PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILLIE MIDENILLA Y ALABOSO, RICKY DELOS SANTOS Y MILARPES AND ROBERTO DELOS SANTOS Y MILARPES, ACCUSED, RICKY DELOS SANTOS Y M...

G.R. No. 186470. September 27, 2010

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

On appeal is the Decision[1] dated August 27, 2008 of the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 02741 which affirmed with modification the Joint Decision[2] dated March 26, 2007 of the Regional Trial Court (RTC), Caloocan City, Branch 127 finding appellants Ricky Delos Santos y Milarpes guilty beyond reasonable doubt of violating Sections 5[3] and II[4] of Article II, Republic Act (RA) No. 9165[5] or The Comprehensive Dangerous Drugs Act of 2002, and Roberto Delos Santos y Milarpes guilty beyond reasonable doubt of violating Section 5, Article II of the same law.

On September 26, 2003, accused-appellant, Ricky Delos Santos also known as "Hika" was charged with the crime of Violation of Section 11, Article II, of RANo. 9165 in an Information which alleged:

> That on or about the 24[th] day of September, 2003, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, custody and control Six (6) heat-sealed transparent plastic sachet containing METHYLAMPHETAMINE HYDROCHLORIDE having a corresponding weight as follows:
>
> B-("RICKY DM-1") 0.02 gram E-("RICKY DM-4") 0.03 gram
> C-C'RICKY DM-2") 0.03 gram F-C'RICKYDM-5") 0.02 gram
> D-("RICKY DM-3") 0.04 gram G-('-RlCKY DM-6") 0.03 gram

knowing the same to be a dangerous drug under the provisions of the above-cited law.

CONTRARY TO LAW.[6]

On the same date, accused-appellants Ricky Delos Santos also known as "Hika" and Roberto Delos Santos also known as "Obet" were charged with the crime of Violation of Section 5, Article II, RA No. 9165 committed as follows:

> That on or about the 24 day of September, 2003, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding with one another, without the authority of law, did then and there willfully, unlawfully and feloniously sell and deliver to PO1 RONNEL UGOT, who posed as buyer, one (1) heat-sealed transparent plastic sachet containing METHYLAMPHETAMINE HYDROCHLORIDE weighing 0.05 gram knowing the same to be a dangerous drug under the provisions of the above-cited law.

CONTRARY TO LAW.[7]

On December 1, 2003, accused-appellants duly assisted by their counsel pleaded not guilty[8] to the charges against them.

The prosecution presented the facts as follows.

On September 24, 2003, at 5:00 in the afternoon while PO1 Ronel L. Ugot was on duty, an informant reported to SPO1 Wilson Gamit that, two (2) brothers known by their aliases as "Obet" and "Hika" were engaged in selling illegal drugs. SPO1 Gamit reported the matter to their Chief, Cesar G. Cruz who in turn immediately formed a buy-bust team. The team was composed of PO1 Ugot, SPO1 Rodrigo Antonio, PO2 Ferdinand Modina, PO1 Ronald Allan Mateo, PO2 Roily Jones Montefrio, PO1 Borban Paras, PO3 Fernando Moran and SPO1 Gamit. PO1 Ugot was the designated poseur-buyer. PO1 Ugot received a one hundred peso bill from SPO3 Benjar Matining to be used as marked money. SPO1 Gamit was the team leader. PO1 Ugot's backups were PO1 Mateo and PO1 Paras. PO1 Mateo was tasked to recite the rights of the person to be arrested.[9]

The team, together with the informant, was dispatched at 6 o'clock in the evening and they proceeded to 3rd Avenue, Caloocan City. Upon arrival thereat, the informant pointed Obet and Hika to PO1 Ugot. From their location, PO1 Ugot saw Willie Midenilla approach Obet and Hika. PO1 Ugot was approaching Obet and Hika when Obet asked PO1 Ugot "Pre, iiskor ka ba?" PO1 replied "yes, pison" and simultaneously handed over the money. Obet received the money and gave it to Hika saying "Hika, piso lang daw." Hika took the money and put it in his right pocket. Thereafter, Hika took out a plastic sachet and gave the same to Obet. In turn, Obet gave the plastic sachet to POI Ugot.[10]

After receiving the plastic sachet from Obet, PO1 Ugot saw Midenilla receive a plastic sachet and aluminum foil from Hika. At that instance, PO1 Ugot gave the pre-arranged signal to his backup. PO1 Ugot held Hika and Obet while the other members of the buy-bust team came running towards them. Midenilla tried to flee but he was caught by PO1 Paras.[11]

