

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANDREW ROBLE, ACCUSED-APPELLANT.

G.R. No. 192188. April 11, 2011

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the July 14, 2009 Decision[1] of the Court of Appeals (CA) in CA-G.R. CEB CR-H.C. No. 00746, which affirmed the May 2, 2007 Decision[2] in Criminal Case No. DNO-2989 of the Regional Trial Court (RTC), Branch 25 in Danao City. The RTC found accused-appellant Andrew Roble (Roble) guilty of violating Section 5,[3] Article II of Republic Act No. (RA) 9165 or the Comprehensive Dangerous Drugs Act of 2002.

The Facts

The charge against Roble stemmed from the following Information:

That on or about March 12, 2003 at 6:30 o'clock in the evening more or less, in Looc, Danao City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, in a buy-bust operation, did then and there willfully, unlawfully and feloniously sell and deliver two (2) plastic packets containing "shabu" powder/granule a regulated drug with a total weight of zero point zero six (0.06) gram to a poseur-buyer for a total consideration of Three Hundred (P300) pesos without any corresponding license or prescription from the proper authorities as provided by law; and the aforesaid packets of "shabu" was turned over by the poseur-buyer to the police as evidence.

Contrary to law.[4]

On April 9, 2003, the City Prosecutor Dalmacio D. Suralta (City Prosecutor Suralta) issued a Resolution[5] authorizing the filing of the foregoing information against Roble. Accordingly, a warrant of arrest was issued on April 21, 2003[6] and Roble was arrested on June 17, 2003. On the same date, Roble, through his counsel, filed a Motion for Reinvestigation[7] of the case. In the said motion, Roble intimated that when the case was filed against him, he was in the province of Leyte and, thus, was not able to refute the allegations against him. In an Order dated June 20, 2003, the RTC granted the motion.[8]

After reinvestigation, City Prosecutor Suralta, however, did not find any reason to withdraw the said information[9] and it was given due course by the RTC.[10] As a result, Roble filed a Motion for Reconsideration of the Reinvestigation Report before the Office of the City Prosecutor, which was subsequently denied on January 19, 2004.[11]

On February 4, 2004, Roble was arraigned and pleaded "not guilty" to the offense charged.[12]

During the trial, the prosecution presented witnesses Police Officer 2 Castor Laurel (PO2 Laurel) and Medical Technologist Jude Daniel Mendoza (Medical Technologist Mendoza). On the other hand, the defense presented

accused Roble as its sole witness.

The Prosecution's Version of Facts

On March 12, 2003, at around 5:30 p.m., PO3 Matias Casas (PO3 Casas) received information through a telephone call regarding the illegal drug activities of a certain "Jojo" Roble in Looc, Danao City.[13] Coordination was then made with the Special Operations Group (SOG) and a buy-bust team was formed composed of PO3 Casas, PO2 Laurel, the SOG and the mayor of Danao City, Mayor Ramonito Durano (Mayor Durano).[14] A briefing was conducted where several pieces of marked 100-peso bills were handed to the poseur-buyer, Abner Banzon Cuizon (Cuizon), by PO3 Casas.[15]

At 6:30 p.m., the team proceeded to the reported area. PO3 Casas, PO2 Laurel and Cuizon were aboard a tricycle while the rest of the team were with Mayor Durano.[16] The tricycle was parked on the side of a road where Cuizon alighted and walked to a nearby store, leaving PO3 Casas and PO2 Laurel inside the tricycle. At this time, the tricycle was parked seven (7) meters away from the said store while the group of Mayor Durano was about thirty (30) meters away.[17]

PO2 Laurel saw Cuizon approach a person and hand him money in exchange for plastic sachets. Upon seeing Cuizon scratch his head, which was the pre-arranged signal, the policemen approached to arrest "Jojo" but he was able to flee from the scene.[18] PO3 Casas and PO2 Laurel signaled the rest of the team for assistance but all of them could not locate "Jojo."

