

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NENE QUIAMANLON Y MALOG, ACCUSED-APPELLANT.

*G.R. No. 191198. January 26, 2011*

Ponente: VELASCO JR., J.

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### VELASCO JR., J.:

#### The Case

This is an appeal from the November 25, 2009 Decision[1] of the Court of Appeals (CA) in CA G.R. CR No. 31896 entitled *People of the Philippines v. Nene Quiamanlon y Malog*, which affirmed the July 10, 2008 Decision[2] in Criminal Case Nos. Q-05-135151 and Q-05-135152 of the Regional Trial Court (RTC), Branch 78 in Quezon City. The RTC found accused Nene Quiamanlon y Malog (Quiamanlon) guilty of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165 or the Comprehensive Dangerous Drugs Act of 2002.

#### The Facts

Criminal Case No. Q-05-135151 pertains to the Information filed against Quiamanlon for violation of Sec. 5, Art. II of RA 9165, the accusatory portion of which reads as follows:

That on or about the 15[th] day of June 2005, in Quezon City, Philippines, the said accused, conspiring, confederating with other person whose true name and identity have not as yet been ascertained and mutually helping each other, 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, ZERO POINT TWELVE (0.12 gm.) of white crystalline substance containing Methylamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.[3]

On the other hand, in Criminal Case No. Q-05-135152, Quiamanlon was charged with violation of Sec. 11, Art. II of RA 9165, as follows:

That on or about the 15[th] day of June 2005, in Quezon City, Philippines, the said accused, conspiring, confederating with other person whose true name and identity have not yet been ascertained and mutually helping each other, not being authorized by law [to] possess or use any dangerous drug, did, then and there, willfully, unlawfully and knowingly have in her possession and control, ZERO POINT TWENTY SEVEN (0.27 gm.) of white crystalline substance containing Methylamphetamine Hydrochloride, a dangerous [drug].

CONTRARY TO LAW.[4]

When arraigned on August 25, 2005, accused Quiamanlon pleaded "not guilty" to the foregoing accusations against her.[5] Thereafter, trial on the merits ensued.

During trial, the prosecution presented three witnesses, namely: Police Officer 3 Jerry Villamor (PO3 Villamor), PO3 Noel Magcalayo (PO3 Magcalayo), and PO3 Hector Hernandez (PO3 Hernandez).[6] On the other hand, the

defense presented Quiamanlon as its lone witness.[7]

#### The Prosecution's Version of Facts

On June 15, 2005, a female confidential informant arrived at the office of the District Anti-Illegal Drugs (DAID) in Camp Karingal, Sikatuna Village, Quezon City and reported the illegal drug activities of a certain "Myrna" within the vicinity of Quezon City. The informant disclosed that she was asked by "Myrna" to look for a buyer of her stuff and to meet her at the Kentucky Fried Chicken restaurant located in Welcome Rotonda, Galas, Quezon City (KFC Welcome Rotonda) in case she already found one.

Acting on the information given by the informant, DAID Chief Colonel Gerardo B. Ratuita immediately formed a team to conduct a buy-bust operation composed of Police Chief Inspector Arnold Abad as team leader, with PO3 Hernandez, PO3 Magcalayo, PO2 Emeterio Mendoza, PO3 Villamor, PO1 Michael Collado, and PO2 Edmond Paculdar as members.

PO3 Villamor was designated as the poseur-buyer, while the other members served as back-up. PO3 Villamor was furnished a 500-peso bill with Serial No. XD338194, which he marked with his initials "JV" on the upper portion.

After a short briefing and preparation, the buy-bust team, along with the informant, proceeded to KFC Welcome Rotonda. PO3 Villamor and the informant waited for "Myrna" in front of said establishment, while the rest of the team positioned themselves within viewing distance to allow them to covertly monitor the operation.

After waiting for about an hour, "Myrna" arrived with a female companion. The informant waved at "Myrna." When the latter approached them, the informant introduced PO3 Villamor to her as "Kuya Jerry," a prospective buyer of shabu.

