

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEL ANCHETA Y OSAN, JOHN LLORANDO Y RIGARYO, AND JUAN CARLOS GERNADA Y HORCAJO, ACCUSED-APPELLANTS.

G.R. No. 197371. June 13, 2012

Ponente: SERENO, J.

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SERENO, J.:

Before the Court is an appeal from the 30 November 2010 Decision of the Court of Appeals (CA)[1] affirming the 17 September 2008 Decision of the Makati City Regional Trial Court (RTC) in Criminal Case Nos. 04-2777, 04-2778, and 04-2779.[2] The RTC Decision convicted Joel Ancheta y Osan, John Llorando y Rigaryo, and Juan Carlos Gernada y Horcajo of violation of Article II of Republic Act No. 9165 (R.A. 9165), otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

We quote the narration of facts of the CA as follows:

[Version of the Prosecution]

On 10 August 2004, [Police Officer (PO) 1] Honorio Marmonejo, a police officer assigned at the Makati Police Station Anti Illegal Drugs Special Operation Task Force (SAID-SOTF), received a confidential information regarding the drug pushing activities of a certain alias “Joker” at Llorando Compound, Barangay East Rembo, Makati City. This alias “Joker” was also listed in the said office’s watchlist of suspected drug pushers.

Thereafter, an anti narcotics operation was planned by the police officers in order to apprehend alias “Joker”. A buy-bust team was formed comprising of four policemen and eight [Makati Anti-Drug Abuse Council (MADAC)] operatives from Cluster 5. PO1 Marmonejo was designated to act as poseur buyer while the rest of the team served as his back-up. Thereafter, five pieces of P100-bills were provided and marked for use in the operation. PO1 Voltaire Esguerra likewise coordinated with the Philippine Drug Enforcement Agency (PDEA) by accomplishing the necessary coordination form which was acknowledged and received by the PDEA.

At about 5:45 in the afternoon of the same day, the buy-bust team arrived at Llorando Compound, 25[th] Street, Barangay East Rembo, Makati City for the conduct of the buy bust operation. As the rest of the team positioned themselves strategically in places where they can monitor the transaction, PO1 Marmonejo as the poseur buyer, accompanied by PO1 Mendoza and the informant, entered a slightly opened gate through an alley way where they met a man who asked them where they were going. The informant replied that they were looking for Joker as they were going to purchase shabu from the latter. The man asked how much they were going to buy, to which the informant answered him that he was to purchase P500.00-worth of shabu. The man told them to wait for a while and then called for Joker. The same man thereafter told Joker that there were people who were going to buy from him. Joker asked him how much they were going to purchase, and the man replied that they were going to purchase P500.00-worth of shabu. Joker came out from inside the house, and it was at this instance that PO1 Marmonejo took out the marked money. Joker, in turn, gave him one plastic sachet containing white crystalline powder. The man they met at the alley took the marked money from him and handed it over to Joker. While the transaction was ongoing, the police officers noticed a man, more or less

3 to 4 meters away from them, washing clothes. After having received the buy bust money, Joker faced the man washing clothes and gave the latter one plastic sachet containing white crystalline substance as payment for his laundry service.

The transaction having been consummated, PO1 Marmonejo gave the pre-arranged signal of sending a missed call to PO1 Voltaire Esguerra, one of the back-up police officers. PO1 Mendoza, upon receiving the missed call, together with MADAC [operative Juan Siborboro], immediately went inside the house where the entrapment took place and assisted in effecting the arrest of the accused. PO1 Mendoza held alias Joker, who was later on identified as accused-appellant Joel Ancheta, and placed him under arrest. PO1 Marmonejo, on the other hand, arrested the man they met at the alley, who was later identified to be accused-appellant John Llorando. MADAC [operative] Siborboro, for his part, apprehended the man washing clothes, who was later identified as accused-appellant Juan Carlos Gernada.

Recovered from the possession of accused-appellant Ancheta after the latter's arrest were the marked money and five (5) other plastic sachets containing the white crystalline substance. On the other hand, accused-appellant Gernada yielded one (1) plastic sachet of white crystalline substance when requested to empty the contents of his pockets.

