

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODRIGO CASACOP Y DE CASTRO, ACCUSED-APPELLANT.

G.R. No. 208685. March 09, 2015

Ponente: LEONEN, J.

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LEONEN, J.:

Failure to observe the chain of custody required under Section 21 of Republic Act No. 9165 or failure to sufficiently explain the reason for non-observance of the chain of custody creates reasonable doubt as to the integrity of the corpus delicti in cases involving dangerous drugs.

An Information was filed against accused-appellant Rodrigo Casacop (Casacop), the accusatory portion stating:

That on or about July 24, 2002, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, accused Rodrigo Casacop y de Castro without being authorized/permitted by law did then and there willfully, unlawfully and feloniously sell and deliver to a poseur buyer for one hundred peso bill (P100.00) one (1) small heat-sealed transparent sachet containing methamphetamine hydrochloride (shabu) weighing zero point zero four (0.04) gram, a regulated drug.

CONTRARY TO LAW.[1]

Version of the Prosecution

POI Rommel Bautista (POI Bautista) testified that on July 24, 2002, around 9:00 a.m., he, together with Chief Intelligence Officer SPO1 Alvin Glorioso, other police officers, and two (2) assets, conducted a buy-bust operation in Cuyab, San Pedro, Laguna against Casacop.[2]

The buy-bust operation was based on "information they received that [Casacop] was engaged in the sale of illegal drugs." [3]

One of the assets acted as the poseur-buyer and brought with him marked money.[4]

According to POI Bautista, "[t]he poseur-buyer went to the house of [Casacop] to buy shabu." [5]

POI Bautista testified that he saw Casacop give something to the poseur-buyer. In turn, the poseur-buyer handed over the P100.00 marked money to Casacop.[6]

After the transaction, the poseur-buyer raised his right hand; this was their pre-arranged signal.[7]

The police officers headed towards Casacop but he tried to escape. They gave chase and were able to apprehend him.[8]

Casacop was apprised of his constitutional rights.[9] The small heat-sealed plastic sachet, which the police suspected to contain methamphetamine hydrochloride (shabu), "was marked and sent to the Crime Laboratory for examination." [10]

Version of the Defense

Casacop testified that around 9:00 a.m. of July 24, 2002, he was asleep in his home.[11]

Suddenly, someone banged on their door. Casacop was awakened by his wife Zenaida, thinking that he might be arrested for failing to report to his parole officer.[12]

He jumped out of a window but was eventually arrested by POI Bautista.[13]

Zenaida Casacop corroborated her husband's testimony. She also testified that her husband did not sell any shabu on July 24, 2002.[14]

Ruling of the Regional Trial Court

Branch 38 of the Regional Trial Court of San Pedro, Laguna found Casacop guilty and sentenced him to life imprisonment and a fine in the amount of P500,000.00.[15] The dispositive portion of the trial court's Decision reads:

WHEREFORE, the Court hereby sentences accused RODRIGO CASACOP y DE CASTRO to suffer the penalty of life imprisonment and to pay a fine in the amount of P500,000.00.

The 0.04 grams of Methamphetamine Hydrochloride "shabu" is confiscated and forfeited in favor of the government. Atty. Jaarmy Bolus Romero, Branch Clerk of Court is hereby directed to immediately transmit the 0.04 grams of Methamphetamine Hydrochloride "shabu" to the Dangerous Drugs Board for proper disposition.

SO ORDERED.[16]

The trial court found Casacop's defense of denial weak compared to the positive testimony of POI Bautista. No evidence was presented to show that POI Bautista had any motive to give false testimony.[17] As a police officer, he was "presumed to have regularly performed his duty." [18]

On the other hand, Zenaida Casacop's testimony was biased, considering that she is Casacop's wife.[19]

Ruling of the Court of Appeals

The Court of Appeals affirmed the ruling of the trial court. The dispositive portion reads:

WHEREFORE, premises considered, the instant appeal is DENIED for lack of merit. The assailed Decision rendered by the Regional Trial Court of San Pedro, Laguna, Branch 93 on November 10, 2008 is AFFIRMED.

SO ORDERED.[20] (Emphasis in the original)

Casacop filed the Notice of Appeal[21] on January 9, 2013.

