

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALICE PACA Y TAÑAG, ACCUSED-APPELLANT.

Ponente: INGLES, G. T., J.

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INGLES, G. T., J.:

THE CASE

Accused-appellant Alice T. Paca was charged with Violation of Section 5, in relation to Section 26, Article II of Republic Act No. 9165[1] in an Information dated January 23, 2009, quoted below:

“That on or about the 21[st] day of January 2009, at about 3:25 o'clock in the afternoon, more or less, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping with Darwin Garcia who is still-at-large, and who will be separately prosecuted as soon as apprehended, with deliberate intent, and without authority of law, did then and there sell, deliver or give away to a poseur buyer one (1) pc. small size heat sealed transparent plastic pack of white crystalline substance, weighing 0.03 gram, locally known as “shabu”, containing methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.”

Trial ensued after she pleaded not guilty. Subsequently, the court a quo issued a Judgment[2] dated February 22, 2012, finding accused-appellant guilty of the offense charged, the decretal portion of which is quoted as follows, to wit:

“WHEREFORE, in view of the foregoing, the Court finds accused ALICE PACA Y TAÑAG guilty beyond reasonable doubt of the crime of Violation of Section 5, Article II of RA 9165 and is hereby sentenced to suffer the penalty of life imprisonment and a fine of P500,000.00.

The packet of shabu is forfeited in favor of the government. Its disposal is held in abeyance due to the separate charge of Darwin Garcia.

SO ORDERED.”

THE ANTECEDENT

At around 1:00 pm on January 21, 2009, an informant appeared before the Regional Office VII of the Philippine Drug Enforcement Agency (PDEA) in Cebu City and told PO3 George B. Cansancio (PO3 Cansancio) and FO3 Rayford A. Yap (FO3 Yap) that a certain Darwin Garcia, allegedly a big-time drug pusher operating in Brgy. Pasil and other neighboring barangays in Cebu City, had approached the informant to look for a buyer of shabu, in exchange for a commission.[3]

A briefing was conducted and then eventually a team was created which included PO3 Cansancio as the poseur-buyer and FO3 Yap to conduct a buy-bust or entrapment operation against Darwin Garcia and his cohorts.[4] FO3 Yap marked with his initials “RY” a Php500.00 bill (Serial no. EZ 514660) which was turned

over to PO3 Cansancio. The plan to conduct a buy-bust operation was logged in the PDEA blotter[5] and an Authority to Operate[6] was prepared.

After the informant contacted Darwin Garcia through text messages, the informant together with PO3 Cansancio, FO3 Yap and the driver proceeded to the area. Later, Garcia together with accused-appellant arrived and approached the informant. As agreed upon, Garcia demanded the money from the informant and PO3 Cansancio and the latter handed down the buy-bust money. After Garcia received the pre-marked Php500.00 bill, he asked the accused-appellant for the pack of shabu. Accused-appellant then handed a plastic pack to Darwin Garcia who, in turn, gave the said item to PO3 Cansancio.[7]

PO3 Cansancio executed the pre-arranged signal by dropping the face towel signifying that the transaction had been consummated. Upon noticing the approaching PDEA officers, Garcia pushed PO3 Cansancio who attempted to hold him. The former quickly entered the backdoor of a nearby residential house and exited at the entrance portion of the same, bringing with him the buy-bust money bill. Since the place is a squatter area, the chase proved futile.[8]

Accused-appellant attempted to escape but was captured. FO3 Yap informed appellant of her offense and her constitutional rights.[9] The inventory could not be prepared at the situs criminis since several persons gathered at the area and some even threw stones at the members of the buy-bust team. PO3 Cansancio then brought the shabu to the office.[10]

Barangay Councilor Elsa Iso and media representative Virgilio Salde, Jr. of Bombo Radyo witnessed the inventory and both signed the Certificate of Inventory as witnesses. The shabu, subject of the sale, was marked "ATP-DG-01-21-09" by PO3 Cansancio with his signature. Two photographs were taken, showing each of the two witnesses signing the Certificate of Inventory, together with accused-appellant and a person identified as PDEA officer Jess Tabanao and the plastic pack subject of the inventory.[11] The incident of arrest and the seized illegal drug were reflected in the police blotter.[12]

Thereafter, PO3 Cansancio personally delivered the plastic pack to the Philippine National Police (PNP) Regional Crime Laboratory in Cebu City for laboratory examination. As per examination conducted by P/Supt. Mutchit Salinas, the forensic chemical officer, the specimen submitted contained methamphetamine hydrochloride, a dangerous drug.[13] The finding was reflected in a Chemistry Report No. D-060-2009 dated January 22, 2009 and was signed by the said forensic officer.

