

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONALD USMAN Y SUMLAY, ACCUSED-APPELLANT.

Ponente: LAZARO-JAVIER, A.C., J.

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LAZARO-JAVIER, A.C., J.:

This appeal seeks to reverse and set aside the Joint Decision[1] dated September 24, 2007 of the Regional Trial Court, Pasig City, Branch 267, in Criminal Case Nos. 12355-D and 12356-D entitled "People of the Philippines vs. Ronald Usman y Sumlay", convicting appellant Ronald Usman Y Sumlay of violations of Sections 5 and 11, Article II of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

Appellant was charged under the following Informations:

I. Criminal Case No. 12355-D - Violation of Section 5, paragraph 1 [Sale], Article II of RA 9165

That on or about the 14[th] day of April 2003, in the Municipality of Taguig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there, willfully, unlawfully, and knowingly, sell, deliver, cause to pass upon and/or give away to PO2 Gerald Marlon R. Lagos, who acted as poseur-buyer, 0.40 gram of white crystalline substance contained in one (1) small heat-sealed transparent plastic sachet, which was found positive to the test for Methylamphetamine hydrochloride, commonly known as Shabu, a dangerous drug, in consideration of the amount of Php500.00, in violation of the above cited law.

CONTRARY TO LAW.[2]

II. Criminal Case No. 12356-D - Violation of Sec. 11, par. 2, No. 3 [Possession], Article II of RA 9165

That on or about the 14[th] day of April 2003, in the Municipality of Taguig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized by law, to possess any dangerous drug, did then and there, willfully, unlawfully, and knowingly, have in his possession, custody and control, 0.40 gram of white crystalline substance, contained in one (1) small heat-sealed transparent plastic sachet, which substance was found positive to the test for Methylamphetamine hydrochloride, a dangerous drug, in violation of the above-cited law."

CONTRARY TO LAW.[3]

The cases were consolidated and raffled to Branch 165, Regional Trial Court, Pasig City.

On arraignment, appellant pleaded not guilty to both charges.[4]

During trial, Police Officer II Gerald Marion Lagos (PO2 Lagos) and Police Officer II Darwin Boiser (PO2 Boiser) testified for the prosecution, thus:

PO2 Gerald Marion Lagos.

1. He was a member of the Philippine National Police detailed at the District Anti-Illegal Drugs Special Operations Task Force of the Southern Police District, Fort Bonifacio, Metro Manila. On April 14, 2003, an

informant came to their office and informed them about the illegal drug trading activities of appellant Ronald Usman y Sumlay alias "Ron". Thereafter, a team composed of PO2 Gerald Marion Lagos, PO2 Darwin Boiser, SPO2 Rey Millare, SPO4 Dalmacio Facunan, PO3 Delfin Macario, PO3 Salvio De Lima, and PO1 Walter Calderon was formed to conduct a buy-bust operation.[5] Being designated as the poseur-buyer, he was given five P100.00 bills to be used as marked money to buy shabu from appellant. PO2 Boiser was designated as his immediate back up and SPO2 Millare, PO3 Macario, and DEU Chief Police Inspector Rodolfo Anicoche, as security back up.

2. After the briefing, the team proceeded to Manuel L. Quezon Street, Lower Bicutan, Taguig, Metro Manila whereby he and the informant initially conducted surveillance operations. They saw appellant frequenting 7-11 Convenience Store along M.L. Quezon Street. After seeing people going to appellant while the latter was inside his owner-type jeep, he and the informant approached appellant. The informant introduced him to appellant as a taxi driver and user of "shabu". Appellant then asked him who were his former sources of drugs, why he was going to buy from him, and how much. He told appellant that the prices from his sources were much higher and there was no available item. When he said that he was going to buy one-half gram, appellant told him to wait and meet him at the corner of Paraiso Street and General Santos Avenue, while the latter get the stuff at his house.[6]

3. After about 30 minutes, appellant arrived in an owner type jeep with Plate No. PFP 915. Appellant told him to board the vehicle and then asked for his payment for the shabu. After receiving the marked bills, appellant gave him a plastic sachet containing shabu. He then made a miscall to PO2 Boiser, as the pre-arranged signal indicating the consummation of the buy-bust. Thereafter, the team rushed to the scene and introduced themselves as police officers. He frisked appellant and recovered the marked money and another plastic sachet of shabu from the left pocket of appellant's fatigue short pants. He confiscated the two plastic sachets of shabu and marked the one he bought as "GL-1-140403" and the other one he recovered as "GL-2-140403".

