

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. NOEL CATENTAY, APPELLANT.*G.R. No. 183101. July 06, 2010*

Ponente: ABAD, J.

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This case is about the duty of the prosecution in a prohibited drugs case to prove the integrity of the corpus delicti by establishing the chain of custody of the allegedly illegal substance that the police officers seized from the accused.

The Facts and the Case

On April 19, 2004 the Assistant City Prosecutor of Quezon City filed two separate informations against the accused Noel Doroja Catentay alias Boy (Catentay) before the Regional Trial Court (RTC) of that city in Criminal Cases Q-04-126517 and Q-04-126518 for violations of Sections 5 and 11, Article II of Republic Act (R.A.) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. The cases were tried together.[1]

At the pre-trial, the parties stipulated: (1) that PO1 Reyno Riparip (Riparip), the Investigator-On-Case, investigated the case before referring it to the inquest prosecutor; (2) that Riparip prepared the referral letter for inquest, the joint affidavit of the arresting officers, and the request for laboratory examination though he had no personal knowledge as to the circumstances of the arrest of Catentay or the source of the specimens; and (3) that Leonard M. Jabonillo, a forensic chemical officer, received the request for laboratory examination of the specimen involved, examined the same, and found it positive for methylamphetamine hydrochloride (shabu).[2]

PO3 Gerardo Quimson, a police officer, testified that on April 14, 2004 his anti-illegal drugs unit received a report of drug trafficking by Catentay at a billiard hall.[3] This prompted the police to conduct a buy-bust operation at the place.

PO3 Quimson was to serve as the poseur-buyer while PO2 Valdez was to serve as pick-up officer. During the briefing, PO3 Quimson marked a 100-peso bill with his initials "GQ" to serve as buy-bust money. After the briefing, the team proceeded to the subject billiard hall with their informant. The latter introduced PO3 Quimson to Catentay as someone who wanted to buy P100.00 worth of shabu. After PO3 Quimson gave the money, Catentay took out two heat-sealed, transparent plastic sachets containing a white crystalline substance from his pocket and handed one sachet to the police officer.[4]

Upon receiving the sachet, PO3 Quimson scratched his head to signal the consummation of the transaction. PO2 Valdez then approached and with Quimson introduced themselves to Catentay as police officers. They apprised him of his constitutional rights, arrested him, and seized from him the other heat-sealed sachet and the buy-bust money. PO3 Quimson then wrote the letters "GQ" on the sachet he bought from Catentay and "GQ-1" on the other sachet they seized from him.[5]

The officers turned over Catentay and the items they got from him to the desk officer at the police station. The

investigator, whom PO3 Quimson did not identify, then submitted the sachets of white crystalline substances to the Philippine National Police Crime Laboratory for examination. These were found positive for methylamphetamine hydrochloride or shabu.[6]

In court, PO3 Quimson identified the sachets of shabu he got from Catentay. Instead of presenting PO2 Valdez, the parties stipulated (1) that he was a police officer; (2) that he was involved as arresting officer in the buy-bust operation; (3) that he recovered the buy-bust money from Catentay; and (4) that he can identify him and the buy-bust money used.[7]

As expected, Catentay presented the court with a different version. He claims that on April 14, 2004 he was plying his route as a tricycle driver when PO3 Quimson, PO1 Riparip, and PO2 Valdez flagged him down. They invited him to come to the police station to answer questions from their commanding officer. When he asked them what they were arresting him for, they simply replied that they wanted to ask from him the whereabouts of his neighbor, Roger Geronimo.

When Catentay arrived at the station, they brought him to a room and there blindfolded, beat, and questioned him. After removing his blindfold, PO1 Riparip showed him two plastic sachets and instructed his companions, "Tuluyan n'yo na yan, bahala na kayo d'yan." Catentay pleaded with the officers but they told him to just explain the matter to the prosecutor. Catentay maintains that the only reason the police charged him was his refusal to cooperate with them in their investigation of his neighbor. Aside from denying the charges, he questioned the legality of his arrest.[8]

