OFFICIAL GAZETTE · FIRST DIVISION · JUNE 6, 2011

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DARIUS BAUTISTA Y ORSINO @ DADA, ACCUSED-APPELLANT.

G.R. No. 191266, June 06, 2011

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The Case

This is an appeal from the August 20, 2009 Decision [1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03300, which affirmed the April 16, 2008 Decision [2] in Criminal Case No. 04-231073 of the Regional Trial Court (RTC), Branch 2 in Manila. The RTC found accused Darius O. Bautista (Bautista) guilty of violating Section 5, Article II of Republic Act No. (RA) 9165 or the Comprehensive Dangerous Drugs Act of 2002.

The Facts

The charge against the accused stemmed from the following Information dated October 18, 2004:

> Criminal Case No. 04-231073
>
> That on or about October 15, 2004, in the City of Manila, Philippines, the said accused, not being authorized by law to sell, trade, deliver or give away any dangerous drug, did then and there willfully, unlawfully and knowingly sell zero point zero three four (0.034) gram of white crystalline substance containing methamphetamine hydrochloride, known as "shabu" a dangerous drug.
>
> Contrary to law. [3]

The case was originally tried jointly with Criminal Case No. 04-231074 against Armando Marcos y Balderama @ Onyo (Marcos), Bautista's brother-in-law, for violation of Sec. 11(3), Art. II of RA 9165. The instant appeal, however, relates only to accused Bautista in Criminal Case No. 04-231073, as Marcos, the accused in Criminal Case No. 04-231074, was acquitted by the RTC. Both cases arose out of the same facts and circumstances. Accordingly, common evidence was then presented during the trial.

At the arraignment, the accused, who was assisted by counsel, pleaded not guilty to the offense charged. Trial proceeded after the pre-trial.

During the trial, the prosecution offered the testimonies of Police Officer 2 Jonathan Ruiz (PO2 Ruiz) and PO2 Crispino Ocampo (PO2 Ocampo) both of the Western Police District's (WPD's) District Anti-Illegal Drugs-Special Operations Task Group (DAID-SOTG) on United Nations Avenue, Ermita, Manila. On the other hand, the defense presented, as its witnesses, the accused; co-accused Marcos; Irene Manabat (Manabat), a kakanin (native delicacy) vendor; and Anna Marie Ignacio (Ignacio), accused's neighbor and operator of a video karera. [4] At the pre-trial, the parties likewise stipulated the qualifications of Forensic Chemist Elisa G. Reyes (Reyes), and sought that the following documents be marked and admitted: [5]

> Exh. A
>
> Letter Request for Laboratory Examination
>
> Exh. A-1

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Stamp receipt appearing at the bottom portion of Exh. "A"

Exh. B

One (1) heat-sealed transparent plastic sachet containing white crystalline substance with marking "AMB"

Exh. B-1

One heat-sealed transparent plastic sachet containing white crystalline substance with marking "DBO"

Exh. B-2

Small brown envelope with marking D-1589-04

Exh. C

Chemistry Report No. D-1589-04

Exh. C-1

Findings and Conclusions

Exh. C-2

Signatures appearing at the bottom

Exh. D

Joint Affidavit of Apprehension

Exh. D-1

Page 2 of Joint Affidavit of Apprehension

Exh. D-2

Signatures of the police officers

Exh. E

Booking Sheet and Arrest Report of Darius Bautista

Exh. E-1

Booking Sheet and Arrest Report of Armando Marcos

Exh. F

Letter Request to the prosecutor, showing that both accused were properly booked and that inquest was properly conducted within the reglementary period.

Reyes conducted the laboratory examination of the specimen that is subject of the case. But her testimony, not having personal knowledge of the subject incident, was dispensed with by the RTC. [6]

The Prosecution's Version of Facts

The prosecution presented PO2 Ruiz as its first witness. He testified that a confidential informant called the WPD's office several times on October 15, 2004 to report that a certain person called "Dada" was engaged in dealing illegal drugs along Mata Street, Tondo, Manila. A buy-bust operation was, therefore, organized by Police Inspector Angel De Leon (P/Insp. De Leon) of the WPD. The buy-bust team was composed of PO2 Ruiz, PO2