4. They then proceeded to their headquarters where he turned over the marked money to their investigator, PO2 De Lima, and the corresponding request for laboratory examination of the specimens contained in the 2 plastic sachets was prepared. He personally delivered the 2 specimens and the letter-request to the crime laboratory office. He only saw the initial result[7] of the laboratory examination, but not the final report.[8] He had never encountered a suspect or a target publicly announcing that he was selling dangerous drugs.[9]

On cross, PO2 Lagos said: He first received information regarding appellant's alleged illegal activities a week before the actual buy-bust operation. He confirmed the information by validating it with other informants and conducting his own surveillance. He did not conduct a buy-bust operation against appellant as he did not yet have a direct informant who had access to appellant. Appellant was not actually selling drugs when they met and went home to get illegal drugs only after he asked to buy some.[10]

PO2 Darwin Boiser.

a. He was a member of the Philippine National Police, assigned at the District Anti-Illegal Drugs Task Force of the Southern Police District, Fort Bonifacio, Taguig, Metro Manila. On April 14, 2003, their team was formed to conduct a buy bust operation against appellant Ronald Usman alias Ron. A briefing was conducted and coordination was made with the Philippine Drug Enforcement Agency (PDEA). The marked money to be used in the buy bust operation was given to PO2 Lagos.

b. Their team was dispatched at Seven Eleven, Lower Bicutan, Taguig City. When they arrived at the area, PO2 Lagos was already standing in front of Seven Eleven. Through a text message, PO2 Lagos told him that they will transfer to another place along Paraiso St., Gen. Santos, Taguig City. When the team proceeded to said area, appellant arrived in an owner-type jeep on which PO2 Lagos subsequently boarded. Upon receiving a missed call

from PO2 Lagos, he rushed to the scene and assisted in arresting appellant.

c. PO2 Lagos recovered the marked money from appellant and found another plastic sachet of shabu when appellant was asked to empty his pocket. They apprised appellant of his constitutional rights and proceeded back to their office. PO2 Lagos put markings on the two plastic sachets of shabu recovered from appellant and delivered them to the crime laboratory, together with the corresponding request for laboratory examination.[11]

On cross, he said: He was more or less 15 meters away from the owner type jeep when the transaction between appellant and PO2 Lagos happened. He only went to the owner type jeep after receiving the pre-arranged signal from PO2 Lagos. He was not aware if an inventory of the items they have seized were prepared.[12]

The parties stipulated: (a) Maria Ana Rivera-Dagasdas was the forensic chemist who examined the subject specimens and she did not know where the specimens were taken after that; and (b) SPO2 Salvio de Lima was a member of the buy-bust team who arrested appellant, investigator of the case, and the one who prepared the documents in this case.[13]

The prosecution likewise presented the following evidence: PO2 Lagos and PO2 Boiser's Joint Affidavit of Arrest[14], Request for Laboratory Examination[15], Request for Drug Test[16], Physical Science Report[17], Booking and Information Sheet[18], two small heat-sealed transparent plastic sachets each containing 0.40 gram of shabu[19], and the marked money consisting of 5 pieces of one hundred peso bills[20]. According to the Physical Science Report, the confiscated items were found positive for methylamphetamine hydrochloride or shabu. PO2 Lagos and PO2 Boiser identified in open court the 2 plastic sachets containing shabu to be the same items which they recovered from appellant[21], the Physical Science Report as the document issued by the crime laboratory office containing the result of the laboratory examination[22], and the marked money which the team used in buying shabu from appellant.[23]

For its part, the defense was not able to present any witness since appellant escaped from the custody of his escort, JO1 Henry Pang-Ay after coming from the court on February 23, 2004.[24] An order of arrest[25] and an alias order of arrest[26] were issued against appellant.