PO1 Ugot recovered the buy-bust money from Hika and held on to the plastic sachet given to him and marked both with "Ricky/Roberto DM (buy bust)."[12] He also informed PO1 Paras that Hika had more shabu in his possession. PO1 Paras recovered six more plastic sachets of shabu from Hika. PO1 Mateo placed the markings "RICKY DM-1 to RICKY DM-6" on the sachets recovered from Hika. On the other hand, PO1 Paras recovered from Midenilla three plastic sachets of shabu which were marked in evidence as Exhibits C-9, C-11 and C-12 with two strips of aluminum foil marked in evidence as Exhibits C-13 and C-14.[13]

After PO1 Mateo informed Hika, Obet and Midenilla of their constitutional rights, they were brought to the office of the Station Anti-Illegal Drugs (SAID). At the SAID office, the team turned-over the seized items to PO2 Randulfo Hipolito, the investigator on duty. PO2 Hipolito requested the crime laboratory to determine whether the seized plastic sachets contained shabu and whether the hands of PO1 Ugot, Obet and Hika would indicate the presence of ultraviolet fluorescent powder. The result of the examination on the seized plastic sachets confirmed its contents to be methylamphetamine hydrochloride. PO1 Ugot, Obet, and Hika also tested positive for ultraviolet fluorescent powder. PO1 Ugot identified Hika as appellant Ricky Delos Santos, while Obet was identified as appellant Roberto Delos Santos.[14] Meanwhile, accused Willie Midenilla jumped bail and remains at large.

The defense presented the facts as follow.

According to accused-appellant Roberto Delos Santos, he is the brother of Ricky Delos Santos but never knew Willie Midenilla. He was arrested on September 24, 2003 at around 5:00 p.m. and not 8:00 p.m. as claimed by the police officers.

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At 5:00 p.m. of September 24, 2003, Roberto was at the video "carrera" shop watching together with several other spectators, among whom was Danny Kangkong. Suddenly, a tricycle and an owner-type jeep parked infront of the video "carrera" shop. The passengers of the said vehicles alighted and proceeded to where Roberto and his companions were. The other persons present thereat scampered away but Roberto just remained standing in his place.

The passengers of the vehicle who parked infront of the video "carrera" shop told the remaining five to six persons inside, "Walang tatakbo steady lang kayo" When frisked, nothing was found on the person of Roberto. Roberto then saw a plastic sachet fall from the pocket of one of those who were resisting and complaining against the frisking. The said person was handcuffed by one of the passengers of the vehicle whom he later identified to be a policeman.

Roberto was surprised when he saw his younger brother Ricky being brought out of their house by policemen. He approached them and asked why they were taking his brother. The policemen replied that they will just conduct an investigation on his brother, so, together with that person from whom the plastic sachet fell, Ricky was made to board a vehicle bound for the police station. Roberto also voluntarily went with them.

Roberto's mother and wife, upon seeing what happened, also went inside the vehicle to accompany him and Ricky, who was afflicted with a lung disease. On their way to the police station, Roberto's mother suffered difficulty in breathing so Roberto requested the police officers to first bring his mother to the hospital. His mother was brought to the Caloocan Puericulture Center where they left his mother and wife. Thereafter, the rest proceeded to the police station where Ricky, Roberto and that person from whom the sachet fell were detained.

Roberto claimed that the appearance of white dots at the dorsal and palmar portion of his right hand was the result of his hands being squeezed by someone he does not know while at the police precinct. He was aware of the ultraviolet examination conducted by the crime laboratory when his hands were placed under the light which is blue in color.[15]

According to accused-appellant Ricky Delos Santos, he was sleeping in his room on September 24, 2003 at around 5:00 p.m. when suddenly he was awakened by the two policemen who were looking for "Ferdie Putol." Ricky told them that he does not know "Feirdie Putol." When he uttered those words, the policemen told him to just go with them. He refused and asked them if they have a warrant. The policemen just ignored his inquiry and forced him to go with them. Ricky informed the policemen that he has lung ailment but they just handcuffed him.

As they were going out of the house, Roberto, his brother, blocked their way. Roberto told the policemen, "Where will you bring my brother? He has a lung ailment." Roberto also asked if the policemen have a warrant of arrest.