Thereafter, PO3 Villamor asked "Myrna" whether she had an "item" with her at that time. In response, "Myrna" went to the side of the fastfood chain, took out one (1) small heat-sealed plastic sachet containing white crystalline substance from her pocket and showed it to him.[8] But as she did so, two (2) other sachets fell out from the pocket of her pants.[9] When "Myrna" handed the sachet containing a white crystalline substance to PO3 Villamor, the latter, in turn, handed her the 500-peso buy-bust money.

Afterwards, PO3 Villamor removed his earring to signal to his team members that the transaction was already consummated. PO3 Magcalayo and the other members of the team immediately rushed to the scene and introduced themselves as police officers. PO3 Magcalayo recovered the buy-bust money from "Myrna," while PO3 Villamor recovered the other two (2) plastic sachets also from her. They then arrested both "Myrna" and her companion, later identified as Saguera Samula y Dalunan (Samula), after informing them of the nature of their offense and their constitutional rights. "Myrna," who was later identified as Nene Quiamanlon, and Samula, as well as the recovered articles, were brought to the station for proper investigation and disposition.[10]

PO3 Villamor, who maintained custody over the seized sachets, marked the said items in his possession, recorded them in an inventory, and handed them over to the Duty Desk Officer, PO3 Hernandez.[11] PO3 Magcalayo likewise turned over the buy-bust money to PO3 Hernandez, who prepared a Request for Laboratory Examination. Said request, with the seized sachets, were brought by PO3 Magcalayo to the Philippine National Police (PNP) Crime Laboratory, where they were received by PO2 Golpo and examined by Engr. Leonard M. Jabonillo, Chemist/Forensic Analyst for the PNP Crime Laboratory.[12] The examinations conducted on the plastic sachets of suspected shabu yielded positive results for methylamphetamine hydrochloride, as indicated in Chemistry Report No. D-507-2005.[13]

#### Version of the Defense

Quiamanlon interposed the defense of denial. She testified that at 7:00 p.m. on June 15, 2005, she was eating at Jollibee, Welcome Rotonda with Samula and the sister of her husband when, suddenly, four men, who identified themselves as policemen, approached and poked their gun at her and told her not to make any move. She was then brought to Camp Karingal aboard a black FX vehicle.[14]

According to Quiamanlon, the men were supposedly looking for shabu from her. When they arrived in Camp Karingal, PO3 Villamor and PO3 Magcalayo punched her on the thigh and on the arm while forcing her to produce the said shabu. They also forced her to remove her clothes to ensure that she was not hiding it in her underwear. They also kept on asking her to point to the person who is the alleged source of shabu, but she insisted that she could not name any because she is innocent of the accusations against her. Thereafter, she was brought to the fiscal (prosecutor).[15] On the other hand, her companion, Samula, was released since the latter was able to give the policemen money in the amount of PhP 25,000.

#### Ruling of the Trial Court

After trial, the RTC, on July 10, 2008, convicted Quiamanlon. The dispositive portion of its Decision reads:

(1) In Criminal Case No. Q-05-135151:

WHEREFORE, premises considered, the Court finds accused NENE QUIMANLON [sic] Y MALOG GUILTY beyond reasonable doubt of Violation of SECTION 5, ARTICLE II of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. She is hereby sentenced to suffer the penalty of life imprisonment and is ordered to pay a fine of Five Hundred Thousand Pesos (P500,000.00), Philippine Currency plus the costs of the suit.

(2) In Criminal Case No. Q-05-135152

WHEREFORE, premises considered, the Court finds accused NENE QUIMANLON [sic] Y MALOG GUILTY beyond reasonable doubt of Violation of SECTION 11, ARTICLE II of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. She is hereby sentenced to suffer the penalty of imprisonment of twelve (12) years and one (1) day as minimum to fourteen (14) years and nine (9) months of reclusion temporal as maximum and to pay the fine of THREE HUNDRED THOUSAND PESOS (P300,000.00), Philippine Currency plus the costs of the suit.