By Joint Decision dated September 24, 2007, the trial court convicted appellant as charged, viz:

WHEREFORE, in view of the foregoing considerations, accused RONALD USMAN y SUMLAY is found and declared GUILTY beyond reasonable doubt of the crime of "Violation of Section 5, 1st Paragraph, Article II of Republic Act No. 9165", in Criminal Case No. 12355-D, he is hereby sentenced to suffer a penalty of LIFE IMPRISONMENT and to pay a fine of Five Hundred Thousand Pesos (PhP500,000.00).

Furthermore, accused RONALD USMAN y SUMLAY is likewise found GUILTY beyond reasonable doubt of the crime of "Violation of Section 11, 2[nd] Paragraph, No. 3 of Republic Act No. 9165", in Criminal Case No. 12356-D, and since the quantity of the shabu/methylamphetamine hydrochloride involved in this case is less than five (5) grams, he is hereby sentenced to suffer an indeterminate sentence ranging from TWELVE (12) years and ONE (1) day as minimum to FOURTEEN YEARS (14) years as maximum, and to pay a fine of Three Hundred Thousand Pesos (PhP300,000.00).

Upon the other hand, the two (2) plastic sachets of white crystalline substance with a weight of 0.40 gram each, which were found positive to the test for methylamphetamine hydrochloride commonly known as shabu, which are the subject matter of the present cases are hereby ordered transmitted to the custody of the Philippine Drug Enforcement Agency (PDEA) subject and/or pursuant to existing Rules and Regulations promulgated thereto, for its proper disposition.

Costs de officio.

SO ORDERED.[27]

On September 24, 2007, the decision was promulgated in absentia as appellant was then at large.[28] On September 13, 2012, the decision was declared ineffective because it was not recorded in the criminal docket of the Office of the Clerk of Court, RTC-Pasig City[29]. It was promulgated anew on November 9, 2012 at the National Bilibid Prisons, Muntinlupa City,[30] where appellant was committed[31] following his arrest[32] on July 24, 2009.

On November 13, 2012, appellant moved for reconsideration[33] which the trial court denied under Order dated November 26, 2012[34].

Appellant now faults the trial court for convicting him of the offenses charged despite the prosecution's alleged failure to prove his guilt beyond reasonable doubt. He harps on the prosecution's purported failure to preserve the integrity and establish the identity of the corpus delicti due to the supposed non-compliance with the mandatory procedure in drug operation and the essential requisites of chain of custody. He argues that the items confiscated from him are inadmissible in evidence in view of the alleged lack of: (1) properly signed inventory/photographs of the suspected shabu taken immediately after arrest and seizure, in his presence and in the presence of representative from media, DOJ, etc.; (2) quantitative examination of the specimen allegedly confiscated from him; (3) final certification after the issuance of the initial laboratory report; (4) testimony about every link in the chain of custody from the time the item was picked up to the time it was offered in evidence. Appellant also claims that his arrest in flagrante delicto and escape are not sufficient proofs of his guilt beyond reasonable doubt.[35]

The Office of the Solicitor General, through Senior State Solicitor Penafrancia C. Carpio Devesa, counters: Appellant's arrest is valid and the pieces of evidence seized are admissible because appellant was apprehended in a legal buy-bust operation. The alleged non-compliance with Section 21, RA 9165 is not fatal and does not automatically render inadmissible the items seized from appellant inasmuch as the integrity, identity, and evidentiary value of the seized items was duly preserved and the chain of custody thereof was shown to have been unbroken. The positive testimonies of the prosecution witnesses are entitled to great weight.[36]

The appeal lacks merit.

