PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JERRY PUNZALAN AND PATRICIA PUNZALAN, ACCUSED-APPELLANTS.

G.R. No. 199087. November 11, 2015

Ponente: VILLARAMA, JR., J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-199087/

VILLARAMA, JR., J.:

Accused-appellants Jerry Punzalan and Patricia Punzalan seek the reversal of the Decision[1] of the Court of Appeals (CA) dated October 28, 2011 in CA-G.R. CR HC No. 04557 which affirmed the Joint Decision[2] dated March 29, 2010 and the Order[3] dated June 21, 2010 of the Regional Trial Court (RTC) of Pasay City, Branch 116 in Crim. Case No. R-PSY-09-01162-CR convicting them of violation of Section 11, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. No. 9165).

Accused-appellants were charged under the Information[4] docketed as Crim. Case No. R-Y-09-01162-CR for violation of Section 11, Article II of R.A. No. 9165, which reads as follows:

> That on or about the 03[rd] day of November 2009, in Pasay City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law did then and there willfully, unlawfully and feloniously have in their possession, custody and control 40.78 grams of Methamphetamine Hydrochloride, (shabu) a dangerous drug.
>
> CONTRARY TO LAW.

Upon arraignment, accused-appellants pleaded not guilty to the charge.

During the trial, the prosecution presented Intelligence Officer 1 Aldwin Pagaragan (IO1 Pagaragan), Special Investigator 2 Juancho Esteban (SI2 Esteban), Barangay Chairman Reynaldo Flores and Barangay Kagawad Larry Fabella as witnesses.

The prosecution established that on November 3, 2009, at around 4:30 in the morning, Intelligence Agent 1 Liwanag Sandaan (IA1 Sandaan) and her team implemented a search warrant[5] issued on October 28, 2009 by then Manila RTC Judge Eduardo B. Peralta, Jr. to (i) make an immediate search of the premises/house of accused-appellants Jerry and Patricia Punzalan, Vima Punzalan, Jaime Punzalan, Arlene Punzalan-Razon and Felix Razon who are all residents of 704 Apelo Cruz Compound, Barangay 175, Malibay, Pasay City; and (ii) to seize and take possession of an undetermined quantity of assorted dangerous drugs, including the proceeds or fruits and bring said property to the court.

Since there are three houses or structures inside the compound believed to be occupied by the accused-appellants, a sketch[6] of the compound describing the house to be searched was prepared and attached to the search warrant.

The Philippine Drug Enforcement Agency (PDEA) Team tasked to conduct the search was composed of IA1 Sandaan as team leader, SI2 Esteban and IO2 Jessica Alvarado (IO2 Alvarado) as arresting officers and IO1 Pagaragan as seizing officer.[7] IO1 Pagaragan made lateral coordination with the Southern Police District, Tactical Operations Unit, as evidenced by the Pre-Operation Report[8] dated November 3, 2009 and Authority to

Operate[9].

Before proceeding to the target area, they passed by the barangay hall to coordinate with Barangay Chairman Reynaldo Flores, Kagawad Larry Fabella and Kagawad Edwin Razon. The team likewise brought with them a media representative affiliated with "Sunshine Radio" to cover the operation. From the barangay hall, they walked toward the target place using as a guide the sketch they prepared.

When they were already outside the house of Jerry and Patricia Punzalan, which is a three-storey structure, IA1 Sandaan knocked on the door. A woman, later identified as accused-appellant Patricia Punzalan, slightly opened the door. When they introduced themselves as PDEA agents and informed the occupant that they have a search warrant, Patricia immediately tried to close the door but was not successful since the PDEA agents pushed the door open. The team was able to enter the house of Jerry and Patricia Punzalan who were both surprised when found inside the house. IO1 Pagaragan showed and read the search warrant infront of accused-appellants.

