at 2:40 a.m., what happened next?

A:

When he arrived at the barangay outpost, Sir, we began the drug inventory.

Q:

Who were present during the conduct of this drug inventory?

A:

Kag. Cesar Samala, our investigator, SPO3 Sanchez, the suspect, Raddie, and me, Sir.

Q:

Anyone else aside from these persons that you've just mentioned, including you?

A:

During the inventory, there were only four of us – Kag. Cesar Samala, SPO3 Sanchez, the suspect, and me – but that barangay outpost, Sir, there were police officers from PCP5 who were detailed there. But they went outside. They were just outside while we were conducting the drug inventory.[10]

xxx xxx xxx

Q:

Who made the markings on these pieces of evidence?

A:

I did, Sir.

Q:

And what markings did you place on these evidence that you utilized against Raddie Delos Reyes?

A:

The small heat-sealed that I have bought, Sir, that is the “JC-1” and the small heat-sealed inside the small plastic box, that is the “JC-2”.

Q:

What else, aside from “JC-1” and “JC-2”?

A:

The date and my signature, Sir.

Q:

How about on the five hundred peso bill, what marking, if any, did you place on this five hundred peso bill?

A:

“JC-4”, Sir. The small plastic box is the “JC-3”.

Q:

How about on the three pieces of one hundred peso bill, what marking, if any, did you place on them?

A:

There were already my initials on them even before the operation, Sir. My identifying marks on them are my initials written on the back portion of the three one hundred peso bill.

Q:

If these three pieces of one hundred peso bill will be shown to you, which according to you, you used in buying illegal drugs from Raddie, would you be able to identify these three pieces of one hundred peso bill?

A:

Yes, Sir.”[11]

Clearly from the foregoing declaration, the prosecution indeed established that there was a buy-bust operation conducted, showing that accused sold and delivered the shabu for P300.00 to PO1 Congson, the poseur-buyer. PO1 Congson himself testified that there was an actual exchange of the marked money and the prohibited drug. Certainly, accused was fully aware that what he was selling was illegal and prohibited. Thereafter, the corpus delicti or the subject drug was seized, marked, and subsequently identified as a prohibited drug.

It cannot be overemphasized that in cases involving violations of Dangerous Drugs Act, credence should be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary. In this regard, the defense failed to show any ill motive or odious intent on the part of the police operatives to impute such a serious crime that would put in jeopardy the life and liberty of an innocent person, such as in the case of accused. Incidentally, if these were simply trumped-up charges against him, it remains a question why no administrative charges were brought against the police operatives. Moreover, in weighing the testimonies of the prosecution witnesses vis-à-vis those of the defense, it is a well-settled rule that in the absence of palpable error or grave abuse of discretion on the part of the trial judge, the trial court's evaluation of the credibility of witnesses will not be disturbed on appeal.[12]

Again, in the absence of any showing that substantial or relevant facts bearing on the elements of the crime have been misapplied or overlooked, this Court can only accord full credence to such factual assessment of the trial

court which had the distinct advantage of observing the demeanor and conduct of the witnesses during the trial. Absent any proof of motive to falsely charge an accused of such a grave offense, the presumption of regularity in the performance of official duty and the findings of the trial court with respect to the credibility of witnesses shall prevail over his bare allegation.[13]

With the illegal sale of dangerous drugs established beyond reasonable doubt, the handling of the evidence, or the observance of the proper chain of custody, which is also an indispensable factor in prosecution for illegal sale of dangerous drugs, is the next matter to be resolved.

The point, understandably, of the accused is noncompliance by the arresting officers with Section 21, Article II of the Implementing Rules and Regulations (IRR) of R.A. No. 9165 regarding the chain of custody of seized drugs, particularly as to the fact that there was no member of the media present or representative of the Department of Justice.

We are not persuaded by this argument.

The Supreme Court has time and again spoken on the chain of custody rule,[14] a method of authenticating evidence which requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. This would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered in evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.[15]

In *People v. Salonga*,[16] the Highest Tribunal held that it is essential for the prosecution to prove that the prohibited drug confiscated or recovered from the suspect is the very same substance offered in court as exhibit. Its identity must be established with unwavering exactitude for it to lead to a finding of guilt. Thus, drug enforcement agents and police officers involved in a buy-bust operation are required under R.A. No. 9165 and its implementing rules to mark all seized evidence at the buy-bust scene.

