

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. CHEN CHUN MAN @ KEVIN CHAN, ACCUSED-APPELLANT.

Ponente: BARZA, J.

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BARZA, J.:

This is an appeal from the Decision[1] dated 11 March 2011 of the Regional Trial Court-Branch 99 of Quezon City, finding accused-appellant Chen Chun Man @ Kevin Chan guilty of violation of Section 5, Article II of Republic Act No. 9165 (The Comprehensive Dangerous Drugs Act of 2002).

The Information[2] against Kevin Chan (Kevin) reads:

“That on or about the 17[th] day of November, 2006 in Quezon City, accused CHEN CHUN MAN @ KEVIN CHAN without lawful authority did then and there willfully and unlawfully sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport, or act as broker in the said transaction, a dangerous drug, to wit: four hundred ninety five point thirty seven (495.37) grams of Methylamphetamine Hydrochloride.

CONTRARY TO LAW.”

Accused is a Chinese national. Assisted by counsel and with the help of his cousin, Abraham Siu, an employee of the Pasay City Legal Office, the Information was translated to him in Fookien dialect during the arraignment. Accused entered a plea of not guilty.[3]

During the pre-trial, the parties stipulated on the identity of the accused as the same person named in the information and the jurisdiction of the court over the case. Pre-trial was terminated and trial ensued.

The prosecution presented the testimonies of SPO1 Noel Castaneto, SPO2 Rodrigo Llabres and SPO3 Jose Fernandez.

The prosecution sought to establish that in the morning of 13 November 2006, SPO1 Noel Castaneto (SPO1 Castaneto), then assigned at the Anti-Illegal Drugs Special Operations Task Force stationed at Novaliches, Quezon City, received an information from confidential informant with codename Sexy Lady about the drug activities of one Kevin, frequently seen in Banawe corner Amoranto Streets, Quezon City. Sexy Lady also informed SPO1 Castaneto that they (the policemen) could contact Kevin and purchase shabu from him. The Chief of Police, Police Inspector Roberto Razon decided to form a team to conduct a buy-bust operation against Kevin.

Sexy Lady then contacted Kevin. SPO1 Castaneto was able to talk to Kevin. As agreed upon by them, one kilo of shabu will cost P2,000,000.00. Kevin told SPO1 Castaneto that he will call the latter as soon as the shabu is already available.

On 17 November 2006 or after four (4) days, Sexy Lady came to the office of SPO1 Castaneto to inform him that Kevin already called and that the shabu is already available. At that time, SPO1 Castaneto was already transferred at the Criminal Investigation Detection Unit in Camp Karingal. Upon that information, SPO1 Castaneto informed P/I Razon. After that, Chief of Police, P/Supt. Franklin Mabanag formed a team that will conduct the buy-bust

operation against Kevin. SPO1 Castaneto was the designated poseur buyer while P/I Razon was the team leader.

SPO1 Castaneto and Kevin agreed that the latter will call him again. The price agreed upon for one-half kilo of shabu is P900,000.00. They also agreed to meet along Banawe corner Amoranto Streets. And the payment for the shabu will be in the form of checks.[4]

For the said operation, the Chief of Office gave SPO1 Castaneto three (3) checks amounting to P300,000.00 each. After which the Pre-Operational Report/Coordination Sheet[5] was prepared. SPO1 Castaneto delivered the said document to the PDEA.

At on or about 10:00 o'clock in the evening of 17 November 2006, the buy-bust team and the confidential informant proceeded to the vicinity of Banawe and Amoranto Streets in Quezon City. There they saw this alias Kevin in maong pants and holding a plastic. Kevin approached SPO1 Castaneto and Sexy Lady. SPO1 Castaneto was introduced by Sexy Lady to Kevin as the one he (Kevin) dealt with by mobile phone and ordered the one-half kilo of shabu. Kevin told SPO1 Castaneto that the shabu is placed inside the blue plastic bag he was holding, then handed it over to SPO1 Castaneto. Upon ascertaining the contents thereof as shabu, SPO1 Castaneto handed over to Kevin the three (3) checks amounting to P900,000.00 placed inside a white envelope. Before Kevin could open the envelope, SPO1 Castaneto gave the pre-arranged signal of removing his cap to the other members of the buy-bust team. The back up policemen responded. SPO1 Castaneto and the other policemen introduced themselves to Kevin as policemen. They then effected Kevin's arrest.