On October 26, 2005 the trial court rendered a decision, dismissing Criminal Case Q-04-126517 since the crime of possession charged in it was absorbed by the crime of selling dangerous drugs charged in the other case as the Court enunciated in *People v. Lacerna*.^[9] But, finding PO3 Quimson's testimony "credible and not doubtful x x x clear and forthright,"^[10] the trial court found Catentay guilty beyond reasonable doubt in Criminal Case Q-04-126518 of violation of Section 5, Article II of R.A. 9165 or the illegal selling of 0.03 grams of methylamphetamine hydrochloride, a dangerous drug, and sentenced him to the penalties of life imprisonment and fine of P500,000.00.^[11]

Upon review, the Court of Appeals (CA) rendered a decision dated January 15, 2008, affirming in full the decision of the trial court.^[12] Catentay appealed to this Court, repeating the same arguments he presented before the CA.^[13]

The Issue Presented

The issue in this case is whether or not the CA erred in finding sufficient evidence that Catentay sold prohibited drugs to a police officer in a buy-bust operation in a billiard hall.

The Ruling of the Court

The burden of the prosecution in a case of illegal sale of dangerous drugs is to prove (1) the identities of the buyer and the seller; (2) the sale of dangerous drugs; and (3) the existence of the corpus delicti or the illicit drug as evidence.^[14]

Early this year, this Court expounded on the requirement of proof of the existence of the prohibited drugs. The prosecution has to establish the integrity of the seized article in that it had been preserved from the time the same was seized from the accused to the time it was presented in evidence at the trial.^[15] Here, the prosecution established through PO1 Quimson's testimony that he got the two sachets of white crystalline substances from

Catentay and marked them with his initials. Since he testified that the sachets were heat-sealed and that he placed his initials on them, that would have been sufficient to ensure the integrity of the substances until they shall have reached the hands of the forensic chemist.

The integrity of the seized articles would remain even if PO1 Quimson coursed their transmittal to the crime laboratory through the investigator-on-case since they had been sealed and marked. It does not matter that another person, probably a police courier would eventually deliver the sealed substances by hand to the crime laboratory. But, unfortunately, because the prosecution did not present the forensic chemist who opened the sachets and examined the substances in them, the latter was unable to attest to the fact that the substances presented in court were the same substances he found positive for shabu.

In his dissenting opinion, Justice Martin S. Villarama, Jr., points out that the stipulations among the parties at the pre-trial dispensed with the need to present the forensic chemist. The pertinent stipulations read:

x x x x

(2) That the said forensic chemical officer [Engr. Leonard M. Jabonillo] was the one who personally received the letter of request for laboratory examination together with the specimens subject matter of the case involving two (2) heat sealed transparent plastic sachets, each containing white crystalline substance with the following markings and recorded net weights: A(GQ)= 0.03 gram and B(GQ1)= 0.03 gram;

(3) That the purpose of the examination was to determine the presence of the dangerous drugs. Thereafter, the said forensic chemical officer, Engr. Leonard M. Jabonillo conducted a qualitative examination on the specimens that gave positive results to the test for dangerous drugs;

(4) That the result was reduced into writing and signed by the said forensic chemical officer, duly noted by the Chief of the Crime Laboratory;

(5) That the witness will identify the document as well as the specimens he examined; and

(6) That the forensic chemical officer has no personal knowledge as to the source of the specimens, subject of the case.[16]

The chemistry report, said the dissenting opinion, carried with it the presumption of truth that the seized specimen contained prohibited drugs. And since the parties stipulated that the forensic chemist personally received the specimen, undoubtedly, the two plastic sachets containing shabu that were seized from Catentay were the same sachets submitted for examination and found positive for shabu. PO3 Quimson, the police officer, identified the plastic sachets in court.

But, while Catentay stipulated that the forensic chemist examined the contents of the same plastic sachets that he personally received from the police, Catentay made no stipulation that the substance contained in the plastic sachets that were actually presented in court is the same substance that the forensic chemist examined and found positive for shabu. The Court is guided by its ruling in *People v. Habana*[17] which describes how the integrity of the substance seized from the accused might be preserved. Thus:

Usually, the police officer who seizes the suspected substance turns it over to a supervising officer, who would then send it by courier to the police crime laboratory for testing. Since it is unavoidable that possession of the substance changes hand a number of times, it is imperative for the officer who seized the substance from the suspect to place his marking on its plastic container and seal the same, preferably with adhesive tape that cannot be removed without leaving a tear on the plastic container. At the trial, the officer can then identify the seized substance and the procedure he observed to preserve its integrity until it reaches the crime laboratory.