Considering that the accused is a detention prisoner, her period of detention shall be properly credited in the service of her sentence in strict conformity with the provisions of Article 29 of the Revised Penal Code.

The dangerous drugs submitted as evidence in these cases is hereby ordered to be transmitted to the Philippine Drug Enforcement Agency (PDEA), for destruction and/or disposition in strict conformity with the provisions of our laws, rules and regulations on the matter.

SO ORDERED.[16]

On appeal to the CA, Quiamanlon questioned the trial court's decision in convicting her despite the prosecution's alleged failure to prove her guilt beyond reasonable doubt, as well as its purported failure to establish the chain of custody of the alleged shabu.[17]

#### Ruling of the Appellate Court

On November 25, 2009, the CA affirmed the judgment of the RTC. It ruled that the sale and possession of illegal drugs were adequately established by the prosecution, to wit:

In the instant case, the sale of the illegal substance was adequately established by the testimony of PO3 Villamor who acted as the poseur buyer during the buy-bust operation. Relative to PO3 Villamor's testimony

as to his own personal knowledge of the sale that took place was his positive identification of the appellant as the offender. He likewise testified on the other items (shabu) which appellant had in her possession. PO3 Villamor's testimony was corroborated by PO3 Magcalayo who testified that after he saw PO3 Villamayor [execute] the pre-arranged signal, they rushed to the scene and arrested the appellant; that right after appellant's arrest, he recovered the buy-bust money from her and brought appellant to the police station for investigation. Thus, the testimonies of the prosecution witnesses established that appellant was caught in the act of selling a sachet containing substances which turned out to be positive for shabu, the arrest, being a result of an entrapment operation conducted by the police operatives on the basis of information received from a confidential informant regarding appellant's illegal trade. On the other hand, the confiscated shabu found in her possession, being a result of a search incident to her lawful warrantless arrest [is] therefore, admissible in evidence against her.[18] (Citations omitted.)

The CA held that in the absence of proof to suggest that the arresting officers were moved by improper motives, their testimonies are entitled to full faith and credence.[19] Moreover, the appellate court ruled that the chain of custody of the seized prohibited drugs was shown not to have been broken and that the identity of the corpus delicti had been properly preserved and established by the prosecution.[20]

The fallo of the CA Decision reads:

WHEREFORE, finding no reversible error in the decision appealed from, We hereby AFFIRM the same and DISMISS the instant appeal.

SO ORDERED.[21]

On December 14, 2009, Quiamanlon filed her Notice of Appeal.[22]

In Our Resolution dated March 17, 2010,[23] We notified the parties that they may file their respective supplemental briefs if they so desired. Both parties manifested that they were no longer filing a supplemental brief, because their respective briefs before the CA had already taken up all the matters relevant to the case.

The Issues

Accused-appellant Quiamanlon contends in her Brief that:

I

THE TRIAL COURT GRAVELY ERRED IN RENDERING A VERDICT OF CONVICTION DESPITE THE PROSECUTION'S FAILURE TO PROVE THE GUILT OF THE ACCUSED-APPELLANT BEYOND REASONABLE DOUBT.

II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH THE CHAIN OF CUSTODY OF THE ALLEGED SHABU.

Our Ruling

We sustain Quiamanlon's conviction.

Proof of guilt beyond reasonable doubt adequately established by the prosecution

We have carefully examined the records of this case and We are satisfied that the prosecution's evidence established the guilt of Quiamanlon beyond reasonable doubt.

Time and again, this Court has held that factual findings of the appellate court affirming those of the trial court are

binding on this Court, unless there is a clear showing that such findings are tainted with arbitrariness, capriciousness, or palpable error.[24] In *People v. Lusabio, Jr.*, [25] this Court held:

All in all, we find the evidence of the prosecution to be more credible than that adduced by accused-appellant. When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is obvious. Having the full opportunity to observe directly the witnesses' deportment and manner of testifying, the trial court is in a better position than the appellate court to evaluate testimonial evidence properly. (Emphasis supplied; citations omitted.)

