

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GRACE VENTURA Y NATIVIDAD, ACCUSED-APPELLANT.

*G.R. No. 184957. October 27, 2009*

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-184957/>

---

### CHICO-NAZARIO, J.:

For Review under Rule 45 of the Revised Rules of Court is the Decision[1] dated 30 June 2008 of the Court of Appeals in CA-G.R. CR-HC No. 02127, entitled *People of the Philippines v. Grace Ventura y Natividad* affirming the Decision[2] rendered by the Regional Trial Court (RTC), Branch 78, Malolos, Bulacan, dated 20 January 2006 in Criminal Case No. 3244-M-2003, convicting Grace Ventura y Natividad (accused-appellant) of violation of Section 5, in relation to Section 26, Article II of Republic Act No. 9165.[3] Accused-appellant was meted the penalty of life imprisonment and a fine of P500,000.00.

In an Information dated 12 August 2003, accused-appellant Grace Ventura y Natividad and Danilo Ventura y Laloza were charged before the RTC of Malolos, Bulacan with illegal sale of shabu in violation of Section 5, in relation to Section 26, Article II of Republic Act No. 9165. The case was docketed as Criminal Case No. 3244-M-2003 and raffled to Branch 78 of the RTC of Malolos, Bulacan. The Information contained the following allegations:

The undersigned Asst. Provincial Prosecutor accuses Grace Ventura y Natividad and Danilo Ventura y Laloza @ Danny of Violation of Sec. 5, in relation to Sec. 26, Art. II of R.A. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," committed as follows:

That on or about the 10[th] day of August 2003, in the City of Malolos, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and legal justification, in conspiracy with each other, did then and there willfully, unlawfully and feloniously sell, trade, deliver, give away, dispatch in transit and transport dangerous drug consisting of one (1) heat-sealed transparent plastic sachet of Methyamphetamine hydrochloride weighing 0.124 gram.[4]

During arraignment, both accused entered "NOT GUILTY" pleas. Trial on the merits ensued.

The prosecution presented as witnesses Police Officer (PO) 2 Lorenzo Sarmiento (Sarmiento) and PO3 Leonardo Magsakay (Magsakay). Accused-appellant Grace Ventura and Bernard Ventura were witnesses for the defense.

PO2 Sarmiento, 37 years old, married, police officer and a resident of Sagrada Familia, Hagonoy, Bulacan, and PO3 Magsakay, 40 years old, married, police officer, and a resident of Sikatuna St., San Gabriel, Malolos, Bulacan, testified to receiving information from concerned citizens of Sto. Rosario, Malolos, Bulacan, and reports received by Department of Interior and Local Government (DILG) Secretary Joey Lina on the alleged involvement of Danilo alias "Danny" (father of accused-appellant) and accused-appellant in illegal drugs trade. On the strength of this confidential information, a surveillance operation was conducted by operatives of the Malolos Police Station in Malolos, Bulacan, two days before the buy-bust operation. Results of the surveillance operation were relayed to the chief of police, who thereafter instructed them to conduct a buy-bust operation

against accused-appellant and Danilo. The team was composed of PO2 Sarmiento, PO1 Michael Silla, PO3 Magsakay, and a police asset.

On 10 August 2003, a briefing was conducted among the members of the buy-bust team. During said briefing, PO2 Sarmiento placed the markings "LCS," which correspond to his initials, on the buy-bust money. The marked money consisted of three P100.00 bills and one P50.00 bill. A police asset was also designated as poseur-buyer. Both the buy-bust operation and serial numbers of the bills to be used as buy-bust money were recorded in the police blotter. Prior to proceeding with the operation, the buy-bust team coordinated with the Philippine Drug Enforcement Agency (PDEA) and was assigned a control number for the operation, with its pre-operational sheet signed by Hashim Maung of PDEA.

After being briefed on the operation, the buy-bust team proceeded to the target site. While the members of the team positioned themselves at the alley leading towards the house of accused-appellant, the police asset went directly to the gate of Danilo and accused-appellant. The gate was approximately ten meters away from them.