In controverting the charge, the accused-appellant posited that she was watching a television show inside her house when there were persons running. She peeped through the door but the police officers asked her about the whereabouts of Darwin Garcia. After giving a negative answer, she locked the door. FO3 Yap was about to hit her with his firearm. She was subsequently handcuffed and brought to the station of the officers. She was placed inside a detention cell and was taken out and investigated later at nighttime. Afterward, she learned that she was charged of selling dangerous drugs.

In convicting the accused, the RTC found and ruled as follows, thus:

"The Court does not entertain doubts as to the chain of custody of the shabu, its identity, integrity and the evidentiary value of the same. The shabu that was sold to agent Cansancio had all the time in his possession since the shabu, subject of sale was handed to him, placed the markings until it was delivered by him to the PNP Crime Laboratory. The letter request and the shabu were received by officer Antopina of said laboratory. It was examined by P/Supt. Salinas and finally produced in court. In addition, presumption lies in its favor. Integrity of the evidence is presumed to be preserved unless there is showing of bad faith, ill-will or proof that the evidence has been tampered with. Hence, the appellant on this case has the burden to show that the

evidence was tampered or meddled with.

In totality, the prosecution was able to obtain the degree of proof to sustain a conviction. The law requires only moral certainty or that degree of proof which produces conviction in an unprejudiced mind.

Wherefore, in view of the foregoing, the Court finds accused Alice Paca Y Tanag guilty beyond reasonable doubt of the crime of Violation of Section 5, Article II of RA 9165 and is hereby sentenced to suffer the penalty of life imprisonment and a fine of P500,000.00”[14]

Hence, this appeal, where accused-appellant ascribed to the court a quo a single assigned error, to wit:

WHETHER OR NOT THE COURT A QUO ERRED IN CONVICTING ACCUSED-APPELLANT DESPITE THE PALPABLE FAILURE OF THE PROSECUTION TO PROVE THE ELEMENTS OF THE OFFENSE CHARGED AND TO ESTABLISH THE IDENTITY OF CORPUS DELICTI WITH MORAL CERTAINTY.

THIS COURT'S RULING

The appeal has no merit.

In its Brief,[15] accused-appellant argued that the prosecution failed to establish that she and Darwin Garcia acted in conspiracy considering that the subject of the buy-bust is Darwin Garcia and there was no mention of accused-appellant Alice Paca being included in their watch list of drug traders. Accused-appellant added that the informant transacted with Darwin Garcia and it was him who demanded and received the money as payment of shabu. Hence, she should have been acquitted by the court a quo.

Such postulate deserves scant consideration. For one, the Supreme Court has enumerated the elements of the crime of illegal sale of dangerous drugs:

- “(i) identity of the buyer and the seller
- (ii) object and consideration of the sale; and
- (iii) delivery of the thing sold and the payment therefor.

What is material is proof that the transaction or sale actually took place, coupled with the presentation in court of evidence of corpus delicti. Clearly, the commission of the offense of illegal sale of dangerous drugs, like shabu, merely requires the consummation of the selling transaction, which happens the moment the buyer receives the drug from the seller. As long as the police officer went through the operation as a buyer, whose offer was accepted by appellant, followed by the delivery of the dangerous drugs to the former, the crime is already consummated. In this case, the prosecution has amply proven all the elements of the drugs sale beyond moral certainty.”[16]

In the case at bench, all three (3) essential elements are present.

First, the testimonies of PO3 Cansancio and FO3 Yap indisputably show that PO3 Cansancio was the purchaser as he was designated as the poseur-buyer in the buy-bust operation conducted on January 21, 2009 at Magsaysay St., Brgy. Pasil, Cebu City while Darwin Garcia was the seller.

Second, the object of the sale was the 0.03 gram of shabu in the amount of P500.00.

Third, PO3 Cansancio gave to Darwin Garcia, upon the latter's demand, the pre-marked P500.00 money bill as payment or consideration for the sale. Right then and there, accused-appellant handed to Darwin Garcia the plastic pack containing the shabu, the object of the transaction, and Darwin Garcia, in turn, delivered the shabu, or the thing sold, to PO3 Cansancio who received the same.