While going out of the alley, Ricky's mother asked the policemen where they will bring her son and likewise inquired if they have a warrant of arrest. Their mother and his sister-in-law went with them. The policemen brought his brother Roberto to the Drug Enforcement Unit (DEU).

When Ricky was already onboard the owner-type jeep, his mother suffered a stroke. Roberto asked the policemen to first bring his mother to the hospital. Thereafter, the policemen brought Ricky and Roberto to the DEU where they were detained.[16]

Finding the testimonial and documentary evidence against the accused-appellants sufficient, the trial court declared them guilty beyond reasonable doubt of violation of Sections 5 and 11 of RA No. 9165. Accused-appellant Ricky Delos Santos was sentenced to a prison term of twelve (12) years and one (1) day to seventeen (17) years with subsidiary imprisonment in case of insolvency pursuant to Section 11, Article II, RA No. 9165. Both accused-appellants Ricky and Roberto Delos Santos were also sentenced to life imprisonment and

a fine of P500,000.00 as provided in Section 5, Article II, RA No. 9165.

Maintaining their innocence, ace used-appellants appealed the trial court's decision to the CA. However, accused Willie Midenilla jumped bail and to date has a standing warrant of arrest. Hence, his appeal to the CA was dismissed.[17] For the two remaining accused-appellants, the CA affirmed the trial court's decision with modification, to wit:

> IN LIGHT OF ALL THE FOREGOING, the appeal is hereby DENIED. The decision of the Regional Trial Court is hereby AFFIRMED WITH MODIFICATION on the penalty imposed, to wit:
>
> Accused-appellant Ricky Delos Santos (Crim. Case No. 69224) is hereby sentenced to suffer the penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY as minimum to FIFTEEN (15) YEARS as maximum and to pay a fine of FOUR HUNDRED THOUSAND PESOS (P400,000.00), as provided under Section 11, Article II, R.A. 9165; and
>
> Accused-appellants Ricky Delos Santos and Roberto Delos Santos (Crim. Case No. 69225) are hereby sentenced to suffer the penalty of life imprisonment and a fine of FIVE HUNDRED THOUSAND PESOS (P500,000.00), as provided under Section 5, Article II, R.A. 9165.
>
> SO ORDERED.[18]

Accused-appellants are now before this Court contending that the trial court gravely erred in convicting them of the crimes charged in view of the failure of the prosecution to overthrow the constitutional presumption of innocence in their favor. They stress that their defense of alibi was sufficient to acquit them of the crimes charged. Although indeed the "weakest" of all defenses, alibi attains importance when the case of the prosecution is weak. They point out that their version of the facts culled from their respective testimonies clearly shows that they should be acquitted.

Further, accused-appellants argue that the police officers who apprehended them failed to comply with the requirements of Section 21 (1) of RA No. 9165. They claim that the prosecution failed to prove that the apprehending officers conducted a physical inventory and photographed the confiscated items. In effect, they allege that the corpus delicti of the crime was not proven and hence, they should be acquitted.

On the other hand, the State represented by the Office of the Solicitor General (OSG) maintains that the trial court and the CA correctly found the accused-appellants guilty beyond reasonable doubt of the crimes charged and that such findings should be sustained by this Court. It is emphasized that as to the finding of facts, the version that the trial court accepted should be given due regard by the appellate courts. As a rule, the trial court's evaluation of the credibility of a testimony is generally accepted.[19]

As to the failure of the apprehending officers to strictly comply with the requirements of Section 21, Article II, RA No. 9165, the OSG argues that such is not fatal to the prosecution's case. Tt cites jurisprudence to the effect that non-compliance is not fatal as long as there is justifiable ground therefor and as long as the integrity and the evidentiary value of the seized items is properly preserved by the apprehending officers.[20]

The sole issue in this case is whether or not the prosecution has proven the guilt of the accused-appellants for illegal sale and possession of dangerous drugs beyond reasonable doubt.

We rule in the affirmative.

In appreciating testimony given during trial, considerable weight is given to the findings of the trial court. Thus in People v. Portugal[21], this Court held:

> Just as often, the Court has relied on the observations of trial courts in the appreciation of testimony, said

> courts having been given the opportunity, not equally enjoyed by the appellate courts, to observe at first hand the demeanor of the witness on the stand, they, therefore, are in a better position to form accurate impressions and conclusions.