From where they were standing, the police officers saw the police asset knocking at the gate. Thereupon, Danilo stepped out. The police asset handed the marked money to Danilo. Danilo closed the gate and went inside the house. Moments later, Grace (accused-appellant) went out and handed something to the police asset. Indicating the sale was consummated, the police asset then executed his pre-arranged signal by touching his hair with his right hand. The police officers rushed towards the gate but accused-appellant noticed them and closed the gate. PO2 Sarmiento pushed open the gate. As PO2 Sarmiento was entering the compound, he saw a man holding a "gulok." It turned out that the man holding the "gulok" or bolo was one of Danilo's sons, Vergel Ventura, who attempted to hack PO2 Sarmiento. PO2 Sarmiento informed him that he was a police officer, but Vergel still tried to hack him with the bolo causing him to seek cover outside the gate while parrying the attack. PO3 Magsakay drew his gun and poked it at Vergel, who ran inside the house. PO2 Sarmiento entered the gate and arrested Danilo, while PO2 Magsakay arrested accused-appellant. PO1 Silla arrested Vergel. After frisking Danilo, PO2 Sarmiento recovered from him the marked money used for the buy-bust operation. The police asset handed to PO2 Sarmiento the shabu he bought from accused-appellant. The Venturas were apprised of their rights and informed of the offense committed. Thereafter, the suspects were brought to the police station for further investigation.

The testimony of forensic chemist Nellson Cruz Sta. Maria was dispensed with due to the admission of the defense as to the existence and due execution of the Request for Laboratory Examination, Chemistry Report No. D-606-2003, and the specimens subject of the examination.

The laboratory examination conducted by Police Inspector (P/Insp.) and Forensic Chemical Officer Nellson Cruz Sta. Maria on the confiscated specimen yielded the following results:

**SPECIMEN SUBMITTED:**

A- One (1) heat-sealed transparent plastic sachet with markings "LCS BB" containing 0.124 gram of white crystalline substance.

**PURPOSE OF THE LABORATORY EXAMINATION:**

To determine the presence of dangerous drug. x x x.

**FINDINGS:**

Qualitative examination conducted on the above-stated specimen gave POSITIVE result to the test for the presence of Methamphetamine hydrochloride, a dangerous drug. x x x.

## CONCLUSION:

Specimen A contains Methyldamphetamine hydrochloride, a dangerous drug.[5]

The defense denied all material allegations of the prosecution. Grace Ventura, 28 years old, single and a resident of Sabitan, Sto. Rosario, Malolos, Bulacan testified that she was at her house along Sabitan on 10 August 2003 when she saw her brother Bernard Ventura, alias "Bening," having an argument with "Badong," a tricycle driver. As Badong was leaving, accused-appellant heard him threatening his brother, saying he would exact vengeance on him. Thereafter, at about 3 to 4 o'clock in the afternoon of the same day, a group of policemen in civilian clothes barged into their house by kicking the door. The group was apparently looking for his brother alias "Bening." The group searched the house. Not satisfied, the policemen took their money and told her to point to them her brother's house. She informed them that his house was at the crossing. The policemen took her. As she was being taken by the police, she managed to tell her father, who was at the other house, to follow her because the policemen were taking her. The policemen took her to the municipal hall, where she was followed by one of her brothers an hour later and by her father half an hour later. She then saw her father talking to the policemen. Later on, both she and her father were placed inside the detention cell.

On cross-examination, accused-appellant testified that she was with her father at their house in Sabitan at the time of arrest. She denied that her brother Vergel was at their house at the time, but admitted there was a pending direct assault case against him, for interfering in her and her father's arrest. Accused-appellant admitted that it was only at the time of their arrest that she came to know of the police officers who arrested them, and that she and her father had no personal quarrel with the policemen. Accused-appellant maintained that the drugs allegedly taken from her possession were only planted by the police officers. She admitted to not filing any charges against them for the planting of evidence.

On redirect, accused-appellant reiterated her testimony on direct examination that she was merely taken by the police authorities so she could show them her brother's house. She again stated that it was Bening, her brother, who had a misunderstanding with a certain Badong for the latter's failure to remit the boundary for the tricycle he was driving.