Section 21 of the Implementing Rules and Regulations (IRR) of RA 9165 provides the following guidelines in the custody and control of confiscated drugs:

(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; x x x[37]

Indeed, Section 21[38] of RA 9165 need not be followed as an exact science. Accordingly, the Supreme Court has, in many cases, allowed substantial compliance with Section 21[39] and ruled that failure to strictly comply therewith, including the preparation of the inventory and photographing of the confiscated drugs, is not fatal as to

render the accused's arrest illegal or the items seized from him, inadmissible.[40] What is essential is proof of the presence of all the elements of the offense charged and 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.[41]

Here, there was an unbroken chain of custody of the illicit drugs confiscated from appellant. Record shows that the buy-bust transaction occurred around 7:15 p.m. of April 14, 2003. The items seized from appellant were accordingly marked at the crime scene. Appellant was immediately brought to the police station after the illegal drugs and marked money were confiscated from him. Immediately thereafter, the seized items, together with the letter of request for laboratory examination, were submitted to the PNP-Southern Police District Crime Laboratory Office at 1:50 a.m. of April 15, 2013, barely 7 hours from the time of confiscation. The letter-request contained an inventory of the seized items, viz:

EVIDENCE SUBMITTED:

One (1) small brown staple-wire sealed envelope with signatures that contains the following:

1. One (1) small heat sealed transparent plastic sachet containing white crystalline substance suspected to be as shabu with a street value of P500 duly marked as GL-1-140403. (Sold by the suspect to the cop/poseur-buyer PO2 Lagos)
2. One (1) small heat sealed transparent plastic sachet containing white crystalline substance suspected to be as shabu with a street value of P500 duly marked as GL-2-140403. (Seized from the suspect after his arrest)[42]

After the laboratory examination, the forensic chemist issued, around 3:50 a.m. of April 15, 2013 or within 24 hours from the time the items were confiscated from appellant, Physical Science Report No. D-462-03S finding the items positive for methylamphetamine hydrochloride or shabu, viz:

TIME AND DATE RECEIVED: 0150H 15 April 2003

x x x

SPECIMEN SUBMITTED:

One (1) brown envelope with signature markings containing two (2) heat-sealed transparent plastic sachets each with white crystalline substance having the following markings and recorded net weights:

A-1 (GL-1-140403) = 0.40 gram
A-2 (GL-2-140403) = 0.40 gram.

x x x

FINDINGS:

Qualitative examination conducted on the above-stated specimens gave POSITIVE result to the tests for the presence of Methylamphetamine hydrochloride, a dangerous drug. xxx

CONCLUSION:

Specimen A-1 and A-2 contain Methylamphetamine hydrochloride, a dangerous drug. xxx

xxx

TIME AND DATE COMPLETED: 0350H 15 April 2003[43]

Upon presentation of the items in court, PO2 Lagos and PO2 Boiser positively identified them to be the same

items seized from appellant and brought to the crime laboratory for examination. They also identified the marked bills recovered from appellant as the payment given by PO2 Lagos in exchange for the 0.40 gram of shabu contained in the plastic sachet marked "GL-1-140403".[44]

Clearly, there was no hiatus or confusion in the confiscation, handling, custody, and examination of the shabu. The illegal drugs confiscated from appellant, taken to the police headquarters, subjected to qualitative examination at the crime laboratory, and finally introduced in evidence against appellant were the same illegal drugs confiscated from him when he was caught in flagrante delicto selling and possessing the same.[45]

Verily, there was substantial compliance with the law. The integrity of the drugs seized from appellant was preserved and the chain of custody of the drugs confiscated from him was shown to have been unbroken. For one, the immediate turn-over of the seized items to the PNP crime laboratory within 7 hours from the time they were confiscated from appellant manifests the arresting officers' prudence in securing the integrity and probative value of these items. Too, the letter-request for laboratory examination, which was prepared in the police headquarters immediately after appellant's arrest, undeniably contains an inventory of the seized items. Likewise, the physical science report contains not only a qualitative, but also a quantitative finding of the forensic chemist inasmuch as the latter also indicated therein the corresponding markings and recorded weights of the items submitted and subjected to laboratory examination.