As correctly argued by the prosecution, the corpus delicti of the crime, or the shabu inside the plastic pack subject

of the sale, was presented as evidence in the proceedings a quo and was properly identified by PO3 Cansancio, through the marking in the plastic pack, as the same item that appellant gave to Darwin Garcia and which the latter handed to PO3 Cansancio.[17]

Besides, accused-appellant's assertions that she was a mere laundrywoman of Darwin Garcia and that she just happened to be present during the incident doing some errands for Darwin without necessarily being made aware about his illegal trade are far from convincing.[18]

It is worth noting that the Information against accused-appellant shows that she was charged for violating Section 5, in relation to Section 26, Article II of R.A. No. 9165. Section 26 thereof specifically provides:

Section 26. Attempt or Conspiracy. - Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

- (a) Importation of any dangerous drug and/or controlled precursor and essential chemical;
- (b) Sale, trading, administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical;
- (c) Maintenance of a den, dive or resort where any dangerous drug is used in any form;
- (d) Manufacture of any dangerous drug and/or controlled precursor and essential chemical; and
- (e) Cultivation or culture of plants which are sources of dangerous drugs.

Elsewise stated, accused-appellant was charged with the crime of illegal sale of dangerous drugs, committed in conspiracy with Darwin Garcia. The Information has it that appellant connived with, confederated together with, and helped Darwin Garcia in selling, delivering, or giving away shabu to a poseur-buyer.

In a catena of cases, the Supreme Court enunciated that “conspiracy is always predominantly mental in composition because it consists primarily of a meeting of minds and intent. By its nature, conspiracy is planned in utmost secrecy. Hence, for collective responsibility to be established, it is not necessary that conspiracy be proved by direct evidence of a prior agreement to commit the crime as only rarely would such agreement be demonstrable since, in the nature of things, criminal undertakings are rarely documented by agreements in writing.

But the courts are not without resort in the determination of its presence. The existence of conspiracy may be inferred and proved through the acts of the accused, whose conduct before, during and after the commission of the crime point to a common purpose, concert of action, and community of interest. In short, conduct may establish conspiracy.”[19]

In this case, conspiracy is inferred and proved since on the day of the buy-bust operation, accused-appellant arrived together with Darwin Garcia, an individual suspected of being involved in illegal drug activities. At the time of the transaction, accused was just beside Darwin Garcia and after the latter received the pre-marked P500.00 money bill from PO3 Cansancio, accused-appellant responded to the request of Darwin Garcia by giving a plastic pack of shabu to him, who, in turn, gave the item to PO3 Cansancio. Such actuations are clear manifestations of a common purpose, concerted action and community of interest in consummating the illegal sale of dangerous drugs.[20]

A case of similar import is the case of *People vs. Alivio*[21] where the Supreme Court asseverated, to wit:

“As the records would show, when PO2 Vicente handed to Melchor Batoon a marked Php500.00 bill, the latter went to his brother Teddy and gave him money. Upon receipt of the money, Teddy Batoon handed a sachet to Melchor, who then gave it to PO2 Vicente. When the arrest was affected on both of them, the three additional

sachets were found by PO1 Cabotaje.

These acts of the accused indubitably demonstrate a coordinated plan on their part to actively engage in the illegal business of drugs. From their concerted conduct, it can easily be deduced that there was common design to deal with illegal drugs. Needless to state, when conspiracy is shown, the act of one is the act of all conspirators.”

As aptly put by the prosecution, Darwin Garcia's acts of demanding and receiving the money for the illegal drugs, and handing over the said illegal drugs to the poseur-buyer, are considered the acts of appellant, as well.[22]

Hence, the court a quo correctly found accused-appellant guilty of the crime of illegal sale of dangerous drugs.

On the other side of the spectrum, accused-appellant's claims that she was just watching television show inside the house when the operation took place and that her presence during the incident doing some errands for Darwin without necessarily being made aware about his illegal trade are likewise untenable.

PO3 Cansancio categorically testified that he gave the buy bust money to Darwin Garcia, who asked for the pack of shabu from the accused. The latter handed the shabu to Garcia, who in turn, delivered it to PO3 Cansancio. The denial of accused-appellant cannot outweigh the direct and positive statement of PO3 Cansancio regarding the consummated sale of shabu. Well-settled is the rule that “as between the categorical testimonies that ring of truth on one hand and the bare denial on the other, this Court has strongly ruled that the former must prevail.”[23] The Supreme Court also belabored the point in the case of *People vs. Santiago*[24] where it stated that “We have consistently held that courts invariably view with disfavor denials and allegations of frame up for these are easily concocted. They are the usual and standard defenses in prosecutions in violation of the dangerous drugs law.”

