

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. IVY DIDATO Y SENCIO A.K.A. ZENAIDA ERANIO SENCIO, ACCUSED-APPELLANT.

Ponente: CRUZ, R.A., J.

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CRUZ, R.A., J.:

THE CASE

This is an ordinary appeal under Rule 41 of the Rules of Court seeking to vacate the Joint Decision dated March 23, 2011[1] of the Regional Trial Court of Dagupan City, First Judicial Region, Branch 41 (“RTC”), in Criminal Case Nos. 2009-0204-D and 2009-0205-D for violation of Secs. 11 and 5, respectively, Article II of Republic Act No. 9165 (“The Comprehensive Dangerous Drugs Act of 2002”) which convicted Ivy Didato y Sencio a.k.a. Zenaida Eranio Sencio (“accused-appellant”) for the aforementioned crimes, in this wise:

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“WHEREFORE, premises considered, judgment is hereby rendered finding accused Ivy Didato y Sencio a.k.a. Zenaida Eranio Sencio GUILTY beyond reasonable doubt in Criminal Case No. 2009-0204-D for Possession of Shabu, a dangerous drug, weighing 0.5354 grams in violation of Section 11, Article II of Republic Act 9165 and pursuant to law, she is sentenced to suffer the penalty of imprisonment of twelve (12) years and one (1) day to twenty (20) years and fine of P300,000.00 and to pay the cost of suit.

In Criminal Case No. 2009-0205, the Court likewise finds accused Ivy Didato y Sencio a.k.a. Zenaida Eranio Sencio for selling and delivering to a customer shabu weighing 0.1383 grams in violation of Section 5, Article II of Republic Act 9165, and pursuant to law, she is sentenced to suffer a penalty of life imprisonment and fine of P500,000.00 and to pay the cost of suit.

The accused shall be credited the full period of his preventive detention.

The shabu subject of these cases is hereby forfeited in favor of the government and to be disposed in accordance with the law.

SO ORDERED.”[2]

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THE ANTECEDENTS

In Criminal Case No. 2009-0204-D, raffled to the RTC of Dagupan, Branch 41, Ivy Didato y Sencio a.k.a. Zenaida Eranio Sencio (“Zenaida Sencio”) was charged for violation of Sec. 11, Article II of Republic Act No. 9165 (“R.A. No. 9165”) before the RTC of Dagupan City, First Judicial Region, Branch 41, (“RTC”) under the Information, quoted herein, to wit:

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“That on or about the 12th day of March 2009, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, IVY DIDATO Y SENCIO, did then and there, willfully, unlawfully and criminally, have in her possession, custody and control Shabu contained in one (1) heat-sealed plastic sachet, weighing more or less 0.5354 gram, without authority to possess the same.

Contrary to Article II, Section 11, R.A. 9165.”[3]

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In Criminal Case No. 2009-0205-D, raffled to the RTC of Dagupan, Branch 40, Zenaida Sencio was also charged for violation of Sec. 5, Article II of R.A. No. 9165 before the RTC, Branch 40, under the Information which reads, viz:

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“That on or about the 12th day of March 2009, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, IVY DIDATO Y SENCIO, did then and there, willfully, unlawfully and criminally, sell and deliver to a customer Shabu contained in one (1) heat-sealed plastic sachet, weighing more or less 0.1383 gram, without authority to do so.

Contrary to Article II, Section 5, R.A. 9165.”[4]

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In both cases, she pleaded not guilty.[5] She also moved for a consolidation of the two cases before Branch 41, RTC of Dagupan, because it bears the lower docket number.

In an Order dated September 22, 2009,[6] the RTC, Branch 40, granted the motion for consolidation of Crim. Case. No. 2009-0205-D pending before its sala with Crim. Case No. 2009-0204-D pending before RTC, Branch 41.