Meanwhile, Cuizon gave the sachets to PO3 Casas when they approached to arrest "Jojo." PO3 Casas, in turn, gave them to the investigator, Senior Police Officer 3 Edgar Awe (SPO3 Awe). Thereafter, a request for laboratory examination was made and submitted to the Philippine National Police Crime Laboratory in Camp Sotero Cabahug, Gorordo Avenue, Cebu City.[19] After examination, Medical Technologist Mendoza issued Chemistry Report No. D-459-2003, which stated that the two (2) plastic sachets contained methylamphetamine hydrochloride or shabu.[20]

Version of the Defense

In contrast, Roble interposes the defenses of denial and alibi. He testified that from March 11, 2003 to June 14, 2003, he was in Babatngon, Leyte working, to avoid a frame-up by his enemy.[21]

Specifically, on March 12, 2003 at around 2:00 p.m., he went to his cousin, Danilo Roble, to ask him to accompany him to Wantai Piggery, owned by Nicomedes Alde (Alde), where he would apply as a worker on the recommendation of his uncle, Atty. Santiago Maravilles (Atty. Maravilles).[22] Alde told him to come back and bring his bio-data with picture and that he would start working on March 17, 2003.[23] He worked there until May 31, 2003 and was not able to return home until June 14, 2003. [24] In support of his claim, he presented a Barangay Certification issued by the Barangay Captain, affidavits of Alde and Danilo Roble, vouchers signed by Alde, and the endorsement letter of Atty. Maravilles.

Roble further testified that the poseur-buyer, Cuizon, is his enemy in Danao City. Roble's girlfriend, Leny Tiango (Tiango), informed him that Cuizon would frame him in a buy-bust operation because Tiango is also the girlfriend of Cuizon.[25]

Ruling of the Trial Court

After trial, the RTC found Roble guilty of the crime charged. The dispositive portion of its Decision reads:

WHEREFORE, the Court finds the prosecution to have sufficiently established the guilt of the accused beyond reasonable doubt for violating Sec. 5, Art. 11, of R.A. 9165 and, therefore, sentences him to suffer the penalty

of LIFE IMPRISONMENT and pay the fine of FIVE HUNDRED THOUSAND PESOS (P500,000.00). The two (2) packets of "shabu" which are the evidence in this case shall be forfeited in favor of the government, and turn over to PDEA for disposition and destruction.

SO ORDERED.[26]

On appeal to the CA, Roble argued that the testimony of PO2 Laurel was replete with inconsistencies.

Ruling of the Appellate Court

On July 14, 2009, the CA affirmed the judgment of the lower court based on the time-honored doctrine that the assessment by the trial court of the credibility of the witnesses and their testimonies deserves great respect. The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the appealed decision dated May 2, 2007 rendered by the Regional Trial Court, Branch 25, in Danao City is hereby AFFIRMED.

SO ORDERED.[27]

Roble timely filed a notice of appeal of the decision of the CA. On October 13, 2010, he filed his supplemental brief with this Court.

The Issues

Accused-appellant assigns the following errors:

I.

The trial court erred in convicting the accused-appellant of the crime charged despite failure of the prosecution to prove his guilt beyond reasonable doubt.[28]

II.

Both the [RTC] and the [CA] erred in relying upon the weakness of the defense of the accused, instead of the strength of the evidence of the prosecution against him, to come up with Decisions finding him guilty as charged.[29]

III.

Corollarily, the [CA] erred in finding that the basic elements for the sale of illegal drugs are present in this case.[30]

IV.

The [CA] erred in finding that the inconsistency in the markings appearing in the letter request and chemistry report are not material enough to cast doubt that the substance subjected for examination was indeed shabu.[31]

V.

The [CA] erred in finding that the assessment by the trial court of the credibility of the witnesses and their testimonies deserves great respect and remaining unconvinced that the lower court overlooked any important fact or misapprehended any relevant information, which if properly weighed and considered, would negate or erode its assessment.[32]

Our Ruling

The appeal is meritorious.