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Ocampo, PO2 Rhumjalie Salazar, PO2 Dranred Cipriano, and PO1 Erwin Castro. [7] For this purpose, PO2 Ruiz was designated as the poseur-buyer and a one hundred-peso bill, which was to serve as the buy-bust money, was marked with "JR," representing the initials of PO2 Ruiz. [8]

He narrated that on the same day, at about 11:30 in the evening, the buy-bust team organized by the WPD went to Mata Street in Tondo, Manila, the site pointed out by the confidential informant, in order to execute the buy-bust operation. [9] The team first went around the area, then met with the confidential informant for the operation. The team saw "Dada" standing along Mata Street. While PO2 Ruiz and the confidential informant proceeded to approach "Dada," the rest of the buy-bust team hid themselves in a place where they could have a good view of the buy-bust operation that was to transpire, [10] which was about five to seven meters away. [11] During the operation, the informant introduced PO2 Ruiz as a buyer of shabu. [12] PO2 Ruiz then handed the marked money to "Dada" in exchange for a plastic sachet, which "Dada" took out from his right front pocket. [13] At this instance, PO2 Ruiz identified himself to "Dada" as a police officer and then made the pre-arranged signal to his colleagues by removing his ball cap. [14] Accused was arrested and brought to the DAID-SOTG. [15] PO2 Ruiz ordered accused to empty his pocket and recovered the marked money. [16] Marcos, who was within the vicinity accompanying "Dada," was likewise arrested. [17] PO2 Ruiz marked the plastic sachet with "DBO," the initials of accused, and thereafter turned it over to the investigator. [18] The investigator then turned the plastic sachet over to the WPD's Crime Laboratory for examination. [19]

PO2 Ocampo was presented by the prosecution as the second witness. He testified that on October 15, 2004, P/Insp. De Leon directed a number of police officers to conduct a buy-bust operation against a certain "Dada." Since PO2 Ocampo was very familiar with the target area for being a nearby resident, he volunteered to be part of the buy-bust team. He confirmed that PO2 Ruiz was designated as the poseur-buyer. When PO2 Ruiz and the informant went to the target area to conduct the buy-bust operation, PO2 Ocampo went to his residence, which was two blocks away from the target area, for approximately 30 minutes. Upon his return to the target area, PO2 Ruiz informed him that the operation had been consummated and two persons were arrested. The buy-bust team then brought the arrested persons to the police station for investigation. [20] PO2 Ocampo stated that he and PO2 Ruiz were also present when the accused and Marcos were turned over to the investigator. [21] PO2 Ocampo properly identified accused Bautista ("Dada") and Marcos in the RTC. [22]

The Defense's Version of Facts

The accused was presented as the first witness for the defense. He stated that on October 15, 2004 between 9 o'clock to 9:30 in the evening, he was inside his neighbor's house playing video karera with Marcos and five other people. [23] While they were playing video karera, about eight police officers suddenly arrived and announced, "Huwag kayong tatakbo mga pulis kami." (Do not run. We are police officers.) The accused testified that right after the verbal warning, the police officers frisked them. Thereafter, the five other persons in the house were released, and only the two of them, the accused and Marcos, were arrested. [24] They were then brought to the DAID-SOTG office on United Nations Avenue in Manila for investigation. [25]

The defense presented Manabat as its second witness. She testified that on October 15, 2004, she was at the video karera on 348 Mata Street, Tondo, Manila, when the arrest happened. She was there to have her money changed into coins. At the time, Ignacio, the owner and operator of the video karera, and some children were also present. She said that two persons in civilian clothes suddenly appeared and asked who the owner of the video karera was. Marcos answered that he did not know. Thereafter, accused and Marcos were frisked and then arrested. She further testified that accused and Marcos resisted by holding on to a steel bar such that Marcos' hand had to be burned by a cigarette in order for him to let go of it. [26]

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The defense then presented Marcos as the third witness. Marcos, a pedicab driver, testified that on October 15, 2004 at 10 o'clock in the evening, while he was at the video karera, two persons arrived asking him who the owner of the video karera was. He replied that he did not know. [27] He and accused were then frisked and forced to go with the said persons to the DAID-SOTG office.