Finally, the alleged lack of coordination with PDEA cannot invalidate the buy-bust operation involving appellant. People of the Philippines vs. Jay Montevirgen y Ozaraga[46] lucidly ordains:

Appellant's contention that the buy-bust team should have coordinated with the PDEA on the day the entrapment operation occurred deserves scant consideration. Coordination with the PDEA is not an indispensable element of a proper buy-bust operation. A buy-bust operation is not invalidated by mere non-coordination with the PDEA.

To recapitulate, 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.

Thus, the trial court correctly upheld the admissibility of the seized items upon finding that the handling thereof was free of any physical distortion.

To secure a conviction for illegal sale of regulated or prohibited drugs under Section 5, Article II of RA 9165, the following essential elements must be established beyond reasonable doubt: (1) identity of the buyer and the seller, object of the sale and consideration; and (2) delivery of the thing sold and payment therefor.[47] Illegal sale of prohibited drugs, like shabu, is committed upon consummation of the sale transaction.[48] If a police officer goes through the operation as poseur-buyer, the delivery of the illicit drug to him and the seller's receipt of the marked money successfully consummates the buy-bust transaction.[49] Thus, what is material is the proof that the transaction or sale actually transpired, coupled with the presentation in court of the corpus delicti as evidence.[50]

Here, the prosecution witnesses adequately proved that the illegal sale took place when, during a buy-bust operation, appellant was caught in flagrante delicto selling to poseur-buyer PO2 Lagos one plastic sachet of white crystalline substance, which, when examined was confirmed to be methyldamphetamine hydrochloride or shabu per Physical Science Report No. D-462-03S[51] issued by P/Insp. Maria Ana Rivera-Dagasdas, Forensic Chemical Officer, PNP Southern Police District Crime Laboratory Office. The straightforward testimonies of the police officers show that, upon receipt of the P500.00 buy-bust money, appellant handed the plastic sachet

containing 0.40 gram of shabu to PO2 Lagos, which PO2 Lagos and PO2 Boiser duly identified in open court to be the same item which appellant sold to PO2 Lagos during the buy-bust operation as it had the marking "GL-1-140403" written thereon by PO2 Lagos at the crime scene. The two also identified the buy-bust money marked as Annexes "G", "G-1" to "G-4" as the ones which PO2 Lagos gave to appellant as payment for the illegal drug. Surely, the buy-bust transaction had been successfully consummated.[52]

On the other hand, a prosecution for illegal possession of dangerous drugs under Section 11, Article II of the same law requires the following elements: (1) the accused is in possession of an item or object, which is identified as a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug.[53]

The prosecution had likewise sufficiently established the confluence of the above elements of illegal possession of dangerous drug. First. Following his arrest for illegal sale of shabu, appellant was caught in flagrante delicto in possession of another plastic sachet containing another 0.40 gram of white crystalline substance, which was later confirmed to be methylamphetamine hydrochloride or shabu. The substance was found after appellant was asked to empty his pocket. PO2 Lagos and PO2 Boiser positively identified said plastic sachet of shabu with marking "GL-2-140403" to be the same item recovered from appellant. It is settled that a person lawfully arrested may be searched for anything which may have been used or constitutes proof of the commission of an offense.[54] Since the search was made after appellant was lawfully arrested for illegal sale of shabu, the subsequent search and seizure of the second plastic sachet of shabu found in appellant's possession was likewise valid.[55] Second. Appellant did not adduce any evidence showing his legal authority to possess the drug in question. Third. Appellant's act of selling the first plastic sachet of shabu to poseur-buyer PO2 Lagos while keeping the other in his pocket shows that he freely and consciously possessed the illegal drugs. Mere possession of a regulated drug per se constitutes prima facie evidence of knowledge or animus possidendi sufficient to convict an accused absent a satisfactory explanation of such possession.[56] Here, no evidence was presented to rebut appellant's animus possidendi of the shabu found in his pocket during the buy-bust operation.