Inside the house, the team immediately saw plastic sachets placed on top of the table. IO1 Pagaragan was able to seize nine (9) heat-sealed plastic sachets, two (2) square-shaped transparent plastic containers and a small round plastic container. All three (3) plastic containers contained smaller heat-sealed plastic sachets of white crystalline substance of suspected shabu. There were also other paraphernalia, guns, money and a digital weighing scale. Accordingly, SI2 Esteban and IO2 Alvarado effected the arrest of accused-appellants Jerry and Patricia Punzalan after informing them of their constitutional rights. 101 Pagaragan immediately marked the seized items by placing the marking "ADP". After searching and marking the evidence found on the first floor, the team, together with the barangay officials and accused-appellants, proceeded to, and conducted the search on the second and third floors but found nothing. They went downstairs where they conducted the inventory of recovered items. 101 Pagaragan prepared the Receipt/Inventory of Property Seized[10] and a Certification of Orderly Search[11] which were later signed by the barangay officials.

After their arrest, accused-appellants Jerry and Patricia Punzalan were brought to the PDEA Office in Quezon City for investigation. IO1 Pagaragan presented the seized evidence to Atty. Benjamin Gaspe, who prepared the Booking Sheet and Arrest Report,[12] Request for Drug Test/Physical and Medical Examination. They likewise caused the preparation of their respective affidavits. Photographs were also taken during the actual search and inventory. Laboratory examination of the seized pieces of drug evidence gave positive results for the presence of methamphetamine hydrochloride, otherwise known as shabu, a dangerous drug.[13]

Thereafter, the accused-appellants were charged with violation of Section 11, Article II of R.A. No. 9165 for illegal possession of 40.78 grams of methamphetamine hydrochloride otherwise known as shabu, a dangerous drug.

In denying the charge, accused-appellant Jerry Punzalan testified that at around 5:45 in the morning of November 3, 2009, he was at his store located at 704, A-44 Apelo Cruz Street, Pasay City. Their house and store are two separate structures which are 70 meters apart. Patricia was inside the store fixing the grains. Jerry was about to open the store when he saw men running toward their main house, carrying a tank with hose attached to it. Jerry followed them and saw the men applying acetylene on their steel gate. Jerry shouted at them but the men poked their guns at him and when he answered in the affirmative after being asked if he is Jerry, they placed him in metal handcuffs, held him at the back of his shirt and brought him to his garage, about 30 meters from their house. He was later made to board a van, which is about five meters away from the garage. Inside the van, his wife Patricia was already there with her hands bound in plastic. They stayed there for more or less three hours. Then, Barangay Chairman Reynaldo Flores arrived. They were brought by the PDEA agents to their main house. Upon reaching the house, accused-appellants noticed that their belongings were already scattered. Inside their house,

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

there were two kagawads, two female and two male PDEA agents, whom they later identified as IO1 Pagaragan, IA1 Sandaan, SI2 Esteban and IO2 Alvarado, Kagawad Larry Fabella and Kagawad Edwin Razon. Their pieces of jewelry, cash amounting to P985,000 or almost a million pesos, 3,711 US dollars, 3,100 Holland, Euro, Malaysian Ringgit, things belonging to their children like PSP, gameboy, video camera, 14 units of cellphone, licensed gun, and three kilos of gold were likewise missing. Jerry testified that he kept a huge amount of cash in the house because he is engaged in "5-6" money-lending business. He also sells rice from Bulacan.

From the van, the PDEA agents made them go up to the 4[th] floor. He heard his children crying inside the room of his eldest child at the third floor. Accused-appellants explained that they sleep in the store because they close late at night and wake up very early. Their things were already scattered but no search was conducted upstairs. They were led down, brought out of the house and boarded the van. They were later brought to the PDEA office in Quezon City.

The defense also presented as witness accused-appellants' daughter, Jennifer Punzalan, to corroborate their claim. She testified that on November 3, 2009, between 5:45 and 6:00 o'clock in the morning, she was inside her room, together with her younger siblings. Her parents were at the store. The last time she saw her parents was on the night of November 2, 2009. In the morning of the following day, there were people searching their house. She was inside the room together with her siblings when somebody entered and searched the room. They just covered themselves with a blanket. She left the room at noontime when the persons who entered the room and her parents were no longer inside the house. They left the house only when Kagawad Edwin Razon fetched them.