Accused-appellant argues that the trial and appellate courts erred in relying on the testimony of the prosecution witnesses. He points out several inconsistencies in the testimony of PO2 Laurel raising doubts as to its credibility. Further, he argues that the buy-bust operation was irregularly conducted resulting in a broken chain in the custody of the drugs.

We agree with accused-appellant.

It is hornbook doctrine that the evaluation of the trial court of the credibility of the witnesses and their testimonies is entitled to great weight and is generally not disturbed upon appeal. However, such rule does not apply when the trial court has overlooked, misapprehended, or misapplied any fact of weight or substance.[33] In the instant case, circumstances are present that, when properly appreciated, would warrant the acquittal of accused-appellant.

In the crime of sale of dangerous drugs, the prosecution must be able to successfully prove the following elements: "(1) identities of the buyer and seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor." [34] Similarly, it is essential that the transaction or sale be proved to have actually taken place coupled with the presentation in court of evidence of corpus delicti.[35] Corpus delicti means the "actual commission by someone of the particular crime charged." [36]

In the instant case, the prosecution has failed to prove all the elements of the crime with moral certainty.

A careful perusal of the testimony of PO2 Laurel readily reveals that there is serious doubt as to the identity of the seller. In his testimony, PO2 Laurel stated that when the transaction took place at 6:30 p.m., he was inside a parked tricycle located seven (7) meters away from where the transaction took place. Significantly the transaction occurred behind a store and not along the road. Add to this the fact that it happened at dusk, making it harder to see. Considering all these, it is, therefore, highly improbable that PO2 Laurel actually saw accused-appellant. In fact, he testified that the poseur-buyer approached a "certain person" and that he only assumed it was accused-appellant to whom the poseur-buyer was talking, viz:

Q

It is therefore safe to say that there is a distance of ten (10) to 15 meters between you and the person approached by the poseur buyer?

A

Around seven (7) meters, mam.

Q

At the time of the approach of your poseur buyer, he was just standing there outside of the road?

A

Not at the side of the road, but behind the store.

Q

This store was beside at the National Highway?

A

Yes, mam.

Q

At that time, there was still some day light?

A

Yes, mam.

Q

Nevertheless, the day light that was available at that time was not so bright anymore?

A

No mam, but there was an electrical light in that area.

Q

You were inside the cab of the tricycle, is that correct?

A

Yes, mam.

Q

PO3 Casas was also inside the cab together with you?

A

Yes, mam.

Q

Who was on the side that was nearest the road?

A

PO3 Casas.

Q

When you saw that poseur buyer approached the subject and it was not so bright anymore, you could only see that your poseur buyer approached a man?

A

Yes, mam, the poseur buyer approached a certain person.

Q

You assumed this man that the poseur buyer approached to be the subject Jojo Roble also known as Andrew Roble?

A

Yes, mam, he was the one.

Q

You stated that you had arranged with the poseur buyer to execute a pre-arranged signal by scratching of his head upon the completion of the transaction, is that right?

A

Yes, mam.

Q

And, it was the execution by this poseur buyer of that pre-arranged signal that prompted you and Police Officer Casas to rush towards the place where the poseur buyer and the subject were standing?

A

Yes, mam.[37] (Emphasis supplied.)

Clearly, PO2 Laurel's testimony cannot establish with moral certainty the identity of the seller. It baffles this Court why the prosecution did not present the poseur-buyer as he would be the best person to identify the identity of the seller. No justifiable reason was submitted as to why Cuizon's testimony could not be presented.