Back-up officers, SPO2 Rodrigo Llabres recovered the checks from Kevin and SPO3 Mario Concepcion recovered the Nokia unit cellular phone being used by Kevin in the transaction. The one-half kilo of shabu was recovered by SPO1 Castaneto. SPO1 Castaneto placed his initials ("NVC"), that of Kevin's ("CCM") and the date "11-17-06" in the specimen before he submitted the same to the crime laboratory for examination. An inventory of the confiscated items was also conducted.[6] The accused was photographed[7] together with the alleged seized items. Thereafter, the arresting officers executed their affidavits of arrest.[8]

At the stand, the prosecution witnesses identified Kevin.[9] Through an interpreter, Kevin identified himself as Chen Chun Man. SPO1 Castaneto also identified the blue plastic bag and transparent plastic bag on which he placed the markings "NVC-CCM-11-17-06".[10]

The testimony of the Forensic Chemist was dispensed with after the parties stipulated that Forensic Chemical Engineer Leonard Jabonillo was the one who conducted examination on the specimen submitted to him in connection with the case with a qualification that said Forensic Chemist does not have knowledge that said evidence came from the accused. Also, for the reason that the said Forensic Chemist has an administrative sanction, the trial court informed the parties that the said officer will not be able to submit the subject evidence to the court.[11]

The initial laboratory report (Chemistry Report No. D-478-2006)[12] revealed that:

"Findings:

Qualitative examination conducted on the specimen gave POSITIVE result to the test for Methylamphetamine Hydrochloride, a dangerous drug.

x x x"

Thereafter, upon leave of court, the accused filed a Demurrer to Evidence. On 26 February 2010, a Resolution was issued by the trial court denying both the Demurrer to Evidence and Application for Bail.[13]

The defense presented the testimony of the accused Chen Chun Man a.k.a. Kevin Chan, Abraham Siu and Yi

Chang Chen.

Public Prosecutor Melvin Matti, who is conversant with Fookien dialect, was appointed as the Court Interpreter in this case for the defense.[14]

The accused testified that his real name is Chen Chun Man[15] as appearing in his Passport.[16] He is from Fookien, China. He finished elementary. He arrived as a tourist in the Philippines on 18 May 2006[17] as reflected in his passport. He denies that he is Kevin Chan. He had until 14 August 2006 to stay in the country but the same had been extended to another six (6) months.

Accused came to the Philippines upon the request of his cousin named Tan Shao Ying, who is married to Abe Siu. He was asked to help them in their business of selling cellular phone accessories in Quiapo, Manila. He was then residing in Pasay City. In the said business in Quiapo, Manila, the accused was tasked to do the physical inventory of the products. He would perform his job at the back of the store, which prevented him from communicating with the people outside except his cousin and the latter's husband. He claims that he could not speak Filipino, except for the terms "kain" and "ligo".

At about 2 o'clock in the afternoon of 17 November 2006, while the accused was on his way to pay the telephone (PLDT) bill in Harrison, Pasay City, two (2) unidentified men nabbed him. He was made to ride their car and brought to the police station. Accused could not remember where the police station was as he was not allowed to look. The two men also took his cellular phone and the P1,000.00 bill he was supposed to pay to PLDT.

At the police station, accused was made to admit that he was Kevin Chan, but which he denied. He was asked to admit owning a plastic bag which he also denied. He was blindfolded and beaten up. Accused was also asked to produce P800,000.00 for his release. As he had no money to give them, he was locked in the cell. Thereafter, photographs of him pointing to a plastic bag were taken. He was also forced to sign a document. He also claims seeing checks. On 19 November 2006, he was already in the newspaper. Accused claims that he is being falsely charged. He did not file any case against the police officers.

Abraham Siu, the husband of accused's cousin, also testified for the defense. He is engaged in business of cellular phone accessories. He is a law graduate and formerly worked as Executive Assistant in the National Labor Relations Commission (NLRC) and a Chinese Relations Consultant. He confirmed that he and his wife asked the accused to come to the Philippines to help in their business. The accused could not speak Filipino. It was accused's rest day, a Friday, when he was nabbed in Pasay City.