Another witness presented by the defense is Kagawad Edwin Razon who testified that when he arrived at the house of accused-appellants, after he was summoned by Barangay Chairman Reynaldo Flores for the purpose of conducting a search in the house of the Punzalans, the door was open, there was a .45 pistol on top of the table, an agent of PDEA was marking the exhibits which seem to be shabu, and the cabinets were already opened. There were four PDEA agents when he reached the house. He also noticed a reporter and a photographer. He sat for a while and then accused-appellants were brought inside the house, who came from the van. Later, he signed a document containing the list of evidence spread on the table. He said that they did not conduct any search because they just made a house tour up to the third floor.

Lastly, accused-appellant Patricia Punzalan testified that on November 3, 2009, between 5:45 and 6:00 o'clock in the morning, she was inside the store located at 704-A44 Apelo Cruz Street, Pasay City. Their house is 50 meters away from the store. Then, she noticed that there were many gun-carrying men, so her husband, Jerry, followed them. She went out to check what is going on. Two armed men then approached her and asked for her name. After she gave her name, Pat, they tied her hands with plastic. Then a van passed by and she was asked to board the van. After the van had run a few meters, it was parked for more or less three hours. Thereafter, the driver alighted and then the door was opened. She saw her husband who was already in handcuffs and was made to board the van. They also saw Barangay Chairman Reynaldo Flores. They were made to alight from the van and were brought inside the house. The door was already open and some PDEA agents, Kagawad Edwin Razon, Kagawad Larry Fabella and a reporter were there. One lady was sitting and another woman was standing. The reporter was sitting. The male PDEA agent was marking some plastic sachets, which they claimed to be shabu. They stayed inside the house for more or less one hour during which photographs were taken by the PDEA agents. She further said that while she was in her store, her four children were inside their house. PDEA agents brought them out and they were made to board the van.

In a Joint Decision[14] dated March 29, 2010, the trial court convicted accused-appellants for violation of Section 11, Article II, R.A. No. 9165 and sentenced them to suffer a penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum, and to pay a fine of P300,000.00.

The trial court held that the issuance of a search warrant against the premises of different persons named therein is valid as there is no requirement that only one search warrant for one premise to be searched is necessary for its validity. Also, the address of the accused-appellants Jerry and Patricia Punzalan was clearly and adequately described. A sketch that specifically identifies the places to be searched was attached to the records and such description of the place was unquestionably accurate that the PDEA agents were led to, and were able to successfully conduct their operation in the premises described in the search warrant.

The trial court also ruled that the implementation of the search warrant sufficiently complied with the requirements of the law. Despite accused-appellants' assertion that they were arrested outside their house and were made to board a van parked along the street beside the river and were not allowed by the PDEA agents to witness the search conducted inside the house, the trial court was convinced that accused-appellants Jerry and Patricia Punzalan were in fact inside their house and were physically present during the conduct of the search.

The trial court gave weight to the prosecution's version and found no reason to doubt the credibility of IO1 Pagaragan, whose testimony was sufficiently corroborated by SI2 Esteban. The court found no showing of any improper or ill motive on the part of both PDEA agents to testify against the accused-appellants and neither was there evidence that the two PDEA agents were not properly performing their official duties and functions at that time. On the other hand, the defense merely offered alibi and bare denials which cannot overcome the presumption of regularity of performance of functions accorded to 101 Pagaragan's and SI2 Esteban's detailed declarations under oath.

In its findings, the trial court observed that there were actually two phases of the search done in the Punzalan house. The first or initial search was done at the ground floor of the house, immediately after the PDEA agents gained entry and was beyond doubt made in the presence of both accused. This is where the bulk of illegal drugs were found, confiscated and consequently marked. The trial court further stated that it is of no moment that the barangay officials were not able to witness the said initial search and their failure to arrive on time to witness the first or initial search at the ground floor of the Punzalan house, or even their total absence thereat, will not render the subject search invalid and unlawful inasmuch as their presence is not required. The trial court held that the prosecution successfully and sufficiently established that the two accused were present during the initial search, thus, satisfying the requirement of a lawful and valid search.