The Notice of Appeal was noted and given due course in the Resolution dated January 23, 2013 of the Court of Appeals.[22]

The case records of CA-G.R. CR.-H.C. No. 03793 were elevated to this court on September 11, 2013.[23]

In the Resolution dated October 23, 2013, this court noted the records forwarded by the Court of Appeals. This court notified the parties that they may file their respective supplemental briefs within 30 days from notice.[24]

In the same Resolution, the Chief Superintendent of the New Bilibid Prison was required to confirm Casacop's confinement.[25]

The Office of the Solicitor General filed a Manifestation[26] stating that it would not file a supplemental brief since all issues had been addressed in its Appellee's Brief dated March 14, 2010.[27]

Casacop's confinement at the New Bilibid Prison was confirmed by P/Supt. IV Venancio J. Tesoro in the letter dated December 10, 2013.[28]

Counsel for Casacop filed the Manifestation[29] on January 17, 2014 stating that he intended to file either a Supplemental Brief or a Manifestation in lieu of a supplemental brief on February 2, 2014.[30]

Counsel for Casacop filed another Manifestation[31] on February 3, 2014 stating that he intended to file a Supplemental Brief on February 17, 2014.[32]

In the Resolution dated February 17, 2014, this court noted the Manifestations filed by the Office of the Solicitor General and counsel for Casacop, as well as the letter of confirmation from P/Supt. IV Venancio J. Tesoro. The Manifestation filed by counsel for Casacop dated February 3, 2014 was noted and granted.[33]

Casacop filed the Supplemental Brief[34] on February 17, 2014. This was noted in the Resolution dated April 29, 2014. The same Resolution required counsel for Casacop to submit a soft copy of the Supplemental Brief.[35]

On June 30, 2014, counsel for Casacop complied with the Resolution dated April 29, 2014.[36] The Compliance was noted in the Resolution dated August 13, 2014.[37]

The issue for resolution is whether the guilt of accused-appellant Rodrigo Casacop for violation of Section 5 of Republic Act No. 9165 was proven beyond reasonable doubt.

Based on the arguments raised in accused-appellant's Supplemental Brief, the issue may be sub-divided into:

First, whether the guilt of accused-appellant was proven beyond reasonable doubt despite the non-presentation of the informant in court;[38]

Second, whether the guilt of accused-appellant was proven beyond reasonable doubt despite the non-observance of the required procedure in handling the seized item;[39] and

Lastly, whether the presumption of regularity in the performance of official duty is sufficient to defeat the presumption of innocence in favor of the accused-appellant.[40]

Plaintiff-appellee, through the Office of the Solicitor-General, argues that the prosecution was able to prove all the elements of illegal sale of drugs.[41]

During trial, PO1 Bautista positively identified accused-appellant as the seller of shabu with whom the poseur-buyer transacted.[42]

Further, PO1 Bautista identified the plastic sachet that he confiscated and the marked money in open court.[43] Thus, the prosecution was able to prove that the "identity and integrity of the corpus delicti was properly preserved and the chain of custody was never compromised." [44]

Plaintiff-appellee also argues that the governing law in this case is Republic Act No. 6425 or The Dangerous Drugs Act of 1972. Accused-appellant was arrested on July 24 2002, while Republic Act No. 9165 took effect on August 2002.[45]

According to plaintiff-appellee, Republic Act No. 6425 did not provide for the proper procedure in handling seized items. Nevertheless, the procedure under Section 21 of Republic Act No. 9165 was complied with.[46]

With regard to the non-presentation of the poseur-buyer in open court, plaintiff-appellee cited *People v. Abbu*, [47] stating that:

[t]he failure to present in court the poseur-buyer did not affect the prosecution's case. In *People vs. Lucero*,

reiterating previous pronouncements, this court said: "It is now well-settled that except for a situation where the appellant vehemently denies selling any prohibited drugs coupled with the inconsistent testimonies of the arresting officers or coupled with the possibility that there exist reasons to believe that the arresting officers had motives to testify against the appellant, or the situation where it was only the informant-poser-buyer who witnessed the entire transaction, the testimony of the informant-poser-buyer can be dispensed with as it will be merely corroborative of the apprehending officers-eyewitnesses' testimonies.[48]

On the other hand, accused-appellant points out that POI Bautista gave inconsistent and contradictory statements.[49]

In his Supplemental Brief, accused-appellant argues that there must be caution in giving credence to POI Bautista's testimony since he did not have personal knowledge of the sale. It was the poser-buyer, not POI Bautista, who transacted with accused.[50]

Accused-appellant argues that the poser-buyer, who was also the informant, did not testify in open court.[51] Further, the chain of custody was broken, as shown by POI Bautista's failure to state where the plastic sachet was marked.[52] The seized item was not inventoried by the arresting officers.[53] Hence, POI Bautista "did not perform his official duties." [54]

Assuming that the buy-bust operation and the warrantless arrest were valid, the police officers did not comply with Section 21 of Republic Act No. 9165. Thus, accused must be acquitted.[55]

We grant the appeal and acquit accused-appellant Rodrigo Casacop y De Castro.