As has been held, denial is a weak form of defense, particularly when it is not substantiated by clear and convincing evidence. Also, there is nothing from the records that would attribute ill-motive on the part of the arresting officers, moreso, that the latter don't know the accused. Absence of ill-motive on the part of the officer, a categorical, consistent and positive identification of the accused prevails over the denial of the accused.[25] Thus, her defense of denial and/or frame-up does not warrant consideration from this Court since it has no leg to stand on.

Aside from establishing the fact of sale of 0.03 gram of shabu by Darwin Garcia in conspiracy with the herein accused-appellant to PO3 Cansancio, the prosecution, likewise, successfully proved that the buy-bust team complied with Section 21, paragraph 1, Article II of RA No. 9165, contrary to the appellant's allegation.

Sec. 21 (1), Art. II of RA 9165, provides, that:

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.

This provision is further elaborated in Section 21(a), Article II of the IRR of RA No. 9165, which reads, as follows:

“The apprehending office/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, further that non-compliance with these

requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items.” (Emphasis ours)

In her brief, accused-appellant argued that the buy-bust team that arrested her deliberately deviated from the prescribed procedure under RA No. 9165 and thereby, adversely affected the integrity and evidentiary value of the seized item since the team allegedly failed to immediately mark at the scene of the crime the plastic pack containing the shabu, as well as the failure to furnish details as to how the plastic pack was handled or preserved from the crime scene to the PDEA office.[26]

Such postulate does not persuade Us. The failure to immediately mark and prepare the inventory of the seized drugs at the scene of the crime was justified because after the arrest of accused-appellant, several persons immediately gathered at the area and the others began throwing stones at the members of the buy-bust team. Thus, the team's decision to prepare the inventory at the PDEA office was justified. In his testimony, FO3 Yap narrates as follows, thus:

“Q:

So, the accused was arrested and informed of her constitutional rights and you also requested her to open her pockets and nothing was found. After that what transpired?

A:

We were stoned in the area maam, that's why I told PO3 Cansancio to withdraw from the place because there were many persons coming to our position.

Q:

So, you pulled out from the area when you were stoned?

A:

Yes maam, we pulled out from the area.”[27]

As aptly put by the prosecution, it was no longer practicable to undertake the marking and preparation of the inventory at the crime scene. There was, in fact, a possibility that the integrity of the evidence could be compromised if the buy-bust team had remained at the crime scene; hence, the team exercised reasonable judgment in pulling out from the area and going directly to the PDEA office.[28] Such is allowed under the first proviso of Section 21 (a) of the IRR of RA No. 9165, which provides:

(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; (emphasis supplied)

Likewise, the Supreme Court in *People vs. Sultan*,[29] made an exception to the strict compliance with the rule on the chain of custody, to wit:

“However, Section 21 was not meant to thwart the legitimate efforts of law enforcement agents. Slight infractions or nominal deviations by the police from the prescribed method of handling the corpus delicti

should not exculpate an otherwise guilty defendant. In fact, the Implementing Rules and Regulations of Rep. Act No. 9165 adequately reflects the desire of the law to excuse from the rigid tenor of Section 21 situations wherein slight infractions in methodology are present but the integrity and identity of the specimen remains intact. It reads:

Section 21....

(a). . . 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 can be gleaned from records[30], PO3 Cansancio had the sole custody of the seized drugs from the time of the transaction until the team arrived at the PDEA office which was marked by him with ATP-DG-01-21-09 and signed by him. When the inventory was taken, it was witnessed and signed by Brgy. Councilor Elsa Iso and media representative Virgilio Salde, Jr. of Bombo Radyo; thus, the integrity and the evidentiary value of the seized illegal drugs was clearly preserved.

Accused-appellant's further allegations stating that the testimony of the prosecution witnesses omitted to disclose who received the single plastic pack after it was marked while PO3 Cansancio was preparing the inventory, that it was not determinable if the sachet was turned over to the investigator who entered the incident regarding consummation of the buy-bust operation to their blotter, and it was not clearly mentioned who received the item, how it was preserved prior to its examination considering that only the masking tape was marked and not the sachet itself[31] had been belied by PO3 Cansancio's testimony. To reiterate, his testimony clearly reveals that the said illegal drugs were still in his possession and custody after the inventory and he personally submitted the same to the Regional Crime Laboratory Office in Cebu City for qualitative examination. The records disclose, to wit:

Q:

And what did you do with the shabu before it was delivered to the Crime Laboratory together with the letter request?

