

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MIKE STEVE Y BASMAN AND RASHID MANGTOMA Y NONI, ACCUSED-APPELLANTS.

G.R. No. 204911. August 06, 2014

Ponente: PEREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-204911/>

PEREZ, J.:

Before this Court is an appeal from the Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02460 affirming in toto the Decision[2] in Criminal Case No. 03-115457 rendered by the Regional Trial Court (RTC), Branch 103 of Quezon City. The RTC Decision found Mike Steve y Basman and Rashid Mangtoma y Noni guilty beyond reasonable doubt of drug pushing, particularly for violation of Section 5, Article II of Republic Act No. 9165 (R.A. No. 9165), otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Facts

Both accused were charged under the Information[3] docketed as Criminal Case No. Q-03-115457 for violation of Section 5, Article II of R.A. No. 9165, which reads as follows:

That on or about 20[th] day of February, 2003 in Quezon City, Philippines, the said accused, not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did, then and there, willfully, and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, Nine Hundred Seventy Two point eight (972.8) grams of white crystalline substance containing Methylamphetamine hydrochloride, [a] dangerous drug[.][4]

Upon arraignment, both accused Mike Steve and accused Rashid Mangtoma pleaded not guilty to said charge.[5] Subsequently, a full-blown trial proceeded.

Incidentally, the parties entered into stipulation and admitted the following: (a) that there was a letter request for the examination of the specimen involved in this case dated 20 February 2003 (Exhibit “A”); (b) that as a result of said letter request, an Initial Laboratory Report was issued finding the subject specimen positive of methamphetamine hydrochloride (Exhibit “B”); (c) that a Chemistry Report No. D-95-03 was issued by Forensic Chemist Mae Andrea Bonifacio (Forensic Chemist Bonifacio) subscribed and sworn to before an Administrative Officer as stated in a certification attached thereto (Exhibits “C” and “D”); (d) that the subject specimen was placed in a transparent plastic bag (Exhibit “E”); and (e) that the said chemist has no personal knowledge of the facts of this case. Accordingly, the testimony of Forensic Chemist Bonifacio was dispensed with.[6]

Records reveal that, based on the evidence presented,[7] the summary of factual findings of the trial court is stated as follows:

In 2003, a buy-bust operation was conducted by police officers PO3 Mohammad Sugod, Jr. and SPO3 Santiago Gonzales inside the Kimco Subdivision in Barangay Sauyo, Quezon City. The buy-bust team was formed due to the information received from the residents of the said subdivision regarding some illegal drug

activities. Surveillances were made.

The team prepared buy-bust money and PO3 Sugod was assigned as the poseur buyer. As planned, the team's informant made arrangement with the accused-appellants Mike Steve and Rashid Mangtoma for the purchase of one kilo of "shabu". On February 20, 2003, the team proceeded to the target area. At around ten (10) in the morning, the informant communicated to the police officers of the arrival of the accused-appellants. PO3 Sugod transacted with accused-appellant Mangtoma. A plastic bag containing (almost) one kilo of "shabu" was handed over to PO3 Sugod. After witnessing the transaction, SPO3 Gonzales approached the parties involved who were also inside the car. SPO3 Gonzales declared "Pulis kami, huwag na kayong manlaban pa". The accused-appellants were arrested and brought to the police station.

The item of the transaction was seized. It was subsequently subjected for laboratory examination in the Philippine National Police Crime Laboratory. A chemistry report manifesting that the confiscated substance yielded positive for methylamphetamine hydrochloride was issued by Forensic Chemist Officer May Andrea A. Bonifacio.

Both accused-appellants denied the commission of the crime. They alleged that a buy-bust operation was never conducted by the police officers. Both of them were temporarily staying in the residence of Spouses Pauto and Armpo Lilog when the policemen forced their way into the house. They were arrested together with the said spouses and a certain Noro.