The elements of Section 5[56] of Republic Act No. 9165 are:

(1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment. What is material is the proof that the transaction actually took place, coupled with the presentation before the court of the corpus delicti.[57] (Citations omitted)

In dangerous drugs cases, the corpus delicti is the dangerous drug itself. Thus, it is imperative that the integrity of the seized dangerous drug be preserved.[58]

Accused-appellant alleges that the chain of custody was broken. He argues that the seized item should have been marked immediately after it was confiscated.[59]

On the other hand, plaintiff-appellee argues that non-compliance with Section 21 of Republic Act No. 9165 does not necessarily mean that the arrest is illegal.[60] What is important is "the preservation of the integrity and the evidentiary value of the seized items[.]"[61]

Section 21 of Republic Act No. 9165 provides for the manner by which law enforcement officers should handle seized items in dangerous drugs cases:

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;

2. Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;

3. A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: Provided, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: Provided, however, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty- four (24) hours[.] (Emphasis supplied)

However, strict compliance with the chain of custody requirement is not always the case. Hence, the Implementing Rules and Regulations of Republic Act No. 9165 provides:

SECTION 21. . . .

(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[.] (Emphasis supplied)

People v. Remigio[62] restated the chain of custody required in buy-bust operations as follows:

First, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer;

Second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer;

Third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and

Fourth, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.[63]

The arguments of the parties in this case show that from the start of the buy-bust operation, there was failure to observe the chain of custody.

The first link that must be proven is the seizure and marking of the seized item.

PO1 Bautista testified during direct examination as follows:

PROSECUTOR SERRRANO [sic] (On Direct Examination)

.....

Q:

So what did your asset do, if any?

A:

He approached the house of the accused to buy shabu, Sir.

Q:

And what happened after he approached the house of the accused purposely to buy dangerous drug?

A:

I saw the accused run out of his house and made transaction to [sic] our poseur buyer, Sir.

Q:

How far were you again[,] Mr. Witness[,] when you noticed that the accused came out of his house and approached your asset?

A:

More or less seven (7) meters, Sir.

Q:

And what happened next as soon as the accused went out of his house and approached your asset?

A:

I saw the accused hand over something to our asset, Sir.[64]

The transaction was between accused-appellant and the poseur-buyer, while POI Bautista watched the transaction a few meters away.

His statement that he saw "accused[-appellant] hand over something" creates reasonable doubt whether the item given by the poseur-buyer to POI Bautista is the same "something" that accused-appellant allegedly gave the poseur-buyer.

Plaintiff-appellee alleges that accused-appellant tried to flee when he sensed that he would be arrested.[65]

From the time the transaction took place to the time accused-appellant was arrested, there is nothing on record to show how the integrity of the seized item was preserved.

Plaintiff-appellee merely alleges that accused-appellant was arrested and was apprised of his constitutional rights.[66]

Next, POI Bautista wrote "BOTE" on the marked money after it was confiscated from accused-appellant.[67] He then gave the marked money to SPO1 Alvin Glorioso while the asset gave POI Bautista a "small heat sealed transparent sachet of shabu[.]"[68]

In POI Bautista's testimony:

PROSECUTOR SERRANO (On Direct Examination)

.....

Q:

How about the item that was given by the accused to your asset, what happened to that item?

A:

It was handed over to me by our asset and I put the marking, Sir.

Q:

Will you please describe to us that item that was handed over to you by your asset, the very same item that the accused gave to your asset in exchange for the marked money?

A:

A small heat[-]sealed transparent plastic sachet containing white substance suspected as shabu, Sir.

Q:

You said you made marking on that sachet?

A:

Yes, Sir.

Q:

What else did you do[,] if any?

