

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. BOBBY PACNISEN Y BUMACAS, ACCUSED-APPELLANT.

G.R. No. 234821. November 07, 2018

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CAGUIOA, J:

Before this Court is an ordinary appeal[1] filed by the accused-appellant Bobby Pacnisen y Bumacas (Pacnisen) assailing the Decision[2] dated June 21, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08271, which affirmed the Decision[3] dated March 30, 2016 of the Regional Trial Court, City of San Fernando, La Union, Branch 66 (RTC) in Criminal Case No. 9665, finding Pacnisen guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002,"[4] as amended.

The Facts

On October 1, 2012, an Information was filed against the accused-appellant in this case, the accusatory portion of which reads as follows:

That on or about the 18th day of September 2012, at Brgy. Urbiztondo, Municipality of San Juan, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without first securing the necessary permit, license or authority from the proper government agency, did then and there willfully, unlawfully and feloniously sell, dispense, and deliver to PDEA Agent Efren E. Esmin, who acted as a poseur-buyer, two (2) bricks of Marijuana, a dangerous drug, with an individual net weight of One Thousand Eight Hundred Fifty Seven Point Sixteen (1857.16) grams and Eight Hundred Fifty Two Point Nineteen (852.19) grams with a total weight of Two Thousand Seven Hundred Nine Point Thirty Five (2709.35) grams in consideration of Six Thousand Pesos (P6,000.00) consisting of one (1) genuine One Thousand Peso (P1,000.00) boodle money bills with similar serial numbers PP191620 used as marked money.

CONTRARY TO LAW.[5]

Upon arraignment, Pacnisen pleaded not guilty. Thereafter, pre-trial and trial ensued. The prosecution's version, as summarized by the CA, is as follows:

On September 18, 2012, a confidential informant arrived at the PDEA office, Camp Diego Silang, Carlatan, San Fernando City, La Union and reported that a certain Bobby Pacnisen, who turned out to be appellant, was selling marijuana at Santol and San Juan, La Union. The informant related to Agents Dexter Asayco and Efren Esmin that he had already won appellant's trust and so he was able to arrange with appellant a transaction involving P6,000.00 worth of marijuana. Agent Asayco verified appellant's name from their office's Intelligence Investigation Division. He learned that appellant's name was included in the so-called "Summary of Information", a record of complaints brought by the citizens against persons engaged in selling drugs. Based thereon, Agent Asayco formed a buy-bust team composed of himself as team leader, Agent Esmin as poseur buyer, Agent Suminigay Mirindato as immediate back-up, and Agents Marlon Apolog, Seymoure Sanchez, and Ramos as regular back-up. Agent Esmin prepared the buy-bust money worth P6,000.00 composed of one genuine piece of P1,000.00 bill and five pieces of boodle money, each marked with the initials "ELE" on the

lower right portion. Agent Esmin then photocopied the buy-bust money and entered it in the blotter.

The team proceeded to the agreed place of transaction in a vacant lot between Pentecostal Missionary Church and Ozoteo Building, Brgy. Urbiztondo, San Juan, La Union. The confidential informant and agent Esmin alighted from the team's vehicle and proceeded to the place on foot. Once there, the confidential informant introduced Agent Esmin to the appellant as the person interested to buy the P6,000.00 worth of marijuana. Agent Esmin asked appellant if he had the "merchandise", to which the latter answered in the affirmative. Agent Esmin then asked appellant if the price for the "merchandise" can be lowered. When the appellant did not agree, Agent Esmin handed him the buy-bust money worth P6,000.00. Appellant, in turn, gave him a plastic bag containing 2 packaged bricks. Agent Esmin asked appellant to show him the "merchandise" which appellant did by cutting a portion of a packaged brick. Thereafter, Agent Esmin wiped off his sweat with a handkerchief to signal the other team members to arrest the appellant.