Siu tried to convince the police that the accused is not Kevin Chan and that he (accused) could not speak Tagalog or English. He also claims that the policemen, through a certain Tata, was asking P800,000.00 from them. He found this out from the accused to whom the policemen actually demanded the amount on the day of his arrest. The family of the accused also did not file a case against the policemen. There is no basis for the charge against the accused as he (Siu) has known him even while the latter was still in their small town in China. While in the Philippines, he would only work everyday from 8 o'clock in the morning to 7:30 o'clock in the evening, from Saturday to Thursday, and stays at home after work. There is no one that Siu knows that could influence the accused to do the charge against him.

Yi Chang Chen is the older brother of the accused. He lives with the accused in Pasay City. The accused is also known as Buana. Chen does not know Kevin Chan. His brother never learned to speak Filipino. Chen is the one who asked the accused to pay the PLDT bill in Harrison Street in Pasay City. But on the said date, his brother never came home. They tried to call up everybody to locate the accused. It was only after a couple of days that they found out from the newspaper about the accused's arrest in Quezon City. The news shocked them as they did

not know how the accused would be charged of selling shabu. The accused does not deal with illegal drugs. At the police station, the accused told Chen that he (accused) did not know why the policemen arrested him and had him beaten up.

On 11 March 2011, the trial court rendered the assailed decision finding Kevin guilty as charged. The dispositive portion reads:

"WHEREFORE, premises considered, the Court finds the accused Chen Chun Man GUILTY BEYOND REASONABLE DOUBT for Violation of Section 5, Article II, of Republic Act 9165 or illegal selling of one-half kilo of methylamphetamine hydrochloride ("shabu"), a dangerous drug, and he is hereby sentenced to suffer the penalty of Life Imprisonment and to pay a Fine of Five Hundred Thousand Pesos (Php500,000.00). x x x

SO ORDERED."

Hence, this appeal by Chen Chun Man/Kevin Chan, now the accused-appellant, on the ground that:

THE TRIAL COURT GRAVELY ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF SELLING ONE-HALF KILO OF SHABU, AND IN IMPOSING ON HIM THE PENALTY OF LIFE IMPRISONMENT, FOR THE FOLLOWING REASONS:

A. ACCUSED-APPELLANT DID NOT SELL SHABU TO SPOI NOEL CASTANETO. THE ALLEGED SALE AND ARREST THROUGH BUY-BUST OPERATION ON 17 NOVEMBER 2006 IN QUEZON CITY NEVER HAPPENED. THIS FACT IS VERY EVIDENT FROM THE UNCRONTROVERTED TESTIMONIES OF ACCUSED-APPELLANT AND HIS WITNESSES AND THE INCREDIBLE AND INCONSISTENT STATEMENTS OF THE POLICE OFFICERS WHO TESTIFIED FOR THE PROSECUTION.

B. EVEN ASSUMING ONLY FOR THE SAKE OF ARGUMENT THAT THE BUY-BUST OPERATION HAPPENED, THE PROSECUTION FAILED TO PROVE THE GUILT OF THE ACCUSED-APPELLANT BEYOND REASONABLE DOUBT BECAUSE THE IDENTITY OF THE SHABU WAS NOT ESTABLISHED WITH MORAL CERTAINTY. THE PROSECUTION DID NOT SHOW COMPLIANCE WITH THE "CHAIN OF CUSTODY RULE".

The Office of the Solicitor General (OSG), for the State, submits that accused-appellant was correctly found guilty as charged by the trial court, as all the elements for illegal sale of illegal drugs have been proven. It is the Solicitor General's conclusion and recommendation that the Decision being assailed in this Appeal be affirmed in toto.

The appeal is bereft of merit.

It must be stressed that the findings of the trial courts which are factual in nature and which involve the credibility of witnesses are accorded respect when no glaring errors, gross misapprehension of facts, and speculative, arbitrary and unsupported conclusions can be gathered from such findings. The reason for this is that the trial court is in a better position to decide the credibility of witnesses, having heard their testimonies and observed their deportment and manner of testifying during the trial.[18]

Prescinding therefrom, the Court holds that the trial court correctly gave credence to the testimonies of the prosecution witnesses. The accused-appellant cannot successfully contend that the alleged inconsistencies in their testimonies warrant his acquittal. For a discrepancy or inconsistency in the testimony of a witness to serve as basis for acquittal, it must refer to the significant facts vital to the guilt or innocence of the accused for the crime charged. An inconsistency which has nothing to do with the elements of the crime cannot be a ground for the

acquittal of the accused.[19]

In the prosecution of the offense of illegal sale of prohibited drugs, what is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti as evidence.[20] 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.[21]

All of these elements have been established in this case. The witnesses for the prosecution were able to prove and corroborate the charge that the sale of drugs happened. Examination of the seized specimen revealed that was shabu, a dangerous drug. Moreover, the accused-appellant was positively identified by the prosecution witnesses as the seller of the shabu.