After informing all of the accused-appellants of their violations and nature of their arrest as well as their constitutional rights, they were subsequently brought to the office of the Makati City Police SAID-SOTF.

Consequently, the plastic sachets containing white crystalline substance were thereafter brought to the crime laboratory for examination and analysis. The results of the laboratory examination revealed that the substance was positive for "methamphetamine hydrochloride", otherwise known as "shabu", a dangerous drug.

Version of the Defense

On the other hand, the defense presented as its witnesses the three (3) accused-appellants.

In his defense, the accused-appellant Llorando denied the charge against him and claimed that, at 8:30 p.m. on 10 August 2004, he was cooking inside his house at 25th Avenue, East Rembo, Makati City when three (3) men suddenly entered his house and poked a gun at him and frisked him. When he was subsequently arrested by the three men, accused-appellant Llorando tried to struggle, but to no avail. His brother, who was inside the house, tried to intervene, but was not able to do anything.

Meanwhile, a few meters away from his house lived his brother-in-law, accused-appellant Ancheta and the latter's adopted son, accused-appellant Gernada.

The accused-appellants Ancheta and Gernada testified that on 10 August 2004, while Gernada was at the kitchen doing the dishes and Ancheta was sleeping in his room with his wife, five (5) men barged into their house without warning and arrested them. They were brought to a white vehicle, where they saw the accused-appellant Llorando, who was likewise apparently taken by the same group.

All the accused-appellants were subsequently brought by their unknown captors to the latter's office at J.P. Rizal, South Avenue, where they were charged afterwards for their alleged illegal drug activities.[3]

Thus, the following Informations were filed by the prosecutor before the Makati City RTC:

Criminal Case No. 04-2777:

The undersigned Prosecutor accuses JOEL ANCHETA y OSAN alias "Joker" and JOHN LLORANDO y RIGARYO alias "John" of the crime of Violation of Section 5 in relation to Section 26, Article II of R.A. 9165, committed as follows:

That on or about the 10[th] day of August 2004, in the City of Makati, Philippines, and within the jurisdiction

of this Honorable Court, the above-named accused, conspiring and confederating together and both of them mutually helping and aiding one another, without the corresponding license or prescription, did then and there willfully, unlawfully and feloniously sell, give away, distribute and deliver zero point ten (0.10) gram of Methylamphetamine Hydrochloride (shabu), which is a dangerous drug.

Criminal Case No. 04-2778:

The undersigned Prosecutor accuses JOEL ANCHETA y OSAN alias “Joker” of the crime of Violation of Section 11, Article II of R.A. 9165, committed as follows:

That on or about the 10[th] day of August 2004, in the City of Makati, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized by law, did then and there willfully, unlawfully and feloniously have in his possession direct custody and control a total weight of zero point twenty nine (0.29) grams of Methylamphetamine Hydrochloride (shabu) which is a dangerous drug, in violation of the above-cited law.

Criminal Case No. 04-2779:

The undersigned Prosecutor accuses JUAN CARLOS GERNADA y HORCAJO of the crime of Violation of Section 11, Article II of R.A. 9165, committed as follows:

That on or about the 10[th] day of August 2004, in the City of Makati, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized by law, did then and there willfully, unlawfully and feloniously have in his possession direct custody and control zero point zero three (0.03) gram of Methylamphetamine Hydrochloride (shabu) which is a dangerous drug, in violation of the above-cited law.

Criminal Case No. 04-3015:

The undersigned Prosecutor [accuses] JOHN LLORANDO y RIGARYO alias “Jake” of the crime of Use of Dangerous Drug under Section 15 of Republic Act No. 9165, committed as follows:

That sometime on or before or about the 10[th] day of August 2004, in the City of Makati, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law to use dangerous drug, and having been arrested and found positive for use of Methamphetamine after a confirmatory test, did then and there, willfully, unlawfully and feloniously use Methamphetamine, a dangerous drug in violation of the said law.