In the police station, all of them were asked to pay the total amount of one (1) million pesos for their release. As accused-appellants failed to give any amount, only Noro and Spouses Pauto and Armpo Lilog were released.[8]

The Ruling of the RTC

The RTC rendered a Decision[9] finding both accused guilty beyond reasonable doubt of the crime of drug pushing, specifically in violation of Section 5, Article II of R.A. No. 9165, the dispositive portion of which is hereunder quoted as follows:

WHEREFORE, in view of the foregoing disquisitions, judgment is hereby rendered finding accused MIKE STEVE y BASMAN and RASHID MANGTOMA y Noni GUILTY beyond reasonable doubt of the crime of drug pushing and each is hereby sentenced to suffer LIFE IMPRISONMENT and each to pay a fine of P800,000.00.

The drug involved in this case is hereby ordered transmitted to the PDEA thru DDB for proper disposition.[10]

The court a quo gave emphasis to the undisputed fact established by the prosecution that a buy-bust operation was properly conducted, including prior surveillances, by the police operatives; that both accused were positively identified to be the source of the "shabu" submitted as evidence before the trial court; and that both accused sold the same to the arresting officers for a consideration. In other words, it ruled that the testimonies of the police operatives are more credible and reliable since there was absence of any evil motive on their part to allegedly barge into the house of any person and arrest and charge both accused for such serious crime. On the other hand, the mere denials of the accused were found to be weak and self-serving. It further pointed out that there were inconsistencies on the accused respective testimonies, aggravated further by the doubtful credibility of their corroborating witnesses as shown by their demeanors and implausible version of the story, particularly as to the alleged bribery.

The Ruling of the CA

On appeal, the accused-appellants contended that there were glaring inconsistencies with the testimonies of the prosecution's witnesses pertaining to the conduct of the buy-bust operation, and the manner of the alleged

consummation of sale of dangerous drug; that there were procedural lapses on the part of the buy-bust team to comply with Section 21(1) of R.A. No. 9165, which accordingly failed to secure the evidence related to the arrests, and to protect the chain of custody; and that ultimately, the prosecution miserably failed to prove the accused-appellants' guilt beyond reasonable doubt.[11]

However, the CA affirmed in toto the Decision of the RTC and dismissed the appeal.[12] The appellate court ruled that the prosecution was able to sufficiently bear out the statutory elements of the crime. It explained that the allegation of frame-up is a banal defense of those accused in drug-related cases that is viewed with disfavor since, like the defense of alibi, it is an allegation that can be easily concocted. Such defense must adduce clear and convincing evidence to overcome the presumption or regularity of official acts of government officials. Otherwise, the findings of the trial court with respect to the credibility of prosecution's witnesses shall prevail over that of the accused.[13] It further ruled that the alleged inconsistencies in the testimonies of the prosecution's witnesses were immaterial to establish beyond reasonable doubt that the crime was in fact committed by both accused. Besides, in criminal cases, the evaluation of the credibility of witnesses is addressed to the sound discretion of the trial judge, whose conclusion thereon deserves much weight and respect, because the judge has the opportunity to observe them on the stand and ascertain if they are telling the truth or not.[14]

Moreover, the CA held that failure to comply with Section 21 of R.A. No. 9165 will not render the arrest of the accused illegal, nor will it result to the inadmissibility in evidence against the accused of the illegal drugs seized in the course of the entrapment operation. What is of utmost relevance is the preservation of the integrity and maintenance of the evidentiary value of the confiscated illegal drugs, for in the end, the same shall necessarily be the thrust that shall determine the guilt or innocence of the accused. Although it was mentioned that the justifiable ground for non-compliance with Section 21 was not very well expressed by the police officers, this does not necessarily mean that the accused-appellants' arrest was illegal or the items seized inadmissible. Said justifiable ground will remain unknown in the light of the apparent failure of the accused-appellants to challenge the custody and safekeeping of the issue of disposition and preservation of the subject drugs before the lower court. In short, they cannot be allowed to question the police officers' alleged non-compliance with Section 21 for the first time on appeal.[15]