Appellant's guilt is further bolstered by his escape from detention. Indeed, a truly innocent person would normally grasp the first available opportunity to defend himself and assert his innocence.[57] *People of the Philippines vs. Frank Lobrigas, et al.*[58] is apropos:

In the case at bar, not only did accused-appellant evade arrest when he went to Cebu under the pretext that he was going to work at Southern Island Hospital, but justice was further frustrated when he escaped from detention with the flimsy excuse that no one was guarding them. These two instances of flight by accused-appellant, taken together with the other circumstances established by the prosecution, support the trial court's finding of accused-appellant's guilt beyond reasonable doubt. Courts go by the biblical truism that "the wicked flee when no man pursueth but the righteous are as bold as a lion".[59]

The positive testimony of the prosecution witnesses, coupled with the presentation in court of the corpus delicti prevails over appellant's defenses of denial and frame-up. Since the prosecution failed to present clear and convincing evidence that the members of the buy-bust team were impelled by any improper motive, the testimonies of PO2 Lagos and PO2 Boiser on the operation deserve full faith and credit.[60] *People of the Philippines vs. Asir Gani y Alih, et al.*[61] elucidates:

Prosecutions involving illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation. Oft-repeated is the rule that in cases involving violations of Republic Act No. 9165, credence is given to prosecution witnesses who are police officers (or in this case, NBI agents) for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary. Absent any indication that the NBI agents herein were ill motivated in testifying against accused-appellants, their

testimonies deserve full credence. In contrast, the defenses of denial and frame-up have been invariably viewed by this Court with disfavor for it can easily be concocted and is a common and standard defense ploy in prosecutions for violation of Republic Act No. 9165. In order to prosper, the defenses of denial and frame-up must be proved with strong and convincing evidence. Accused-appellants presented no such evidence in this case.

As a rule, the trial court's factual findings on the credibility of witnesses and their testimonies are accorded great weight and respect^[62] because the trial judge has the direct opportunity to observe them on the stand and ascertain if they are telling the truth. This is consistent with the principle that when the testimony of a witness meets the test of credibility, that alone is sufficient to convict the accused.^[63] We find no cogent reason here to depart from this general rule.

In fine, the trial court did not err in finding appellant guilty of violations of Section 5, paragraph 1, Article II and Sec. 11, paragraph 2, No. 3, Article II of RA 9165. Too, the trial court correctly imposed the following penalties on appellant: (a) life imprisonment and a fine of Five Hundred Thousand Pesos (PhP500,000.00) for violation of Section 5, paragraph 1, Article II of RA 9165; and (b) an indeterminate sentence ranging from twelve (12) years and one (1) day as minimum to fourteen years (14) years as maximum, and a fine of Three Hundred Thousand Pesos (PhP300,000.00) for violation of Sec. 11, paragraph 2, No. 3, Article II of RA 9165.

ACCORDINGLY, the appeal is DISMISSED and the appealed Joint Decision dated September 24, 2007, AFFIRMED.

SO ORDERED.

Castillo (Chairperson) and Galapate-Laguilles, JJ., concur.

[1] Penned by Judge Florito S. Macalino, Rollo, pp. 68-77.

[2] Dated April 21, 2003, Record, pp. 1-2.

[3] Dated April 21, 2003, Record, pp. 12-13.

[4] See Order dated July 8, 2003, penned by Judge Marietta A. Legaspi, RTC-Pasig City, Branch 165, Record, p. 36.

[5] TSN dated November 18, 2003, pp. 5-11.

[6] TSN dated September 28, 2004, pp. 4-14.

[7] Physical Science Report No. D-462-03S dated April 15, 2003, Record, p. 7. [8] TSN dated December 14, 2004, pp. 3-19.

[9] TSN dated May 8, 2007, p. 12.

[10] TSN dated May 8, 2007, pp. 2-12.

[11] TSN dated June 27, 2007, pp. 2- 10.

[12] TSN dated June 27, 2007, pp. 11-15.

[13] See order dated August 13, 2007, penned by Judge Florito S. Macalino, Record, p. 205.

[14] Dated April 14, 2003, Exhibit "A", Record, pp. 5-6.