The defense also presented Ignacio, the owner and operator of the video karera, as its witness. Ignacio testified that on October 15, 2004, she was at her house on 348 Mata St., Tondo, Manila, which was also where people played the video karera. She stated that at about 10 o'clock in the evening, three persons went inside her house and introduced themselves as police officers, while about three others waited outside. The police officers arrested two persons playing video karera in her house, [28] but the two resisted the arrest. [29] She said that she only knew one of the two arrested, Marcos, as he was her neighbor. She said further that besides the two persons arrested, three others were also playing video karera at the time of the arrest. One of them was a woman, which she identified to be her neighbor, Manabat. Finally, Ignacio stated that she was not arrested, notwithstanding the fact that she was operating a video karera, which was illegal. [30]

Ruling of the Trial Court

After trial, the RTC convicted the accused. The dispositive portion of its April 16, 2008 Decision reads:

> WHEREFORE, judgment is hereby rendered as follows, to wit:
>
> - In Criminal Case No. 04-231073 finding accused, Darius Bautista y Orsino @ Dada, GUILTY, beyond reasonable doubt of the crime charged, he is hereby sentenced to life imprisonment and to pay a fine of P500,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs;
>
> - In Criminal Case No. 04-231074, for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt, we hereby ACQUIT, accused, Armando Marcos y Balderama @ Onyo, for the crime charged. Costs de officio.
>
> The specimens are forfeited in favor of the government and the Branch Clerk of Court, accompanied by the Branch Sheriff, is directed to turn over with dispatch and upon proper receipt the said specimen to the Philippine Drug Enforcement Agency (PDEA) for proper disposal in accordance with the law and rules.
>
> SO ORDERED. [31]

In finding for the prosecution and convicting the accused of the crime charged, the RTC gave credence to the testimonies of the witnesses for the prosecution. The RTC held that the testimonies of the prosecution's witnesses, who are police officers, should be given full faith and credit, absent any clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duties. [32] Accused failed to show any ill motive on the part of the police officers to testify falsely against him.

The RTC further held that the accused's claim of alibi is not substantiated and therefore not believable. The RTC likewise did not give credence to the testimonies of Manabat and Ignacio, whose testimonies showed several inconsistencies and discrepancies that raised doubt as to their credibility. [33]

On the other hand, the RTC acquitted Marcos of the crime charged, because the testimonies of the police officers led to the conclusion that only accused Bautista could be held guilty beyond reasonable doubt of the crime. As seen in the testimony of PO2 Ruiz, the confidential informant pointed out accused Bautista only as the seller of prohibited drugs and the buy-bust operation was, thus, conducted against him. The RTC held that PO2 Ruiz had no personal knowledge of the arrest of Marcos, as he was apprehended by a companion of PO2 Ruiz while PO2 Ruiz himself was busy arresting the accused, Bautista. [34] PO2 Cruz, the officer who arrested Marcos, failed to testify in court. Marcos could, therefore, not be convicted of the crime charged.

Ruling of the Appellate Court

On August 20, 2009, the CA affirmed the judgment of the RTC. The dispositive portion of the CA Decision reads:

> WHEREFORE, the foregoing premises considered, the instant appeal is DISMISSED and the assailed Decision dated April 16, 2008 is AFFIRMED.
>
> SO ORDERED. [35]

The CA held that the factual findings of the trial court should be given great weight, considering that they have been fully substantiated by the evidence on record. [36] The CA held that there was in fact no break in the custody of the corpus delicti, i.e., the confiscated dangerous drug, which in this case is methamphetamine hydrochloride or shabu. [37] Finally, the CA ruled that the alleged non-compliance with the provision of Sec. 21 of the Comprehensive Dangerous Drugs Act of 2002 is not fatal, considering that the integrity and evidentiary value of the seized dangerous drug were properly preserved as can be gleaned from the facts of the case. [38]

The Issues

Hence, this appeal is before Us, with accused-appellant maintaining that the trial court erred in convicting him of the crime charged, despite the fact that his guilt was not proved beyond reasonable doubt. He alleges that reasonable doubt exists because there is a break in the chain of custody of the seized dangerous drug. He further alleges that there was a serious deviation from the requirements of Sec. 21 of the Comprehensive Dangerous Drugs Act of 2002 on the custody and disposition of the said seized dangerous drug.

The Court's Ruling

We sustain the conviction of accused-appellant.