Bernard Ventura, alias "Bening," 31 years old, married, a tricycle driver, and a resident of Sumapang Matanda, Malolos, Bulacan, testified that he was the brother of accused-appellant. On 10 August 2003, he was at his house along Sumapang Matanda watching television, when a group of police officers went inside his house asking if he had shabu. They were accompanied by Badong, the same man he had an argument with earlier that day. The policemen informed him that his father Danilo and sister, accused-appellant, had been arrested for selling prohibited drugs. He was taken to the Malolos municipal hall and charged with violation of Section 5, Article II of Republic Act No. 9165. The case was dismissed by Branch 20 of the RTC of Malolos, Bulacan. He denied all the allegations against him, his father, and his sister, contending that the only reason for their arrest was the quarrel he had with Badong, who was a police asset.

On 9 February 2005, an order was issued by the trial court dismissing the charge against accused Danilo Ventura y Laloza pursuant to Article 89 of the Revised Penal Code, after Ariel B. Santiago, warden of the Bulacan Provincial Jail, informed said court of the untimely demise of said accused in his custody.

According full faith and credence to the testimonies of the prosecution witnesses, the trial court found accused-appellant guilty beyond reasonable doubt in Criminal Case No. 3244-M-2003 for violation of Section 5 in relation to Section 26, Article II of Republic Act No. 9165, and sentencing her with the penalty of life imprisonment and a fine of P500,000.00.[6]

Via a Notice of Appeal,[7] accused-appellant sought to appeal the RTC ruling with the Court of Appeals. The case was docketed by the appellate court as CA-G.R. CR-H.C. No. 02127.

The Court of Appeals gave more weight to the prosecution's claim that the entrapment operation in fact took place and denied the appeal. Concurring in the factual findings of the trial court, the appellate court resolved the appeal in this wise:

WHEREFORE, premises considered, the instant appeal is DISMISSED. The assailed Decision of the Regional Trial Court, Branch 78 of Malolos, Bulacan dated January 20, 2006 finding the accused-appellant Grace Ventura y Natividad guilty beyond reasonable doubt of the crime of Violation of Section 5 in relation to Section 26, Article II of R.A. No. 9165 and sentencing her to suffer the penalty of life imprisonment and to pay a fine of P500,000.00 is hereby AFFIRMED.[8]

Electing to seek a final recourse before this Court, accused-appellant filed her Notice of Appeal[9] on 28 July 2008.

Accused-appellant filed a supplemental brief while the prosecution adopted its appellee's brief earlier submitted to the Court of Appeals.

Accused-appellant seeks her acquittal, praying for the reversal of the judgment of conviction in the illegal drugs case. The defense claims that the appellate court committed serious error in (a) finding the existence of an unbroken chain in the custody of the shabu subject of the buy-bust operation as well as its evidentiary value; and (b) ruling that non-compliance with Section 21 of Republic Act No. 9165 is not fatal.

At the heart of the defense argument is that the defense failed to account for the chain of custody of the evidence.

The petition lacks merit.

The presumption of innocence[10] of an accused in criminal cases is a most fundamental constitutional right that must be upheld at all times. Applying the foregoing principle, it has been established that the burden of proof is a duty borne by the prosecution.[11] *Ei incumbit probatio qui dicit, non qui negat*, i.e., "He who asserts, not he who denies, must prove." With this in mind, conviction of an accused must stand on the weight and strength of the evidence of the prosecution and cannot rest on the weakness of the defense.[12]

The straightforward testimonies of the principal witnesses for the prosecution established that at around 3 o'clock in the afternoon of 10 August 2003, a group of police officers composed of PO2 Sarmiento, PO3 Magsakay, Silla, and an asset, acting as poseur-buyer, went to the house of Danilo and accused-appellant Grace Ventura. The team was to conduct a buy-bust operation on instruction of the chief of police. Upon reaching the area, PO2 Sarmiento and PO3 Magsakay positioned themselves near the gate of accused-appellant. While they were stationed in their respective places, the police asset went to accused-appellant's gate. He knocked thereon. They then saw Danilo opening the gate and stepping out. The asset handed the marked money to Danilo, who then went inside and closed the gate. A few minutes later, accused-appellant opened the gate and handed a plastic sachet containing shabu to the police asset.