In the same vein, the alleged inconsistencies of the prosecution witnesses as regards the pre-arranged signal made by the poseur-buyer is immaterial as what is important is the testimony of SPO1 Castaneto establishing the sale of shabu. As has been held, "the employment of a pre-arranged signal, or the lack of it, is not indispensable in a buy-bust operation. What determines if there was, indeed, a sale of dangerous drugs is proof of the concurrence of all the elements of the offense. With more reason that a mere inconsistency thereof does not and will not affect the credibility of the prosecution witness so long as all the elements of the offense have been established with certainty." [22]

Accused-appellant's argument raising doubt as to whether there was pre-coordination report with the PDEA in this case cannot prosper. In the first place, coordination with the PDEA is not an indispensable requirement before police authorities may carry out a buy-bust operation. While it is true that Section 86 of Republic Act No. 9165 requires the National Bureau of Investigation, PNP and the Bureau of Customs to maintain "close coordination with the PDEA on all drug related matters," the provision does not, by so saying, make PDEA's participation a condition sine qua non for every buy-bust operation. After all, a buy-bust is just a form of an in flagrante arrest sanctioned by Section 5, Rule 113 of the Rules of Court, which police authorities may rightfully resort to in apprehending violators of Republic Act No. 9165 in support of the PDEA. A buy-bust operation is not invalidated by mere non-coordination with the PDEA.[23]

Art. 86 of R.A. No. 9165 provides that:

"SEC. 86. Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions. - The Narcotics Group of the PNP, the Narcotics Division of the NBI and the Customs Narcotics Interdiction Unit are hereby abolished; however they shall continue with the performance of their task as detail service with the PDEA, subject to screening, until such time that the organizational structure of the Agency is fully operational and the number of graduates of the PDEA Academy is sufficient to do the task themselves: Provided, That such personnel who are affected shall have the option of either being integrated into the PDEA or remain with their original mother agencies and shall, thereafter, be immediately reassigned to other units therein by the head of such agencies. Such personnel who are transferred, absorbed and integrated in the PDEA shall be extended appointments to positions similar in rank, salary, and other emoluments and privileges granted to their respective positions in their original mother agencies.

The transfer, absorption and integration of the different offices and units provided for in this Section shall take effect within eighteen (18) months from the effectivity of this Act: Provided, That personnel absorbed and on detail service shall be given until five (5) years to finally decide to join the PDEA.

Nothing in this Act shall mean a diminution of the investigative powers of the NBI and the PNP on all other crimes as provided for in their respective organic laws: Provided, however, That when the investigation being

conducted by the NBI, PNP or any ad hoc anti-drug task force is found to be a violation of any of the provisions of this Act, the PDEA shall be the lead agency. The NBI, PNP or any of the task force shall immediately transfer the same to the PDEA: Provided, further, That the NBI, PNP and the Bureau of Customs shall maintain close coordination with the PDEA on all drug related matters.”

As explained in the case of *People vs. Berdadero*[24]:

“A perusal of the foregoing provision shows that it is silent as to the consequences of failure on the part of the law enforcers to seek the authority of the PDEA prior to conducting a buy-bust operation, in the same way that the IRR is likewise silent on the matter. However, by no stretch of imagination could this silence be interpreted as a legislative intent to make an arrest without the participation of PDEA illegal or evidence obtained pursuant to such an arrest inadmissible.

It is a fundamental rule of statutory construction that where great inconvenience will result from a particular construction, or great public interests would be endangered or sacrificed, or great mischief done, such construction must be avoided, or the court ought to presume that such construction was not intended by the makers of the law, unless required by clear and unequivocal words.