Factual findings of the RTC should be given full faith and credit unless there is
a showing of a misinterpretation of material facts or grave abuse of discretion

In the present case, the prosecution and the defense presented very different facts of the case. It was, therefore, obligatory upon the RTC to determine which of these facts should be given great weight and credence. As We held in People v. Gabrino: [39]

> We have held time and again that "the trial court's assessment of the credibility of a witness is entitled to great weight, sometimes even with finality." As We have reiterated in the very recent case of People v. Jose Pepito Combate, where there is no showing that the trial court overlooked or misinterpreted some material facts or that it gravely abused its discretion, then We do not disturb and interfere with its assessment of the facts and the credibility of the witnesses. This is clearly because the judge in the trial court was the one who personally heard the accused and the witnesses, and observed their demeanor as well as the manner in which they testified during trial. Accordingly, the trial court, or more particularly, the RTC in this case, is in a better position to assess and weigh the evidence presented during trial.
>
> In the present case, in giving weight to the prosecution's testimonies, there is not a slight indication that the RTC acted with grave abuse of discretion, or that it overlooked any material fact. In fact, no allegation to that effect ever came from the defense. There is therefore no reason to disturb the findings of fact made by the RTC and its assessment of the credibility of the witnesses. To reiterate this time-honored doctrine and well-entrenched principle, We quote from People v. Robert Dinglasan, thus:
> In the matter of credibility of witnesses, we reiterate the familiar and well-entrenched rule that the factual findings of the trial court should be respected. The judge a quo was in a better position to pass judgment on the credibility of witnesses, having personally heard them when they testified and observed their deportment and manner of testifying. It is doctrinally settled that the evaluation of the testimony of the witnesses by the trial

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> court is received on appeal with the highest respect, because it had the direct opportunity to observe the witnesses on the stand and detect if they were telling the truth. This assessment is binding upon the appellate court in the absence of a clear showing that it was reached arbitrarily or that the trial court had plainly overlooked certain facts of substance or value that if considered might affect the result of the case. (Emphasis Ours.)

In appreciating the facts of the present case, the RTC gave credence to the testimonies of the prosecution's witnesses, which the CA found to be without grave abuse of discretion. The CA likewise did not make any finding that the RTC overlooked or misinterpreted a material fact. In fact, the CA affirmed the factual determination made by the RTC. As We have previously explained and discussed in Gabrino and in a multitude of cases, the trial court judge is in the best position to make this determination as the judge was the one who personally heard the accused and the witnesses, as well as observed their demeanor and the manner in which they testified during trial. [40] Accordingly, We do not disturb or interfere with the trial court's finding of facts and its assessment of the credibility of the witnesses.

Furthermore, the RTC made a very important observation that explains why it found the testimonies of the prosecution's witnesses more credible, to wit:

> Witness Anna Marie Ignacio when asked by us if she was also operating pedicabs aside from illegal video karera she answered no but when pressed if accused Armando [Marcos] was one of her drivers of pedicab, she reneged and admitted that indeed she was also operating pedicabs and Armando was one of the drivers. In her examination-in-chief, she claimed knowing Armando only because he is a neighbor. She is therefore lying and was also trying to save the hide of accused Armando and Darius. Had it not for the failure of PO Cruz, one who allegedly arrested and recovered the evidence from accused Armando, to testify in Court the prosecution could have proved beyond reasonable doubt his guilt. [41]

In appreciating the evidence for the prosecution, the CA ratiocinated, as follows:

> x x x The accused-appellant was caught by the police in flagrante in a buy-bust operation. The delivery of the contraband to the poseur buyer and the receipt of the marked money by the accused consummated the buy-bust transaction between the entrapping officer and the accused.
>
> Accused-appellant's challenge against the legality of the buy-bust operation is a closed issue. A buy-bust operation is a common form of entrapment that is resorted to for trapping and capturing felons in the execution of their criminal plan. The operation is sanctioned by law and has consistently proved to be an effective method of apprehending drug sellers. As for the convincing evidence that the members of the buy-bust team were inspired by improper motives or were not performing their duty, their testimonies on the operation deserve full faith and credit. No evidence of improper motive on the part of the buy-bust operation team was established. The allegation that the policemen brought the appellant and his companion forcefully to the police station when nothing was recovered from them, after asking P63,000.00 from them deserves scant consideration. As aptly held by the trial court, the defense of frame-up has been invariably viewed by the Supreme Court with disfavor for it can easily be concocted and, like denial, is a common and standard line of defense in most prosecutions arising from violation of the Dangerous Drugs Act. [42]

On the other hand, there were inconsistencies in the testimonies of the defense's witnesses, which, while only reflective of the circumstances surrounding the case, greatly demonstrate their lack of credibility.