The second phase of the search was conducted at the upper floors of the house after the markings on the 293 sachets of confiscated specimens were completed by 101 Pagaragan. This was witnessed and participated in by the barangay officials. Finally, after the search of the entire house was concluded, it is not disputed that an inventory of all the items seized was conducted by 101 Pagaragan in compliance with the provisions of Section 21, Article II of R.A. No. 9165. In fact, it was admitted by the barangay officials that they were requested to wait for the DOJ representative, to which they willingly acceded.

Accused-appellants filed a motion for reconsideration but it was denied in the Order[15] dated June 21, 2010. The trial court modified the Joint Decision by increasing the penalty to life imprisonment and the fine to P400,000.00.

On appeal, the CA affirmed the conviction of accused-appellants. The CA held that there was a valid search and seizure conducted and the seized items are admissible in evidence. The prosecution was able to prove all the elements of illegal possession of dangerous drugs: (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.

The pertinent portion of the CA Decision states:

> Given the foregoing, We do not find any error committed by the trial court in convicting accused-appellants for

> Violation of Section 11, Article II of RA 9165. From the evidence adduced, their guilt to the crime charged have been proved beyond reasonable doubt. Since the seized shabu weighs 40.78 grams, the modified penalty of life imprisonment and fine of P400,000.00 is maintained pursuant to Section 11, Article II of RA 9165.
>
> WHEREFORE, premises considered, the instant appeal is DENIED. The assailed Joint Decision dated March 29, 2010 and the Order dated June 21, 2010 of the Regional Trial Court, Branch 116, Pasay City are here AFFIRMED.
>
> SO ORDERED.[16]

Hence, this appeal. Accused-appellants set forth the following errors allegedly committed by the CA:

> - That the SEARCH WARRANT NO. 09-14814 issued by JUDGE ED[U]ARDO PERALTA, Jr., of Branch 17-RTC Manila, was in fact illegally procured and unlawfully implemented.
>
> - The Prosecution miserably failed to establish the guilt of accused- appellants for alleged possession of illegal drugs as the requirement demanded by Chain-in-Custody [chain of custody] Rule were never met.
>
> - The Prosecution failed to establish the guilt of the accused-appellants beyond reasonable doubt.[17]

In assailing the validity of the search warrant, accused-appellants claim that the PDEA agents who applied for a search warrant failed to comply with the requirements for the procurement of a search warrant particularly the approval of the PDEA Director General. Accused-appellants also contended that the court which issued the search warrant, the RTC of Manila, Branch 17, had no authority to issue the search warrant since the place where the search is supposed to be conducted is outside its territorial jurisdiction.

We are not persuaded. A.M. No. 03-8-02-SC, entitled "Guidelines on the Selection and Appointment of Executive Judges and Defining their Powers, Prerogatives and Duties" as approved by the Court in its Resolution of January 27, 2004, as amended, provides:

> SEC. 12. Issuance of search warrants in special criminal cases by the Regional Trial Courts of Manila and Quezon City. - The Executive Judges and, whenever they are on official leave of absence or are not physically present in the station, the Vice-Executive Judges of the RTCs of Manila and Quezon City shall have authority to act on applications filed by the National Bureau of Investigation (NBI), the Philippine National Police (PNP) and the Anti-Crime Task Force (ACTAF), for search warrants involving heinous crimes, illegal gambling, illegal possession of firearms and ammunitions as well as violations of the Comprehensive Dangerous Drugs Act of 2002, the Intellectual Property Code, the Anti-Money Laundering Act of 2001, the Tariff and Customs Code, as amended, and other relevant laws that may hereafter be enacted by Congress, and included herein by the Supreme Court.
>
> The applications shall be endorsed by the heads of such agencies or their respective duly authorized officials and shall particularly describe therein the places to be searched and/or the property or things to be seized as prescribed in the Rules of Court. The Executive Judges and Vice-Executive Judges concerned shall issue the warrants, if justified, which may be served outside the territorial jurisdiction of the said courts.
>
> x x x x[18]

In the instant case, aside from their bare allegation, accused-appellants failed to show that the application for search warrant of the subject premises was not approved by the PDEA Regional Director or his authorized representative. On the contrary, the search warrant issued by the RTC of Manila, Branch 17 satisfactorily complies with the requirements for the issuance thereof as determined by the issuing court, thus:

> Pursuant to Section 2, Article 3 of the 1987 Constitution, Sections 2 to 5, Rule 126 of the 2000 Rules on Criminal Procedure, modified by Section 12 of Supreme Court En Bane Resolution in A.M. No. 03-08-02-SC

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> dated January 27, 2004, and Certification dated October 28, 2009, it appearing to the satisfaction of the undersigned after personally examining under oath Agent Liwanag B. Sandaan and Agent Derween Reed both of Philippine Drug Enforcement Agency Metro Manila Regional Office, that there is probable cause, there are good and sufficient reasons, to believe that undetermined quantity of assorted dangerous drugs, particularly shabu, including the proceeds or fruits and those used or intended to be used by the respondents as a means of committing the offense, you are hereby commanded to make an immediate search at any time in the day or night of the premises above described and forthwith seize and take possession of the undetermined quantity of assorted dangerous drugs including the proceeds 01 fruits and bring said property to the undersigned to be dealt with as the law directs.[19]

Moreover, we find no merit in accused-appellants' claim that the RTC of Manila, Branch 17, had no authority to issue the assailed search warrant since the place to be searched is outside its territorial jurisdiction. As aforecited, Section 12, Chapter V of A.M. No. 03-8-02-SC clearly authorizes the Executive Judges and the Vice-Executive Judges of the RTC of Manila and Quezon City to issue search warrants to be served in places outside their territorial jurisdiction in special criminal cases such as those involving heinous crimes, illegal gambling, illegal possession of firearms and ammunitions as well as violations of the Comprehensive Dangerous Drugs Act of 2002, as in this case, for as long as the parameters under the said section have been complied with.

In the issuance of a search warrant, probable cause requires such facts and circumstances that would lead a reasonably prudent man to believe that an offense has been committed and the objects sought in connection with that offense are in the place to be searched. There is no exact test for the determination of probable cause in the issuance of search warrants. It is a matter wholly dependent on the finding of trial judges in the process of exercising their judicial function. When a finding of probable cause for the issuance of a search warrant is made by a trial judge, the finding is accorded respect by reviewing courts.[20]

Accused-appellants insist that they were not inside their house and were inside the closed van when their house was searched. They allege that upon forcibly breaking into their house through the use of an acetylene torch, the members of the raiding party handcuffed them, dragged them outside and held them for three hours inside a van while conducting the' search of the premises. They thus argue that the shabu seized by the PDEA agents were inadmissible in evidence.

We affirm the conviction of accused-appellants.

It is a fundamental rule that findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, more so, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupportive conclusions can be gathered from such findings.[21] The reason behind this rule is that the trial court is in a better position to decide the credibility of witnesses having heard their testimonies and observed their deportment and manner of testifying during the trial. This rule finds an even more stringent application where the trial court's findings are sustained by the CA.[22]

After carefully reviewing the records of the case, we find no cogent reason to overturn the findings of both the lower courts, which were adequately supported by the evidence on record. It cannot be overemphasized that in cases involving violations of the Dangerous Drugs Act, credence should be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary.[23]

In the instant case, like the trial and the appellate courts, we are not persuaded by accused-appellants' claim that they were not inside their house but were inside a closed van when their house was searched. In weighing the testimonies of the prosecution witnesses vis-a-vis that of the defense, we find that the former is more worthy of credit. Both IO1 Pagaragan and SI2 Esteban clearly narrated how the search on the house of accused-appellants