The RTC Ruling

In its 17 September 2008 Decision, the Makati City RTC found accused-appellants guilty of violating Article II of R.A. 9165 as follows: (a) Ancheta and Llorando were found guilty of violating Section 5 (Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals) and sentenced to suffer life imprisonment and to pay a fine of P500,000; (b) Ancheta and Gernada were found guilty of violating Section 11 (Possession of Dangerous Drugs) and sentenced to suffer the indeterminate penalty of imprisonment of (12) years and one (1) day as minimum to fourteen (14) years and one (1) day as maximum and to pay a fine of P300,000; and (c) Llorando was found guilty of violating Section 15 (Use of Dangerous Drugs) and sentenced to undergo rehabilitation for a period not less than six (6) months at a government drug rehabilitation. According to the RTC, the prosecution was able to establish the existence of all the elements necessary to convict a person of the offenses of illegal possession and sale of dangerous drugs. It also gave credence to the arresting officers’ narration of the incident, as they were presumed to have performed their official duties in a regular manner. It then rejected accused-appellants’ claims of frame-up. Llorando pled guilty to the charge of violating Section 15 of R.A. 9165.

The CA Ruling

On 30 November 2010, the CA issued a Decision affirming the reasoning of the RTC in the latter's 17 September 2008 judgment. The appellate court also explained that the failure of the arresting officers to comply with the proper procedure for the confiscation and seizure of dangerous drugs embodied in R.A. 9165 was not fatal to the prosecution's case. The CA then ruled that noncompliance with the procedure in Section 21 of R.A. 9165 would not absolve accused-appellants of the crimes of which they were found guilty and would not render their arrest illegal or the seizure of the items inadmissible. Since accused-appellant Llorando pled guilty of violating Section 15 of R.A. 9165, he no longer appealed to the CA his conviction for the use of dangerous drugs.

Issue

Whether or not noncompliance of the arresting officers with the procedure drawn in Section 21 of R.A. 9165 would discharge accused-appellants from the crimes of which they were convicted.

Discussion

Accused-appellants question the CA affirmation of their conviction by arguing[4] that the arresting officers failed to comply with the requirements for the proper custody of seized dangerous drugs under R.A. 9165. They claim that the officers failed to conduct the following: (1) make a physical inventory of the seized items; (2) take photographs of the items; and (3) establish that a representative each from the media, the Department of Justice (DOJ), and any elected public official had been contacted and was present during the marking of the items. Accused-appellants then contend that the prosecution did not prove that noncompliance with procedure was on justifiable grounds. They also aver that the prosecution was unable to establish that the apprehending team properly preserved the integrity and evidentiary value of the confiscated items.

In contrast, the Office of the Solicitor General (OSG) seeks the affirmation of the CA Decision by asserting[5] that the elements of the crimes of illegal sale and possession of dangerous drugs were established beyond reasonable doubt. The OSG insists that the positive testimonies of the arresting enforcers carry more weight than the negative assertions of accused-appellants, especially because the officers were presumed to have performed their duties regularly. It then maintains that there is no indication that the arresting officers were impelled by improper motive when they testified against accused-appellants.

On the issue of noncompliance with Section 21 of R.A. 9165, the OSG posits[6] that any failure to conform to the procedure therein would not cause the invalidity of the buy-bust operation and the inadmissibility of the confiscated items as evidence. It stresses that the preservation of the integrity and evidentiary value of the seized items is the most important consideration in the determination of the guilt or innocence of the accused. It then claims that the marking of the items ensured that the drugs seized from accused-appellants were the same as those presented during trial.