Lastly, non-coordination with the Philippine Drug Enforcement Agency (PDEA) by the police officers in conducting a buy-bust operation does not render such operation illegal. As pointed out by the appellate court, Section 86 of R.A. No. 9165 is silent as to the consequence of failure to comply therewith, but this should not be interpreted as a legislative intent to make an arrest without the participation of the PDEA illegal or evidence obtained pursuant to such an arrest inadmissible.[16]

The Issue

Whether or not the RTC and the CA erred in finding that the evidence of the prosecution was sufficient to convict both accused-appellants of the alleged sale of methylamphetamine hydrochloride or "shabu," in violation of Section 5 of R.A. No. 9165.

Our Ruling

The Court finds no merit in the appeal.

At the outset, this Court has consistently ruled that for the successful prosecution of offenses involving drug pushing or sale of dangerous or prohibited drugs under Section 5, Article II of R.A. No. 9165, the following elements must be proven: (1) the identity of the buyer and seller, object and consideration; and (2) the delivery of the thing sold and the payment therefor.[17] In other words, there is a need to establish beyond reasonable doubt

that the accused actually sold and delivered a prohibited drug to another, and that the former indeed knew that what he had sold and delivered to the latter was a prohibited drug.[18] To reiterate, what is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, plus the presentation in court of corpus delicti as evidence.[19]

Contrary to the claim of accused-appellants, the prosecution was able to clearly recount how the buy-bust operation[20] was conducted, and the eventual submission of the subject sachet of “shabu” as part of its evidence. Both the trial court and the appellate court appreciated the evidence presented which certainly established that accused-appellants sold and delivered the 972.8 grams of “shabu” for a consideration of P600,000.00 to PO3 Mohammad Sugod, Jr. (PO3 Sugod, Jr.), the poseur buyer. PO3 Sugod, Jr. himself testified that there was an actual exchange of the buy-bust money and the prohibited drug. This fact was further corroborated by the testimony of SPO3 Santiago Gonzales, who acted as back-up for PO3 Sugod, Jr. during said operation. Likewise, it was shown that accused-appellant Rashid Mangtoma was fully aware that he was selling an illegal and prohibited drug as manifested by him uttering the words: “Isang kilo yan!,” while accused-appellant Mike Steve was also inside the vehicle where the said transaction took place silently participating with his consent. Consequently, the corpus delicti or the subject drug was seized, and subsequently identified as a prohibited drug through a forensic report admitted in evidence by the parties as stipulated. Taken collectively, the illegal sale of dangerous drugs by accused-appellants was indeed established beyond reasonable doubt in the present case.

Worthy to note that where the issue is one of credibility of witnesses, and in this case their testimonies as well, the findings of the trial court are not to be disturbed unless the consideration of certain facts of substance and value, which have been plainly overlooked, might affect the result of the case.[21] It cannot be overemphasized that in cases involving violations of 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. In this regard, the defense failed to show any ill motive or odious intent on the part of the police officers to impute such a serious crime that would put in jeopardy the life and liberty of an innocent person, such as in the case of accused-appellants. Additionally, in weighing the testimonies of the prosecution’s witnesses vis-à-vis that of the defense, it is a well-settled rule that in the absence of palpable error or grave abuse of discretion on the part of the trial judge, the trial court’s evaluation of the credibility of witnesses will not be disturbed on appeal.[22]

Moreover, this Court has time and again adopted the chain of custody rule,[23] 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.[24]

However, as correctly pointed out by the RTC and the CA, failure to strictly comply with the prescribed procedures in the inventory of seized drugs does not render the arrest of the accused-appellants illegal or the item seized/confiscated from them inadmissible. The essential thing to consider 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.” [25] Hence:

