

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SPART MARTINEZ MONSANTO AND ARCHIE CASILAC, ACCUSED-APPELLANTS.

Ponente: HERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dc39f38f34b6/>

HERNANDO, J.:

This is an appeal filed by accused-appellants Spart Martinez Monsanto and Archie Casilac seeking review of the June 15, 2009 Decision[1] of the Regional Trial Court, Branch 58, of Cebu City, finding them guilty beyond reasonable doubt for Violation of Sections 5 and 11, Article II, of Republic Act (R.A.) No. 9165, in Criminal Case Nos. CBU-79937, CBU-79938 and CBU-79939, respectively.

The Antecedents:

On May 3, 2007, an Information was filed charging accused-appellants for violation of Section 5, Article II of R.A. No. 9165, allegedly committed as follows:[2]

INFORMATION (CBU-79937)

That on or about the 1[st] day of May 2007, at about 11:30 o'clock in the morning, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together with a certain Jennifer Mercader who will be prosecuted separately as soon as procedural requirements are complied with, and mutually helping each other, without authority of law, with deliberate intent, did then and there sell, deliver or give away to a poseur buyer two (2) heat sealed plastic packs containing a total weight of 8.71 grams of white crystalline substance locally known as "SHABU", containing methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.

Moreover, in a separate Information, accused-appellant Spart Martinez Monsanto was charged with violation of Section 11, Article II of R.A. No. 9165, committed as follows:[3]

INFORMATION (CBU-79938)

That on or about the 1[st] day of May, 2007, at about 11:30 o'clock in the morning, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, and without being authorized by law, did then and there have in his possession and under his control the following:

four (4) heat-sealed plastic packets of white crystalline substance with a total weight of 0.32 gram

locally known as "shabu", containing methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.

Likewise, in another Information, accused-appellant Archie Casilac was charged with violation of Section 11, Article II of R.A. No. 9165, committed as follows:[4]

INFORMATION

(CBU-79939)

That on or about the 1[st] day of May 2007, at about 11:30 A.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent and without being authorized by law, did then and there have in his possession and under his control two (2) heat-sealed plastic packet of 0.14 gram of white crystalline substance, locally known as “SHABU”, containing methamphetamine hydrochloride, a dangerous drug

CONTRARY TO LAW.

In an Order[5] dated May 15, 2007, the three cases were consolidated pursuant to Section 22, Rule 119 of the Rules of Court. On June 22, 2007, the accused-appellants were arraigned. They registered negative pleas of guilt at said arraignment.

The facts of the case according to the prosecution are summarized as follows:

Pursuant to the information relayed by Atty. Jennifer Rosales of the Philippine Drug Enforcement Agency (PDEA) 7 that a certain Jennifer Mercader was engaged in the sale and distribution of illegal drugs in Cebu City, PO3 Victor Ayuman and PO3 Jose Dumaguit conducted surveillance on her.[6] During the surveillance, the police officers negotiated for the purchase of two packs of shabu from Mercader and the accused-appellants. PO3 Ayuman was told that they would contact him once the shabu is available. PO3 Ayuman then gave Mercader his cellphone number.