For the prosecution, Intelligence Officer (IO) 1 Noreen P. Bautista testified that on March 12, 2009, at around 10:00 a.m., a confidential informant arrived at the office of the Drug Special Enforcement Team, Philippine Drug Enforcement Agency (“PDEA”), Regional Office I, Camp Diego Silang, San Fernando, La Union and informed IO1 Noreen P. Bautista and IO1 Louie B. Fernandez that a certain “Ivy” (a.k.a. Zenaida Sencio) was selling drugs at Bonuan, Tondaligan, Dagupan City.[7] Upon relaying said information to their team leader, PO3 Allan Abang, they were instructed to verify the said information.[8]

At around 12:00 noon, IO1 Bautista and IO1 Fernandez, together with the confidential informant, proceeded to Bonuan, Tondaligan to verify the tip. The confidential informant introduced IO1 Bautista and IO1 Fernandez to alias Ivy as interested buyers of shabu. Alias Ivy (Zenaida Sencio) asked the poseur-buyers how much shabu they were going to buy, but IO1 Bautista replied that they will buy that afternoon, and they instead returned to their office.[9]

Upon reaching their office, IO1 Bautista and IO1 Fernandez confirmed the tip of the informant so PO3 Abang immediately formed a team to conduct a buy-bust operation with IO1 Bautista as poseur-buyer and IO1 Fernandez as immediate back-up while the rest of the team were perimeter back-up. The purpose of the operation was to buy shabu from alias Ivy and entrap her.[10] IO1 Bautista prepared the buy-bust money consisting of two (2) pieces of five hundred peso-bill, which she marked on the upper right hand of the front of the bill with her initials “NPB”. They also agreed that the pre-arranged signal for the officers to apprehend alias Ivy was for IO1 Bautista to ring the phone of IO1 Fernandez.[11]

The buy-bust team proceeded to Beth Cottage in Bonuan, Tondaligan. IO1 Bautista entered the place while IO1

Fernandez and the rest of the PDEA team positioned themselves inside their vehicle which was parked nearby.[12] IO1 Bautista, the confidential informant and alias Ivy checked in at Room 11 at Beth Cottage. Alias Ivy asked IO1 Bautista how much shabu she was going to buy and IO1 Bautista replied “One Thousand Pesos (P1,000.00).”[13] Alias Ivy went out of the room for 3-5 minutes and when she returned, she demanded the money. IO1 Bautista handed her the two P500 peso-bills while alias Ivy gave her a plastic sachet containing shabu. Immediately upon receipt of the plastic sachet, IO1 Bautista pressed the ring button in her cellphone which was hidden inside her pocket.[14]

Immediately, IO1 Fernandez and the other perimeter back-up officers rushed inside the room to apprehend alias Ivy. The team arrested alias Ivy and informed her of her constitutional rights, including her violation of R.A. 9165.[15] IO1 Bautista conducted a body search of alias Ivy and she recovered from the latter the buy-bust and marked money and one sachet of shabu in the latter’s pocket.[16] Alias Ivy was handcuffed by the PDEA agents who also took pictures of her and the seized items.[17] She sat on the bed while the team prepared an inventory of the items confiscated from her which consisted of two (2) plastic sachets of shabu, an unused aluminum foil and other shabu paraphernalia.[18] Thereafter, Barangay Kagawad Gregorio N. Generalao was asked to enter the room and sign the Certificate of Inventory.[19] Another Rico Valdez from DZNL Radio signed the same.[20]

The buy-bust team returned to their office in La Union where they prepared the request for medical examination, request for laboratory examination booking sheet and affidavit of arrest.[21] The specimens were brought to the Crime Laboratory Service, Camp Florendo, Parian, San Fernando City, La Union for laboratory examination.[22]

IO1 Louie V. Fernandez corroborated the testimony of IO1 Noreen Bautista.[23]