If the substance is not in a plastic container, the officer should put it in one and seal the same. In this way the

substance would assuredly reach the laboratory in the same condition it was seized from the accused. Further, after the laboratory technician tests and verifies the nature of the substance in the container, he should put his own mark on the plastic container and seal it again with a new seal since the police officer's seal has been broken. At the trial, the technician can then describe the sealed condition of the plastic container when it was handed to him and testify on the procedure he took afterwards to preserve its integrity.

If the sealing of the seized substance has not been made, the prosecution would have to present every police officer, messenger, laboratory technician, and storage personnel, the entire chain of custody, no matter how briefly one's possession has been. Each of them has to testify that the substance, although unsealed, has not been tampered with or substituted while in his care.[18]

In this case, although the plastic sachets that the forensic chemist received were heat-sealed and authenticated by the police officer with his personal markings, the forensic chemist broke the seal, opened the plastic sachet, and took out some of the substances for chemical analysis. No evidence had been adduced to show that the forensic chemist properly closed and resealed the plastic sachets with adhesive and placed his own markings on the resealed plastic to preserve the integrity of their contents until they were brought to court. Nor was any stipulation made to this effect. The plastic sachets apparently showed up at the pre-trial, not bearing the forensic chemist's seal, and was brought from the crime laboratory by someone who did not care to testify how he came to be in possession of the same. The evidence did not establish the unbroken chain of custody.

Given the prosecution's failure to establish the integrity of the allegedly illegal substances that the police took from Catentay and presented in court, the latter's acquittal is inevitable.

WHEREFORE, the Court REVERSES and SETS ASIDE the January 15, 2008 decision of the Court of Appeals in CA-G.R. CR-HC 01712 and ACQUITS the accused-appellant Noel Catentay y Doroja alias "Boy" for failure of the prosecution to prove his guilt beyond reasonable doubt. He is ordered immediately RELEASED from detention unless he is confined for another lawful cause.

SO ORDERED.

Peralta, Abad, and Mendoza, JJ., concur.

Carpio, J., join the dissenting opinion of J. Villarama.

Villarama, Jr.,[*] J., pls. see dissenting opinion.

[*] Designated as additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per raffle dated June 7, 2010.

[1] Records, pp. 1-5.

[2] Id. at 28-31.

[3] TSN, March 17, 2005, pp. 8-10.

[4] Id. at 18-23.

[5] Id. at 24-27.

[6] Id. at 27-29.

[7] Records, p. 39.

[8] TSN, June 28, 2005, pp. 3-6.

[9] 344 Phil. 100, 120 (1997).

[10] Records, p. 60.

[11] Id. at 54-62; penned by Judge Henri Jean-Paul B. Inting.

[12] CA rollo, pp. 96-110; penned by Associate Justice Rosmari D. Carandang, concurred in by Associate Justices Marina L. Buzon and Mariflor P. Punzalan Castillo.

[13] Rollo, pp. 2-17.

[14] People of the Philippines v. Kamad, G.R. No. 174198, January 19, 2010, citing People v. Robles, G.R. No. 177220, April 24, 2009, 586 SCRA 647, 654.

[15] People of the Philippines v. Peralta, G.R. No. 173472, February 26, 2010.

[16] Records, pp. 29-30.

[17] G.R. No. 188900, March 5, 2010.

[18] Id. at 7-8.

DISSENTING OPINION

VILLARAMA, JR., J.:

Appellant Noel Doroja Catentay (Catentay) was charged with violation of Sections 5 and 11, Article II of Republic Act No. (RA) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, for selling and possessing illegal drugs.

The prosecution filed two separate informations against Catentay, to wit:

That on or about the 14[th] day of April 2004, in Quezon City, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did, then and there, willfully, unlawfully and knowingly have in his/her/their possession and control 0.03 (zero point zero three) gram of white crystalline substance containing Methylamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.

and

That on or about the 14[th] day of April 2004, in Quezon City, Philippines, the said accused, not being authorized by law to sell, dispense, deliver, transport or distribute, any dangerous drug, did, then and there, willfully and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, 0.03 (zero point zero three) gram of white crystalline substance containing Methylamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.[1]

Catentay pleaded not guilty during his arraignment. During pre-trial, the parties stipulated that PO1 Reyno Riparip was the investigator of the case and the one (1) who prepared the request for laboratory examination. Also stipulated was the fact that Leonard Jabonillo, a forensic chemical officer, received the request for laboratory examination of the specimen involved, examined the same, and found it positive for methamphetamine hydrochloride, commonly known as shabu. Both parties agreed to dispense with their testimonies in open court.