Since Quiamanlon failed to show any palpable error, arbitrariness, or capriciousness on the findings of fact of the trial and appellate courts, these findings deserve great weight and are deemed conclusive and binding.

Significantly, in the prosecution for the crime of illegal sale of prohibited drugs under Sec. 5, Art. II of RA 9165, the following elements must concur: (1) the identities of the buyer and seller, object, and consideration; and (2) the delivery of the thing sold and the payment for it. It is worth noting that what is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually occurred, coupled with the presentation in court of the substance seized as evidence.[26]

The foregoing elements were sufficiently established by the prosecution. PO3 Villamor, the poseur-buyer, testified on the first element, thus:

QUESTION -

Mr. Witness, do you know the accused in these cases, Nene Quiamanlon y Malog?

ANSWER-

After the apprehension, Sir.

Q- Now, will you please look around and tell us if she is inside the Court Room?

A- (After looking around inside the Court Room) Yes, Sir.

Q- Will you point to the accused you apprehended?

INTERPRETER:

Witness pointing to a woman seated inside the Court Room, who, when asked her name, answered "Nene Quiamanlon".

ACP DELA CRUZ: (on direct examination)

QUESTION-

When did you arrest the accused?

ANSWER-

June 15, 2005, Sir.

Q- Where did you arrest the accused?

A- In front of KFC Food Chain located at Welcome Rotonda, Galas, Quezon City, Sir.

Q- And what was her specific violation or offense for which reason you arrested her?

A- For violation of Section 5 of RA 9165, for selling dangerous drug, Sir.

Q- To whom did this accused sell this dangerous drug?

A- To the undersigned PO3 Villamor, Sir.

Q- How did it happen that she sold to you this particular drug?

A- Through the help of our Confidential Informant, Sir.

Q- When you say "through the help of our confidential informant", how did it start?

A- The confidential informant came to the Office and informed us about the drug activities of a certain Alias Myrna, Sir.

Q- With that information received by your office, what was the initial reaction of your Office?

A- Immediately, our Chief, DAID, Colonel Ratuita, formed a team to conduct a buy-bust operation, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION-

Who were the members of the team?

A- Led by Police Chief Inspector Arnold Abad, the members were PO3 Hernandez, PO3 Noel Magcalayo, PO2 Emeterio Mendoza, PO3 Villamor, PO1 Michael Collado and PO2 Paculdar, Sir.

Q- In that particular operation, did you have all these persons you mentioned as your companions in the buy-bust operation?

A- Yes, Sir, together with the informant.

Q- How many all in all proceeded to the place?

A- Nine (9), Sir.

Q- At about what time did you proceed to the place?

A- Six (6:00) P.M. we were dispatched, Sir.

Q- And what is this area called, if you know?

A- KFC Food Chain, Welcome Rotonda, Galas, Quezon City, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION-

So you proceeded to that area which was at KFC Food Chain, Welcome Rotonda, Galas, Quezon City. By the way, who was the designated poseur-buyer?

ANSWER-

Myself, Sir.

Q- When you arrived in that area, who was the first one to arrive?

A- The undersigned together with the informant, Sir.

Q- You mean you yourself and the informant arrived ahead?

A- Yes, Sir.

Q- What was the position of your men when you arrived, where did you go in relation to the place as well as the confidential informant?

A- We were standing in front of the KFC Food Chain waiting for the arrival of the seller, Sir.

Q- How many minutes did you wait for the seller?

A- About one (1) hour, Sir.

Q- Then what happened after that?

A- Our target Alias Myrna arrived together with a female companion, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION-

How did you know that the personality or Alias Myrna was the person who arrived?

ANSWER-

Because of the confidential informant who was with us and who told us to wait for the suspect, Sir.