When the other team members arrived, they introduced themselves as PDEA agents. Agent Mirindato informed appellant of his constitutional rights and placed handcuffs on him. Agent Esmin then conducted a body search on appellant and made an inventory of the confiscated items in the presence of the buy-bust team, Brgy. Captain of Urbiztondo Erickson N. Valdriz, and DXNL anchor Dominador Dacanay. Photographs were also taken by team leader Agent Asayco during the conduct of inventory.

After the inventory, the team returned to their office where Agent Mirindato prepared the Booking Sheet and Arrest Report. Agent Esmin, on the other hand, made the request for laboratory examination which he, along with the seized items, personally delivered to forensic chemist Lei-Yen Valdez.

Per Chemistry Report No. PDEAROI-DDO12-0025 dated September 18, 2012, the contents of the 2 packaged bricks were found positive for marijuana, a dangerous drug.[6]

On the other hand, the version of the defense, as also summarized by the CA, is as follows:

On September 18, 2012, he went to Balaoan, La Union to buy his food supply from the market and eat at Dangle's eatery. While eating, he received a call from his former live-in partner Maida, asking for his help because she was detained in San Fernando Police Station. Maida asked him to bring her some clothes and food which he should get from a certain Liza. He agreed to help Maida and rode a bus to meet with Liza at the crossing of San Juan Costa Villa Resort, San Juan, La Union. There, he saw Liza carrying a plastic bag which he presumed were the clothes for Maida. They walked towards a shaded area where Liza asked him to hold the plastic bag because she needed to pee. When Liza left, a man sitting inside an "owner" type jeep suddenly choked him. The man's two other companions then handcuffed him. He was brought to a hut near the seashore and was charged with selling the marijuana found inside the plastic bag.[7]

Ruling of the RTC

After trial on the merits, in its Decision dated March 30, 2016[8] the RTC convicted Pacnisen of the crime charged. The dispositive portion of the said Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Bobby-Pacnisen y Bumacas GUILTY beyond reasonable doubt for violating Section 5, Art II of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 and is hereby sentenced to life imprisonment and a (sic) to pay fine of five hundred thousand pesos (P500,000.00)

The two bricks of marijuana, which are the subject matter of this case, are hereby ordered forfeited in favor of the government. The Branch Clerk of Court is directed to transmit to the Philippine Drug Enforcement Agency the bricks of marijuana for said agency's appropriate disposition.

SO ORDERED.[9]

The RTC ruled that the evidence on record was sufficient to pronounce a verdict of conviction against the accused-appellant. It held that the prosecution was able to establish all the elements of the crimes charged, namely: (1) the identities of the buyer and seller, viz., the poseur-buyer Philippine Drug Enforcement Agency (PDEA) Agent Efren Esmin (Agent Esmin), and the accused-appellant as the seller, with the two bricks of marijuana as the object of the sale; and (2) the delivery of the thing sold and the receipt of the payment.[10]

The RTC did not give credence to the accused-appellant's defense of denial as it deemed the same self-serving. It held that the flimsy defense of denial could not stand against the positive testimony of the poseur-buyer, whose testimony the defense failed to impeach.[11] The RTC ultimately held that the prosecution sufficiently discharged its burden of proving the accused-appellant's guilt beyond reasonable doubt.

Aggrieved, the accused-appellant appealed to the CA.

Ruling of the CA

In his appeal to the CA, the accused-appellant questioned his conviction by the RTC because, according to him, the prosecution failed to prove (1) that a legitimate buy-bust operation took place, and (2) that the proper chain of custody was complied with. According to the accused-appellant, the prosecution failed to establish that a legitimate buy-bust operation took place because it only presented Agent Esmin, and no one else, to establish the fact that it happened. The accused-appellant raised as issue the fact that the PDEA agents did not conduct any prior surveillance or test buy before he was apprehended. He also argued that the chain of custody was not properly established because there was no Department of Justice (DOJ) representative at the conduct of the inventory, and that the prosecution likewise failed to show who took custody of the seized items from the moment Agent Esmin seized them until they were delivered to the forensic chemist.

