PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAMES GALIDO Y NOBLE, ACCUSED-APPELLANT.

G.R. No. 192231. February 13, 2013

Ponente: PEREZ, J.

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PEREZ, J.:

This is an appeal filed by herein accused James Galido y Noble (Galido) from the Decision[1] of the Court of Appeals (CA) affirming the decision of conviction rendered by the Regional Trial Court of Makati City for violation of Sections 5 and 11, Article II of R.A. No. 9165.[2]

The Facts
The prosecution presented a buy-bust case.

The operation was conducted on 5 November 2003, at around 6:00 o'clock in the evening by members of Makati Anti-Drug Abuse Council (MADAC) and Anti-Illegal Drug Special Operation Task Force (AIDSOTF). It was prompted by an information given to Punong Barangay Rodolfo Doromal (Doromal) of Pitogo, Makati City, who in turn, coordinated with AIDSOTF. SPO4 Arsenio Mangulabnan (SPO4 Mangulabnan), the head of AIDSOTF, designated PO2 Ruel Antigua (Antigua) to head the operation. Antigua coordinated with the Philippine Drug Enforcement Agency (PDEA), formed a team and assigned MADAC Operative Roberto Punzalan (Punzalan), as the poseur-buyer. He was given two pieces of P100.00 bills as buy-bust money.

The team together with the informant proceeded to the target area in Tanguile St., Brgy. Cembo, Makati City. Punzalan and the informant approached Galido, who was then standing near the gate of his house while the rest of the team positioned themselves nearby and waited for the pre-arranged signal by Punzalan who will light a cigarette. The informant introduced Punzalan to Galido as a person in need of illegal drugs. Then, Punzalan gave buy-bust money to Galido as payment. Galido put the money in his right pocket, drew a plastic sachet from his left pocket and gave it to Punzalan. Punzalan made the pre-arranged signal. The other members of the team approached and arrested Galido. Herminia Facundo (Facundo), also a member of the buy-bust team, then asked Galido to empty his pockets, which yielded another plastic sachet and the buy-bust money from the right pocket. Punzalan then placed the markings "JNG" on the plastic sachet he bought and "JNG-1" on the sachet recovered from the pocket of Galido.[3]

The defense interposed denial.

Galido narrated that he had just taken a bath and was dressing up when he heard a commotion outside his house. A man kicked his door and several men entered. When he asked why the men entered he was told that they were able to buy illegal drugs from him. He denied the accusation. The men frisked him but nothing was recovered. One of the men even poked a gun at his head. He asked for help from his relatives who were also inside the house. His uncle and sister-in-law came to his aid, but both of them failed to do anything against the men harassing him. He was brought to the Barangay Hall of Pitogo and was frisked by Punzalan and Facundo; again, nothing was recovered from him. Doromal showed him a plastic sachet containing shabu and told him that the same was

recovered from his possession. He denied such allegation. Doromal slapped him. [4] He was then subjected to a drug test which he eventually found out to have yielded positive results.

Galido was eventually charged with Illegal Sale and Possession of Dangerous Drugs punishable under Sections 5 and 11 of Article II of R.A. No. 9165.[5] When arraigned, he pleaded NOT GUILTY to the offenses charged.

Based on the Pre-Trial Order,[6] the prosecution and defense stipulated that Forensic Chemist Sharon Lontoc Fabros (Fabros) of the PNP Crime Laboratory conducted an examination on the samples submitted and they yielded positive results for methamphetamine hydrochloride commonly known as shabu.

The Ruling of the Trial Court
The trial court on 4 August 2007 rendered a decision[7] finding Galido GUILTY BEYOND REASONABLE DOUBT of the offenses charged and imposed on him (1) a penalty of life imprisonment and a fine of P500,000.00 for Violation of Section 5, Article II of R.A. No. 9165; and (2) imprisonment of twelve (12) years and one (1) day as minimum to twenty (20) years as maximum and pay a fine of P300,000.00 and costs for Violation of Section 11, R.A. No. 9165.

The Ruling of the Court of Appeals
The appellate court affirmed the ruling of the trial court. It ruled that all the elements of illegal sale and illegal possession of dangerous drug were proven. It found credible the statements of the prosecution witnesses Punzalan, Antigua and Facundo about what transpired during the buy-bust operation.[8] Further, it ruled that the prosecution has proven as unbroken the chain of custody of evidence.[9] It upheld the findings of the trial court regarding the regularity of performance of official duty of the police operatives who conducted the operation and the absence of ill-motive on their part in the conduct of the buy-bust.[10]

Our Ruling
After a careful review of the evidence, we uphold the finding on the credibility of the prosecution witnesses. We do not find any basis to doubt the integrity of their testimonies.