Trial thereafter ensued.

The prosecution presented PO3 Gerardo Quimson (Quimson) as its main witness. It was shown during trial that Quimson and his anti-illegal drugs unit received a report from its informant that Catentay was engaged in drug trafficking in a billiard hall located along Lira St., North Fairview, Quezon City, and that Quimson and his team conducted a buy-bust operation. Quimson, who served as the poseur-buyer, marked the 100-peso bill used in the operation with his initial "GQ". The informant introduced Quimson to Catentay as someone who wanted to buy P100 worth of shabu. Quimson gave the marked money to Catentay and the latter took out two (2) plastic sachet containing white crystalline substance from his pocket and handed one (1) of them to Quimson. After the sale, Quimson signaled his partner, PO2 Rey Valdez (Valdez), about the consummation of the transaction. Quimson and his partner then arrested Catentay. They seized from Catentay the other plastic sachet and the marked money. Quimson immediately wrote the letters "GQ" on the sachet he bought from Catentay and "GQ1" on the other sachet seized from Catentay. At the police station, they turned over Catentay to an investigating officer together with the seized items. The investigator was the one who submitted the white crystalline substance to the PNP Crime Laboratory for examination. When the same tested positive for shabu, they brought Catentay to the inquest prosecutor.

It likewise appears that the prosecution was to present Valdez as its witness but his testimony was dispensed with since the parties stipulated that he was one (1) of the back-up officers of the buy-bust team, that he was the one (1) who confiscated the buy-bust money from Catentay, and that he could identify the accused and the buy-bust money used in the operation.[2]

Catentay for his part denied the charge against him and claimed that he had been framed up. He claimed that he was plying his route as a tricycle driver when Quimson, Riparip and Valdez flagged him down and invited him to the police station. There he was asked about the whereabouts of his neighbor Roger Geronimo. The police tortured him and allegedly planted the two (2) sachets of shabu.

The RTC convicted Catentay for illegal selling of shabu but dismissed the charge of possession of dangerous drugs.[3] It found that the testimony of Quimson was credible. Quimson was able to identify the sachets he seized from Catentay, and the Chemistry Report showed that the sachets containing white crystalline substance proved to be positive of methamphetamine hydrochloride, a dangerous drug. It noted that Catentay failed to present any evidence to support his allegations that he was falsely charged by the police. Although only one (1) sachet was sold to Quimson during the buy-bust operation, it was shown that Catentay brought out two (2) sachets from his pocket and showed them to Quimson. The trial court found that it was Catentay's intention to sell the other sachet at the time of the buy-bust operation; hence, Catentay cannot be held liable for illegal possession of dangerous drugs since it was absorbed in the charge for illegal sale of dangerous drugs.

The Court of Appeals affirmed the decision of the RTC.[4] It found no reason to disturb the RTC's assessment of the credibility of the prosecution's witness, Quimson. According to the CA, the positive identification by Quimson and the physical evidence presented establish with moral certainty Catentay's guilt for illegally selling a dangerous drug. Catentay's assertion that a serious charge was fabricated against him simply because he failed to provide information on the whereabouts of his neighbor is too frivolous to be believed as constituting ill-motive on the part of the police officers.

Aggrieved, Catentay filed a notice of appeal.[5]

Catentay reiterated the assignment of errors made before the Court of Appeals,[6] to wit:

I.

THE TRIAL COURT GRAVELY ERRED IN NOT FINDING THAT THE ACCUSED-APPELLANT WAS ILLEGALLY ARRESTED.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES CHARGED.

The elements of the sale of illegal drugs are (a) the identities of the buyer and seller, (b) the transaction or sale of the illegal drug, and (c) the existence of the corpus delicti.[7] With respect to the third element, the prosecution must show that the integrity of the corpus delicti has been preserved. This is crucial in drugs cases because the evidence involved--the seized chemical--is not readily identifiable by sight or touch and can easily be tampered with or substituted.