From the point of view of jurisprudence, we are not beating any new path by holding that the failure to

undertake the required photography and immediate marking of seized items may be excused by the unique circumstances of a case. In *People v. Resurreccion*, we already stated that “marking upon immediate confiscation” does not exclude the possibility that marking can be at the police station or office of the apprehending team. In the cases of *People v. Rusiana*, *People v. Hernandez*, and *People v. Gum-Oyen*, the apprehending team marked the confiscated items at the police station and not at the place of seizure. Nevertheless, we sustained the conviction because the evidence showed that the integrity and evidentiary value of the items seized had been preserved. To reiterate what we have held in past cases, we are not always looking for the strict step-by-step adherence to the procedural requirements; what is important is to ensure the preservation of the integrity and the evidentiary value of the seized items, as these would determine the guilt or innocence of the accused. We succinctly explained this in *People v. Del Monte* when we held:

We would like to add that non-compliance with Section 21 of said law, particularly the making of the inventory and the photographing of the drugs confiscated and/or seized, will not render the drugs inadmissible in evidence. Under Section 3 of Rule 128 of the Rules of Court, evidence is admissible when it is relevant to the issue and is not excluded by the law or these rules. For evidence to be inadmissible, there should be a law or rule which forbids its reception. If there is no such law or rule, the evidence must be admitted subject only to the evidentiary weight that will [be] accorded (to) it by the courts. x x x

We do not find any provision or statement in said law or in any rule that will bring about the non-admissibility of the confiscated and/or seized drugs due to non-compliance with Section 21 of Republic Act No. 9165. The issue therefore, if there is non-compliance with said section, is not of admissibility, but of weight — evidentiary merit or probative value — to be given the evidence. The weight to be given by the courts on said evidence depends on the circumstances obtaining in each case.[26] (Emphasis supplied and citations omitted)

From the testimonies of the police officers in the case at bench, the prosecution established that they had custody of the drug seized from the accused-appellants from the moment they were arrested, during the time they were transported to the police station, and up to the time the seized prohibited drug was submitted to the crime laboratory for examination. As regards to the handling of the seized drug, 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 buy-bust operation was the same one tested, introduced, and testified to in court. This fact was further bolstered by the stipulations entered into between the parties as to the testimony of Forensic Chemist Bonifacio.[27] Needless to say, the integrity of the evidence against accused-appellants was indeed preserved.

By way of resume, although this Court finds that the police officers did not strictly comply with the requirements of Section 21, Article II of R.A. No. 9165, such noncompliance did not affect the evidentiary weight of the drug seized from the accused-appellants because the chain of custody of the evidence was shown to be unbroken under the circumstances of the case. Similarly, Section 86 of R.A. No. 9165 is silent as to the consequence of failure to comply therewith; hence, the same shall not be considered as a sole ground to make an arrest without the participation of the PDEA illegal or evidence obtained pursuant to such an arrest inadmissible. Note that the subject drug confiscated from the accused-appellants was properly accounted for and forthrightly submitted to the PNP Crime Laboratory for its extensive examination. Consequently, considering the pieces of evidence presented by the prosecution, the mere denial of and the allegation of a frame-up by accused-appellants should fail. As correctly pointed out by the appellate court, the defense of frame-up in drug cases requires strong and convincing evidence to overcome the presumption that the law enforcement agencies acted in the regular performance of their official duties. On the other hand, courts generally view the defense of denial with disfavor due to the facility with which an accused can concoct it to suit his or her defense. As evidence that is both negative and self-serving, this defense cannot attain more credibility than the testimonies of the prosecution witnesses who testify clearly, providing thereby positive evidence on the various aspects of the crime committed.[28]

Again, findings of fact of the trial court as to the credibility of witnesses are accorded great weight and respect when no glaring errors, gross misapprehension of facts, and speculative, arbitrary and unsupported conclusions can be gathered from such findings. The rationale 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 trial. This rule finds an even more stringent application where said findings are sustained by the CA.[29] This Court does not find any convincing reason to depart from the ruling of the trial court, which was affirmed by the appellate court. Thus, We affirm the assailed Decision of the appellate court and uphold the conviction of both accused-appellants.

WHEREFORE, the appeal is DENIED. The Court of Appeals Decision in CA-G.R. CR-HC No. 02460 dated 4 April 2011, is AFFIRMED in all respects.