First, as to the testimony of Marcos, he initially stated that when he was asked by the two persons who went inside the house with the video karera, he said that he did not know its owner. [43] However, when asked during cross-examination, he disclosed that not only did he know the owner of the video karera, but he also knew that the same person is actually the owner of the pedicab that he drives. [44] Marcos testified:

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Q:

What did they do, if any, after they arrived at the place, Mr. Witness?

A:

They asked, who is the owner of that video karera.

Q:

Whom did they ask for?

A:

Me, sir.

Q:

After they asked, who is the owner of that video karera, what was your reply?

A:

Then, I answered - I don't know the owner.

Q:

What happened after telling these two persons that you do not know the name of the owner of this video karera?

A:

And then, one of the two answered or uttered the words - searching. Then, I was frisked, sir.

x x x x

Q:

What was your route then?

A:

Divisoria, sir.

Q:

Everyday?

A:

Yes, sir.

Q:

Who owns that sidecar?

A:

Anna, sir.

Q:

Is she your neighbor?

A:

Yes, sir.

x x x x

Q:

Is the owner of this video karera renting this house?

A:

It is a house, sir.

Q:

Who owns that house?

A:

The owner of the sidecar, sir.

Q:

What is her name?

A:

Anna, sir.

Q:

Was Anna there at that time?

A:

Yes, sir. (Emphasis Ours.) [45]

Moreover, when Manabat testified, she said that she was at the video karera because she was changing her one hundred-peso bill into coins. [46] In fact, she stated that it only took her seconds to do so: [47]

Q:

What were do you doing there?

A:

I was changing my money into coins, sir.

x x x x

Q:

You said you were there because you are changing your money into coins, to whom you were changing it, from the owner of the video karera?

A:

To the owner, sir.

x x x x

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Q:

So, how much money you were holding then?

A:

P100.00, sir.

x x x x

Q:

How long have you made that changing your money into coins?

A:

Seconds only, sir.

Q:

So, you made this exchange in seconds. Is that what you mean?

A:

Yes, sir. (Emphasis Ours.) [48]

Contrary to Manabat's statement, there was clearly no indication in Ignacio's testimony that Manabat was at the place of the incident to change her money into coins. In fact, when Ignacio testified, she informed the trial court that Manabat was at the video karera to play:

Q:

What were they doing?

A:

They were playing.

Q:

Playing what?

A:

Video karera.

Q:

Who else aside from Darius and Armando were playing video karera that time?

A:

They were three (3), sir, one (1) female, sir.

Q:

And this female person, do you know her?

A:

Yes, sir.

> Q:
>
> What is her name?
>
> A:
>
> Irene Manabat, sir.
>
> Q:
>
> How do you know her?
>
> A:
>
> My neighbor, sir. (Emphasis Ours.) [49]

In addition to the RTC's finding of a lack of credibility on the part of the defense's witnesses, it has observed correctly that unless the defense could show with clear and convincing evidence that the members of the buy-bust team were inspired with ill motives or that they were not properly performing their duties, the defense's alibi of frame-up cannot stand. [50] We held in People v. Andres, "The Court has invariably viewed with disfavor the defenses of denial and frame-up. Such defenses can easily be fabricated and are common ploy in prosecutions for the illegal sale and possession of dangerous drugs." [51]

Considering the absence of either a mistake in the appreciation of material facts or grave abuse of discretion on the part of the trial court judge, and considering further the presumption of regularity on the actions of the police officers, the inconsistencies that raised doubt on the credibility of the defense's witnesses, and finally the opportunity of the trial court judge to directly observe the witnesses and ascertain their credibility, which remains uncontroverted, We do not disturb the said court's assessment of the facts. We, therefore, agree with the RTC's factual determination, which the CA consequently affirmed.