Although not constrained to blindly accept the findings of fact of trial courts, appellate courts can rest assured that such facts were gathered from witnesses who presented their statements live and in person in open court. In cases where conflicting sets of facts are presented, the trial courts are in the best position to recognize and distinguish spontaneous declaration from rehearsed spiel, straightforward assertion from a stuttering claim, definite statement from tentative disclosure, and to a certain degree, truth from untruth.

In the case at bar, we find no compelling reason to reverse the findings of fact of the trial court. There is no showing in the records and transcripts of any glaring inconsistencies in the version of the prosecution. The testimony of PO1 Ugot was believable, frank, and clear in detailing the events that led to the buy-bust operation and what transpired during and after the arrests.

On the other hand, the defense simply invoked alibi. For the defense of alibi to prosper, it must be proven by the accused that it was physically impossible for him to be at the scene of the crime or its vicinity at the time of its commission.[22] in People v. Francisco,[23] this Court held:

> xxx For the defense of alibi to prosper, it must be established by positive, clear and satisfactory proof that (1) the accused was somewhere else when the offense was committed, and (2) it was physically impossible for the accused to have been present at the scene of the crime or its immediate vicinity at the time of its commission. The Supreme Court has ruled where there is even the least chance for the accused to be present at the crime scene, the alibi will not hold.

The story of the defense in this case does not prove such physical impossibility. The accused-appellants merely presented a narrative that they were apprehended and dragged by the police officers for no reason at all. They feigned ignorance of the incident leading to their arrest but could not show any ill-motive, malice or any post-apprehension corruption or extortion on the part of the police officers. All they presented was bare denial of being engaged in illegal drug trading and possession of shabu at the time of the buy-bust operation.

In every case of illegal sale of dangerous drugs, the prosecution is obliged to establish the following essential elements: (1) the identity of the buyer and the seller, the object of the sale and the consideration; and (2) the delivery of the thing sold and the payment therefor. 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. The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummate the buy-bust transaction.[24]

In order to properly establish the corpus delicti in drug cases, the prosecution must show, through an unbroken chain of custody, that the dangerous drug presented to the trial court as evidence is indeed the one/s seized from the accused. In the case at bar, the prosecution established the following:

One of the arresting officers, PO1 Ronald Allan Mateo, positively testified that he confiscated six pieces of plastic sachets from accused Ricky Delos Santos.[25] Upon confiscating, he immediately marked the sachets with "RICKY DM-1" up to "RICKY DM-6".[26]

As for accused Roberto Delos Santos, PO1 Ronel Ugot testified that upon receiving one plastic sachet from Roberto and handing him the marked money, he gave the pre-arranged signal to his companions that the sale was consummated. He farther testified that he held on to one (1) plastic sachet and also recovered the marked money from accused Roberto and immediately marked the seized items "Ricky/Roberto DM (buy bust)".[27]

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Right after the operation, the police officers proceeded to the police station where POl Mateo turned over the six (6) plastic sachets recovered from accused Ricky and POl Ugot turned over the one plastic sachet recovered from accused Roberto to the investigator.[28]

The investigator, PO2 Randulfo Hipolito was presented in court by the prosecution but the defense agreed to stipulate on the substance of his testimony.[29] It was established that PO2 Hipolito, upon receiving the seized items from the arresting officers, made his own marking on the plastic sachets, then prepared a request[30] for laboratory examination and forwarded the specimens to the Crime Laboratory for chemical analysis.

P/Inspector Erickson Calabocal was the Forensic Chemical Officer of the Northern Police District Crime Laboratory Office. He was presented to testify on his participation in the custody of the seized items. However, both prosecution and defense agreed to stipulate on the substance of his testimony. As an expert witness in his field, P/lnspector Calabocal conducted a chemical analysis on the subject specimen per request for laboratory examination of the Chief, Cesar Gonzales Cruz, SAID-SOG. The result of his examination was embodied in his Physical Sciences Report[31] which disclosed that the subject specimens tested positive for Methylamphetamine Hydrochloride, a dangerous drug. He further testified that if needed, he could identify the subject drug as well as his report.[32]

Upon receiving the "positive" results[33] of the chemical analysis, investigator PO2 Hipolito prepared a referral slip[34] and the affidavit of the arresting officers. He likewise testified that, if needed, he can identify the specimen, the accused and the referral slip.

Clearly, the chain of custody of the seized items was properly established by the prosecution. There is no doubt that the items seized from the accused-appellants at the scene of the crime were also the items marked by the arresting officers, turned over to the investigator, marked again, sent to the Crime Laboratory, and returned after yielding positive results for Methylamphetamine Hydrochloride.