In the questioned Decision[12] dated June 21, 2017, the CA affirmed the RTC's conviction of the accused-appellant, holding that the prosecution was able to prove the elements of the crime charged. The CA upheld the finding that the prosecution was able to establish (1) the identity of the buyer, as well as the seller, the object, and the consideration of the sale; (2) the delivery of the thing sold and the payment therefor.[13] The CA gave credence to the testimony of the prosecution witnesses to establish the integrity and evidentiary value of the dangerous drugs seized. The CA added that the prosecution need not present anyone else, particularly the supposed informant, to testify on the buy-bust operation because any such testimony would only be corroborative or cumulative.[14]

As regards compliance with Section 21 of RA 9165, the CA held that the prosecution was able to establish the proper chain of custody. The CA ruled that since the prosecution was able to establish an unbroken chain of custody from Agent Esmin to the forensic chemist and then to the court, "the absence of a DOJ representative here would not destroy the established identity and integrity of the seized drugs." [15]

The CA then held that the lack of prior surveillance did not affect the legality of the buy-bust operation. Quoting *Quinicot v. People*, [16] the CA held that a prior surveillance was not necessary especially when the police operatives were accompanied by their informant during the entrapment. It further added that when time is of the essence, the police may dispense with the need for prior surveillance.

Lastly, the CA reiterated that the accused-appellant's alibi and denial do not deserve credence in light of his positive identification by the prosecution witnesses.[17] The CA thus upheld the accused-appellant's conviction.

Hence, the instant appeal.

Issue

For resolution of the Court is the issue of whether the RTC and the CA erred in convicting the accused-appellant of the crime charged.

The Court's Ruling

The appeal is unmeritorious.

At the outset, it bears mentioning that the accused-appellant raises the same issues as those raised in — and duly passed upon by — the CA. It is well settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.[18] Thus, when the case pivots on the issue of the credibility of the testimonies of the witnesses, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of witnesses during trial.[19] Here, after examining the records of this case, the Court finds no cogent reason to vacate the RTC's appreciation of the testimonial evidence, which was affirmed in toto by the CA.

The Court is thus convinced that the accused-appellant is guilty beyond reasonable doubt.

Well settled in jurisprudence is the principle that in the prosecution for violation of Section 5, RA 9165, the following elements must be proven beyond reasonable doubt: (1) proof that the transaction took place; and (2) presentation in court of the corpus delicti or the illicit drug as evidence. The existence of the dangerous drug is a condition sine qua non for conviction for the illegal sale dangerous drug, it being the very corpus delicti of the crime.[20] What is material is the proof that the transaction or sale transpired, coupled with the presentation in court of the corpus delicti[21] Corpus delicti is the body or substance of the crime, and establishes the fact that a crime has been actually committed.[22]

In dangerous drugs cases, it is essential in establishing the corpus delicti that the procedure provided in Section 21 of RA 9165 is followed. The said section provides:

Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

(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[.]

Furthermore, Section 21 (a), Article II of the Implementing Rules and Regulations of RA No. 9165 filled in the details as to where the physical inventory and photographing of the seized items that had to be done immediately after seizure could be done: i.e., at the place of seizure, at the nearest police station or at the nearest office of the apprehending officer/team, thus:

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 was 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)

Section 21 plainly requires the apprehending team to conduct a physical inventory of the seized items and photograph the same immediately after seizure and confiscation in the presence of the accused, with (1) an elected public official, (2) a representative of the DOJ, and (3) a representative of the media, all of whom shall be required to sign the copies of the inventory and be given a copy thereof.

In buy-bust situations, or warrantless arrests, the physical inventory and photographing are allowed to be done at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable. But even in these alternative places, such inventory and photographing are still required to be done in the presence of the accused and the aforementioned witnesses.

To the mind of the Court, the phrase "immediately after seizure and confiscation" means that the physical inventory and photographing of the drugs were intended by the law to be made immediately after, or at the place of apprehension. And only if it is not practicable can the inventory and photographing then be done as soon as the apprehending team reaches the nearest police station or the nearest office of the apprehending team. There can be no other meaning to the plain import of this requirement. By the same token, however, this also means that the required witnesses should already be physically present at the time of apprehension — a requirement that can easily be complied with by the buy-bust team considering that the buy-bust operation is, by its nature, a planned activity. Simply put, the apprehending team has enough time and opportunity to bring with them said witnesses.