Forensic Chemist Police Senior Inspector (PSI) 1 Anamelisa S. Bacani testified that she conducted the laboratory examination of the heat-sealed plastic sachets containing white crystalline substance and aluminum foil containing shabu.[24] Chemistry Report Number D-024-09 dated March 12, 2009 prepared and examined by PSI1 Bacani, which submitted the 2 heat-sealed transparent plastic sachets: the first containing 0.1383 gram of white crystalline substance and the second plastic containing 0.534 gram of the same white crystalline substance, yielded positive for the presence of methamphetamine hydrochloride (shabu), a dangerous drug.[25] PSI1 Bacani also identified Chemistry Report No. D-024-09[26] which she examined and prepared, specifying therein that one(1) small heat-sealed transparent plastic sachet containing 0.1383 gram of white crystalline substance with markings “A-1 NPB SOLD” was the sachet which alias Ivy sold to poseur-buyer, IO1 Bautista, while another small heat-sealed transparent plastic sachet containing 0.5354 gram of white crystalline substance with markings “A-2 NPB RECOVERED” was the one recovered from alias Ivy when she was searched after her arrest. Similarly, Chemistry Report Number DT-033-09 dated March 12, 2009, which pertained to the urine sample taken from alias Ivy, yielded a positive result for the presence of methamphetamine and negative result for the presence of THC-metabolites.[27]

Brgy. Kagawad Gregorio M. Generalao testified that he was with the other back-up PDEA agents when the buy-bust operation took place. He also confirmed that the confiscated items were taken from alias Ivy and that he was only about four (4) to five (5) meters away when alias Ivy was arrested. He likewise signed the inventory report of seized items from alias Ivy.[28]

On the other hand, for the defense, alias Ivy a.k.a. Zenaida Eranio Sencio testified that on March 12, 2009, she was outside her house in Bonuan, Tondaligan, just beside Pag-asa, waiting for a pair to get a cottage at Beth Cottages. She did not have a job and she earned by getting customers for Beth Cottages.[29]

At about 2 p.m. of the same day, she was about to get customers for Beth Cottages when a group of men and women in civilian clothes, unknown to her, arrived. She was forced inside one of the rooms and she was told that

they were just going to ask her something. She resisted because she did not know them but two men pulled her inside a room. Two other women conducted a body search of her. She was thereafter handcuffed and so she cried.[30] They brought out a plastic and they placed it on top of the bed. The unknown men and women told her that they were able to get the plastic from her. She told them that it was not hers. She was thereafter brought to their office in Region 1.[31]

Alias Ivy adduced in evidence her Certificate of Live Birth which showed that her real name is Zenaida Sencio.[32]

After trial, the RTC found the accused guilty of the crimes charged in a Joint Decision dated March 23, 2011. The RTC ratiocinated that the prosecution was able to prove the illegal sale and presented the corpus delicti in court. As to the illegal possession of dangerous drugs, it was established that the plastic sachet was recovered from her when a body search was done to the accused, incident to a lawful arrest. The same shabu was identified by the prosecution witnesses.

Seeking a reversal of the aforementioned Decision, Zenaida Sencio alias Ivy filed a Notice of Appeal[33] on March 29, 2011. Hence, the case is now pending Our review, raising the sole error:

LONE ASSIGNMENT OF ERROR

I

WHETHER THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIMES CHARGED NOTWITHSTANDING THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

Zenaida Sencio alias Ivy Didato, as accused-appellant before Us, contends that the RTC glossed over the apprehending officers' non-compliance with certain procedural requirements provided in R.A. No. 9165.

Meanwhile, the People, through the Office of the Solicitor General, aver that the buy-bust operation and the preservation of the integrity and chain of custody of the evidence were carried out in accordance with law. Furthermore, denial and frame-up are inherently weak defenses and cannot prevail over the positive declaration of credible witnesses.

OUR RULING

We DISMISS this appeal for lack of merit.