Even more doubtful is the identity and integrity of the dangerous drug itself. In prosecutions for illegal sale of dangerous drugs, "[t]he existence of dangerous drugs is a condition sine qua non for conviction x x x." [38] Thus, it must be established that the substance bought during the buy-bust operation is the same substance offered in court. The chain of custody requirement performs this function in that it ensures that unnecessary doubts concerning the identity of the evidence are removed.[39]

In *Malillin v. People*, [40] the Court explained the importance of the chain of custody, to wit:

Prosecutions for illegal possession of prohibited drugs necessitates that the elemental act of possession of a prohibited substance be established with moral certainty, together with the fact that the same is not authorized by law. 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. Essential therefore in these cases is that the identity of the prohibited drug be established beyond doubt. Be that as it may, the mere fact of unauthorized possession will not suffice to create in a reasonable mind the moral certainty required to sustain a finding of guilt. More than just the fact of possession, the fact that the substance illegally possessed in the first place is the same substance offered in court as exhibit must also be established with the same unwavering exactitude as that requisite to make a finding of guilt. The chain of custody requirement performs this function in that it ensures that unnecessary doubts concerning the identity of the evidence are removed.

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.

While testimony about a perfect chain is not always the standard because it is almost always impossible to obtain, an unbroken chain of custody becomes indispensable and essential when the item of real evidence is not distinctive and is not readily identifiable, or when its condition at the time of testing or trial is critical, or when a witness has failed to observe its uniqueness. The same standard likewise obtains in case the evidence is susceptible to alteration, tampering, contamination and even substitution and exchange. In other words, the exhibit's level of susceptibility to fungibility, alteration or tampering--without regard to whether the same is advertent or otherwise not--dictates the level of strictness in the application of the chain of custody rule.

Indeed, the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar

to people in their daily lives. *Graham vs. State* positively acknowledged this danger. In that case where a substance later analyzed as heroin--was handled by two police officers prior to examination who however did not testify in court on the condition and whereabouts of the exhibit at the time it was in their possession--was excluded from the prosecution evidence, the court pointing out that the white powder seized could have been indeed heroin or it could have been sugar or baking powder. It ruled that unless the state can show by records or testimony, the continuous whereabouts of the exhibit at least between the time it came into the possession of police officers until it was tested in the laboratory to determine its composition, testimony of the state as to the laboratory's findings is inadmissible.

A unique characteristic of narcotic substances is that they are not readily identifiable as in fact they are subject to scientific analysis to determine their composition and nature. The Court cannot reluctantly close its eyes to the likelihood, or at least the possibility, that at any of the links in the chain of custody over the same there could have been tampering, alteration or substitution of substances from other cases--by accident or otherwise--in which similar evidence was seized or in which similar evidence was submitted for laboratory testing. Hence, in authenticating the same, a standard more stringent than that applied to cases involving objects which are readily identifiable must be applied, a more exacting standard that entails a chain of custody of the item with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.

After a thorough review of the records of the instant case, this Court has serious doubts as to the identity of the drug in question. While a buy-bust operation is legal and has been proved to be an effective method of apprehending drug peddlers, due regard to constitutional and legal safeguards must be undertaken. It is the duty of the Courts to ascertain if the operation was subject to any police abuse.[41]

In his Supplemental Brief, accused-appellant aptly points out certain points in the evidence of the prosecution that cast uncertainty on the identity of the drug in question.

At the outset, it must be pointed out that there is confusion as to when the plastic sachet in question was turned over by the poseur-buyer to PO3 Casas. During PO2 Laurel's direct examination, he testified that the plastic sachet was handed over by the poseur-buyer to PO3 Casas when they arrived at the police station.[42] But, on cross-examination, his story changed. He testified that the poseur-buyer handed the plastic sachet when his team tried to approach him after he gave the pre-arranged signal, viz:

Q

It was already there at the Police Station that your poseur buyer handed the packet of shabu which he allegedly bought from the subject to your investigator?

A

There at the buy bust area, the poseur buyer delivered to Casas the plastic packet of shabu he bought from the subject.

Q

He gave that plastic sachet of shabu to Casas after you chased the accused, correct?