SO ORDERED.

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

[1] Rollo, pp. 2-15; Penned by Associate Justice Danton Q. Bueser with Associate Justices Hakim S. Abdulwahid and Ricardo R. Rosario concurring.

[2] CA rollo, pp. 18-23; Penned by Presiding Judge Jaime N. Salazar, Jr.

[3] Records, pp. 1-2.

[4] Id. at 1.

[5] Id. at 18 and 20; Certificate of Arraignment and Order both dated 8 December 2003.

[6] Id. at 25; Order dated 16 February 2004.

[7] The prosecution proffered the testimonies of PO3 Mohammad Sugod, Jr., and SPO3 Santiago Gonzales; while the defense presented as its witnesses both accused-appellants Rashid Mangtoma and Mike Steve, with the testimonies of Datu Amirol Ambiong, Ateneo Tamayo, and Sultan Guinto as corroborating witnesses.

[8] Rollo, pp. 3-4; CA Decision dated 4 April 2011.

[9] Records, pp. 110-116; RTC Decision dated 21 July 2006.

[10] Id. at 116.

[11] CA rollo, pp. 71-92; Brief for the Accused-Appellants dated 28 April 2008.

[12] Rollo, p. 14; CA Decision dated 4 April 2011.

[13] Id. at 6 citing *People v. Berdadero*, G.R. No. 179710, 29 June 2010, 622 SCRA 196 and *People v. Agulay*, 588 Phil. 247 (2008).

[14] Id. at 7-10 citing *People v. Pambid*, G.R. No. 192237, 26 January 2011, 640 SCRA 722.

[15] Id. at 10-13 citing *People v. Campomanes*, G.R. No. 187741, 8 August 2010, 627 SCRA 494

[16] Id. at 13-14 citing *People v. Berdadero*, G.R. No. 179710, 29 June 2010, 622 SCRA 196.

[17] *People v. Tiu*, 469 Phil. 163, 173 (2004); *Chan v. Formaran*, 572 Phil 118, 132-133 (2008).

[18] *People v. Pagkalinawan*, G.R. No. 184805, 3 March 2010, 614 SCRA 202, 215.

[19] *People v. Andres*, G. R. No. 193184, 7 February 2011, 641 SCRA 602, 608 citing *People v. Serrano*, G. R. No. 179038, 6 May 2010, 620 SCRA 327.

[20] In *People v. De Leon*, G.R. No. 186471, 25 January 2010, 611 SCRA 118, 135, the High Court expressed that “[a] buy-bust operation is a form of entrapment whereby ways and means are resorted to for the purpose of trapping and capturing the lawbreakers in the execution of their criminal plan. In this jurisdiction, the operation is legal and has been proved to be an effective method of apprehending drug peddlers, provided due regard to constitutional and legal safeguards is undertaken.”

[21] *People v. Lardizabal*, G.R. No. 89113, 29 November 1991, 204 SCRA 320, 329.

[22] *People v. Sembrano*, G. R. No. 185848, 16 August 2010, 628 SCRA 328, 342 citing *People v. Lamado*, G. R. No. 185278, 13 March 2009, 581 SCRA 544, 552 and *People v. Remerata*, G. R. No. 147230, 449 Phil. 813, 822 (2003).

[23] Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002 which implements R.A. No. 9165 defines “Chain of Custody” as follows:

“Chain of Custody” means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.

[24] *Malillin v. People*, 576 Phil. 576, 587 (2008).

[25] *People v. Le*, G.R. No. 188976, 29 June 2010, 622 SCRA 571, 583.

[26] *People v. Domado*, G.R. No. 172971, 16 June 2010, 621 SCRA 73, 91-92.

[27] *Records*, p. 25.

[28] *Zalameda v. People*, 614 Phil. 710, 733 (2009).

[29] *People v. Cruz*, G. R. No. 187047, 15 June 2011, 652 SCRA 286, 297-298.

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.