In illegal sale of dangerous drugs, the prosecution must establish the identity of the buyer and the seller, the object and consideration of the sale and the delivery of the thing sold and the payment therefor.[11]

In a manner straightforward, Punzalan narrated that he, acting as a poseur-buyer, bought two hundred peso-worth of shabu from Galido. Upon receiving the shabu and handing the payment to Galido, he made a pre-arranged signal to his companions to proceed to their location and arrest the accused.[12] Punzalan positively identified Galido as the subject of the buy-bust operation. He pointed to the markings “JNG and JNG-1” he made while at the site of the operation which markings identify the two sachets containing white crystalline substance, the corpus delicti that was presented in court.[13]

On the other hand, to prosecute illegal possession of dangerous drugs, there must be a showing that (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.[14]

As an incident to the arrest, Galido was ordered to empty his pockets which led to the confiscation of another plastic sachet containing illegal drugs. The defense presented no evidence to prove that the possession was authorized by law, the defense being non-possession or denial of possession. However, such denial cannot prevail over the positive identification made by the police officials.[15]

For the defense position to prosper, the defense must adduce clear and convincing evidence to overcome the presumption that government officials have performed their duties in a regular and proper manner.[16] Galido

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failed to present any evidence that the police officials were distrustful in their performance of duties. He even testified that prior to the arrest, he did not have any quarrel nor misunderstanding with the police officers nor was he acquainted with any reason that they carried a grudge against him.[17]

Too, the defense in its brief[18] tried to place a doubt on the chain of custody of evidence. He also questioned why Fabros was not presented to personally testify that she received the specimen taken from the accused.

The chain of custody requirement has long been clarified as needed to ensure that the integrity and evidentiary value of the seized items are preserved,[19] or simply to ensure that the substance seized from the accused is the same substance presented in court.

Upon review, we note that the request for examination and the two pieces of small heat sealed transparent plastic sachet marked as "JNG" and "JNG-1" were duly received by the PNP Crime Laboratory on 5 November 2003 at around 10:35 p.m.[20] The Physical Science Report[21] prepared by Fabros readily shows that the time the pieces of specimen were received matched the information on the letter-request sent by SPO4 Mangulabnan. The specimen tested positive for dangerous drugs. During the pre-trial conference, the parties stipulated that Fabros conducted an examination on the specimen submitted by Punzalan, through the Request for a Laboratory Examination ordered by SPO4 Mangulabnan. The result thereof positively identifying the sample as methamphetamine hydrochloride was likewise stipulated.

WHEREFORE, the instant appeal is DENIED. Accordingly, the decision of the Court of Appeals dated 29 January 2010 in CA-G.R. CR-H.C. No. 03275 is hereby AFFIRMED. No cost.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, and Perlas-Bernabe, JJ., concur.

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[1] Penned by Associate Justice Japar B. Dimaampao with Associate Justices Remedios A. Salazar- Fernando and Mario V. Lopez, concurring. Rollo, pp. 2-16.

[2] AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

[3] TSN, 19 August 2004, pp. 2-12.

[4] TSN, 28 June 2005, pp. 140-152.

[5] The accusatory portion of the Information in violation of Section 5 of Article II of R.A. No. 9165 reads:

> That on or about the 5[th] day of November 2003, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously sell, distribute and transport, weighing zero point zero one (0.01) gram of Methylamphetamine Hydrocloride (Shabu), which is a dangerous drug, in violation of the above-cited law.

Records, p. 2.

The accusatory portion of the Information in violation of Section 11 of Article II of R.A. No. 9165 reads:

> That on or about the 5th day of November 2003, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, not lawfully authorized to possess or otherwise

> use any dangerous drug and without the corresponding license or prescription, did then and there willfully, unlawfully and feloniously have in his possession, direct custody and conrol weighing zero point zero three (0.03) gram of Methalamphetamine Hydrochloride (Shabu), which is a dangerous drug, violation of the above-cited law.

Id. at 4.

[6] Id. at 33-36.

[7] CA rollo, pp. 61-68.

[8] CA Decision. Rollo, pp. 8-12.

[9] Id. at 13.

[10] Id. at 14.

[11] People v. Unisa, G.R. No. 185721, 28 September 2011, 658 SCRA 305, 324; People v. Manlangit, G.R. No. 189806, 12 January 2011, 639 SCRA 455, 463.

[12] TSN, 19 August 2004, p. 8.

[13] Id. at 11.

[14] People v. Abedin, G.R. No. 179936, 11 April 2012, 669 SCRA 322, 332 citing People v. Gutierrez, G.R. No. 177777, 4 December 2009, 607 SCRA 377, 390-391 further citing People v. Pringas, G.R. No. 175928, 31 August 2007, 531 SCRA 828, 846.

[15] People v. Arriola, G.R. No. 187736, 8 February 2012, 665 SCRA 581, 590; People v. Dela Cruz, G.R. No. 177324, 30 March 2011, 646 SCRA 707.

[16] People v. Del Monte, G.R. No. 179940, 23 April 2008, 552 SCRA 627, 639.

[17] TSN, 28 June 2005, p. 185.

[18] Accused-Appellant’s Brief. CA rollo, pp. 53-58.

[19] People v. Dela Rosa, G.R. No. 185166, 26 January 2011, 640 SCRA 635, 653 citing People v. Rosialda, G.R. No. 88330, 25 August 2010, 629 SCRA 507, 521; People v. Unisa, supra note 11 at 333.

[20] Request for Laboratory Examination. Records, p. 11.

[21] Id. at 12.

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