The RTC did not err in holding that the accused-appellant is guilty of violating Sections 5 and 11, Art. II of R.A. No. 9165 beyond reasonable doubt. The pertinent provisions state that:

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“Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (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, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine

ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) 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 controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

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Section 11. Possession of Dangerous Drugs. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

- (1) 10 grams or more of opium;
- (2) 10 grams or more of morphine;
- (3) 10 grams or more of heroin;
- (4) 10 grams or more of cocaine or cocaine hydrochloride;
- (5) 50 grams or more of methamphetamine hydrochloride or "shabu";
- (6) 10 grams or more of marijuana resin or marijuana resin oil;
- (7) 500 grams or more of marijuana; and
- (8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

- (1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred

thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;

(2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five (hundred) 500) grams of marijuana; and

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana."

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It was held in *People of the Philippines v. Narciso Agulay*,^[34] that "in order to successfully prosecute an accused for illegal sale of drugs, the prosecution must be able to prove the following elements: (1) identities of the buyer and seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor."

In this case, there were three (3) prosecution witnesses who testified as to the presence of these elements: IO1 Bautista, the poseur-buyer, IO1 Fernandez, the back-up officer, and Brgy. Kagawad Generalao who positively identified the accused-appellant as the seller and possessor of the confiscated shabu. IO1 Bautista described in detail how the buy-bust operation took place, including the delivery to her of the heat-resistant plastic sachet with shabu inside and her payment of One Thousand Pesos. This account was corroborated by IO1 Fernandez. Brgy. Kagawad Generalao also confirmed that the PDEA agents got the confiscated shabu from the accused-appellant because he was present during her arrest.

The narration of IO1 Bautista is credible. She recounted the sale transaction and how it was done, to wit:

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“Q:

You stated that you arrived at Beth Cottage with the confidential informant and you also stated that you were with alias Ivy. Upon reaching the area, where?

A:

Infront (sic) of the Beth Cottage, together with the confidential informant.

Q:

What happened next?

A:

We agreed to check in at Beth Cottage and we rented Room 11.

Q:

When you said “we”, to whom are you referring to who rented at Room 11?

A:

Confidential Informant and alias Ivy, Ma'am.

Q:

What transpired at Room 11?

A:

Alias Ivy went out and for few minutes, she came back to the room, Ma'm (sic).

Q:

How many minutes was that?

A:

3 to 5 minutes, Ma'm (sic).

Q:

What happened next upon the return of alias Ivy?

A:

She demanded from me the money and so I was obliged to give her the mark (sic) money?

Q:

Did she receive the mark money?

A:

Yes, Sir.

Q:

And what happened next?

A:

She handed to me 1 plastic sachet Ma'm (sic).

Q:

What did you do with the one plastic sachet?

A:

I gave a pre-arranged signal by ringing my cell phone, Ma'm.

Q:

What happened after the ringing of your cell phone?

A:

IO1 Louie Fernandez rushed to Room 11 together with the perimeter back up immediately after the ringing of the cell phone arrived, Ma'm.

Q:

You stated that they arrived immediately after the ringing of the cell phone. After your back up arrived at Room 11, what happened next?

A:

When my back up arrived and while inside Room 11, we arrested alias Ivy and we told her that she violated Article 11 of R.A. 9165 and we told her of her constitutional rights and then we prepared an inventory.”[35]

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In the same vein, the following elements must be established to successfully prosecute a case of illegal possession of dangerous drugs under Sec. 11, Art. II of Republic Act No. 9165: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.[36]

We affirm the RTC findings in this manner:

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“With regards (sic) to the crime of possession of dangerous drugs, the evidence for the prosecution established that the said plastic sachet of shabu was found in the possession of “Ivy” when a body search was made by IO1 Noreen Bautista on her after the latter was arrested after selling shabu to the poseur buyer IO1 Noreen Bautista. The search is an incident to lawful arrest. An examination conducted on the shabu confirmed that the same is really shabu, a dangerous drug. The same shabu was likewise presented to the court as evidence and

was positively identified by IO1 Noreen P. Bautista as the same shabu she found in the possession of the accused.”[37]

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We likewise do not subscribe to accused-appellant's contention that the chain of custody was broken.