At eight o'clock in the morning of May 1, 2007, Mercader called PO3 Ayuman informing him that the shabu has arrived. PO3 Ayuman told Mercader that he will meet her at the Lucky 7 Supermarket along Magllanes St. around 11:30 since he still needed to withdraw money. Thereafter, PO3 Ayuman reported this to SPO2 Ramil Villaluz who directed SPO1 Cecilio Gomez to organize a buy-bust team. In their briefing, PO3 Ayuman was designated as the poseur buyer while PO3 Dumaguit was assigned as his backup. PO3 Ayuman was then given a 500-peso bill (with serial No. KU063377)[7], which was placed on top of wads of paper, as marked money for the buy-bust operation. The team agreed that the pre-arranged signal for the confirmation of the sale would be a “missed call” from PO3 Ayuman. After the briefing, a Pre-Operation Report[8] was prepared. Thereafter, the buy-bust team proceeded to the designated meeting place where PO3 Ayuman saw Mercader and the accused-appellants sitting on a bamboo bench. When the accused-appellants saw PO3 Ayuman, they approached him. Accused Monsanto then told PO3 Ayuman that Mercader cannot sell him the shabu. However, after PO3 Ayuman offered to buy two bultos of shabu, accused Casilac directed his co-accused to get the shabu from Mercader. After getting the packs of shabu from Mercader, accused Monsanto gave it to Casilac, who in turn handed it to PO3 Ayuman. After examining the shabu, PO3 Ayuman gave the marked money as payment. Thereafter, PO3 Ayuman performed the pre-arranged signal and announced himself as a PDEA agent. PO3 Ayuman held accused Casilac while PO3 Dumaguit rushed towards accused Monsanto and detained him. The rest of the team went after Mercader but she was able to evade capture. Accused-appellants were then formally arrested, informed of their Constitutional rights and frisked. PO3 Ayuman recovered the marked money from accused Casilac and two additional packs of shabu. Similarly, PO3 Dumaguit recovered several packs of shabu from accused Monsanto. They were later brought to the police station where the plastic packs of shabu were marked. An inventory[9] of the confiscated drugs was then prepared and photographs were taken[10].

Subsequently, the evidence was brought to the PNP Crime Laboratory for examination. After examining the contents of the plastic packs, Mutchit Salinas, the Forensic Chemical Officer who conducted the tests, reduced into writing his findings in Chemistry Report Nos. D-507-2007, D-506-2007 and D-505-2007. He concluded that the qualitative examination of the specimens gave positive results for the presence of methylamphetamine hydrochloride, a dangerous drug.

On the other hand, accused-appellants interposed denial as their defense. They denied knowledge of the existence of the shabu recovered from them and insinuated they were the victims of a frame-up. They alleged that the police officers approached them and conducted a body search. Accused-appellants asserted that nothing was recovered from their person. They were then asked the whereabouts of Jennifer Mercader. However, they collectively denied knowing such person. They were then told to board the police officers' service vehicle. At the police headquarters, accused-appellants claimed that another body search was conducted where nothing was again recovered from them.

After trial, the court a quo found accused-appellants guilty beyond reasonable doubt because the defense espoused by them utterly failed to convince the court. It ratiocinated that the defense of denial and frame-up adduced by them was inherently weak and cannot stand against the positive testimonies of the police officers who had no ill motive on their part in testifying against the accused-appellants. Consequently, the trial court ruled that the regularity in the performance of official duties by the arresting officers was not overcome. Moreover, it observed that the requisites under Section 21 of R.A. No. 9165 were complied with and that the chain of custody of the illegal drugs was satisfactorily established.

Hence, the current appeal before Us.

The Issue:

The main issue here is whether or not the trial court gravely erred in convicting the accused-appellants of the crime charged despite the failure of the prosecution to prove their guilt beyond reasonable doubt.

The Court's Ruling

The appeal is bereft of merit.

Like alibi, frame-up is a defense that has been invariably viewed with disfavor as it can be easily concocted and is commonly used as a standard line of defense in most prosecutions arising from violations of the Dangerous Drugs Act.[11] Consequently, if unsubstantiated by clear and convincing evidence, this defense becomes negative and self-serving, as to deserve no weight in law, and thus cannot prevail over the testimonies of credible witnesses who testify on affirmative matters.[12] Hence, to be believed, these inherently weak defenses must be buttressed by strong evidence of non-culpability. In this case, the appellants' testimonies, which were corroborated by Antonio Monsanto, fail to impress Us. The testimony of Antonio, brother of appellant Spart Martinez Monsanto, does not deserve much weight in probative value considering that blood relatives tend to be naturally protective of each other and are not above giving false testimonies in favor of one another.[13] Thus, their testimonies alone, which are essentially self-serving, fail to stand against the positive, consistent and categorical prosecution evidence pointing to their guilt for the crimes charged.

