

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANUELA FLORES Y SALAZAR @ WELLA ACCUSED-APPELLANT.

G.R. No. 201365. August 03, 2015

Ponente: PERALTA, J.

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PERALTA, J.:

This is a Petition for Review on Certiorari assailing the Decision[1] of the Court of Appeals (CA) dated September 2, 2011 in CA-G.R. CR-HC No. 04430. The CA affirmed the Decision[2] of the Manila Regional Trial Court (RTC) Branch 2, dated April 7, 2010 in Criminal Case Nos. 09-270069 and 09-270070, finding accused-appellant Manuela Flores y Salazar @ Wella, guilty beyond reasonable doubt of violation of Sections 5[3] and 11(3),[4] Article II of Republic Act (R.A.) 9165.[5]

The Information in Criminal Case No. 09-270069 charged Flores with violating Section 11(3) or illegal possession of dangerous drugs, which reads as follows:

That on or about the 28[th] day of July, 2009, in the City of Manila, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his possession and under his custody and control five [5] pcs. of heat-sealed transparent plastic sachets containing white crystalline substance each containing the following weight, to wit: A-“MF1” - ZERO POINT ZERO ONE FOUR [0.014] gram; B-“MF2” – ZERO POINT ZERO ZERO EIGHT [0.008] gram; C-“MF3” – ZERO POINT ZERO ONE FIVE [0.015] gram; that D-“MF4” – ZERO POINT ZERO ZERO SEVEN [0.007] gram; and E-“MF5” – ZERO POINT ZERO ZERO EIGHT [0.008] gram all containing Methylamphetamine Hydrochloride known as “SHABU”, which is a dangerous drug.

Contrary to law.[6]

A separate Information for violation of Section 5 or illegal sale of dangerous drugs was filed in Criminal Case No. 09-270070, which provides:

That on or about the 28[th] day of July, 2009, in the City of Manila, Philippines, the said accused, without being authorized by law to sell, trade, deliver, or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell one [1] heat-sealed transparent plastic sachet containing: ZERO POINT ZERO ONE TWO [0.012] gram of white crystalline substance containing Methylamphetamine Hydrochloride known as “SHABU”, which is a dangerous drug.

Contrary to law.[7]

When arraigned, Flores pleaded not guilty to both charges.[8]

The factual antecedents, as narrated by the prosecution witnesses during the trial, are as follows:

On July 28, 2009, an informant arrived at the District Anti-Illegal Drugs Special Operation Task Group of the Manila Police District and disclosed that a certain alias Wella was selling illegal drugs at Basan Street, corner Palanca Street, Quiapo, Manila. Later, alias Wella was identified as Manuela Flores, herein accused. Acting on

the report, Police Superintendent Harris Ebes created a team to conduct a buy-bust operation.

At around 8:30 p.m., the buy-bust team and the confidential informant proceeded to the target area. When they reached the corner of Palanca Street, a tomboy, later identified as Flores, met them and asked, “Kukuha ba kayo?” The poseur-buyer, PO3 Rodelio Salvador, answered, “Oo, kukuha kami, pang-gamit,” then gave her the marked money. Thereafter, Flores took out several pieces of sachet from her pocket, chose one (1), and handed PO3 Salvador a plastic sachet containing a white crystalline substance. After receiving the sachet, PO3 Salvador made the pre-arranged signal of removing his cap, prompting the other police officers to arrest Flores. They apprised her of her constitutional rights and ordered her to surrender the remaining plastic sachets from her pocket. PO3 Salvador marked the seized specimen from the sale as “MFS”, while those remaining sachets found in her possession were marked as “MF1” to “MF5”. They then brought Flores to the police station where PO3 Salvador turned over the seized plastic sachets and the buy-bust money to PO3 Elymar Garcia, the precinct investigator. They likewise prepared an inventory and took photographs of the seized items. Afterwards, the buy-bust team executed a Joint Affidavit of Apprehension.

Subsequently, PO3 Garcia requested for a laboratory examination of the confiscated substance, which tested positive for shabu.

On April 7, 2010, the RTC of Manila found Flores guilty beyond reasonable doubt of the offenses charged. The dispositive portion of its Decision reads:

WHEREFORE, judgment is hereby rendered as follows, to wit:

1. In Criminal Case No. 09-270069, finding accused, Manuela Flores y Salazar @ Wella, GUILTY beyond reasonable doubt of the crime charged, she is hereby sentenced to suffer the indeterminate penalty of 12 years and 1 day as minimum to 17 years and 4 months as maximum, to pay a fine of P300,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.
2. In Criminal Case No. 09-270070, finding accused, Manuela Flores y Salazar @ Wella, GUILTY beyond reasonable doubt of the crime charged, she is hereby sentenced to life imprisonment and to pay a fine of P500,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

The specimens are forfeited in favor of the government and the Branch Clerk of Court, accompanied by the Branch Sheriff, is directed to turn over with dispatch and upon receipt the said specimens to the Philippine Drug Enforcement Agency (PDEA) for proper disposal in accordance with the law and rules.

SO ORDERED.[9]

Aggrieved by the ruling of the trial court, Flores appealed before the CA. On September 2, 2011, the appellate court affirmed the lower court’s Decision, thus:

WHEREFORE, the appeal is DENIED. The Decision of the RTC, Branch 2, City of Manila, dated April 7, 2010, finding accused-appellant MANUELA FLORES y SALAZAR @ WELLA guilty beyond reasonable doubt of violating Sections 5 and 11(3), Article II of R.A. No. 9165 is hereby AFFIRMED.