Q- What happened after that waiting together with your confidential informant?

A- The said Alias Myrna approached us, Sir.

Q- From what area of KFC food chain did she approach you?

A- Beside the KFC Food Chain, Sir.

Q- And what happened after that?

A- The confidential informant introduced the suspect Alias Myrna, Sir.

Q- To whom?

A- To the undersigned, Sir.

Q- And how was she introduced to you?

A- The confidential informant said to the suspect "Myrna, si Kuya Jerry. Malaking kumuha ito". (Myrna, this is [big brother] Jerry. He is a big buyer.)

ACP DELA CRUZ: (on direct examination)

QUESTION-

And what was the response of Myrna?

ANSWER-

Myrna just nodded, Sir.[27]

x x x x

Q- This being a buy-bust operation, who was in charge of the buy-bust money used?

A- Our Chief, DAID, Superintendent Ratuaita, Sir.

Q- It came from your Office?

A- Yes, Sir.

Q- Now, after it was paid to the accused, who recovered it from the accused?

A- PO3 Noel Magcalayo, sir.

Q- But can you tell us where is this buy-bust money now?

ANSWER-

Yes, Sir. It is in my possession.

INTERPRETER:

Witness producing the buy-bust money together with a bunch of paper.

ACP DELA CRUZ: (on direct examination)

QUESTION-

At this point, Mr. Witness, I notice that this is a P500.00 bill, what is your assurance that this was the one used in the operation?

A- Because of my marking JV, Sir.

INTERPRETER:

Witness pointing to the initials JV before the serial number of the P500.00 bill.

ACP DELA CRUZ:

We request that the P500.00 bill produced by the witness be marked in evidence as Exhibit "E", your Honor.

COURT:

Mark it.

ACP DELA CRUZ:

Q- Now, you said that this was recovered by PO3 Magcalayo, how did you get possession of this P500.00 bill from PO3 Magcalayo?

ANSWER-

After the inquest, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION-

It was turned over to you after the inquest?

A- Yes, Sir.

Q- What about the items, Mr. Witness, that were recovered during the buy-bust operation, who was in actual possession of these after the buy-bust operation?

A- I, Sir.

Q- I show you prosecution's Exhibit "A", will you please examine Exhibit "A", and tell us if you recognize it?

x x x x

ANSWER-

This is the one I recovered, Sir.

INTERPRETER:

Witness is referring to the particular container with marking A(JV) on the masking tape across the big initials JV.

ACP DELA CRUZ:

Q- What does this JV represent?

A- Jerry Villamor, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION-

Why do you know that this is the one, the subject of your buy-bust operation?

ANSWER-

Because I was the one who put the marking, Sir.

x x x x

ACP DELA CRUZ:

Q- You also take out from the plastic container which we opened, the other two (2) items which were marked B(JV1) and C(JV2), what do these plastic containers mean?

A- These are the plastic sachets I also recovered from the suspect Alias Myrna, Sir.

Q- When did you recover these?

A- After the apprehension, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION-

After the buy-bust operation?

ANSWER-

Yes, Sir.[28]

A chemical analysis on the contents of the confiscated plastic sachets confirmed that these are indeed methylamphetamine hydrochloride or shabu. This was established through the testimony of PO3 Magcalayo:

Q- After the turn-over, what else did you do?

A- The Investigator prepared a request for the examination of the recovered items, Sir.

Q- And that consist (sic) of what?

A- The Request for Laboratory Examination, Sir.

Q- What was the subject of the request?

ANSWER-

Request to determine the contents of the plastic sachets, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION-

Do you know what was the result of the request for laboratory examination?

A- Yes, Sir.

Q- And what was the result?

A- It resulted in the presence of dangerous drug, Sir.[29]

On the other hand, the second element of the crime of illegal sale of prohibited drugs was satisfied through the testimony of PO3 Villamor:

Q- And after that brief introduction, what else followed?