In the case of *People of the Philippines v. Salvador Sanchez*,[38] the chain of custody of the allegedly seized illegal items was exhaustively explained, thus:

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“Proof beyond reasonable doubt demands that unwavering exactitude be observed in establishing the corpus delicti: every fact necessary to constitute the crime must be established.[27][39] The chain of custody requirement performs this function in buy-bust operations as it ensures that doubts concerning the identity of the evidence are removed.[28][40] In a long line of cases, we have considered it fatal for the prosecution to fail to prove that the specimen submitted for laboratory examination was the same one allegedly seized from the accused.[29][41]

Black's Law Dictionary explains chain of custody in this wise:

In evidence, the one who offers real evidence, such as narcotics in a trial of drug case, must account for the custody of the evidence from the moment in which it reaches his custody until the moment in which it is offered in evidence, and such evidence goes to the weight not to admissibility of evidence. *Com. V. White*, 353 Mass. 409, 232 N.E.2d 335.

Likewise, Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002[30][42] 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.”[43]

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Sec. 21 (a) of R.A. No. 9165[44] and its Implementing Rules and Regulations (“IRR”) were essentially complied with because the apprehending team was able to make a physical inventory of the seized items immediately after seizure and confiscation inside Room 11 of Beth Cottage where the accused-appellant sold the subject shabu to the poseur-buyer. The inventory and photograph-taking of the confiscated items were also done in the presence of a barangay official and a representative from the media, although the latter was not presented in court to testify on the matter. We find that the purpose of this rule was achieved because the chain of custody of the seized items was not broken and the integrity of the evidence obtained was preserved. It bears stressing that the IRR of R.A. No. 9165 allows for some flexibility in the application of the rules and will not invalidate the seizure over the illegal items for as long as the chain of custody of the same remained unbroken. Here, after IO1 Bautista seized the items, marked and inventoried them. She and IO1 Fernandez personally turned them over to the Crime Laboratory Service, Camp Florendo, Parian, San Fernando City, La Union for laboratory examination.[45] After receipt of the request for laboratory examination from the PDEA agents, PSI Anamelisa Bacani subjected the specimen for weighing and qualitative examination. The result yielded positive that the subject confiscated from accused-appellant was positive for metamphetamine hydrochloride or shabu.[46]

We likewise affirm the RTC finding that accused-appellant failed to substantiate her allegation that she was merely framed up by the buy-bust team. The RTC explained, viz:

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“In the absence of convincing evidence that the principal prosecution witnesses acted because of improper motives, the presumption is that he was not so actuated and his testimony is entitled to full weight and credit.

It bears emphasis that credence shall be given to the narration of the commission of the crime by the police officers who are presumed to have performed their duties in a regular manner, unless there by (sic) evidence to the contrary, which is not present in this case. In the absence of proof of motive to falsely impute such a serious crime against appellant, the presumption of regularity of official duty, as well as the findings of the trial court on the credibility of witnesses, shall prevail over appellant's self-serving and uncorroborated defenses.”[47] (Citations omitted.)

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In drug cases, entrapment is a normal police technique to catch the culprit in flagrante delicto.[48] On the other hand, denial and frame-up are the usual defenses set up by the accused.[49] Affirmative statements are given greater weight than mere denials.[50]

WHEREFORE, premises considered, the appeal is DISMISSED. The RTC Joint Decision dated March 23, 2011 is AFFIRMED.

No costs.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Abdulwahid, H.S., Chairperson, and Barza, R.F., JJ., concur.

[1] Penned by Hon. Emma M. Torio; Rollo, 17-24.

[2] Rollo, 24.

[3] Records (Crim Case No. 2009-0204-D), 1.

[4] Records (Crim Case No. 2009-0205-D), 1.

[5] Records (Crim Case No. 2009-0205-D), 32; Records, (Crim Case No. 2009-0204-D), 21.