In the very recent case *People v. Umipang*,[7] we explained that the nature of a buy-bust operation necessitates a stringent application of the procedural safeguards specifically crafted by Congress in R.A. 9165 to counter potential police abuses. We held thus:

At the outset, we take note that the present case stemmed from a buy-bust operation conducted by the SAID-SOTF. We thus recall our pronouncement in *People v. Garcia*:

A buy-bust operation gave rise to the present case. While this kind of operation has been proven to be an effective way to flush out illegal transactions that are otherwise conducted covertly and in secrecy, a buy-bust operation has a significant downside that has not escaped the attention of the framers of the law. It is susceptible to police abuse, the most notorious of which is its use as a tool for extortion. In *People v. Tan*, this

Court itself recognized that “by the very nature of anti-narcotics operations, the need for entrapment procedures, the use of shady characters as informants, the ease with which sticks of marijuana or grams of heroin can be planted in pockets of or hands of unsuspecting provincial hicks, and the secrecy that inevitably shrouds all drug deals, the possibility of abuse is great. Thus, courts have been exhorted to be extra vigilant in trying drug cases lest an innocent person is made to suffer the unusually severe penalties for drug offenses.” Accordingly, specific procedures relating to the seizure and custody of drugs have been laid down in the law (R.A. No. 9165) for the police to strictly follow. The prosecution must adduce evidence that these procedures have been followed in proving the elements of the defined offense. (Emphasis supplied and citations omitted.)

Section 21 of R.A. 9165 delineates the mandatory procedural safeguards that are applicable in cases of buy-bust operations:

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; (Emphasis supplied.)

x x x x x x x x

Congress introduced another complementing safeguard through Section 86 of R.A. 9165, which requires the National Bureau of Investigation (NBI), Philippine National Police (PNP), and Bureau of Customs (BOC) to maintain close coordination with PDEA in matters of illegal drug-related operations:

x x x x x x x x

Given the nature of buy-bust operations and the resulting preventive procedural safeguards crafted in R.A. 9165, courts must tread carefully before giving full credit to the testimonies of those who conducted the operations. Although we have ruled in the past that mere procedural lapses in the conduct of a buy-bust operation are not ipso facto fatal to the prosecution’s cause, so long as the integrity and the evidentiary value of the seized items have been preserved, courts must still thoroughly evaluate and differentiate those errors that constitute a simple procedural lapse from those that amount to a gross, systematic, or deliberate disregard of the safeguards drawn by the law. Consequently, Section 21(a) of the [2002 Implementing Rules and Regulations of R.A. 9165 (IRR)] provides for a saving clause in the procedures outlined under Section 21(1) of R.A. 9165, which serves as a guide in ascertaining those procedural aspects that may be relaxed under justifiable grounds, viz:

x x x x x x x x

We have reiterated that “this saving clause applies only where the prosecution recognized the procedural lapses, and thereafter explained the cited justifiable grounds” after which, “the prosecution must show that the integrity and evidentiary value of the evidence seized have been preserved.” To repeat, noncompliance with the required procedure will not necessarily result in the acquittal of the accused if: (1) the noncompliance is on justifiable grounds; and (2) the integrity and the evidentiary value of the seized items are properly preserved by the apprehending team.

Accordingly, despite the presumption of regularity in the performance of the official duties of law enforcers, we

stress that the step-by-step procedure outlined under R.A. 9165 is a matter of substantive law, which cannot be simply brushed aside as a simple procedural technicality. The provisions were crafted by Congress as safety precautions to address potential police abuses, especially considering that the penalty imposed may be life imprisonment. In *People v. Coreche*, we explained thus:

The concern with narrowing the window of opportunity for tampering with evidence found legislative expression in Section 21 (1) of RA 9165 on the inventory of seized dangerous drugs and paraphernalia by putting in place a three-tiered requirement on the time, witnesses, and proof of inventory by imposing on the apprehending team having initial custody and control of the drugs the duty to “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”. (Emphasis supplied and citations omitted.)

Here, the records are bereft of any indication that would show that the prosecution was able to establish the arresting officers’ compliance with the procedural safeguards under R.A. 9165. Neither do the records contain any physical inventory report or photograph of the confiscated items. None of the arresting officers testified that they had conducted a physical inventory or taken pictures of the items. Nor did they state that there was even any attempt to contact a representative from the media and the DOJ, and an elected public official. Nowhere can it be found that the marking of the items was done in the presence of any of the said third-party representatives. In all these major lapses, no one gave so much as an explanation of why the procedure was not followed, or whether there was a justifiable ground for failing to do so. The arresting officers and the prosecution simply did not bother discussing these matters. The OSG does not dispute these assertions and instead counters that noncompliance was not fatal to the prosecution’s case. It then argues that the marking of the confiscated items was sufficient to protect the identity of the corpus delicti.