Here, I respectfully submit with all due respect that the chain of custody of the shabu was established starting from the seizure made during the buy-bust operation to the turn over to the investigator, and from the latter to the chemist. In the instant case, the integrity of the drugs seized from Catentay was preserved. The evidence shows that after Quimson seized and confiscated the dangerous drugs and immediately marked the same, Catentay was immediately arrested and brought to the police station for investigation. Immediately thereafter, the two (2) heat-sealed transparent plastic sachets, bearing Quimson's markings, were submitted to the PNP Crime Laboratory for examination, with a letter of request for examination, to determine the presence of any dangerous drug. Per Chemistry Report No. D-369-2004 dated April 15, 2004,[8] the specimen submitted, two (2) heat-sealed transparent plastic sachets having the markings "GQ" and "GQ1", contained methamphetamine hydrochloride, a dangerous drug. The examination was conducted by one (1) Engr. Jabonillo, a Forensic Chemical Officer of the PNP Crime Laboratory, whose proposed testimony was stipulated upon by the parties.[9] The prosecution and the defense stipulated during the pre-trial:

x x x x

(2) That the said forensic chemical officer [Engr. Leonard Jabonillo] was the one who personally received the letter of request for laboratory examination together with the specimens subject matter of the case involving two (2) heat sealed transparent plastic sachets, each containing white crystalline substance with the following markings and recorded net weights: A(GQ)= 0.03 gram and B(GQ1)= 0.03 gram;

(3) That the purpose of the examination was to determine the presence of the dangerous drugs. Thereafter, the said forensic chemical officer, Engr. Leonard M. Jabonillo conducted a qualitative examination on the specimens that gave positive results to the test for dangerous drugs;

(4) That the result was reduced into writing and signed by the said forensic chemical officer, duly noted by the Chief of the Crime Laboratory;

(5) That the witness will identify the document as well as the specimens he examined;[10]

x x x x

The ponencia acquits the appellant because the prosecution did not present the forensic chemist, and as such the latter was unable to testify as to what he did with the substance after examination: whether he properly closed and resealed the plastic sachets with adhesive and placed his own markings on the resealed plastic to preserve the integrity of their contents until they were brought to the court.

With all due respect, however, I respectfully submit that the fact that the forensic chemist was not presented should not operate to acquit Catentay. As we held in *People v. Zenaida Quebral Mateo, et al.*, [11]

xxx This Court has held that the non-presentation of the forensic chemist in illegal drug cases is an insufficient cause for acquittal. The corpus delicti in dangerous drugs cases constitutes the dangerous drug itself. This means that proof beyond doubt of the identity of the prohibited drug is essential.

Besides, corpus delicti has nothing to do with the testimony of the laboratory analyst. In fact, this Court has ruled that the report of an official forensic chemist regarding a recovered prohibited drug enjoys the presumption of regularity in its preparation. Corollarily, under Section 44 of Rule 130, Revised Rules of Court, entries in official records made in the performance of official duty are prima facie evidence of the facts they state. Therefore, the report of Forensic Chemical Officer Sta. Maria that the five plastic sachets PO3 Galvez gave to her for examination contained shabu is conclusive in the absence of evidence proving the contrary. At any rate, as the CA pointed out, the defense agreed during trial to dispense with the testimony of the chemist and stipulated on his findings.

It should be emphasized that the parties have stipulated that the forensic chemist received the two (2) transparent plastic sachets bearing Quimson's markings still heat-sealed. The chemistry report, which carries with it the presumption of regularity in the performance of duties and which is presumed to be evidence of the facts therein stated, states that the specimen received were "two (2) heat-sealed transparent plastic sachets each containing white crystalline substance having the following markings and recorded net weights: A(GQ) = 0.03gm; B(GQ1) = 0.03 gm." Said report was prepared by Jabonillo who, as stipulated, personally received the specimen. Hence, there is no doubt that the two (2) plastic sachets containing shabu that were seized from the accused were the same plastic sachets submitted for examination and found positive for shabu. The plastic sachets were identified by Quimson in court. Moreover, it was stipulated that Jabonillo would be able to "identify...the specimens he examined." [12]