Concomitantly, it bears stressing that credence is given to the narrations of the incident by prosecution witnesses, who are police officers, for they are presumed to have performed their duties in a regular manner.[14] Unfortunately, the presumption of regularity in the performance of official duties of the police officers who effected the arrest and seized the evidence against appellants was not overcome in the instant case. Moreover, no evidence was presented to show that the police officers had any motive to charge falsely the appellants. It has long

been settled that without evidence to show that the prosecution witnesses were actuated by an improper motive, their testimonies deserve full faith and credit.[15] Thus, appellants' contention that they were victims of a frame-up deserves scant consideration. While they assailed the existence of the buy-bust operation since there is no showing that the police officers submitted the pre-operation report to the PDEA prior to its conduct, this line of reasoning is however clearly flawed. The fact that no pre-operation report was submitted to the PDEA does not cast doubt on the existence of the buy-bust operation against appellants. It is worth noting that the police officers need not even coordinate their operation with PDEA to make it valid. In *People v. Alvin Pringas*, [16] the Supreme Court sanctioned the non-participation of PDEA in a buy-bust operation, to wit:

The challenged buy-bust operation, albeit made without the participation of PDEA, did not violate appellant's constitutional right to be protected from illegal arrest. There is nothing in Republic Act No. 9165 which even remotely indicate the intention of the legislature to make an arrest made without the participation of the PDEA illegal and evidence obtained pursuant to such an arrest inadmissible. Moreover, the law did not deprive the PNP of the power to make arrests.

From the foregoing, appellants utterly failed to overturn the trial court's finding that the police officers regularly conducted a buy-bust operation against them. To reiterate, unless there is clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimonies with respect to the operation deserve full faith and credit.[17]

Corollarily, contrary to the contention of the appellants, the identity and chain of custody of the seized evidence were duly established by the prosecution. Although the police officers failed to faithfully comply with Section 21 (a), Article II of the Implementing Rules and Regulations of Republic Act No. 9165, it does admit of an exception:

(a) 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: Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items. (Emphasis supplied)

In the instant case, PO3 Ayuman unequivocally testified[18] that after the buy-bust operation, he and PO3 Dumaguít were in custody of the pieces of evidence seized from the appellants. They then brought the evidence to their (PDEA) office where these were marked. PO3 Ayuman marked the evidence he seized from appellant Casilac as JMACSM-1, JMACSM-2 and AC-05-01-07. On the other hand, PO3 Dumaguít marked the evidence he recovered from appellant Monsanto as SM-05-01-07-01 to SM-05-01-07-04. After the marking, an inventory was conducted and photographs thereof were taken. Thereafter, SP02 Villaluz prepared letter requests[19] for the examination of the seized illegal drugs. PO3 Ayuman then delivered the letter requests together with the evidence to the PNP crime laboratory where these were duly stamped as "RECEIVED"[20]. Subsequently, the examination of the evidence yielded positive results for methylamphetamine hydrochloride as embodied in Chemistry Report Nos. D-507-2007[21], D-506-2007[22] and D-505-2007[23].

Appellants nonetheless argue that the failure of the police officers to mark the plastic packs at the crime scene tainted the integrity of the evidence. They assert that PO3 Ayuman's explanation[24] that the markings were done at their office to avoid interference from the appellants' relatives is inexcusable. We beg to disagree. In *Imson v. People*, [25] the Supreme Court held that the marking upon "immediate" confiscation of the prohibited items

contemplates even that which was done at the nearest police station or office of the apprehending team. Thus, the markings done by the apprehending team at the PDEA office was perfectly valid and justified.

Assayed from the foregoing disquisitions, it is clear that the identity of the seized evidence has been duly established and without any break in the chain of custody as to fully show appellants' guilt. In the case of *People v. Ricky Unisa*,^[26] the Supreme Court held:

The function of the chain of custody requirement, therefore, is to ensure that the integrity and evidentiary value of the seized items are preserved, so much so that unnecessary doubts as to the identity of the evidence are removed. To be admissible, the prosecution must show by records or testimony, the continuous whereabouts of the exhibit at least between the time it came into possession of the police officers and until it was tested in the laboratory to determine its composition up to the time it was offered in evidence.