A

No, mam, upon approaching the poseur buyer, he handed to Casas the plastic packet of shabu, then we ran after the subject and, likewise, PO3 Casas followed us.[43]

After receiving the plastic sachet, PO3 Casas then gave it to the investigator, SPO3 Awe. From here, the trail becomes vague once again. The testimony of PO2 Laurel up to this point talks about a single plastic sachet, but

the Request for Laboratory Examination[44] (Request) identifies not one (1) but two (2) plastic sachets. This contradictory fact was not explained in his testimony. Further, one Police Superintendent Agustin G. Lloveras, Jr. (P/Supt. Lloveras) signed the Request. P/Supt. Lloveras was never mentioned in PO2 Laurel's testimony. It is unclear as to who he is and as to how he was able to obtain the plastic sachets. Similarly, it is uncertain as to how the plastic sachets were transferred to P/Supt. Lloveras from SPO3 Awe. Again, PO2 Laurel's testimony is bereft of any details as to the chain of custody of the drugs at these critical points.

Furthermore, the Request also mentions that the plastic sachets were marked "ARJ 1-2." Yet again, PO2 Laurel's testimony is lacking as to who marked the plastic sachets and when it was done.

Moreover, the testimony of Medical Technologist Mendoza reveals certain anomalies in the handling of the plastic sachets as well. In his testimony, a certain PO3 Enriquez delivered the plastic sachets. The trail from P/Supt. Lloveras to PO3 Enriquez was also not explained by the prosecution. Further, the sachets were delivered to Medical Technologist Mendoza in an unsealed packet, viz:

Q

Mr. Witness, when you received the specimens for examination, you received them attached to accompanying letter-request and already in bigger plastic packet. Is that correct?

A

Yes, Ma'am.

Q

Now, this bigger plastic packet was not sealed.

A

No, Ma'am.

Q

Only the two (2) smaller plastic packets inside them. Is that correct?

A

No, Ma'am.[45]

Obviously, the way the packets were delivered could make them easily susceptible to replacement or substitution. Medical Technologist Mendoza even attested that he had no knowledge as to who marked the plastic sachets since they arrived in his office already marked.

Clearly, the evidence presented by the prosecution is insufficient to prove that the plastic sachets of shabu allegedly seized from accused-appellant are the very same objects tested by the crime laboratory and offered in court as evidence. The chain of custody of the drugs is patently broken.

Similarly, the prosecution failed to follow the requisites found in Sec. 21 of the Implementing Rules and Regulations (IRR) of RA 9165, which outlines the post-procedure in taking custody of seized drugs, viz:

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.

Even though non-compliance with Sec. 21 of the IRR is excusable, such cannot be relied upon when there is lack of any acceptable justification for failure to do so. In *People v. Lorenzo*,^[46] citing *People v. Sanchez*,^[47] the Court explained that "this saving clause applies only where the prosecution recognized the procedural lapses, and thereafter explained the cited justifiable grounds."

In the instant case, no justifiable grounds were put forth by the prosecution for the procedural lapses. In his testimony, PO2 Laurel clearly stated that no inventory was made after he and his team obtained custody of the drugs. This is a patent violation of the aforementioned section. Citing *Zarraga v. People*,^[48] the Court, in *People v. Lorenzo*, held that "the lack of inventory on the seized drugs create[s] reasonable doubt as to the identity of the corpus delicti."^[49]

Parenthetically, no coordination with the Philippine Drug Enforcement Agency was made, in violation of Sec. 86(a) of the IRR of RA 9165.^[50]

Summing up all these circumstances, it behooves this Court not to blindly accept the flagrantly wanting evidence of the prosecution. Undoubtedly, the prosecution failed to meet the required quantum of evidence sufficient to support a conviction, in which case, the constitutional presumption of innocence prevails. As we have held, "When moral certainty as to culpability hangs in the balance, acquittal on reasonable doubt inevitably becomes a matter of right."^[51]

WHEREFORE, the CA Decision dated July 14, 2009 in CA-G.R. CEB CR-H.C. No. 00746 affirming the RTC's judgment of conviction is REVERSED and SET ASIDE. Petitioner Andrew Roble is hereby ACQUITTED on ground of reasonable doubt and is accordingly ordered immediately released from custody unless he is being lawfully held for another offense.