The chain of custody of the seized dangerous drug was properly and clearly established; consequently, the integrity and the evidentiary value of the seized dangerous drug were properly preserved by the apprehending police officers

The Comprehensive Dangerous Drugs Act of 2002 provides for the requirements in handling seized dangerous drugs. Particularly, its Sec. 21(1) requires that:

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

And the law's Implementing Rules and Regulations states:

> 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. (Emphasis Ours.)

We have ruled time and again that non-compliance with the afore-quoted provisions does not render the seizure of the dangerous drug void and the evidence inadmissible. [52] Conversely, the absence of a showing that the apprehending officer did not make an inventory of the seized items and that he did not take photographs of them is not fatal. [53]

Besides, the law itself lays down certain exceptions to the general compliance requirement, stressing the point that "as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team," the seizure of and custody over the dangerous drugs shall not be rendered void and invalid. [54]

In cases of dangerous drugs, what is important and necessary is for the prosecution to prove with moral certainty "that the dangerous drug presented in court as evidence against the accused [be] the same item recovered from his possession." [55]

In this case, it is undoubted that the witnesses for the prosecution clearly established such essential requirement. Right after the buy-bust operation on October 15, 2004, accused-appellant and Marcos were immediately brought to the DAID-SOTG office. And upon their arrival, PO2 Ruiz marked the specimens seized from accused-appellant with specific proper markings and turned them over to the investigator, who in turn referred them at once to the Philippine National Police Crime Laboratory for examination. The testimony of PO2 Ruiz clearly establishes this requirement:

> Fiscal Yap:
>
> Police Officer Ruiz, what is your participation in this case against Bautista?
>
> The Witness:
>
> I was the poseur buyer, sir.
>
> x x x x
>
> Q:
>
> What happened when you approached alias Dada?
>
> A:
>
> The confidential informant introduced me to alias Dada as the buyer of shabu, sir.

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Q:

What happened, what was his response?

A:

Nagpalitan po kami ng pera then nag-exchanged [sic] kami ng plastic sachet, sir.

Q:

Where did the plastic sachet come from?

A:

At right front pocket, sir.

Q:

Of?

A:

Dada, sir.

Q:

Then what happened when he handed to you this plastic sachet?

A:

After that, sir, I made a pre-arranged signal to my colleagues, sir.

x x x x

Q:

How about the plastic sachet, was it also turned over to the investigator?

A:

Yes, sir, I put markings before I turned it over to the investigator, sir.

Q:

What was the marking made?

A:

"DBO", sir.

Q:

What is the meaning of "DBO"?

A:

The initial of the suspect Darius Bautista y Orsino, sir.

x x x x

Q:

I am showing to you a plastic sachet could you recognize the same, is this the one sold to you by Bautista?

A:

Yes, sir.

x x x x

Q:

Now, how long did it take you from the time you were introduced and then there was somebody who will buy to Dada you said there was a transaction already how long it took?

A:

A few minutes, sir.

x x x x

Q:

And after that what happened, after that there was already exchanged [sic], what happened?

A:

When the plastic sachet was already with me I give [sic] my pre-arranged signal and then introduced myself as police officer, sir.

x x x x

Q:

And also this stuff that you were allegedly responsible for the recovery and also the other one where was it marked?

A:

At the office, sir, I marked it before I turned it over to the investigator, sir.

Q:

Did you mark it?

A:

Yes, sir.

Q:

What was the marking?

A:

The initials of the suspects, sir.

Q:

What is the initial?

A:

"DOB", sir.

Q:

Represents who?

A:

Darius Bautista y Orsino, sir.

x x x x

Q:

And you were not the one also who prepared for this examination to the laboratory of this alleged selling that you have confiscated?

A:

The investigator, sir.

Q:

Just the investigator. You were not also present when these cases of this two accused were presented before the inquest, you were not also present?

A:

I was there, sir.

Q:

When was that, that you represent, as the apprehending officer because you are the vital witness when was that if you can recall during the inquest of this two accused?

A:

The following day, sir.

Q:

When was that?