- [15] Dated April 14, 2012, Exhibit “B”, Record, p. 8.
- [16] Dated April 15, 2003, Exhibit “C”, Record, p. 9.
- [17] Dated April 15, 2003, Exhibit “D”, Record, p. 7.
- [18] Dated April 14, 2003, Exhibit “E”, Record, p. 11.
- [19] Exhibits “F” and “F-1”, See TSN dated December 14, 2004, pp. 15-17.
- [20] Exhibits “G”, “G-1” to “G-4”, Record, p. 10.
- [21] TSN dated June 27, 2007, pp. 8-9; TSN dated December 14, 2004, pp. 15-17.
- [22] TSN dated December 14, 2004, pp. 13-14; June 27, 2007, p. 8.
- [23] TSN dated June 27, 2007, pp. 9 -10.
- [24] See Memorandum dated February 23, 2004, of Supt. Romeo S. Elisan, Jr., District Jail Warden, Metro Manila District Jail, Camp Bagong Diwa, Taguig, Record, p. 66.
- [25] Order dated February 24, 2004, penned by Judge Marietta A. Legaspi, Record, p. 68.
- [26] Order dated January 11, 2005, penned by Judge Marietta A. Legaspi, Record, p. 87.
- [27] Joint Decision dated September 24, 2007, penned by Judge Florito S. Macalino, Rollo, pp. 68-77.
- [28] Order dated September 24, 2007, penned by Judge Florito Macalino, Record, p. 246.
- [29] Order dated September 13, 2012, penned by Judge Antonio M. Olivete, Record, pp. 350-353.
- [30] See Order dated November 9, 2012, penned by Judge Antonio M. Olivete, Record, p. 430.
- [31] Order of Commitment (Mittimus) dated July 29, 2009, penned by Acting Presiding Judge Raul Bautista Villanueva, Record, p. 253.
- [32] Return of Warrant of Arrest dated July 28, 2009, penned by Police Superintendent Elwin DC Enriquez, Chief, DIDMD, Record, p. 252.
- [33] Record, pp. 371-426.
- [34] Penned by Judge Antonio M. Olivete, Record, pp. 434-437.
- [35] Appellant's Brief dated May 28, 2013, Rollo, pp. 28-67.
- [36] Brief for the Appellee dated October 25, 2013, Rollo, pp. 89-108.
- [37] Emphasis supplied.
- [38] Section 21. x x x The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner: (1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof.

- [39] People vs. Dela Rosa, G.R. No. 186471, January 25, 2010.
- [40] People vs. Guzon, G.R. No. 199901, October 9, 2013; People v. Naquita, G.R. No. 180511, July 28, 2008.
- [41] People vs. Libantocia, G.R. No. 177324, March 30, 2011; People v. Nicolas, G.R. No. 170234, February 8, 2007.
- [42] Record, p. 8.
- [43] Record, p. 7.
- [44] TSN dated December 14, 2004, pp. 15-17; TSN dated September 28, 2004, pp. 6-8; TSN dated June 27, 2007, pp. 8-10.
- [45] People vs. Ozaraga, G.R. No. 189840, December 11, 2013.
- [46] G.R. No. 189840, December 11, 2013.
- [47] People vs. Lazaro, G.R. No. 186418, October 16, 2009; People v. Adam, 459 Phil. 676.
- [48] People vs. Quimno, G.R. No. 206738, December 11, 2013.
- [49] People vs. Rom, G.R. No. 198452, February 19, 2014; People vs. Ozaraga, G.R. No. 189840, December 11, 2013.
- [50] People vs. Torres, G.R. No. 191730, June 5, 2013; People vs. Ozaraga, G.R. No. 189840, December 11, 2013; People vs. Lazaro, G.R. No. 186418, October 16, 2009.
- [51] Record, p. 7.
- [52] People vs. Ozaraga, G.R. No. 189840, December 11, 2013.
- [53] People vs. Ozaraga, G.R. No. 189840, December 11, 2013; People vs. Khor, 366 Phil. 762.
- [54] Section 13, Rule 126 of the Rules of Court.
- [55] People vs. Cunanan, G.R. No. 185719, June 17, 2013.
- [56] People vs. Dela Rosa, G.R. No. 185166, January 26, 2011, citing People vs. Sembrano, G.R. No. 185848, 16 August 2010.
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