[6] Records (Crim Case No. 2009-0205-D), 32.

[7] Transcript of Stenographic Notes (“TSN”), Testimony of IO1 Noreen P. Bautista, November 16, 2009, 3.

[8] Id., 3-4.

[9] Id., 4.

[10] Ibid.

[11] Ibid.

[12] Id., 5-6.

[13] Id., 6.

[14] TSN, Testimony of IO1 Noreen P. Bautista, February 17, 2010, 6.

[15] TSN, Testimony of IO1 Noreen P. Bautista, November 16, 2009, 6-7.

[16] TSN, Testimony of IO1 Noreen P. Bautista, February 17, 2010, 7.

[17] Ibid.

[18] Ibid.

[19] Ibid.

[20] See Certificate of Inventory, Exhibit “K”, Evidence for the prosecution folder, 17.

[21] TSN, Testimony of IO1 Noreen P. Bautista, November 16, 2009, 8-10.

[22] TSN, Testimony of Anamelisa Bacani, July 29, 2009, 7-12.

[23] TSN, Testimony of IO1 Louie V. Fernandez, June 23, 2010, 4-10.

[24] Ibid.

[25] Exhibits “E” and “F”; Evidence for the prosecution folder, 12-13.

[26] Exhibit “G”; Evidence for the prosecution folder, 13.

[27] Exhibits “I” and “J”; Evidence for the prosecution folder, 15-16.

[28] TSN, Testimony of Brgy. Kagawad Gregorio M. Generalao, October 20, 2010, 4-6.

[29] TSN, Testimony of Zenaida Sencio, March 9, 2011, 4.

[30] Id., 5.

[31] Id., 6-7.

[32] Exhibit “1”; Evidence for the defense folder, 1.

[33] Records, 194.

[34] G.R. No. 181747, September 26, 2008. (Citation omitted.)

[35] TSN, Testimony of IO1 Noreen P. Bautista, November 16, 2009, 6-7.

[36] People of the Philippines v. Alberto Alcuizar, G.R. No. 189980, April 6, 2011, citing People v. Partoza, G.R. No. 182418, May 8, 2009, 587 SCRA 809, 816, citing People v. Naquita, G.R. No. 180511, July 28, 2008, 560 SCRA 430, 451; People v. Cruz, G.R. No. 185381, December 16, 2009, 608 SCRA 350, 364; People v. Gutierrez, G.R. No. 177777, December 4, 2009, 607 SCRA 377, 390-391.

[37] Joint Decision, 5.

[38] G.R. No. 175832, October 15, 2008.

[39] Id., citing People v. Kimura, G.R. No. 130805, April 27, 2004, 428 SCRA 51.

[40] *Id.*, citing *Lopez v. People*, G.R. No. 172953, April 30, 2008.

[41] *Id.*, citing *Valdez v. People*, G.R. No. 170180, November 23, 2007, 538 SCRA 611, citing *People v. Mapa*, 220 SCRA 670 (1993), *People v. Dismuke*, 234 SCRA 51 (1994), *People v. Casimiro*, 383 SCRA 400 (2002), *People v. Pedronan*, 404 SCRA 183 (2003), *People v. Kimura*, 428 SCRA 51 (2004), and *People v. Ong*, 432 SCRA 470 (2004).

[42] *Id.*, citing Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, and Laboratory Equipment.

[43] G.R. No. 175832, October 15, 2008.

[44] Sec. 21 (a), IRR of R.A. No. 9165: “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 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 the 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.”

[45] TSN, Testimony of PO1 Louie Fernandez, June 23, 2010, 9.

[46] TSN, Testimony of PSI Anamelisa Bacani, July 29, 2009, 6.

[47] Joint Decision, 7.

[48] *People of the Philippines v. Reynald Dela Cruz*, G.R. No. 177324, March 30, 2011.

[49] *Ibid.*

[50] *Id.*, citing *People v. Ganenas*, 417 Phil. 53, 66-67 (2001).

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