It is evident that although the arresting officers failed to strictly comply with Section 21 (1) of RA No. 9165 by failing to photograph the seized items at the scene of the crime, the evidentiary value of the items was adequately preserved. The seized items were properly marked at the scene of the crime, marked again prior to submission for laboratory examination and duly identified as the same specimen tested and presented as evidence in court. The chain of custody was therefore adequately shown by the prosecution and hence, we find no reason to reverse the conviction of the accused-appellants.

As to the penalty imposed on accused-appellants, we hold that the CA correctly sentenced accused-appellant Ricky Delos Santos to an indeterminate prison term of TWELVE (12) YEARS and ONE (1) DAY, as minimum, to FIFTEEN (15) YEARS, as maximum, and to pay a fine of FOUR HUNDRED THOUSAND PESOS (P400,000.00), as provided under Section 11, Article II, RA No. 9165; and accused-appellants Ricky Delos Santos and Roberto Delos Santos to life imprisonment and a fine of FIVE HUNDRED THOUSAND PESOS (£500,000.00), as provided under Section 5, Article II, RA No. 9165.

WHEREFORE, the Court DISMISSES the appeal and AFFIRMS the Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 02741 dated August 27, 2008.

With costs against the accused-appellants.

SO ORDERED.

Carpio Morales, (Chairperson), Peralta,[*] Bersamin, and Sereno, JJ., concur.

[*] Desgnated additional member per Special Order No. 885 dated September 1, 2010.

[1] Rollo, pp. 2-15. Penned by Associate Justice Pampio A. Abarintos, with Associate Justices Edgardo R. Sundiam and Apolinario D. Bruselas, Jr. concurring.

[2] CA rollo, pp. 21-38. Penned bu Jydge Victoriano B. Cabanos.

[3] 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 (10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P 100,000.00) to Five hundred thousand pesos (P500.000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

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

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

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

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

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000,00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

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

(1)

10 grams or more of opium;

(2)

10 grams or more of morphine;

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(3)

10 grams or more of heroin;

(4)

10 grams or more of cocaine or cocaine hydrochloride;

(5)

50 grams or more of methamphetamine hydrochloride or "shabu";

(6)

10 grams or more of marijuana resin or marijuana resin oil;

(7)

500 grams or more of marijuana; and

(8)

10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetaraine (MDMA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (IMA), lysergic acid diethylamine (LSD), gamma hydroxybutyrate (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

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

(1) Life imprisonment and a fine ranging from. Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;

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

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

[5] AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT No. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS

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AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

[6] CA rollo p. 11.

[7] Id. at 12.

[8] Records, pp. 69-70.

[9] TSN, June 22, pp. 3-6.

[10] Id. at 7-8.

[11] Id. at 9.

[12] Id. at 11.

[13] Id. at 10; TSN, October 13, 2005, p. 7.

[14] Id. at 11-14.

[15] TSN, July 18, 2006, pp. 3-11, 15-18.

[16] TSN, November 28, 2006, pp. 3-7.

[17] CA rollo, p. 47.

[18] Rollo, p. 14.

[19] CA rollo, p. 122.

[20] People v. Pringus, G.R. No. 175928, August 31, 2007, 531 SCRA 828, 842, citing People v. Sta. Maria, G.R. No. 171019, February 23, 2007, 516 SCRA 621, 633.

[21] G.R. No. 143030, March 12, 2002, 379 SCRA 212, 218.

[22] People v. Francisco, G.R. No. 110873, September, 1999, 315, SCRA 114, 122.

[23] Id. at 125.

[24] People v. Guiara, G.R. No. 186497, September 17. 2009, 600 SCRA 310, 322-323, citing People v. Gonzales, G.R. No. 143805, April II, 2002, 380 SCRA 689, 697; People v. Bongalon, G.R. No. 125025, January 23, 2002, 374 SCRA 289, 307.

[25] TSN, February 7, 2006, p. 9.

[26] Id. at 11.

[27] TSN, June 22, 2004, p. 11.

[28] Supra note 25, at 11-12.

[29] TSN, May 24,2004, pp. 3-4.[30] Exhibit "A," folder of exhibits, p. 3.

[31] Exhibit "B," id. at 5.

[32] Records, pp. 90-91.[33] Supra note 31.[34] Exhibit "I," folder of exhibits, p. 11.

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