Section 21 (a), Article II of the Implementing Rules and Regulations, states:

“SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — . . .

(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;”

As often as there are occasions to apply the chain of custody rule, the Supreme Court has pronounced that the requirements under R.A. No. 9165 and its IRR are not inflexible. What is essential 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." [17]

Admittedly, a testimony about a perfect chain is not always the standard as it is almost always impossible to obtain an unbroken chain. What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items. [18] Here, there was substantial compliance with the law and the integrity of the drugs seized from the appellant was preserved.

The identity of the white crystalline substance was established by the testimony of PO1 Congson, who testified as to the following matters based on his own personal knowledge: (1) he was the buyer of the shabu and the seller was the appellant; (2) the sachet of shabu was marked and distinctly labeled with his initials and date of confiscation; (3) the inventory of the seized and confiscated items were made in the presence of the appellant and a barangay kagawad together with the arresting officer and the investigator of the case; (4) a letter request for laboratory examination was prepared for the PNP Crime Laboratory for the laboratory examination of the seized and confiscated sachets of shabu as well as drug test on the person of the appellant; (5) SPO2 Sanchez brought the specimens at the PNP Crime Laboratory and PSI Bernardo Roque, forensic chemist of the said crime laboratory conducted a qualitative examination on these specimens and confirmed that they were found to contain Methamphetamine Hydrochloride; and (6) PSI Roque prepared and issued Physical Science Report No. D-149-12 containing his findings.

In light of the foregoing testimonial and documentary evidence, which were found credible by the trial court, the crime of attempt to sell a dangerous drug was sufficiently proven beyond reasonable doubt.

Under Section 5, Article II of R.A. No. 9165, the penalty of life imprisonment to death and fine ranging from P500,000.00 to 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. Hence, the trial court correctly imposed the penalty of life imprisonment and a fine of Pr500,000.00.

In sum, this Court finds no cogent reason to disturb the rulings of the lower court in the instant case.

WHEREFORE, the appeal is DENIED. The Regional Trial Court of Valenzuela City, Branch 269 Decision in Criminal Case No. 573-V-12 dated 22 May 2013, is AFFIRMED in all respects.

SO ORDERED.

Carandang, R.D., (Chairperson) and Sorongon, E.D., JJ., concur.

[1] Records, Crim. Case No. 573-V-12, p. 1-A.

[2] Records, Crim. Case No. 574-V-12, p. 1.

[3] Records, p.124.

[4] RTC Decision, pp. 2-5, Rollo, pp. 36-39.

[5] *id.*, pp. 44-45.

[6] *People v. Ladip*, G.R. No. 196146. March 12, 2014.

[7] TSN, 19 July 2012, pp. 7-10.

[8] *Id.*, p. 11.

[9] *id.*, pp. 12-14.

[10] *id.*, pp. 15-18.

[11] *id.*, pp. 19-20.

[12] *People v. Sembrano*, G.R. No. 185848, 16 August 2010, 628 SCRA 328, 342 citing *People v. Llamado*, G.R. No. 185278, 13 March 2009, 581 SCRA 544, 552, and *People v. Remerata*, 449 Phil. 813, 822 (2003).

[13] *People v. Soriaga*, G.R. No. 191392, 14 March 2011, 645 SCRA 300, 305-306 citing *People v. Tamayo*, G.R. No. 187070, 24 February 2010, 613 SCRA 556, and *People v. De Leon*, *supra* note 27 at 136.

[14] Section 1 (b) of Dangerous Drugs Board Regulation No. 1, Series of 2002 which implements R.A. No. 9165 defines "Chain of Custody" as follows:

"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 for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.

[15] *Mallillin v. People*, 576 Phil 576, 587 (2008).

[16] G.R. No. 186390, 2 October 2009, 602 SCRA 783, 795.

[17] *People v. Le*, G.R. No. 188976, 29 June 2010, 622 SCRA 571, 583.

[18] *Asiatico v. People*, G.R. No. 195005, September 12, 2011.

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