As we see it, Section 86 is explicit only in saying that the PDEA shall be the "lead agency" in the investigations and prosecutions of drug-related cases. Therefore, other law enforcement bodies still possess authority to perform similar functions as the PDEA as long as illegal drugs cases will eventually be transferred to the latter. Moreover, the same provision states that PDEA, serving as the implementing arm of the Dangerous Drugs Board "shall be responsible for the efficient and effective law enforcement of all the provisions on any dangerous drug and/or controlled precursor and essential chemical as provided in the Act." It is only appropriate that drugs cases being handled by other law enforcement authorities be transferred or referred to the PDEA as the "lead agency" in the campaign against the menace of dangerous drugs. Section 86 is more of an administrative provision. By having a centralized law enforcement body, i.e., the PDEA, the Dangerous Drugs Board can enhance the efficacy of the law against dangerous drugs.”

The trial court correctly disregarded accused-appellant's defense of denial, which he tried to corroborate by presenting witnesses supposedly to testify that no transaction or sale actually took place. However, it is evident that accused-appellant's witnesses had no personal knowledge on the transaction that took place, sufficient to prove that no illegal sale of shabu happened. Their testimonies delved mainly on accused-appellant's alleged inability to communicate in Tagalog (Filipino) and his whereabouts on most days of the week, which circumstances failed to deny accused-appellant's drug activities.

The defense of denial, like alibi, is invariably viewed with disfavor by courts because it can easily be concocted. It is a common and standard defense ploy in most prosecutions for the violations of the Dangerous Drugs Act.[25] Between the positive assertions of the prosecution witnesses and the mere denials of the accused, the former undisputedly deserve more credence and are entitled to greater evidentiary value[26].

The trial court also correctly disregarded the accused-appellant's claim of extortion. Charges of extortion and frame-up are frequently made in this jurisdiction. Courts are, thus, cautious in dealing with such accusations, which are quite difficult to prove in light of the presumption of regularity in the performance of the police officers' duties. To substantiate such defense, which can be easily concocted, the evidence must be clear and convincing and should show that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty. Otherwise, the police officers' testimonies on the operation deserve full faith and credit.[27]

The Court is likewise not convinced with accused-appellant's argument that there is a break in the chain of

custody of the seized drugs.

In the case of *People vs. Lazaro*, the Supreme Court had the occasion to rule that:

“x x x not all people who came into contact with the seized drugs are required to testify in court. There is nothing in Republic Act No. 9165 or in any rule implementing the same that imposes such a requirement. As long as the chain of custody of the seized drug was clearly established not to have been broken and that the prosecution did not fail to identify properly the drugs seized, it is not indispensable that each and every person who came into possession of the drugs should take the witness stand. In *People v. Zeng Hua Dian*, we ruled:

After a thorough review of the records of this case, we find that the chain of custody of the seized substance was not broken and that the prosecution did not fail to identify properly the drugs seized in this case. The non-presentation as witnesses of other persons such as SPO1 Grafia, the evidence custodian, and PO3 Alamia, the officer on duty, is not a crucial point against the prosecution. The matter of presentation of witnesses by the prosecution is not for the court to decide. The prosecution has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses.”[28]

Furthermore, testimony about a perfect chain is not always the standard because it is almost always impossible to obtain an unbroken chain.[29] It cannot be denied, therefore, that the chain of custody was established in this case. There could be no question as to all the officers who had custody of the same, it being presumed that they did so in the regular performance of their duty.[30] The defense failed to overthrow this presumption.

As regards the inventory of the seized drugs in this case, a reading of R.A. No. 9165 prescribing the guidelines in the custody and control of seized drugs is instructive that notwithstanding non-compliance thereto, the same shall not render void the seizure of the items and the custody thereof, provided that the integrity and the evidentiary value of the seized items are properly preserved. The failure to strictly comply with Sec. 21 (1), Art. II of R.A. 9165[31] does not necessarily render an accused-appellant's arrest illegal or the items seized or confiscated from him inadmissible.[32]

The Supreme Court ruled in *People vs. Pringas*[33] that:

“Non-compliance by the apprehending/buy-bust team with Section 21 is not fatal as long as there is justifiable ground therefor, and as long as the integrity and the evidentiary value of the confiscated/seized items, are properly preserved by the apprehending officer/team. Its non-compliance will not render an accused's arrest illegal or the items seized/confiscated from him inadmissible. What is of utmost importance 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. In the case under consideration, we find that the integrity and the evidentiary value of the items involved were safeguarded. The seized/confiscated items were immediately marked for proper identification. Thereafter, they were forwarded to the Crime Laboratory for examination.