The Director of the Bureau of Corrections is directed to implement this Decision and to report to this Court the action taken hereon within five (5) days from receipt.

SO ORDERED.

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

[1] Rollo, pp. 3-11. Penned by Associate Justice Franchito N. Diamante and concurred in by Associate Justices Edgardo L. Delos Santos and Rodil V. Zalameda.

[2] CA rollo, pp. 29-33. Penned by Judge Edito Y. Enemecio.

[3] Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

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 (P100,000.00) 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 chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally 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] Records, p. 1.

[5] Id. at 7.

[6] Id. at 9.

[7] Id. at 12-13.

[8] Id. at 15.

[9] Id. at 17.

[10] Id. at 19.

[11] Id. at 128-129.

[12] Id. at 135.

[13] TSN, February 21, 2005, p. 4.

[14] TSN, August 24, 2004, p. 5.

[15] Records, p. 2.

[16] TSN, March 7, 2005, pp. 5-7.

[17] Id. at 5-6.

[18] TSN, August 24, 2004, p. 6.

[19] Records, p. 6.

[20] Id. at 195.

[21] TSN, March 29, 2005, p. 5.

[22] Id. at 5-6.

[23] TSN, July 20, 2005, p. 3.

[24] Id. at 4.

[25] Id. at 13.

[26] Records, pp. 231-232.

[27] Rollo, pp. 10-11.

[28] CA rollo, p. 20.

[29] Rollo, p. 57.

[30] Id.

[31] Id. at 68.

[32] Id. at 69.

[33] *People v. Casimiro*, G.R. No. 146277, June 20, 2002, 383 SCRA 390, 398; citations omitted.

[34] *People v. Lorenzo*, G.R. No. 184760, April 23, 2010, 619 SCRA 389, 400; *People v. Ong*, G.R. No. 175940, February 6, 2008, 544 SCRA 123, 132.

[35] *Cruz v. People*, G.R. No. 164580, February 6, 2009, 578 SCRA 147, 152-153.

[36] *People v. Dela Rosa*, G.R. No. 185166, January 26, 2011; *People v. Baga*, G.R. No. 189844, November 15, 2010.

[37] TSN, March 7, 2005, pp. 6-7.

[38] *People v. Robles*, G.R. No. 177220, April 24, 2009, 586 SCRA 647, 654.

[39] *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632.

[40] Id. at 631-634.

[41] *People v. Baga*, supra note 35; citing *People v. Herrera*, G.R. No. 93728, August 21, 1995, 247 SCRA 433, 439; *People v. Tadepa*, G.R. No. 100354, May 26, 1995, 244 SCRA 339, 341.

[42] TSN, August 24, 2004, p. 7:

Q After observing that the accused had ran away, what did you and your group do?

A We chased him, but unfortunately, we did not catch him. We even looked for him, but we were not able to find

him, we then went back to the station and our poseur buyer handed the shabu to PO3 Casas.

[43] TSN, March 7, 2005, pp. 6-7.

[44] Records, p. 6.

[45] TSN, February 7, 2005, pp. 14-15.

[46] Supra note 33, at 402.

[47] G.R. No. 175832, October 15, 2008, 569 SCRA 194.

[48] G.R. No. 162064, March 14, 2006, 484 SCRA 639, 647-650.

[49] Supra note 33, at 404.

[50] IRR of RA 9165, Sec. 86(a) Relationship/Coordination between PDEA and Other Agencies.--The PDEA shall be the lead agency in the enforcement of the Act while the PNP, the NBI and other law enforcement agencies shall continue to conduct anti-drug operations in support of PDEA: Provided, that the said agencies shall, as far as practicable, coordinate with the PDEA prior to anti-drug operations; Provided, further, that, in any case, said agencies shall inform the PDEA of their anti-drug operations within twenty-four (24) hours from the time of actual custody of the suspects or seizure of said drugs and substances, and shall regularly update the PDEA on the status of the cases involving the said anti-drug operations.

[51] Malillin v. People, supra note 38, at 639.

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