was conducted. As aptly noted by the trial court and concurred in by the appellate court, there were actually two phases of the search done in the house of accused-appellants. The first or initial search was done at the ground floor of the house, immediately after the PDEA agents gained entry. 101 Sandaan knocked on the house and a woman, later identified as Patricia Punzalan slightly opened the door and when they introduced themselves as PDEA agents and informed the occupant that they have a search warrant, Patricia immediately tried to close the door but was prevented by the PDEA agents from closing it and they were able to enter the premises. IO1 Pagaragan showed and read the search warrant in front of the accused-appellants and the agents searched the house and immediately found several heat-sealed transparent sachets of white crystalline substance of suspected shabu. Immediately, the seized items were marked "ADP" in the presence of accused-appellants and media practitioner Jimmy Mendoza. It has been sufficiently shown by the prosecution that accused-appellants were present when their house was searched. The pictures taken during the marking and inventory and showing the accused-appellants in their house are clear proof that they were present when their house was searched and the illegal drugs found were seized. It was only after the marking of the drugs and while the PDEA agents waited for the barangay officials to arrive that accused-appellants were made to board the van. This explains the testimony of Kagawad Edwin Razon that accused-appellants were not inside their house when he arrived. After the barangay officials arrived, accused-appellants were brought back to the house for the continuation of the search of the upper floors but they found no additional contrabands. They then went back to the ground floor to conduct inventory of the seized items.

The testimonies of the police officers who caught accused-appellants in flagrante delicto in possession of illegal drugs during the conduct of a valid search are usually credited with more weight and credence, in the absence of evidence that they have been inspired by an improper or ill motive. Here, there is no proof of any ill motive or odious intent on the part of the police officers to impute such a serious crime to accused-appellants.

On the other hand, accused-appellants hammer on the supposed inconsistencies in the testimonies of the witnesses such as whether barangay officials were present at the time of the conduct of the search. The latter was sufficiently explained by the prosecution while the other inconsistencies pertain to minor details and are so inconsequential that they do not affect the credibility of the witnesses nor detract from the established fact of illegal possession of dangerous drugs.

We have previously held that discrepancies and inconsistencies in the testimonies of witnesses referring to minor details, and not in actuality touching upon the central fact of the crime, do not impair their credibility. Testimonies of witnesses need only corroborate each other on important and relevant details concerning the principal occurrence. In fact, such minor inconsistencies may even serve to strengthen the witnesses' credibility as they negate any suspicion that the testimonies have been rehearsed.[24]

Notably, Section 8, Rule 126 of the Revised Rules of Criminal Procedure provides:

> SEC. 8. Search of house, room, or premises to be made in presence of two witnesses. - No search of a house, room, or any other premises shall be made except in the presence of the lawful occupant thereof or any member of his family or in the absence of the latter, two witnesses of sufficient age and discretion residing in the same locality.

As correctly ruled by the CA, even if the barangay officials were not present during the initial search, the search was witnessed by accused-appellants themselves, hence, the search was valid since the rule that "two witnesses of sufficient age and discretion residing in the same locality" must be present applies only in the absence of either the lawful occupant of the premises or any member of his family.

To successfully prosecute a case of illegal possession of dangerous drugs, the following elements must be

established: (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.[25] In the case at bench, the prosecution was able to establish with moral certainty the guilt of the accused-appellants for the crime of illegal possession of dangerous drugs. Accused-appellants were caught in actual possession of the prohibited drugs during a valid search of their house. It bears stressing that aside from assailing the validity of the search, accused-appellants did not deny ownership of the illegal drugs seized. They have not proffered any valid defense in the offense charged for violation of the Comprehensive Dangerous Drugs Act of 2002.

As to accused-appellants' assertion that the chain of custody rule has not been complied with when no inventory or acknowledgment receipt signed by Atty. Gaspe was submitted in evidence and that no evidence was shown as to the condition of the specimen upon its presentation to Atty. Gaspe, who was not presented in court to explain the discrepancy, we are also not persuaded.

This Court has time and again adopted the chain of custody rule, a method of authenticating evidence which 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. This would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered in 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.[26]

The Implementing Rules and Regulations of R.A. No. 9165 on the handling and disposition of seized dangerous drugs provides as follows:

> SEC. 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 the 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[.]

It is essential for the prosecution to prove that the prohibited drug confiscated or recovered from the suspect is the very same substance offered in court as exhibit. Its identity must be established with unwavering exactitude for it to lead to a finding of guilt.[27] In this case, the chain of custody of the seized illegal drugs was duly established from the time the heat-sealed plastic sachets were seized and marked by 101 Pagaragan to its subsequent turnover to Atty. Gaspe of the PDEA Office in Quezon City. 101 Pagaragan was also the one who personally delivered and submitted the specimens composed of 293 sachets of shabu to the PNP Crime Laboratory for laboratory

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

examination. The specimens were kept in custody until they were presented as evidence before the trial court and positively identified by IO1 Pagaragan as the very same specimens he marked during the inventory.