A:

We prepared a letter request for the examination of the PNP Crime Laboratory.

Q:

How do you know that it was the same shabu that you brought to the police station after the buy-bust operation was made?

A:

Through the markings.

Q:

Do you know what is the marking placed in the shabu?

A:

Yes, maam “ATP-DG”.

Q:

Can you identify the shabu if shown to you?

A:

Yes, maam.

Q:

I will be showing to you Exh. "A" for the prosecution with marking "ATP-DG", tell us if this is the same shabu that has relation to this case?

A:

Yes, maam.

Q:

Who placed the marking?

A:

I, myself.

Q:

It appears that there was a date placed in the said shabu?

A:

Yes, maam.

Q:

You also placed the said date?

A:

Yes, "ATP-DG", and the month, day and year together with my signature.

COURT: So you placed the word month, you read?

Q:

Please read the marking what was placed on the shabu?

A:

01-21-09 then below ATP-DG and my signature.

Q:

So that is your signature that was placed on the said shabu?

A:

Yes, maam.

COURT: So what does this ATP-DG represent?

A:

Alice T. Paca and Darwin Garcia Your Honor.

Q:

And after the letter request was made and the shabu was marked, what happened now Mr. Witness?

A:

We delivered to the PNP Crime Laboratory

Q:

You were the one who personally delivered it to the Crime Laboratory?

A:

Yes, maam.

Q:

It appears that there is a name... George Cansancio appearing on the stamp marked "RECEIVED", and a signature, is that your name and signature?

A:

Yes, maam."

"The letter regarding the request for laboratory examination,[32] presented and admitted as evidence for the prosecution clearly shows that the letter-request and the description of the specimen submitted which[33] is consistent with PO3 Cansancio's testimony above, was received by PO1 Gerry M. Antopina at 11:45 a.m. on January 22, 2009.[34]

This specimen is the same subject of the qualitative examination conducted by Forensic Chemist Mutchit G. Salinas of the Regional Crime Laboratory Office in Cebu City, as shown in Chemistry Report No. D-060-2009,[35] which confirms that the specimen submitted contains methamphetamine hydrochloride or shabu."[36]

In other words, the 0.03 gram of shabu confiscated from the accused-appellant as indicated in the Certificate of Inventory[37] and the letter-request[38] coincide with that indicated in the Chemistry Report No. D-060-2009 issued by Chemist Salinas who received and made the examination. After its confiscation, PO3 Cansancio placed the markings "ATP-DG", the date "01-21-09" and his signature. This is a clear manifestation that the seized illegal drugs subject of the buy-bust trade could not have been tampered with in light of the distinct markings placed by PO3 Cansancio before the same was turned over to the crime laboratory for examination.

Besides, it is settled that "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." On this note, it is the appellant who bears the burden of proving that the integrity and identity of the illegal drugs subject of the present case was tampered or meddled with, but he failed to do so. Consequently, the presumption that there was regularity in the handling of exhibits by the concerned police officers, and that the latter properly discharged their duties, stands.

Without a doubt, the identity and integrity of the confiscated specimens, the corpus delicti of the crime, were duly preserved when they changed hands. The records show that the prescribed procedure in the custody of the illegal drugs was more than substantially complied with.

Undaunted, accused-appellant further propounded that the prosecution's failure to present Chemist Salinas, who conducted the laboratory examination of the seized drugs, rendered uncertain the identity of the illegal drugs presented before the trial court.

Again, such argument proved futile because it is jurisprudentially well-settled that the failure to present as a witness the forensic chemist who conducted the laboratory test on the illegal drugs is not fatal, especially where the parties had stipulated on the admission of the chemist's report and his qualifications.[39] During the pre-trial of the extant case, the following proposals were admitted, thus:

"COURT:

Let's proceed to pre-trial. Any proposals for admission?

Pros. Lapinid:

Will the defense admit that a letter-request from the PDEA dated January 22, 2009 addressed to the PNP Crime Laboratory for the examination of one (1) plastic sachet of white crystalline substance with marking ATP-DG 01-21-09 with signature?

Atty. Capoy:

Admitted.