They then saw the police asset execute the pre-arranged signal by scratching his head, indicating that the sale had been consummated. The police officers then ran towards them, but accused-appellant managed to close the gate. PO2 Sarmiento pushed open the gate, but he was met by Vergel, the brother of accused-appellant, who was armed with a bolo and about to hack him. Attempting to parry the attacks on him, PO2 Sarmiento went out of the gate and closed it. PO3 Magsakay drew his firearm and pointed it at accused-appellant's brother, who ran towards the direction of the house, but was accosted by PO1 Silla. PO3 Magsakay arrested accused-appellant inside the house, while PO2 Sarmiento arrested Danilo.

Danilo was frisked upon being arrested at his house and the marked money, consisting of three P100.00 bills and one P50.00 bill, was recovered from him.[13] Immediately after the buy-bust operation, the police asset turned over the plastic sachet containing a white crystalline substance to PO3 Magsakay at the crime scene.[14]

PO3 Magsakay and PO2 Sarmiento thereafter took accused-appellant Grace, Danilo, Vergel, and the recovered evidence, i.e., marked money[15] and one plastic sachet[16] containing white crystalline substance, to the police station for further investigation. At the police station, PO2 Sarmiento marked the confiscated plastic sachet with "LCS BB," corresponding to the initials of his name, Lorenzo Cruz Sarmiento, and the word "buy-bust." [17] After the sachet was marked with "LCS BB," a request for laboratory examination was prepared by Chief of Police and Police Superintendent Salvador I. Santos.[18] The sachet and request for laboratory examination were thereafter brought to the Bulacan Provincial Crime Laboratory Office of the Philippine National Police by PO3 Magsakay. The sachet was turned over by PO3 Magsakay to PO1 Boluran of the Bulacan Provincial Crime Laboratory Office.[19] At the crime laboratory, Forensic Chemical Officer and Police Inspector Nellson Cruz Sta. Maria conducted laboratory examination on the 0.124 grams of white crystalline substance found inside the plastic sachet. Per Chemistry Report No. D-506-2003, the tests performed on the specimen yielded positive results for methylamphetamine hydrochloride.[20]

It is clear from the foregoing that the identity of the seized item was duly preserved and established by the prosecution. There is no doubt that the sachet with the markings "LCS BB" and submitted for laboratory examination, found to be positive for shabu, was the same one sold to the poseur-buyer during the buy-bust operation.

In prosecutions involving the illegal sale of drugs, what is material is proof that the transaction or sale actually took place, coupled with the presentation in court of the prohibited or regulated drug as evidence.[21] For conviction of the crime of illegal sale of prohibited or regulated drugs, the following elements must concur: (1) the identities of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment for it.[22] The testimonial and documentary pieces of evidence adduced by the prosecution in support of its case against accused-appellant establish the presence of these elements.

The two police officers, PO2 Sarmiento and PO3 Magsakay, positively identified Danilo and Grace Ventura as the same persons from whom their asset purchased the plastic sachet of shabu. As correctly found by the trial court, the testimonies of the prosecution witnesses narrated the events leading towards the conclusion that accused-appellant conspired with deceased Danilo in selling the methamphetamine hydrochloride or shabu, thus:

The act of accused Danilo in taking the marked money from the asset and the act of Grace in handing the plastic sachet of shabu to the asset unmistakably shows that they were in concert and both share a common interest in selling the illegal substance. x x x.[23]

There was no need to present the poseur-buyer, since PO2 Sarmiento and PO3 Magsakay witnessed the whole transaction, where the marked money was exchanged for one sachet of shabu. The poseur-buyer was clearly visible from where PO2 Sarmiento and PO3 Magsakay were standing. In fact, the testimony of a lone prosecution witness, as long as it is positive and clear and not arising from an improper motive to impute a serious offense to the accused, deserves full credit. Non-presentation of the informer, where his testimony would be merely corroborative or cumulative, is not fatal to the prosecution's case.[24]

Moreover, the testimonies of the two police operatives are aptly supported by the documentary evidence presented by the prosecution, to wit: (a) Request for Laboratory Examination;[25] (b) Chemistry Report No. D-606-2003;[26] (c) photocopy of the marked money consisting of three P100.00 bills and one P50.00 bill;[27] (d) the confiscated sachet containing shabu, with markings "LCS BB"; and (e) the pre-operation report.[28]

Accused-appellant's twin defenses of denial and frame-up must fail.