The fact that the Receipt/Inventory of Property Seized was not signed by Atty. Gaspe does not undermine the integrity and evidentiary value of the illegal drugs seized from accused-appellants. The failure to strictly comply with the prescribed procedures in the inventory of seized drugs does not render an arrest of the accused illegal or the items seized/confiscated from him inadmissible.[28] What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.[29]

With regard to the handling of the seized drugs, there are no conflicting testimonies or glaring inconsistencies that would cast doubt on the integrity thereof as evidence presented and scrutinized in court. It is therefore safe to conclude that, to the unprejudiced mind, the testimonies show without a doubt that the evidence seized from the accused-appellants at the time of the search was the same one tested, introduced and testified to in court. In other words, there is no question as to the integrity of the evidence against accused-appellants.

In fine, we find no error on the part of the CA in affirming the trial court's conviction of accused-appellants of illegal possession of dangerous drugs. The prosecution has proven beyond reasonable doubt the guilt of accused-appellants Jerry Punzalan and Patricia Punzalan of the crime charged. We likewise find proper the modification by the trial court of the penalty imposed to life imprisonment and a fine of P400,000.00

WHEREFORE, premises considered, the instant appeal is DISMISSED. The Decision dated October 28, 2011 of the Court of Appeals in CA-G.R. CR HC No. 04557 is hereby AFFIRMED.

With costs against the accused-appellants.

SO ORDERED.

Velasco, Jr., (Chairperson), Leonardo-De Castro,[*] Peralta, and Reyes, JJ., concur.

December 28, 2015

N O T I C E OF J U D G M E N T

Sirs/Mesdames:

Please take notice that on ___November 11, 2015___ a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on December 28, 2015 at 9:40 a.m.

Very truly yours,
(SGD)
WILFREDO V. LAPITAN
Division Clerk of Court

---

[*] Designated additional Member in lieu of Associate Justice Jose C. Mendoza, per Special Order No. 2273 dated November 9, 2015.

[**] While accused-appellants filed a motion for extension of time to file petition for review on certiorari, they did not file the intended petition. What they filed is a brief for accused-appellants.

[1] Rollo, pp. 72-92. Penned by Associate Justice Rosmari D. Carandang, with Associate Justices Normandie B. Pizarro and Samuel H. Gaerlan concurring.

[2] Records, pp. 156-178. Penned by Judge Racquelen Abary Vasquez. The Joint Decision was promulgated on April 21, 2010, id. at 179.

[3] Id. at 220-223.

[4] Id. at 1.

[5] Id. at 91.

[6] Id. at 92.

[7] Rollo, p. 75.

[8] Records, p. 100.

[9] Id. at 99.

[10] Id. at 93-96.

[11] Id. at 98.

[12] Id. at 22-23.

[13] Id. at 87-90.

[14] Supra note 2.

[15] Supra note 3.

[16] Rollo, p. 91.

[17] Id. at 10.

[18] Cited in Request of P/Dir. Gen. Razon for Authority to Delegate the Endorsement of Application for Search Warrant, 609 Phil. 472, 480-481 (2009).

[19] Supra note 5.

[20] Worldwide Web Corporation v. People, G.R. Nos. 161106 & 161266, January 13, 2014, 713 SCRA 18, 39-40.

[21] People v. Rom, G.R. No. 198452, February 19, 2014, 717 SCRA 147, 163.

[22] Id. at 163-164.

[23] People v. Steve, G.R. No. 204911, August 6, 2014, 732 SCRA 385, 396.

[24] People v. Velasquez, G.R. No. 177224, April 11, 2012, 669 SCRA 307, 318-319.

[25] People v. Lagahit, G.R. No. 200877, November 12, 2014, p. 7.

[26] People v. Mercado, G.R. No. 207988, March 11, 2015, p. 9.

[27] Id.

[28] Id.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[29] People v. Bulotano, G.R. No. 190177, June 11, 2014, 726 SCRA 276, 295.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.