Here, the integrity and the evidentiary value of the seized items were properly preserved by the police officers from the moment the items were seized until they were presented in court. Hence, while the police officers may have failed to strictly comply with the Rules, the same will not benefit the appellants since non-compliance thereto is not fatal and will not render their arrest illegal or the items seized or confiscated from them inadmissible.^[27] Concededly, 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."^[28]

In sum, the prosecution satisfactorily established beyond all doubt the identity of the prohibited drugs and that it was the same item that was seized from the appellants and which was subsequently offered and identified in court as evidence. Having established this, We proceed to whether the prosecution has discharged the burden of proving all the necessary elements to successfully prosecute appellants for the crimes charged. The elements^[29] for the violation of Article II, Section 5 of R.A. No. 9165 are as follows:

- (1) identities of the buyer and seller, the object, and the consideration; and
- (2) the delivery of the thing sold and the payment therefor.

Verily, the foregoing elements are present and duly proven in the instant case. PO3 Ayuman, the poseur-buyer, categorically testified that he gave a 500-peso bill (with serial No. KU063377), which was placed on top of wads of paper, to the appellants as payment for the plastic packs of shabu subsequently given to him by them. Thereafter, PO3 Ayuman executed the pre-arranged signal that led to the appellants' arrest.

Equally, all of the elements^[30] to affirm appellants' conviction under Article II, Section 11 of said law were sufficiently established, viz: (1) when appellants were frisked after their valid warrantless arrest during the buy-bust operation, appellant Casilac was found to be in possession of 0.14 grams of shabu while appellant Monsanto was found to be in possession of 0.32 grams of shabu (2) the appellants are not authorized by law to possess the dangerous drug; and (3) they were clearly identified as the persons freely and consciously in possession of the dangerous drugs.

WHEREFORE, in view of the foregoing, the instant appeal is DENIED. The June 15, 2009 Decision of the Regional Trial Court, Branch 58, of Cebu City finding Spart Martinez Monsanto and Archie Casilac guilty beyond reasonable doubt for Violation of Sections 5 and 11, Article II, of R.A. No. 9165 in Criminal Case Nos. CBU-79937, CBU-79938 and CBU-79939 is AFFIRMED in toto. No pronouncement as to costs.

SO ORDERED.

Quijano-Padilla, and Azcarraga-Jacob, JJ., concur.

- [1] Penned by Hon. Gabriel T. Ingles, Original Records, pp. 160-175.
- [2] Original Records, pp. 1-2.
- [3] Original Records, p. 21-22.
- [4] Original Records, pp. 38-39.
- [5] Original Records, p. 55.
- [6] TSN, December 16, 2008, p. 3.
- [7] Original Records, p. 17.
- [8] Original Records, p. 10.
- [9] Original Records, p. 15.
- [10] Original Records, p. 18.
- [11] G.R. No. 88684, March 20, 1997.
- [12] People v. Agnes Padasin, G.R. No. 143671, February 14, 2003.
- [13] People v. Cortez, et al., G.R. No. 131924, December 26, 2000.
- [14] People v. Julian-Fernandez, GR Nos. 143850-53, December 18, 2001.
- [15] People v. Abes, G.R. No. 138937, January 20, 2004.
- [16] G.R. No. 175928, August 31, 2007.
- [17] People v. Navarro, G.R. No. 173790, October 11, 2007.
- [18] TSN, March 13, 2008, p. 10.
- [19] TSN, March 13, 2008, p. 11.
- [20] Original Records, p. 13, 29 and 47.
- [21] Original Records, p. 19.
- [22] Original Records, p. 28.
- [23] Original Records, p. 48.
- [24] TSN, March 13, 2008, pp. 9-10.
- [25] G.R. No. 193003, July 13, 2011.
- [26] G.R. No. 185721, September 28, 2011.
- [27] Ibid, citing Imson v. People, G.R. No. 193003, July 13, 2011 citing People v. Concepcion, G.R. No. 178876, June 27, 2008 and People v. Campos, G.R. No. 186526, August 25, 2010.
- [28] People v. Quigod, G.R. No. 186419, April 23, 2010.
- [29] People v. Narciso Agulay, G.R. No. 181747, September 26, 2008.
- [30] People v. Edelma Lagata, G.R. No. 135323, June 25, 2003.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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