Mere denial and allegations of frame-up have been invariably viewed by the courts with disfavor, for these defenses are easily concocted.[29] These are common and standard defenses in prosecutions involving violation of the Dangerous Drugs Law. In a long line of cases, we have ruled that the testimonies of police officers involved in a buy-bust operation deserve full faith and credit, given the presumption that they have performed their duties regularly.[30] This presumption can be overturned if clear and convincing evidence is presented to prove either of two things: (1) that they were not properly performing their duty, or (2) that they were inspired by an improper motive.[31] Otherwise, the police officers' testimonies on the operation deserve full faith and credit.[32]

Accused-appellant failed to adduce evidence to substantiate her claim of irregularity in the performance of duty on the part of the police officers. This bare allegation of irregularity in the performance of duty remained self-serving and bereft of any supporting evidence.[33] Neither was any ill motive imputed on the part of the police officers, thus failing to buttress the defense's claim of frame-up. Against the positive testimonies of the prosecution witnesses, accused-appellant's plain denial of the offenses charged, unsubstantiated by any credible and convincing evidence, must simply fail.[34] This Court realizes the disastrous consequences on the enforcement of law and order, not to mention the well being of society, if the courts accept in every instance this form of defense, which can be so easily fabricated. It is precisely for this reason that the legal presumption that official duty has been regularly performed exists. If she were truly aggrieved, it is quite surprising why accused-appellant did not even attempt to file a criminal or an administrative complaint, e.g., for planting drugs, against the arresting officers. Such inaction runs counter to the normal human conduct and behavior of one who feels truly aggrieved by the act complained of.[35] The totality of the evidence points to the fact of the sale of the prohibited drug, with the prosecution witnesses clearly identifying accused-appellant as the offender.

Accused-appellant asserts that the police officers failed to account for the chain of custody of the seized item alleged to be shabu.

Contrary to accused-appellant's claim, there is no broken chain in the custody of the seized item, found to be shabu, from the time the police asset turned it over to PO3 Magsakay, to the time it was turned over to the investigating officer, and up to the time it was brought to the forensic chemist at the PNP Crime Laboratory for laboratory examination.

The procedure for the custody and disposition of confiscated, seized and/or surrendered dangerous drugs, among others, is provided under Section 21, paragraph 1 of Article II of Republic Act No. 9165, as follows:

(1) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof.

Section 21(a), Article II of the Implementing Rules and Regulations of Republic Act No. 9165, which implements said provision, stipulates:

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: x x x 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.

Under the same proviso, non-compliance with the stipulated procedure, under justifiable grounds, shall not render void and invalid such seizures of and custody over said items, for as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officers.

Clearly, the purpose of the procedure outlined in the implementing rules is centered on the preservation of the integrity and evidentiary value of the seized items. The testimony of PO2 Sarmiento outlines the chain of custody of the confiscated item, i.e., sachet of shabu:

Q.

And you said that the shabu, plastic sachet was recovered from whom?

A.

The police asset immediately handed to me.

Q.

What did you do with the plastic sachet that was handed by your police asset to you?

A.

At the station, I placed markings, prepared the request for laboratory examination.

Q.

What marking did you place on the plastic sachet?

A.

BB with initial LCS.

Q.

What do you mean by BB?

A.

Buybust.

Q.

LCS?

A.

My initial.

Q.

If this plastic sachet will be shown to you, will you be able to identify the same?

A.

Yes, sir. This is the shabu we bought from them.

Q.

We move that the plastic sachet identified by the witness be marked as Exh. B.

COURT

Mark it.

FISCAL

You said you requested for an examination of the plastic sachet of shabu, can you tell us what was the result of the examination?

A.

I have read from the result it was positive for methylamphetamine hydrochloride.

Q.

I am showing you the request and the result, tell us if these are the same documents you are referring to?

A.

This is the request for laboratory examination.

Q.

We move that the request for laboratory examination be marked as Exh. F and the findings or result as Exh. G.

COURT

Mark them.[36]

Corroborating the statements of PO2 Sarmiento, PO3 Magsakay testified to what was done to the recovered sachet alleged to be containing shabu:

Q.

What about Grace Ventura and Danilo Ventura, what happened to them?

A.

I arrested Grace Ventura and PO2 Sarmiento arrested Danilo Ventura.

Q.

What happened when they were arrested?

A.