A:

After I put the marking, we brought it to the Philippine National Police Crime Laboratory, Sir.[69]

PO1 Bautista's testimony is silent as to where the seized sachet was marked.[70] In *People v. Sabdula*: [71]

We are not unaware that the seized plastic sachet already bore the markings "BC 02-01-04" when it was examined by Forensic Chemist Jabonillo. In the absence, however, of specifics on how, when and where this marking was done and who witnessed the marking procedure, we cannot accept this marking as compliance with the required chain of custody requirement. There was also no stipulation between the parties regarding the circumstances surrounding this marking. We note in this regard that it is not enough that the seized drug be marked; the marking must likewise be made in the presence of the apprehended violator. As earlier stated, the police did not at any time ever hint that they marked the seized drug.[72] (Emphasis supplied)

The prosecution did not, at the very least, identify the person who turned the seized sachet over to the Philippine National Police Crime Laboratory when it was submitted for examination.[73] Hence, there is another break in the chain of custody.

We also note the discrepancy in the names of the police officers who examined the contents of the seized sachet. According to plaintiff-appellee, the sachet was assigned Chemistry Report Number D-1652-02. Police Senior Inspector Lorna Ravelas Tria conducted the examination of the contents in the sachet.[74]

However, the Court of Appeals' and the trial court's Decisions state that the contents of the sachet were examined by Police Inspector Donna Villa Huelgas.[75] This leads us to doubt whether the corpus delicti was established.

The seized shabu weighed 0.04 grams, a miniscule amount. In *People v. Holgado*: [76]

Compliance with the chain of custody requirement provided by Section 21, therefore, ensures the integrity of confiscated, seized, and/or surrendered drugs and/or drug paraphernalia in four (4) respects: first, the nature of the substances or items seized; second, the quantity (e.g., weight) of the substances or items seized; third, the

relation of the substances or items seized to the incident allegedly causing their seizure; and fourth, the relation of the substances or items seized to the person/s alleged to have been in possession of or peddling them. Compliance with this requirement forecloses opportunities for planting, contaminating, or tampering of evidence in any manner.

By failing to establish identity of the corpus delicti, non-compliance with Section 21 indicates a failure to establish an element of the offense of illegal sale of dangerous drugs. It follows that this non-compliance suffices as a ground for acquittal. As this court stated in *People v. Lorenzo*:

In both illegal sale and illegal possession of prohibited drugs, conviction cannot be sustained if there is a persistent doubt on the identity of the drug. The identity of the prohibited drug must be established with moral certainty. Apart from showing that the elements of possession or sale are present, the fact that the substance illegally possessed and sold in the first place is the same substance offered in court as exhibit must likewise be established with the same degree of certitude as that needed to sustain a guilty verdict.

The prosecution's sweeping guarantees as to the identity and integrity of seized drugs and drug paraphernalia will not secure a conviction. Not even the presumption of regularity in the performance of official duties will suffice. In fact, whatever presumption there is as to the regularity of the manner by which officers took and maintained custody of the seized items is "negated." Republic Act No. 9165 requires compliance with Section 21.[77] (Emphasis in the original)

.....

While the miniscule amount of narcotics seized is by itself not a ground for acquittal, this circumstance underscores the need for more exacting compliance with Section 21....

... x x x x x

Trial courts should meticulously consider the factual intricacies of cases involving violations of Republic Act No. 9165. All details that factor into an ostensibly uncomplicated and barefaced narrative must be scrupulously considered. Courts must employ heightened scrutiny, consistent with the requirement of proof beyond reasonable doubt, in evaluating cases involving miniscule amounts of drugs. These can be readily planted and tampered.[78]

Applying *People v. Holgado*, the buy-bust team in this case should have been more meticulous in complying with Section 21 of Republic Act No. 9165 to preserve the integrity of the seized shabu. There is a greater possibility of tampering or contaminating the corpus delicti, since 0.04 grams of shabu is a miniscule amount. Worse, the buy-bust team did not even try to explain the reason for non-compliance with Section 21.

Non-presentation of the poseur-buyer also defeats the case of the plaintiff-appellee. The testimony of the poseur-buyer is not "merely corroborative of the apprehending officers-eyewitnesses' testimonies[,] "[79] as plaintiff-appellee alleges. The poseur-buyer had personal knowledge of the transaction since he conducted the actual transaction. PO1 Bautista was merely an observer from several meters away. Further, the amount involved is so small that the reason for not presenting the poseur-buyer does not square with such a miniscule amount.