In other words, while the physical inventory and photographing are allowed to be done "at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures," this does not dispense with the requirement of having all the required witnesses to be physically present at the time or near the place of apprehension. The reason is simple, it is at the time of arrest — or at the time of the drugs' "seizure and confiscation" — that the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would insulate against the police practice of planting evidence.

Recent jurisprudence is clear that the procedure enshrined in Section 21 of RA 9165 is a matter of substantive law, and cannot be brushed aside as a simple procedural technicality; or worse, ignored as an impediment to the conviction of illegal drug suspects.[23] For indeed, however noble the purpose or necessary the exigencies of our campaign against illegal drugs may be, it is still a governmental action that must always be executed within the

boundaries of law.

Using the language of the Court in *People v. Mendoza*,^[24] without the insulating presence of the representative from the media or the DOJ and any elected public official during the seizure and marking of the drugs, the evils of switching, "planting" or contamination of the evidence that had tainted the buy-busts conducted under the regime of RA No. 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the subject drugs that were evidence of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused.^[25]

Thus, it is compliance with this most fundamental requirement — the presence of the "insulating" witnesses — that the pernicious practice of planting of evidence is greatly minimized if not foreclosed altogether. Stated otherwise, this is the first and foremost requirement provided by Section 21 to ensure the preservation of the "integrity and evidentiary value of the seized drugs" in a buy-bust situation whose nature, as already explained, is that it is a planned operation.

In the present case, however, only two of the three required witnesses – the elected official and the representative from the media – were present at the time of seizure, apprehension, and the conduct of the inventory. Nevertheless, the Court notes, based on the evidence, that the absence of the DOJ representative could be explained by the urgency with which the operation needed to be conducted. As the testimony of Agent Esmin reveals, there was only a two-hour period from the time they received the information from their confidential informant to the time that they needed to conduct the buy-bust operation. Agent Esmin testified as follows:

Q

Now, on September 18, 2012, Mr. Witness, at around 1:00 o'clock in the afternoon, can you please tell us where were you?

A

We are at our office, sir.

Q

You are at your office at Camp Diego Silang?

A

Yes, sir.

Q

When you were at your office at that time, do you remember receiving an information from a certain confidential informant?

A

Yes, sir.

x x x x

Q

And what was that information relayed by the confidential informant?

A

He also revealed that he already talked to Bobby Pacnisen that there is a person who is interested in buying worth Six Thousand (6,000) worth of marijuana. He told to the subject Bobby Pacnisen, and this Bobby Pacnisen agreed, sir, and Bobby Pacnisen arranged the place and time of transaction, sir.

x x x x

Q

So you said that the time and the place has already been arranged by the confidential informant, where was supposed to be the transaction and when?

A

At around 3:00 p.m. of September 18, 2012, at a vacant lot of Pentecostal Missionary Church and Osoteo Building, sir at barangay Urbiztondo, San Juan, La Union.[26] (Emphasis and underscoring supplied)

The absence of the DOJ representative was likewise explained by Agent Esmin. According to Agent Esmin, a colleague of his tried to contact a DOJ representative but there was no one available. Agent Esmin testified in this wise:

Q

How about a personal (sic) from the DOJ, Mr. Witness?

A

IO1 Marlon Apolog arrived but he told us that no one is available, sir.

Q

No one is available from the DOJ?

A

Yes, sir.

Q

For the record who again, Mr. Witness?

A

IO1 Marlon Apolog, sir.

Q

So when the barangay captain and the representative from DZNL arrived, what did you do?