PO2 Sarmiento recovered the marked money from Danilo Ventura.

Q.

Was that all that were recovered from these 2 subjects?

A.

The police asset gave the specimen and the bolo.

Q.

What else?

A.

No more.

Q.

When the persons of the accused were restrained and all the evidences were gathered, what finally did you do?

A.

We informed them that they violated Sec. 5 of R.A. 9165 for selling of illegal drugs and we also informed them of their constitutional rights.

Q.

After that what did you do with them?

A.

Grace Ventura, Danilo Ventura and Vergel Ventura were brought to the police station for further investigation.

Q.

What did you do with the specimen?

A.

We prepared a request for laboratory examination and the request for drug test.

Q.

Before you prepared those requests, what did you do with those documents in order to distinguish it to the other shabu that were recovered from the operation?

A.

We placed the marking.

Q.

And the marking that you placed?

A.

The initial of PO2 Sarmiento.

Q.

Which happened to be in what letters?

A.

LCS.

Q.

And later did you come to know the findings of the forensic chemist of the crime laboratory?

A.

Positive for shabu and positive for drug test.

x x x x

Q.

You claimed also that you recovered one sachet of shabu as a result of the operation. Attached to the record is a plastic sachet containing of (sic) what appears to be white crystalline substance, what relation has this to the one that you claimed as the shabu sold to your group?

A.

This is the same.

PROS. MEDRANO:

It was already marked as Exh. "E". We pray that the marking placed therein be submarked as "E-1."

COURT:

Mark them.

PROS. MEDRANO:

Q.

You made mention of a request made by your unit to the PNP Crime Laboratory. I'm showing to you such document please confirm to us if this is the same document that you made mention of?

A.

Yes, sir. This is the one. It was previously marked as Exh. "F." We pray that the stamp mark RECEIVED of the PNP Crime Laboratory be submarked as "F-1." [37]

All documentary, testimonial, and object pieces of evidence, including the markings on the plastic sachet containing the shabu, prove that the substance tested by the forensic chemist, whose laboratory tests were well-documented, was the same as that taken from accused-appellant. The foregoing evidence established and preserved the identity of the confiscated shabu. Moreover, the integrity of the evidence is presumed to be preserved, unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with. [38] Accused-appellant, in this case, bears the burden to make some showing that the evidence was tampered or meddled with, to overcome a presumption of regularity in the handling of exhibits by public officers and a presumption that they properly discharged their duties.

In the case at bar, the evidence clearly shows that accused-appellant was involved in the buy-bust operation. Having been caught in flagrante delicto, accused-appellant's participation cannot be doubted.

Following the provisions of Section 5 in relation to Section 26 of Article II, Republic Act No. 9165, the illegal sale of prohibited or regulated drugs is penalized with life imprisonment to death and a fine ranging from P500,000.00 to P10,000,000.00. The statute, in prescribing the range of penalties imposable, does not concern itself with the amount of dangerous drug sold by an accused.

Section 5 of Republic Act No. 9165 stipulates:

SEC. 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.

Section 26 of the same Act provides:

Section 26. Attempt or Conspiracy. - Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

(a)

Importation of any dangerous drug and/or controlled precursor and essential chemical;

(b)

Sale, trading, administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical;

(c)

Maintenance of a den, dive or resort where any dangerous drug is used in any form;

(d)

Manufacture of any dangerous drug and/or controlled precursor and essential chemical; and

(e)

Cultivation or culture of plants which are sources of dangerous drugs.

Applying the foregoing provisions of Republic Act No. 9165, the penalty imposed by the RTC, as affirmed by the Court of Appeals, is proper.

There being no mitigating or aggravating circumstances attending accused-appellant's violation of the law, the penalty to be imposed is life imprisonment. Considering that the weight of the shabu confiscated from accused-appellant is 0.124 gram, the amount of P500,000.00 imposed by the court a quo, being in accordance with law and upheld by the appellate court, is similarly sustained by this Court.