Though we have recognized that “[m]inor deviations from the procedures under R.A. 9165 would not automatically exonerate an accused,”[8] we have also declared that “when there is gross disregard of the procedural safeguards prescribed in the substantive law (R.A. 9165), serious uncertainty is generated about the identity of the seized items that the prosecution presented in evidence.”[9] We then ruled that such doubt “cannot be remedied by simply invoking the presumption of regularity in the performance of official duties, for a gross, systematic, or deliberate disregard of the procedural safeguards effectively produces an irregularity in the performance of official duties.”[10] Accordingly, “the prosecution is deemed to have failed to fully establish the elements of the crimes charged, creating reasonable doubt on the criminal liability of the accused.”[11]

Indeed, it is the preservation of the integrity and evidentiary value of the seized items that is of utmost importance in determining the admissibility of the evidence presented in court, especially in cases of buy-bust operations. That is why Congress saw fit to fashion a detailed procedure in order to ensure that the integrity and evidentiary value of the confiscated items would not be compromised. The marking of the seized items was only a piece in a detailed set of procedural safeguards embodied in R.A. 9165. If the arresting officers were unable to comply with the other requirements, they were under obligation to explain why the procedure was not followed and prove that the reason provided a justifiable ground. Otherwise, the requisites under the law would merely be fancy ornaments that may or may not be disregarded by the arresting officers at their own convenience.

We now raise serious concerns about the drug enforcement operations of the arresting officers. Records reveal that PDEA and the Makati City Police SAID-SOTF had been keeping accused-appellant Ancheta under surveillance. PO1 Marmonejo testified that he was already on the watch list of suspected drug pushers. Ancheta was known to have been regularly selling shabu at the same location in which he was arrested. Accused-appellants were arrested within the family compound of the Llorandos. These particular facts bolster the

impression that the buy-bust operation was a forthcoming action in which the arresting officers had ample time to prepare, plan, coordinate, and follow processes. Their inability, then, to follow the legal procedure in Section 21 under the present circumstances raises more questions on the facts surrounding the buy-bust operation. Consequently, the need to observe procedural safeguards outlined in R.A. 9165 becomes even more important.

We reiterate that R.A. 9165 has a strict mandate for the arresting officers to comply with the afore-quoted procedural safeguards. We further note that, before the saving clause provided under it can be invoked, Section 21(a) of the IRR requires the prosecution to prove the twin conditions of (a) existence of justifiable grounds and (b) preservation of the integrity and the evidentiary value of the seized items. In this case, the arresting officers neither presented nor explained justifiable grounds for their failure to (1) make a physical inventory of the seized items; (2) take photographs of the items; and (3) establish that a representative each from the media and the Department of Justice (DOJ), and any elected public official had been contacted and were present during the marking of the items. These errors were exacerbated by the fact that the officers had ample time to comply with these legal requirements, as they had already monitored and put accused-appellants on their watch list. The totality of these circumstances has led us to conclude that the apprehending officers deliberately disregarded the legal procedure under R.A. 9165. "These lapses effectively produced serious doubts on the integrity and identity of the corpus delicti, especially in the face of allegations of frame-up." [12] Accused-appellants would thereby be discharged from the crimes of which they were convicted.

The disposition of this case reminds us of our observation in *People v. Garcia*, in which we took note of the statistics relating to dismissal and acquittal in dangerous drugs cases. There we mentioned that "[u]nder PDEA records, the dismissals and acquittals accounted for 56% because of the failure of the police authorities to observe proper procedure under the law, among others." [13] We then noted an international study conducted in 2008, which showed that "out of 13,667 drug cases filed from 2003 to 2007, only 4,790 led to convictions (most of which were cases of simple possession); the charges against the rest were dismissed or the accused were acquitted." [14] Our own data [15] on the cases filed with us from 2006 to 2011 show that, out of those in which this Court made acquittals and reversals, 85% involved failure of the prosecution to establish the arresting officers' compliance with the procedural requirements outlined in Section 21 of R.A. 9165.