Other requirements provided under Section 21 of Republic Act No. 9165 were not complied with. No inventory was conducted, and the records of this case do not show that the seized items were photographed.[80]

During cross examination, PO1 Bautista stated:

Atty. Ilagan:

Before you conducted this buy-bust operation[,] Mr. Witness[,] do you remember if you prepared [a] pre-operation report?

A:

I cannot recall, Sir.

Q:

After you confiscated the alleged marked money from the accused, did you prepare an inventory [,] Mr. Witness?

A:

As far as I can recall, no Sir.

Atty. Iagan:

Do you remember[,] Mr. Witness[,] if you were authorized by your Chief of Police to conduct this buy bust operation?

A:

Yes, Sir.

Q:

And who was the Chief of Police at that time?

A:

It was Police Supt. Reyes, Sir.

Q:

Was this authority in writing, Mr. Witness?

A:

No, Sir.

Q:

So you mean to say it was a mere verbal instruction?

A:

Yes, Sir.[81] (Citations omitted)

The presumption of regularity in the performance of official duties cannot prevail over the presumption of innocence of accused-appellant.[82] It is not enough to convince this court that the non-compliance with Section 21 of Republic Act No. 9165 was justified. In *People v. Ong*:^[83]

To determine whether there was a valid entrapment or whether proper procedures were undertaken in effecting the buy-bust operation, it is incumbent upon the courts to make sure that the details of the operation are clearly and adequately laid out through relevant, material and competent evidence. For, the courts could not merely rely on but must apply with studied restraint the presumption of regularity in the performance of official duty by law enforcement agents.^[84]

Failure to comply with Section 21 of Republic Act No. 9165 will result in the acquittal of the accused-appellant. In *People v. dela Cruz*:^[85]

Non-compliance is tantamount to failure in establishing identity of corpus delicti, an essential element of the offenses of illegal sale and illegal possession of dangerous drugs. By failing to establish an element of these offenses, non-compliance will, thus, engender the acquittal of an accused.[86]

Plaintiff-appellee's allegation that Republic Act No. 6425 was still in effect when accused-appellant was apprehended is misleading. Republic Act No. 9165 was approved on June 7, 2002. It was published in the Manila Times on June 19, 2002. Thus, when accused-appellant was apprehended on July 24, 2002, Republic Act No. 9165 had taken effect. As discussed by the Court of Appeals:

As to the issue of non-compliance with the rules in handling and custody of confiscated illegal drugs, it is not amiss to point out that Republic Act No. 9165 already took effect when the accused-appellant was apprehended and charged for the illegal sale of drugs, contrary to what the Office of the Solicitor General posited that the law effective at the time of the commission of the crime is Republic Act No. 6425.[87] (Citation omitted)

Finally, we reiterate our statements in *People v. Holgado*:

It is lamentable that while our dockets are clogged with prosecutions under Republic Act No. 9165 involving small-time drug users and retailers, we are seriously short of prosecutions involving the proverbial "big fish." We are swamped with cases involving small fry who have been arrested for miniscule amounts. While they are certainly a bane to our society, small retailers are but low-lying fruits in an exceedingly vast network of drug cartels. Both law enforcers and prosecutors should realize that the more effective and efficient strategy is to focus resources more on the source and true leadership of these nefarious organizations. Otherwise, all these executive and judicial resources expended to attempt to convict an accused for 0.05 gram of shabu under doubtful custodial arrangements will hardly make a dent in the overall picture. It might in fact be distracting our law enforcers from their more challenging task: to uproot the causes of this drug menace. We stand ready to assess cases involving greater amounts of drugs and the leadership of these cartels.[88]

WHEREFORE, premises considered, the Decision dated November 27, 2012 of the Court of Appeals in CA-G.R. CR.-H.C. No. 03793 is REVERSED and SET ASIDE. Accused-appellant Rodrigo Casacop y De Castro is ACQUITTED for failure of the prosecution to prove his guilt beyond reasonable doubt. He is ordered immediately RELEASED from detention, unless he is confined for any other lawful cause.

Let a copy of this Decision be furnished to the Director of the Bureau of Corrections, Muntinlupa City, for immediate implementation. The Director of the Bureau of Corrections is directed to report to this court within five (5) days from receipt of this Decision the action he has taken. Copies shall also be furnished to the Director General of Philippine National Police and the Director General of Philippine Drugs Enforcement Agency for their information.