Pros. Lapinid:

That the specimen mentioned in the Chemistry Report was examined by P/Supt Mutchit Salinas?

Atty. Capoy:

Admitted Your Honor.

Pros. Lapinid:

That Salinas is an expert in the examination of dangerous drugs?

Atty. Capoy:

Admitted.

Pros. Lapinid:

That the examination by Salinas of the subject specimen yielded positive for the presence of dangerous drugs?

Atty. Capoy:

Admitted

Pros. Lapinid:

That the findings of Salinas were reduced into writing per Chemistry Report No. D-060-2009?

Atty. Capoy:

Admitted.

Pros. Lapinid:

That Salinas can identify the specimen she examined and the documents she prepared in connection with her examination?

Atty. Capoy:

Admitted.”[40]

Finally, appellant failed to give any plausible reason why the findings of the RTC should be reversed. “It is a well-settled rule that the trial court has the distinct advantage to observe closely the deportment and demeanor of witnesses on the stand as well as their manner of testifying. The trial judge has the unparalleled opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected in the record. Unless it is clear that the trial court discarded or omitted certain facts of significance that may alter the outcome of the case, the trial court's findings deserve the respect and approbation of the appellate court.”[41]

This Court upholds the presumption of regularity in the performance of official duties and finds that the prosecution has succeeded in discharging the burden of proving the guilt of the appellant beyond the cavil of reasonable doubt.

WHEREFORE, the appeal is DISMISSED. The Judgment of the Regional Trial Court, 7[th] Judicial Region, Branch 57, Cebu City, in Crim. Case No. CBU-85177 is hereby AFFIRMED in toto.

SO ORDERED.

Maxino, P.A.A., and Francisco, R.C., JJ., concur.

[1] The Comprehensive Dangerous Drugs Act of 2002.

[2] RTC Judgment. Annex “A”. Rollo. P. 29.

[3] Exhibit “K”. TSN. Original Records. P. 4.

[4] Id.

[5] Exhibit “D”. TSN. Original Records. P. 6.

[6] Exhibit “E”. TSN. Original Records. P. 6.

[7] TSN. Original Records. Pp. 9-11.

[8] Id.

[9] Exhibit “K”. TSN. Original Records. P. 12.

[10] TSN. Original Records. Pp. 13-16.

[11] Exhibits “I” and “J”. TSN. Original Records. P. 21.

[12] Exhibit “H”. Original Records.

[13] Exhibit “C”. Original Records.

[14] Annex “A”. RTC Decision. Rollo. P. 29.

[15] Accused-appellant's Brief. Rollo. P. 16.

[16] People vs. Unisa. GR. No. 185721. September 28, 2011.

[17] Appellee's Brief. Rollo. P. 46.

[18] Supra at note 15.

[19] People vs. Serrano. GR. No. 179038. May 6, 2010.

- [20] Appellee's Brief. Rollo. P. 46.
- [21] GR. No. 177771. May 30, 2011.
- [22] Supra at note 20.
- [23] People vs. Tagan. GR. No. 130272, March 4, 2004.
- [24] GR. No. 137542. January 20, 2004.
- [25] Annex "A". RTC Judgment. Rollo. P. 29.
- [26] Supra at note 15.
- [27] TSN. Original Records. February 28, 2011. P. 17.
- [28] Supra at note 20.
- [29] People of the Philippines vs. Alioding Sultan, G.R. No. 187737, July 5, 2010.
- [30] TSN. Original Records. June 1, 2010. Pp. 11-13.
- [31] Supra at note 15.
- [32] Exhibit "B". Original Records.
- [33] "One (1) piece small transparent plastic sachet containing white crystalline substance believed to be shabu now marked as "ATP-DG" dated 01-21-09 with signature (Subject of Sale)."
- [34] Exhibit "B". receiving stamp.
- [35] Exhibit "C". Original Records.
- [36] Supra at note 20.
- [37] Exhibit "G". Original Records. P. 14.
- [38] Supra at note 31.
- [39] People vs. Navarro. GR. No. 173790. October 11, 2007.
- [40] TSN. Original Records. February 19, 2009. Pp. 3-4.
- [41] People of the Philippines vs. Florentino del Mundo, G.R. No. 138929, October 2, 2001. Citing People of the Philippines vs. Accion, 312 SCRA 250, (1999); and People of the Philippines vs. Tan, 315 SCRA 375 (1999) and People of the Philippines vs. Tahop, 315 SCRA 465 (1999).

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