A:

October 16, 2004, sir. [56]

After the seized item was properly marked by PO2 Ruiz, it was turned over to the investigator and thereafter to the crime laboratory for examination. The seized item and documentary evidence showing that the item had been forwarded and stamped received by the PNP Crime Laboratory were presented to and offered as evidence in the RTC. These were properly marked and admitted. [57] In addition, the members of the buy-bust team executed their Joint Affidavit of Apprehension immediately after the operation and arrest. From the foregoing circumstances, it is unmistakable that there is no break in the chain of custody of the seized dangerous drug from the time that it came to the possession of PO2 Ruiz. At the same time, the seized item was likewise positively identified by PO2 Ruiz in court when it was presented. Clearly, there is no doubt that the integrity and evidentiary value of the seized dangerous drug were properly preserved by the apprehending officer, in compliance with what the law requires.

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WHEREFORE, the appeal is DENIED. The CA Decision in CA-G.R. CR-H.C. No. 03300, finding accused-appellant Darius Bautista y Orsino @ Dada guilty of the crime 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. 2-15. Penned by Associate Justice Portia Aliño-Hormachuelos and concurred in by Associate Justices Fernanda Lampas Peralta and Ramon R. Garcia.

[2] CA rollo, pp. 16-24. Penned by Judge Alejandro G. Bijasa.

[3] Rollo, pp. 3-4.

[4] Rollo, pp. 5-8; CA rollo, pp. 17-20. A video karera is a betting/coin slot machine, usually of virtual horse racing.

[5] Id. at 4; id. at 6; TSN, April 27, 2006, pp. 25-26.

[6] CA rollo, p. 17.

[7] Id. at 60; TSN, April 27, 2006, pp. 4-5.

[8] Id.; id. at 6.

[9] TSN, April 27, 2006, p. 4.

[10] Id. at 6.

[11] Id. at 16.

[12] Id. at 6 & 18.

[13] Id. at 6-7 & 19.

[14] Id. at 7 & 20.

[15] Id. at 7 & 19.

[16] Id. at 20.

[17] Id. at 19.

[18] Id. at 7, 22-23.

[19] Rollo, p. 6; CA rollo, p. 60.

[20] Id. at 6-7; id. at 59; TSN, April 20, 2006, pp. 3-5.

[21] TSN, April 20, 2006, p. 5.

[22] Id. at 3-5.

[23] Rollo, p. 7; CA rollo, p. 60; TSN, October 20, 2006, pp. 2-3.

[24] TSN, October 20, 2006, pp. 3-4.

[25] Id. at 4-5; rollo, p. 7.

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[26] TSN, May 21, 2007, pp. 2-4.

[27] TSN, November 8, 2007, pp. 2-3.

[28] TSN, April 1, 2008, pp. 3-4.

[29] Id. at 7.

[30] Id. at 4-7.

[31] CA rollo, p. 24.

[32] Id. at 20.

[33] Id. at 21-22.

[34] Id. at 23.

[35] Rollo, p. 14.

[36] Id.

[37] Id. at 13.

[38] Id. at 13-14.

[39] G.R. No. 189981, March 9, 2011; citing People v. Combate, G.R. No. 189301, December 15, 2010; People v. Agudez, G.R. Nos. 138386-87, May 20, 2004, 428 SCRA 692, 705; People v. Dinglasan, G.R. No. 101312, January 28, 1997, 267 SCRA 26, 39.

[40] People v. Gabrino, supra note 39.

[41] CA rollo, pp. 21-22.

[42] Rollo, pp. 10-11.

[43] TSN, November 8, 2007, pp. 3-4.

[44] Id. at 6 & 8.

[45] Id. at 3-4, 6 & 8.

[46] TSN, May 21, 2007, pp. 3, 6-7.

[47] Id. at 8.

[48] Id. at 2-3, 6-8.

[49] TSN, April 1, 2008, pp. 5-6.

[50] CA rollo, pp. 20-21.

[51] G.R. No. 193184, February 7, 2011.

[52] People v. Pambid, G.R. No. 192237, January 26, 2011; citing People v. De Mesa, G.R. No. 188570, July 6, 2010, 624 SCRA 248 & People v. Mariacos, G.R. No. 188611, June 21, 2010, 621 SCRA 327.

[53] People v. Presas, G.R. No. 182525, March 2, 2011.

[54] RA 9165, Implementing Rules and Regulations, Sec. 21(a). (Emphasis Ours.)

[55] Cacao v. People, G.R. No. 180870, January 22, 2010, 610 SCRA 636, 644-45.

[56] TSN, April 27, 2006, pp. 4-19.

[57] Id. at 27.

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