A- I asked her if she had an item with her, Sir.

Q- In what manner did you ask her, in Tagalog or what?

A- In Tagalog, Sir.

Q- What did you tell her?

A- I asked her "May dala ka bang item diyan?" (Did you bring an item with you?)

Q- And what was the response of the accused?

A- She went to the side of the food chain and brought out something from her pocket and showed it to me, Sir.

Q- How far were you when this procedure was done?

A- We were very close to each other because I was covering her, Sir.

Q- And from what you observed, what did she show you?

ANSWER-

The plastic sachet containing shabu, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION:

And at that time what did you do next?

A- She gave me the sachet she took from her pocket and then I gave her the P500.00 bill with marking, Sir.

Q- How did you determine that what she gave you was worth P500.00?

A- According to the informant, every time she gets it is worth P500.00, Sir.

Q- That was the informant's representation of your manner of getting it?

A- Yes, Sir.

Q- And with that exchange of the item and the money, what else did you do next?

A- After receiving the item from her and giving her the money, I kept the item inside my pocket, Sir.

Q- And then what followed?

A- I took [off] my [earring] and told her "Kung maganda ang negosyo natin, magiging mabuti akong suki mo."  
(If our business will be good then I will be your good client.)

ACP DELA CRUZ: (on direct examination)

QUESTION-

That removal of your [earring], is this your pre-arranged signal?

ANSWER- Yes, Sir.

Q- By the way, how did you look like at that time, what were you wearing?

A- Civilian with two (2) [earrings], Sir.

Q- And with the execution of the pre-arranged signal, what did your teammates do, if any?

A- They rushed towards us and it was PO3 Noel Magcalayo who arrived first, Sir.

Q- What did he do?

A- He recovered the buy-bust money from the possession of Myrna, Sir.

Q- What followed after that?

A- We informed her that we were police officers, Sir.

Q- And how did she respond to this realization that you were police officers?

A- She was shocked and speechless, Sir.

Q- With the buy-bust money in the possession of PO3 Magcalayo and the item in your possession where did you proceed?

ANSWER-

Before we left, I asked her to take out the two (2) other sachets from her pocket, Sir.

ACP DELA CRUZ: (on direct examination)

QUESTION:

How did you know that there are still other items in her possession?

A- Because when she took out one sachet from the pocket of her pants, the other two (2) came out, Sir.

Q- You mean to say that she was not showing it to you surreptitiously?

A- Because when she took out the sachet that she was to give to me, the other two (2) also came out from the pocket of her pants, Sir.[30]

As established in PO3 Villamor's testimony, a buy-bust operation took place. Being the poseur-buyer, he positively identified the seller of a plastic sachet containing a white crystalline substance for a sum of PhP 500. The seller turned out to be Quiamanlon. Further, aside from substantially corroborating PO3 Villamor's testimony,

the testimony of PO3 Magcalayo has shown that a subsequent laboratory examination on the contents of the confiscated plastic sachets confirmed that they are indeed methylamphetamine hydrochloride or shabu.

With respect to the charge of illegal possession of dangerous drugs under Sec. 11, Art. II of RA 9165, the evidence of the prosecution has sufficiently established the elements of the violation, to wit: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.[31]

Possession of dangerous drugs constitutes prima facie evidence of knowledge or animus possidendi sufficient to convict an accused in the absence of a satisfactory explanation of such possession. Thus, the burden of evidence is shifted to the accused to explain the absence of knowledge or animus possidendi.[32] In the instant case, Quiamanlon failed to discharge such burden.

When Quiamanlon took a plastic sachet containing white crystalline substance from her pocket in order to show it to PO3 Villamor, two (2) other sachets containing white crystalline substance fell out of her pocket. Considerably, the owner-possessor of said sachets can be no other than Quiamanlon, who has neither shown any proof of the absence of animus possidendi nor presented any evidence that would show that she was duly authorized by law to possess them during the buy-bust operation.