Though the justifiable ground for non-compliance with Section 21 was not expressly stated by the arresting/buy-bust team, this does not necessarily mean that appellant's arrest was illegal or the items seized/confiscated inadmissible. In the case at bar, as in *Sta. Maria*, the justifiable ground will remain unknown because appellant did not question during the trial the custody and disposition of the items taken from him. Assuming that Sections 21 and 86 were indeed breached, appellant should have raised these issues before the trial court. This, he did not do. Never did he question the custody and disposition of the items that were supposedly taken from him.”

As also held in *People vs. Mariacos*[34]:

“It is admitted that there were no photographs taken of the drugs seized, that appellant was not accompanied by counsel, and that no representative from the media and the DOJ were present. However, this Court has already previously held that non-compliance with Section 21 is not fatal and will not render an accused's arrest

illegal, or make the items seized inadmissible. What is of utmost importance is the preservation of the integrity and evidentiary value of the seized items.”

In sum, as correctly argued by the State, the trial court arrived at a judicious conclusion that the accused-appellant is guilty of illegal sale of shabu.

As for the penalty, Section 5, Article II of R.A. No. 9165 penalizes the sale of shabu with 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), regardless of the quantity and purity of the shabu involved. Hence, the penalty imposed by the trial court is proper.

WHEREFORE, the assailed Decision of the RTC-Branch 99, Quezon City, in Criminal Case No. Q-07-145543 dated 11 March 2011, is hereby AFFIRMED.

SO ORDERED.

Abdulwahid (Chairperson) and Cruz, JJ., concur.

[1] Rollo, pp. 9-32

[2] Record, p. 1

[3] Certificate of Arraignment, Records, p. 33

[4] TSN, November 7, 2007, p. 13

[5] Exh. “A” for the prosecution, Records, p. 106

[6] Inventory of Seized Items, Exh. “F” for the prosecution, Records, p. 109

[7] Exhs. “H” and “H-1” for the prosecution, Records, p. 112

[8] Exhs. “D” and “J” for the prosecution, Records, pp. 102-15

[9] TSN, November 7, 2007, p. 24; October 15, 2008, pp. 14-15; March 25, 2009, pp.13-14

[10] TSN, December 14, 2007, pp. 4-6

[11] Order dated August 29, 2007, Records, p. 40

[12] Exh. “C” for the prosecution, Records, p. 108

[13] Records, pp. 140-151

[14] Order dated August 13, 2010, Records, p. 178

[15] Exh. “3-A” for the defense, Records, p. 182

[16] Exhs. “2” and “3” for the defense, Records, pp. 181-182

[17] Exh. “2-A” for the defense, Records, p. 181

[18] People vs. Santos, G.R. No. 176735, June 26, 2008

[19] People vs. Magundayao, G.R. No. 188132, February 29, 2012, citing People vs. Lazaro, G.R. No. 186418, October 16, 2009

[20] Teodosio vs. Court of Appeals, 431 SCRA 194

[21] People vs. Unisa, G.R. No. 185721, September 28, 2011

[22] People vs. dela Rosa, G.R. No. 185166, January 26, 2011 citing People vs. Nicolas, G.R. No. 170234, February 8, 2007

[23] People vs. Unisa, G.R. No. 185721, September 28, 2011 citing People vs. Roa, G.R. No. 186134 [24] G.R. No. 179710, June 29, 2010

[25] People vs. Corpuz, G.R. No. 148010, December 17, 2000

[26] People vs. Comiling, 424 SCRA 698

[27] People vs. Capalad, G.R. No. 184174, April 7, 2009

[28] People vs. Lazaro, G.R. No. 186418, October 16, 2009

[29] People vs. Cortez, G.R. No. 183819, July 23, 2009

[30] Rule 131, Section 3 (m), Rules of Court

[31] SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – 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; 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

[32] People vs. Naquita, G.R. No. 180511, July 28, 200; People vs. Mariacos, G.R. No. 188611, June 16, 2010; People vs. Campopanes, G.R. No. 187741, August 8, 2010

[33] G.R. No. 175928, August 31, 2007

[34] G.R. No. 188611, June 16, 2010, citing People vs. Concepcion, G.R. No. 178876, June 27, 2008 and People vs. Del Monte, 552 SCRA 627

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