SO ORDERED.[10]

Flores now seeks her acquittal before the Court. She contends that the arresting officers failed to comply with the procedure provided under Section 21, Article II of R.A. 9165.[11]

The petition is unmeritorious.

Section 21(1), Article II of R.A. 9165 provides:

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:

(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;

However, failure to strictly comply with the abovementioned procedure will not render an arrest illegal or the seized items inadmissible in evidence.[12] Substantial compliance is allowed as provided for in Section 21(a) of the Implementing Rules and Regulations (IRR) of R.A. 9165. This provision reads:

(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.[13]

Flores argues that the arresting officers violated Section 21, Article II of the IRR of R.A. 9165 and the chain of custody rule. The rule on chain of custody expressly demands the identification of the persons who handle the confiscated items for the purpose of duly monitoring the authorized movements of the illegal drugs and/or drug paraphernalia from the time they are seized from the accused until the time they are presented in court. Moreover, 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 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 possession of the witness, 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. Also, crucial in proving the chain of custody is the marking of the seized drugs or other related items immediately after they are seized from the accused.[14] It is settled that non-compliance with the procedure outlined in Section 21, Article II of the IRR of R.A. 9165 shall not render void and invalid such seizure as long as the apprehending officers are able to successfully preserve the integrity and evidentiary value of the confiscated items.[15]

The records in the case at bar would show that the authorities were able to maintain the integrity of the seized sachets and that the links in the chain of custody of the same were clearly established. PO3 Salvador, the poseur-buyer, testified that the entrapment took place on Basan Street, corner Palanca Street, Quiapo, Manila at around 8:30 p.m., on July 28, 2009. When he received the sachet with white crystalline substance, PO3 Salvador removed his cap as a signal for his fellow police officers to apprehend Flores. They informed her of her

constitutional rights and ordered her to surrender the remaining plastic sachets in her possession. PO3 Salvador then marked the seized specimen from the sale as “MFS”, while those remaining sachets recovered from her pocket were marked as “MF1” to “MF5”. Thereafter, they brought Flores to the police station for proper disposition. On their way, PO3 Salvador was the one who carried the confiscated sachets while his companions guarded Flores. When they reached the police station, PO3 Salvador turned over the seized plastic sachets and the buy-bust money to PO3 Garcia, the precinct investigator, who made an inventory and took photographs of said items. PO3 Garcia likewise prepared the laboratory request for examination and delivered the six (6) small transparent sachets with white crystalline substance to PCI Elisa G. Reyes at the crime laboratory on July 28, 2009, at about 9:40 p.m. Chemistry Report No. D-556-09 revealed that the marked items seized from Flores tested positive for Methylamphetamine hydrochloride or shabu. Subsequently, PO3 Salvador identified in court the marked items as the ones he indeed confiscated from Flores during the arrest.

Verily, there is no showing that the integrity and evidentiary value of the seized items were compromised in any way. Thus, the Court holds that there was indeed compliance with the requirements under R.A. 9165 and the prosecution has sufficiently established that there was an unbroken chain of custody over the seized illegal drugs.

WHEREFORE, the petition is DISMISSED. Consequently, the Court of Appeals Decision dated September 2, 2011 in CA-G.R. CR-HC No. 04430, affirming the Decision of the Manila Regional Trial Court Branch 2, dated April 7, 2010 in Criminal Case Nos. 09-270069 and 09-270070, finding accused-appellant Manuela Flores y Salazar @ Wella, guilty beyond reasonable doubt of violation of Sections 5 and 11(3), Article II of Republic Act 9165, is AFFIRMED. She is hereby sentenced to suffer the indeterminate penalty of 12 years and 1 day as minimum to 17 years and 4 months as maximum, ORDERED to PAY a fine of P300,000.00, and pay the costs in Criminal Case No. 09-270069. While in Criminal Case No. 09-270070, she is sentenced to life imprisonment, ORDERED to PAY a fine of P500,000.00, and pay the costs.

SO ORDERED.

Velasco, Jr., (Chairperson), Del Castillo,[*] Villarama, Jr., and Perez,[**] JJ., concur.

August 19, 2015

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on ___August 3, 2015___ a Decision, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on August 19, 2015 at 2:58 p.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[*] Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated October 1, 2014.

[**] Designated Acting Member in lieu of Associate Justice Bienvenido L. Reyes, per Special Order No. 2112

dated July 16, 2015.

[1] Penned by Associate Justice Ramon M. Bato, Jr., with Associate Justices Juan Q. Enriquez, Jr. and Florito S. Macalino; concurring; rollo, pp. 2-18.

[2] Penned by Judge Alejandro G. Bijasa; CA rollo, pp. 9-16.

[3] Illegal Sale of Dangerous Drugs.

[4] Illegal Possession of Dangerous Drugs.

[5] Comprehensive Dangerous Drugs Act of 2002.

[6] CA rollo, p. 9.

[7] Id. at 10.

[8] Records, pp. 17-18.

[9] CA rollo, pp. 15-16.

[10] Rollo p. 17.

[11] Id. at 38.

[12] People v. Salvador, G.R. No. 190621, February 10, 2014.

[13] Emphasis ours.

[14] Valencia v. People, G.R. No. 198804, January 22, 2014.

[15] People v. Cardenas, G.R. No. 190342, March 21, 2012.

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