#### Chain of Custody Established

Quiamanlon claims that the police officers who conducted the buy-bust operation failed to observe the existing rules in the proper custody of the seized items, thereby casting doubt as to the identity and integrity of the sachets allegedly containing shabu presented as evidence by the prosecution.

Relying on *People v. Lim*,[33] Quiamanlon insists that "any apprehending team having initial control of said drugs and/or paraphernalia, should immediately after seizure or confiscation, have the same physically inventoried and photographed in the presence of the accused, if there be any, and or his representative, who shall be required to sign the copies of the inventory and be given a copy thereof." [34]

She asserts further that the dangerous drug itself constitutes the very corpus delicti of the offense, and the fact of its existence is vital to a judgment of conviction, adding that it is, therefore, essential in these cases that the identity of the prohibited drug be established beyond doubt.[35]

Indeed, in every prosecution for illegal sale of prohibited drugs, the presentation in evidence of the seized drug, as an integral part of the corpus delicti, is most material.[36] Thus, it is vital that the identity of the prohibited drug be proved with moral certainty. The fact that the substance bought or seized during the buy-bust operation is the same item offered in court as exhibit must also be established with the same degree of certitude.[37] It is in this respect that the chain of custody requirement performs its function. It ensures that unnecessary doubts concerning the identity of the evidence are removed.[38]

Contrary to Quiamanlon's assertion, the chain of custody of the seized prohibited drugs was adequately established in the instant case. As determined by the CA:

x x x Going by the records, after the seizure of the drugs from appellant's possession, PO3 Villamor marked them with initials "JV", "JV1" and "JV2", then turned them over to PO3 Hernandez, the Duty Desk Officer assigned on that day at Camp Karingal. An Inventory Report was immediately prepared and subsequently, a laboratory examination of the seized items were conducted upon the request made by PS Gerardo Ratuita. The plastic sachets with the markings of "JV", "JV1" and "JV2", containing white crystalline substance when subjected to a qualitative examination by Forensic Analyst in the person of Engr. Leonard M. Jabonillo, yielded positive results, and turned out to be methamphetamine hydrochloride, a dangerous drug.[39]

Undeniably, a testimony about a perfect chain is not always the standard as it is almost always impossible to obtain an unbroken chain.[40] What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items. The Implementing Rules and Regulations (IRR) of RA 9165 on the handling and disposition of seized dangerous drugs is clear on this matter, thus:

SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.--The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(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; Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items x x x. (Emphasis supplied.)

An astute perusal of the above-quoted provision of the IRR of RA 9165 readily reveals that the custodial chain rule is not to be rigorously applied, provided "the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team." Thus, the supposed procedural infirmities alleged by Quiamanlon with regard to the custody, photographing, inventory, and marking of the seized items do not, in any manner, affect the prosecution of the instant case and do not render her arrest illegal or the items seized from her inadmissible.

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.[41] In this case, Quiamanlon bears the burden to show 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.[42] Failing to discharge such burden, there can be no doubt that the drugs seized from Quiamanlon were the same ones examined in the crime laboratory. Evidently, the prosecution established the crucial link in the chain of custody of the seized drugs.

#### Denial as an Inherently Weak Defense

This Court has held consistently that "denials unsubstantiated by convincing evidence are not enough to engender reasonable doubt particularly where the prosecution presents sufficiently telling proof of guilt,"[43] as in the instant case.

The sachet containing the dangerous drug was positively identified by PO3 Villamor during trial as the very sachet containing the white crystalline substance sold and delivered to him by Quiamanlon. Thus, Quiamanlon's denial is self-serving and has little weight in law.

A bare denial is an inherently weak defense[44] and has been invariably viewed by this Court with disfavor, for it can be easily concocted but difficult to prove, and is a common standard line of defense in most prosecutions arising from violations of RA 9165.[45] And in the absence of any intent on the part of the police authorities to

falsely impute such crime against the accused, the presumption of regularity in the performance of duty stands.[46]

All told, We uphold the presumption of regularity in the performance of official duty and find that the prosecution has discharged its burden of proving the guilt of Quiamanlon beyond reasonable doubt.