WHEREFORE, premises considered, the Court of Appeals Decision dated 30 June 2008 in CA-G.R. CR-HC No. 02127, affirming the Decision promulgated by the Regional Trial Court of Malolos, Bulacan, Branch 78, in Criminal Case No. 3244-M-2003, finding accused-appellant Grace Ventura y Natividad guilty beyond reasonable doubt of selling 0.124 gram of methamphetamine hydrochloride or shabu, a prohibited drug, in violation of Section 5 in relation to Section 26, Article II of Republic Act No. 9165, and imposing upon her the penalty of life imprisonment and a fine of Five Hundred Thousand Pesos (P500,000.00), is hereby **AFFIRMED**.

In the service of her sentence, accused-appellant Grace Ventura y Natividad, who is a detention prisoner, shall be credited with the entire period during which she has undergone preventive imprisonment.

**SO ORDERED.**

Quisumbing,[\*] Carpio, (Chairperson ), Peralta, and Abad,\*\*] JJ., concur.

---

[\*] Per Special Order No. 755, dated 12 October 2009, signed by Chief Justice Reynato S. Puno designating Associate Justice Leonardo A. Quisumbing to replace Associate Justice Antonio Eduardo B. Nachura, who is on official leave.

[\*\*] Per Special Order No. 753, dated 12 October 2009, signed by Chief Justice Reynato S. Puno designating Associate Justice Roberto A. Abad to replace Associate Justice Presbitero J. Velasco, Jr., who is on official leave.

[1] Penned by Associate Justice Rosmari D. Carandang with Associate Justices Portia Aliño-Hormachuelos and Estela M. Perlas-Bernabe, concurring; rollo, pp. 2-17.

[2] Penned by Judge Gregorio S. Sampaga; records, pp. 236-245.

[3] Comprehensive Dangerous Drugs Act of 2002.

[4] Records, p. 2.

[5] Id. at 28.

[6] Id. at 245.

[7] Id. at 248.

[8] Rollo, pp. 16-17.

[9] Id. at 18.

[10] 1987 Philippine Constitution, Article III, Section 14(2).

[11] *People v. Villanueva*, G.R. No. 172116, 30 October 2006, 506 SCRA 280, 286.

[12] *People v. Corpuz*, 459 Phil. 100, 112 (2003).

[13] TSN, 6 August 2004, p. 10.

[14] TSN, 19 March 2004, p. 7.

[15] Exhibits A-D; Records, p. 37.

[16] TSN, 6 August 2004, p. 162.

[17] TSN, 19 March 2004, p. 131.

[18] Records, p. 25.

[19] Id.

[20] Id. at 28.

[21] *Ching v. People*, G.R. No. 177237, 17 October 2008, 569 SCRA 711, 724; *People v. Dilao*, G.R. No. 170359, 27 July 2007, 528 SCRA 427, 442.

[22] *People v. Capalad*, G.R. No. 184174, 7 April 2009, citing *People v. Naquita*, G.R. No. 180511, 28 July 2008, 560 SCRA 430, 451.

[23] Records, p. 244.

[24] *People v. Abelita*, G.R. No. 96318, 26 June 1992, 210 SCRA 497, 503.

[25] Records, p. 25.

[26] Id. at 28.

[27] Id. at 37.

[28] Id. at 22.

[29] *People v. Santiago*, 465 Phil. 151, 163 (2004).

[30] *People v. Mateo*, G.R. No. 179478, 28 July 2008, 560 SCRA 397, 416-417.

[31] *People v. Valencia*, 439 Phil. 561, 568 (2002), citing *People v. Medenilla*, 407 Phil. 461, 474 (2001); *People v. Lee*, 407 Phil. 251, 260 (2001); *People v. Mustappa*, 404 Phil. 888, 898 (2001).

[33] *People v. Dumlao*, G.R. No. 181599, 20 August 2008, 562 SCRA 762, 770.

[34] *People v. Capalad*, G.R. No. 184174, 7 April 2009.

[35] *People v. Ahmad*, 464 Phil. 848, 870 (2004).

[36] TSN, 19 March 2004, pp. 7-8.

[37] TSN, 6 August 2004, pp. 8-11.

[38] *People v. Agulay*, G.R. No. 181747, 26 September 2008, 566 SCRA 571, 595.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

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

**The complete Philippine law library - free for everyone.**

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

**Audio case-brief lectures.**

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

**Bar review built on the science of memory.**

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

**The full law-school curriculum.**

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

**Mock exams that tell you where you stand.**

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

**A study planner that keeps you on pace.**

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

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

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

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

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