A

I conducted markings of the seized evidence, sir and inventory, sir.[27]

It bears stressing that the prosecution has the burden of (1) proving their compliance with Section 21, RA 9165, and (2) providing a sufficient explanation in case of non-compliance. As the Court held in the recent case of *People v. Lim*:[28]

It must be alleged and proved that the presence of the three witnesses to the physical inventory and photograph of the illegal drag seized was not obtained due to reason/s such as:

(1) their attendance was impossible because the place of arrest was a remote area; (2) their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf; (3) the elected official themselves were involved in the punishable acts sought to be apprehended; (4) earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.[29] (Emphasis supplied)

In this relation, the ruling of the Court in *People v. Ramos*[30] is instructive:

It is well to note that the absence of these required witnesses does not per se render the confiscated items inadmissible. However, a justifiable reason for such failure or a showing of any genuine and sufficient effort to secure the required witnesses under Section 21 of RA 9165 must be adduced. In *People v. Umipang*, the Court held that the prosecution must show that earnest efforts were employed in contacting the representatives enumerated under the law for "a sheer statement that representatives were unavailable without so much as an explanation on whether serious attempts were employed to look for other representatives, given the circumstances is to be regarded as a flimsy excuse." Verily, mere statements of unavailability, absent actual serious attempts to contact the required witnesses are unacceptable as justified grounds for non-compliance. These considerations arise from the fact that police officers are ordinarily given sufficient time — beginning from the moment they have received the information about the activities of the accused until the time of his arrest — to prepare for a buy-bust operation and consequently, make the necessary arrangements beforehand knowing full well that they would have to strictly comply with the set procedure prescribed in Section 21 of RA 9165. As such, police officers are compelled not only to state reasons for their non-compliance, but must in fact, also convince the Court that they exerted earnest efforts to comply with the mandated procedure, and that under the given circumstances, their actions were reasonable.[31] (Emphasis and underscoring supplied)

In this case, the Court finds that the prosecution was able to provide a sufficient explanation for its deviation from the requirements of Section 21, RA 9165. While the Court emphasizes the importance of strictly following the procedure outlined in Section 21, it likewise recognizes that there may be instances where a slight deviation from the said procedure is justifiable, much like in this case where the officers exerted earnest efforts to comply with the law.

It should be recognized that, with the limited time they had to prepare for the operation, the apprehending team was still able to secure the attendance of two of the three required witnesses: the elected official and the media representative. This fact alone fortifies, in the eyes of the Court, the testimony of Agent Esmin that they really did attempt to secure the attendance of a DOJ representative but that there was no one available. The absence of a

DOJ representative was thus attributable to factors beyond their control. The officers in this case thus showed earnest efforts to comply with the mandated procedure; they showed that they did their duties bearing in mind the requirements of the law. It would therefore be error for the Court not to reward their efforts towards compliance.

It must also be pointed out that the apprehending officers in this case not only followed the procedure on inventory, but they were likewise able to follow the rest of the procedure outlined in Section 21. Agent Esmin testified that after the inventory, they proceeded to the PDEA office, prepared the Request for Chemical Laboratory examination, and delivered the seized items to the PDEA's resident chemist.[32] This is well-within the 24-hour period provided under Section 21. On the same day, the chemist issued a report, with Chemistry Report Number PDEAROI-DDO12-0025, which noted that the seized items tested positive of marijuana.[33] This is likewise within the second 24-hour period provided in Section 21. Prior to the submission to the RTC of the seized items, they were kept by the forensic chemist in their evidence vault that only she had access to.[34]

It is indubitable, therefore, that the integrity of the dangerous drugs in this case was properly preserved as the prosecution was able to convincingly show an unbroken link in the chain of custody of the seized items. As the corpus delicti of the crime and the transaction in which they were sold were properly established in evidence, coupled with the fact that the accused-appellant only offered denial as his defense, then the RTC and the CA could not have erred in convicting the accused-appellant. The Court has oft pronounced that denial is an inherently weak defense which cannot prevail over the positive and credible testimony of the prosecution witnesses that the accused committed the crime. Thus, as between categorical testimonies which have the ring of truth on the one hand, and a mere denial on the other, the former is generally held to prevail.[35]

In sum, the Court is convinced that the accused-appellant was indeed engaged in the illegal sale of shabu, thereby violating Section 5, Article II of RA 9165.