It is truly distressing how courts are constrained to make acquittals, dismissals, or reversals because of the inadvertent failure of arresting officers and the prosecution to establish compliance or justify noncompliance with a statutory procedure. It is even more troubling when those cases involve apparently known or long-suspected drug pushers. Congress was clear in its declaration on the eradication of the drug menace plaguing our country. Yet, also firm and stringent is its mandate to observe the legal safeguards under R.A. 9165. This is the reason why we have emphasized countless times that courts must remain vigilant in their disposition of cases related to dangerous drugs. Also, we have already called on the police, PDEA, and the prosecution to reinforce and review the conduct of buy-bust operations and the presentation of evidence. [16]

WHEREFORE, the appealed 30 November 2010 Decision of the CA, which affirmed the 17 September 2008 Decision of the Makati City RTC, is SET ASIDE. Accused-appellants Joel Ancheta y Osan, John Llorando y Rigaryo, and Juan Carlos Gernada y Horcajo are hereby ACQUITTED of the charges in Criminal Case Nos. 04-2777, 04-2778, and 04-2779 on the ground of reasonable doubt.

The Director of the Bureau of Corrections is hereby ORDERED to immediately RELEASE accused-appellants from custody, unless they are detained for some other lawful cause.

Let a copy of this Decision be furnished the Office of the Court Administrator for circulation to all courts.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo,[*] and Perez, JJ., concur.

[*] Designated additional member per Raffled dated 10 October 2011 in lieu of Associate Justice Bienvenido L. Reyes, who took no part due to prior action in the Court of Appeals.

[1] The Decision in CA-G.R. CR H.C. No. 03540 was penned by CA Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Bienvenido L. Reyes and Priscilla J. Baltazar-Padilla.

[2] The Decision of Makati City RTC was penned by Judge Gina M. Bibat-Palamos. It included the judgment in Criminal Case No. 04-3015; however, since accused-appellant Llorando pled guilty of violating Sec. 15 of R.A. 9165, he no longer appealed Criminal Case No. 04-3015 to the CA.

[3] CA Decision at 4-8 (CA-G.R. CR H.C. No. 03540, 30 November 2010), rollo, pp. 5-9.

[4] Brief for the Accused-Appellant at 10-12 (People v. Ancheta, CA-G.R. CR H.C. No. 03540, decided on 30 November 2010), CA rollo, pp. 50-52. In our 19 October 2011 Resolution, this Court noted the Manifestation of accused-appellants that they were adopting as their supplemental brief the 5 June 2009 Brief for the Accused-Appellants, which they filed with the CA (rollo, p. 41).

[5] Brief for the Plaintiff-Appellee at 6-14 (People v. Ancheta, CA-G.R. CR H.C. No. 03540, decided on 30 November 2010), CA rollo, pp. 77-85. In our 19 October 2011 Resolution, this Court noted the Manifestation of the Office of the Solicitor General that it was adopting as its supplemental brief the 7 October 2009 Brief for the Plaintiff-Appellee, it filed with the CA (rollo, p. 41).

[6] Brief for the Plaintiff-Appellee, *supra* note 5, at 14-16, CA rollo, pp. 85-87.

[7] G.R. No. 190321, 25 April 2012.

[8] People v. Umipang, *supra* note 7.

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] People v. Umipang, *supra* note 7.

[13] People v. Garcia, G.R. No. 173480, 25 February 2009, 580 SCRA 259.

[14] *Id.* at 277.

[15] The data were derived from a statistical report regarding violations of R.A. 9165 filed from 2006 to 2011. The Judicial Records Office of the Supreme Court prepared the report dated 4 April 2012.

[16] See People v. Garcia, *supra* note 13.

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