The Regional Trial Court is directed to turn over the sachet of methamphetamine hydrochloride presented as evidence to the Dangerous Drugs Board for destruction in accordance with law.

SO ORDERED.

Carpio (Chairperson), Brion, Del Castillo, and Mendoza, JJ., concur.

[1] Rollo, p. 3.

[2] Id. at 4.

[3] Id.

[4] Id.

[5] Id.

[6] Id.

[7] Id.

[8] Id.

[9] Id.

[10] Id.

[11] Id. at 5.

[12] Id.

[13] Id.

[14] Id.

[15] CA rollo, pp. 54-55.

[16] Id. at 55.

[17] Id. at 54.

[18] Id.

[19] Id.

[20] Rollo, p. 15. The Court of Appeals Decision was penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Japar B. Dimaampao (Chair) and Victoria Isabel A. Paredes of the Fourteenth Division.

[21] CA rollo, pp. 113-114.

[22] Id. at 117.

[23] Rollo, p. 1.

[24] Id. at 22.

[25] Id.

[26] Id. at 23-25.

[27] Id. at 23.

[28] Id. at 28.

[29] Id. at 34-36.

[30] Id. at 34.

[31] Id. at 30-32.

[32] Id. at 30.

[33] Id. at 39.

[34] Id. at 40-45.

[35] Id. at 48-49.

[36] Id. at 51-52.

[37] Id. at 56.

[38] Id. at 42.

[39] Id. at 42-43.

[40] Id. at 43.

[41] CA rollo, p. 71.

[42] Id.

[43] Id. at 71-72.

[44] Id. at 73.

[45] Id. at 74.

[46] Id.

[47] 317 Phil. 518, 524 (1995) [Per J. Vitug, Third Division].

[48] CA rollo, pp. 72-73.

[49] Id. at 42.

[50] Id. at 43.

[51] Rollo, p. 42.

[52] Id.

[53] Id. at 43.

[54] Id.

[55] Id.

[56] SEC. 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug

and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

[57] *People v. Almodiel*, G.R. No. 200951, September 5, 2012, 680 SCRA 306, 316 [Per J. Carpio, Second Division].

[58] *People v. Beran*, G.R. No. 203028, January 15, 2014 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2014/january2014/203028.pdf>> 17 [Per J. Reyes, First Division]. See also *People v. Adrid*, G.R. No. 201845, March 6, 2013, 692 SCRA 683, 697 [Per J. Velasco, Jr., Third Division].

[59] *Rollo*, p. 42.

[60] *CA rollo*, p. 76.

[61] *Id.*

[62] G.R. No. 189277, December 5, 2012, 687 SCRA 336 [Per J. Perez, Second Division].

[63] *Id.* at 351-352, citing *People v. Kamad*, 624 Phil. 289, 304 (2010) [Per J. Brion, Second Division].

[64] *CA rollo*, p. 80.

[65] *Id.* at 82-83.

[66] *Id.* at 69.

[67] *Id.*

[68] *Id.*

[69] *Id.* at 75.

[70] *Id.* at 45-46.

[71] G.R. No. 184758, April 21, 2014

[Per J. Brion, Second Division].

[72] *Id.* at 7.

[73] *CA rollo*, p. 48.

[74] Id. at 69.

[75] Id. at 54; Rollo, p. 13.

[76] G.R. No. 207992, August 11, 2014

[Per J. Leonen, Third Division].

[77] Id. at 10, citing *People v. Lorenzo*, 633 Phil. 393, 403 (2010) [Per J. Perez, Second Division] and *People v. Navarrete*, G.R. No. 185211, June 6, 2011, 650 SCRA 607, 618 [Per J. Carpio Morales, Third Division].

[78] Id. at 14-15.

[79] CA rollo, pp. 72-73; See also *People v. Abbu*, 317 Phil. 518, 524 (1995) [Per J. Vitug, Third Division].

[80] CA rollo, p. 10.

[81] Id. at 45-46.

[82] *People v. Ong*, 476 Phil. 553, 572 (2004) [Per J. Puno, En Banc].

[83] 476 Phil. 553 (2004) [Per J. Puno, En Banc].

[84] Id. at 571-572.

[85] G.R. No. 205821, October 1 2014

[Per J. Leonen, Second Division].

[86] Id. at 7.

[87] Rollo, p. 10.

[88] G.R. No. 207992, August 11, 2014

<<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2014/august2014/207992.pdf>> [Per J. Leonen, Third Division].

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