WHEREFORE, in view of the foregoing, the appeal is hereby DISMISSED. The Court ADOPTS the findings of fact and conclusions of law in the Decision dated June 21, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 08271 and AFFIRMS the said Decision finding accused-appellant Bobby Pacnisen y Bumacas GUILTY beyond reasonable doubt of the crime of Illegal Sale of Dangerous Drugs, defined and penalized under Section 5, Article II of Republic Act No. 9165. Accordingly, he is hereby sentenced to suffer the penalty of life imprisonment and a fine in the amount of Five Hundred Thousand Pesos (P500,000.00).

SO ORDERED.

Carpio (Chairperson), Perlas-Bernabe, and A. Reyes, Jr., JJ., concur.
J. Reyes, Jr.,[*] J., on wellness leave.

[*] Designated additional Member per Special Order No. 2587 dated August 28, 2018; on wellness leave.

[1] See Notice of Appeal dated July 12, 2017; rollo, pp. 20-21.

[2] Id. at 2-19. Penned by Associate Justice Amy C. Lazaro-Javier with Associate Justices Celia C. Librea-Leagogo and Pedro B. Corales concurring.

[3] CA rollo, pp. 55-63. Penned by Presiding Judge Victor O. Concepcion

[4] Titled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES," approved on June 7, 2002.

- [5] Rollo, p. 3.
- [6] Id. at 4-6.
- [7] Id. at 6-7.
- [8] Supra note 3.
- [9] CA rollo, p. 62.
- [10] Id. at 57, 61.
- [11] Id. at 61-62.
- [12] Supra note 2.
- [13] Rollo, p. 11.
- [14] Id. at 11-12.
- [15] Id. at 16.
- [16] 608 Phil. 259 (2009).
- [17] Rollo, p. 17.
- [18] People v. Gerola, G.R. No. 217973, July 19, 2017, pp. 5-6.
- [19] People v. Aguilar, 565 Phil. 233, 247 (2007).
- [20] People v. Magat, 588 Phil. 395, 402 (2008).
- [21] People v. Dumangay, 587 Phil. 730, 739 (2008).
- [22] Id.
- [23] People v. Dela Victoria, G.R. No. 233325, April 16, 2018, p. 10; People v. Ramos, G.R. No. 233744, February 28, 2018, p. 9; People v. Año, G.R. No. 230070, March 14, 2018, p. 7; People v. Lumaya, G.R. No. 231983, March 7, 2018, p. 12; People v. Manansala, G.R. No. 229092, February 21, 2018, p. 9; People v. Guieb, G.R. No. 233100, February 14, 2018, p. 9; People v. Paz, G.R. No. 229512, January 31, 2018, p. 11; People v. Miranda, G.R. No. 229671, January 31, 2018, p. 11; People v. Jugo, G.R. No. 231792, January 29, 2018, p. 9; People v. Mamangon, G.R. No. 229102, January 29, 2018, p. 9; People v. Calibod, G.R. No. 230230, November 20, 2017, p. 9; People v. Ching, G.R. No. 223556, October 9, 2017, p. 10; People v. Geronimo, G.R. No. 225500, September 11, 2017, p. 10; People v. Segundo, G.R. No. 205614, July 26, 2017, p. 17; People v. Macapundag, G.R. No. 225965, March 13, 2017, p. 7; Gamboa v. People, 799 Phil. 584, 597 (2016).
- [24] 736 Phil. 749 (2014).
- [25] Id. at 764.
- [26] TSN dated February 26, 2013, pp. 3-5.
- [27] Id. at 16-17.
- [28] G.R. No. 231989, September 4, 2018.
- [29] Id. at 13, citing People v. Sipin, G.R. No. 224290, June 11, 2018, p. 17.

[30] G.R. No. 233744, February 28, 2018.

[31] Id. at 8.

[32] TSN dated February 26, 2013, pp. 20-21.

[33] Id. at 22.

[34] TSN dated December 4, 2013, pp. 14-15.

[35] *People v. Piosang*, 710 Phil. 519, 527 (2013).

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