WHEREFORE, the appeal is DENIED. The CA Decision in CA-G.R. CR No. 31896 finding accused-appellant Nene Quiamanlon y Malog guilty of the crimes charged is AFFIRMED.

**SO ORDERED.**

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Perez, JJ., concur.

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[1] Rollo, pp. 2-16. Penned by Associate Justice Andres B. Reyes, Jr. and concurred in by Associate Justices Vicente S.E. Veloso and Marlene Gonzales-Sison.

[2] CA rollo, pp. 31-43. Penned by Presiding Judge Fernando T. Sagun, Jr.

[3] Records, p. 2.

[4] Id. at 149.

[5] Rollo, p. 4.

[6] Id.

[7] Id. at 6.

[8] CA rollo, pp. 32-33.

[9] Rollo, p. 5.

[10] CA rollo, pp. 33-34.

[11] Rollo, pp. 5-6.

[12] Id. at 6.

[13] Records, p. 9.

[14] CA rollo, pp. 35-36.

[15] Id. at 36.

[16] Id. at 43.

[17] Id. at 55.

[18] Rollo, pp. 9-10.

[19] Id. at 11.

[20] Id. at 13-14.

[21] Id. at 16.

[22] Id. at 17-18.

- [23] Id. at 22-23.
- [24] *Fuentes v. Court of Appeals*, G.R. No. 109849, February 26, 1997, 268 SCRA 703, 708-709.
- [25] G.R. No. 186119, October 27, 2009, 604 SCRA 565, 590.
- [26] *People v. Alberto*, G.R. No. 179717, February 5, 2010, 611 SCRA 706, 713; citing *People v. Dumlao*, G.R. No. 181599, August 20, 2008, 562 SCRA 762, 770.
- [27] TSN, September 27, 2005, pp. 4-9.
- [28] Id. at 12-17.
- [29] TSN, September 14, 2006, pp. 12-13.
- [30] TSN, September 27, 2005, pp. 9-12.
- [31] *People v. Gutierrez*, G.R. No. 177777, December 4, 2009, 607 SCRA 377, 390-391; citing *People v. Pringas*, G.R. No. 175928, August 31, 2007, 531 SCRA 828, 846.
- [32] *Buenaventura v. People*, G.R. No. 171578, August 8, 2007, 529 SCRA 500, 513.
- [33] G.R. No. 141699, August 7, 2002, 386 SCRA 581, 597-598.
- [34] CA rollo, p. 63.
- [35] Id. at 64.
- [36] *People v. Doria*, G.R. No. 125299, January 22, 1999, 301 SCRA 668, 718.
- [37] *People v. Cortez*, G.R. No. 183819, July 23, 2009, 593 SCRA 743, 762.
- [38] Id.; citing *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632.
- [39] Rollo, pp. 12-13.
- [40] *People v. Cortez*, supra note 42, at 763.
- [41] *People v. Ventura*, G.R. No. 184957, October 27, 2009, 604 SCRA 543, 562; citing *People v. Agulay*, G.R. No. 181747, September 26, 2008, 566 SCRA 571, 595.
- [42] Id.
- [43] *People v. Eugenio*, G.R. No. 146805, January 16, 2003, 395 SCRA 317, 326; citing *People v. Del Mundo*, G.R. No. 138929, October 2, 2001, 366 SCRA 471.
- [44] *People v. Dulay*, G.R. No. 150624, February 24, 2004, 423 SCRA 652, 662; citing *People v. Arlee*, G.R. No. 113518, January 25, 2000, 323 SCRA 201, 214.
- [45] *People v. Barita*, G.R. No. 123541, February 8, 2000, 325 SCRA 22, 38.
- [46] *People v. Cruz*, G.R. No. 185381, December 16, 2009, 608 SCRA 350, 368.

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