Against the evidence pointing to his culpability, Catentay could only offer bare denial. He claims that he was falsely charged because he failed to give the arresting officers any information as to the whereabouts of his neighbor, a certain Roger Geronimo. In his brief, he also questions the credibility of prosecution witness Quimson and points out that the illegal transaction could not have happened in a public place in broad daylight. [13] It should be stressed, however, that his testimony and account of what allegedly transpired was found undeserving of credence by the trial court, which finding was affirmed by the Court of Appeals. Indeed, as held by the CA, Catentay's assertion that a serious charge was fabricated against him simply because he failed to provide information on the whereabouts of his neighbor is too frivolous to be believed as constituting ill-motive on the part of the police officers. Likewise, the fact that the sale was in public does not diminish the credibility or the trustworthiness of Quimson's testimony. In *People v. Zervoulakos*, [14] we observed that "the sale of prohibited drugs to complete strangers, openly and in public places, has become a common occurrence. Indeed, it is sad to note the effrontery and growing casualness of drug pushers in the pursuit of their illicit trade, as if it were a perfectly legitimate operation."

I submit that given the evidence in this case, the prosecution was able to prove with moral certainty that Catentay is guilty of illegal selling of dangerous drugs. The evidence clearly shows that the buy-bust operation conducted by the police officers, who made use of said entrapment to capture Catentay in the act of selling a dangerous drug, was valid and legal. The Pre-operational Report [15] accomplished prior to the buy-bust operation bolsters this fact. Moreover, the defense has failed to show any evidence of ill motive on the part of the police officers or to discharge its burden to point out any circumstance which will show that the integrity and evidentiary value of the confiscated drugs was not maintained. Additionally, Catentay is bound by the stipulations he made. The parties' stipulation to the testimonies of Valdez and Riparip would debunk Catentay's claim of frame up. During pre-trial, the parties stipulated that Riparip was the one who investigated the case and made the request for laboratory examination. Then, during the trial, the parties stipulated that Valdez was the arresting officer in the buy-bust

operation who recovered the marked money from Catentay. Clearly, appellant himself has admitted the buy-bust operation, the existence of the marked money, and the fact that the same was recovered from him.

For these reasons, I vote to DISMISS the appeal and to AFFIRM the Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01712 finding appellant Noel Catentay guilty of the crime charged.

[1] Records, pp. 2-5.

[2] Records, p. 39.

[3] CA rollo, pp. 19-27. Penned by Judge Henri Jean-Paul Inting. The dispositive portion reads:

WHEREFORE, the Court renders its joint decision in these cases as follows:

I. Crim. Case No. Q-04-126517 is DISMISSED.

II. In Crim. Case No. Q-04 126518, the Court finds accused NOEL CATENTAY GUILTY beyond reasonable doubt for violation of Section 5, Article II of R.A. No. 9165 or illegal selling of 0.03 gram of methylamphetamine hydrochloride (shabu), a dangerous drug; he is hereby sentenced to suffer the penalty of life imprisonment and pay a fine in the amount of Php500,000.00

The plastic sachets of "shabu", subject matter of these case are hereby ordered forfeited in favor of the government and the Officer-in-charge of the Court is hereby ordered to safely deliver or cause the safe delivery of the same to the Philippine Drug Enforcement Agency for proper disposition.

IT IS SO ORDERED.

[4] Rollo, pp. 2-14. The decision was penned by Associate Justice Rosmari Carandang, and concurred in by Associate Justices Marina Buzon and Mariflor Punzalan Castillo. The dispositive portion reads as follows:

WHEREFORE, premises considered, the Joint Decision of the Regional Trial Court of Quezon City, Branch 95, finding accused-appellant guilty beyond reasonable doubt for violation of Section 5, Article II of R.A. 9165 and sentencing him to suffer the penalty of life imprisonment and to pay a fine of P500,000.00 is AFFIRMED.

SO ORDERED.

[5]Id. at 17.

[6] CA rollo, p. 41.

[7] People v. Peralta, G.R. No. 173472, February 26, 2010.

[8] Records, p. 11.

[9] Id. at 27.

[10] Id. at 29-30.

[11] G.R. No. 185379, November 27, 2009, pp. 6-7, citing People v. Cervantes, G.R. No. 181494, March 17, 2009, 581 SCRA 762, 781, People v. Bandang, G.R. No. 151314, June 3, 2004, 430 SCRA 570, 586-587 and Malillin v. People, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 631-632.

[12] Records, pp. 29-30.

[13] CA rollo, p. 49.

[14] G.R. No. 103975, 241 SCRA 625.

[15] Records, p. 9.

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