

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BRENDA CAMIÑAS Y AMING, ACCUSED-APPELLANT.*G.R. No. 241017. January 07, 2019*

Ponente: PERLAS-BERNABE, J.

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Assailed in this ordinary appeal[1] is the Decision[2] dated January 30, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09056, which affirmed the Judgment[3] dated February 20, 2017 of the Regional Trial Court of Quezon City, Branch 79 (RTC) in Criminal Case No. R-QZN-14-11237- CR finding accused-appellant Brenda Camiñas y Aming (Camiñas) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165,[4] otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."

The Facts

This case stemmed from an Information[5] filed before the RTC charging Camiñas with the crime of Illegal Sale of Dangerous Drugs, defined and penalized under Section 5, Article II of RA 9165. The prosecution alleged that on the evening of November 4, 2014, operatives of the District Anti-Illegal Drugs Special Operation Task Group of the Quezon City Police District (DAID-SOTG), in coordination with the Philippine Drug Enforcement Agency, conducted a buy-bust operation against Camiñas, during which ten (10) plastic sachets containing a total of 43.34 grams[6] of white crystalline substance were recovered from her. Afterwards, they immediately marked, inventoried, and photographed the seized items at the place of arrest in the presence of Camiñas, Barangay Kagawad Dennis Chico (Kagawad Chico), and Media Representative Alfred Oresto (Oresto). The seized items were then brought to the crime laboratory, where, after examination,[7] the contents thereof yielded positive for the presence of methamphetamine hydrochloride or shabu, a dangerous drug.[8]

In defense, Camiñas denied the charges against her, claiming that on the date of the incident, she bought a cellular phone at SM North, and while waiting for a taxi going to Greenhills, San Juan, two (2) men who identified themselves as policemen forcibly boarded her in a vehicle. They then brought her to Jollibee, where she was shown the items allegedly confiscated from her. Afterwards, the policemen demanded the amount of P180,000.00 for her immediate release; otherwise, a case would be filed against her. They likewise confiscated her bag which contained her personal belongings and some cash. Thereafter, she was brought to the DAID-SOTG, where she was detained for two (2) days without food.[9]

In a Judgment[10] dated February 20, 2017, the RTC found Camiñas guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced her to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.[11] It ruled that the prosecution was able to establish all the elements of the crime of Illegal Sale of Dangerous Drugs, and that the integrity and evidentiary value of the seized items were preserved.[12] Aggrieved, Camiñas appealed[13] to the CA.

In a Decision[14] dated January 30, 2018, the CA affirmed the RTC ruling.[15] It ruled that the integrity of the seized items remained unscathed since PO2 Jeriel Jarez Trinidad (PO2 Trinidad) was in custody of the seized

items from the time it was recovered from Camiñas up to the time it was delivered to Police Chief Inspector Anamelisa Sebido Bacani (PCI Bacani), Forensic Chemist, for laboratory examination, who, in turn, delivered the seized items to Evidence Custodian Junia Ducad (Evidence Custodian Ducad) for safekeeping.[16]

Hence, this appeal seeking that Camiñas's conviction be overturned.

The Court's Ruling

The appeal is without merit.

The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment.[17] Here, the courts a quo correctly found that Camiñas committed the crime of Illegal Sale of Dangerous Drugs, as the records clearly show that she was caught in flagrante delicto selling shabu to the poseur-buyer, PO2 Trinidad, during a legitimate buy-bust operation conducted by the DAID-SOTG. Since there is no indication that the said courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties.[18]

Further, the Court notes that the buy-bust team had sufficiently complied with the chain of custody rule under Section 21, Article II of RA 9165.

In cases for Illegal Sale and/or Possession of Dangerous Drugs under RA 9165, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the corpus delicti of the crime.[19] Failing to prove the integrity of the corpus delicti renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and, hence, warrants an acquittal.[20]

To establish the identity of the dangerous drug with moral certainty, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.[21] As part of the chain of custody procedure, the law requires, inter alia, that the marking, physical inventory, and photography of the seized items be conducted immediately after seizure and confiscation of the same.[22] The law further requires that the said inventory and photography be done in the presence of the accused or the person from whom the items were seized, or his representative or counsel, as well as certain required witnesses, namely: (a) if prior to the amendment of RA 9165 by RA 10640,[23] a representative from the media AND the Department of Justice (DOJ), and any elected public official;[24] or (b) if after the amendment of RA 9165 by RA 10640, an elected public official and a representative of the National Prosecution Service OR the media.[25] The law requires the presence of these witnesses primarily "to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence." [26]

In this case, it is glaring from the records that after Camiñas was arrested, the buy-bust team immediately took custody of the seized items. They likewise conducted the marking, inventory,[27] and photography[28] of the seized items at the place of arrest in the presence of an elected public official, i.e., Kagawad Chico and a media representative, i.e., Oresto, in conformity with the amended witness requirement under RA 10640. PO2 Trinidad then secured the seized items and personally delivered the same to PCI Bacani of the Quezon City Police District Crime laboratory for laboratory examination, who in turn, brought the specimen to Evidence Custodian Ducad for safekeeping.[29] In view of the foregoing, the Court holds that there is sufficient compliance with the chain of custody rule and, thus, the integrity and evidentiary value of the corpus delicti have been preserved. Perforce, Camiñas's conviction must stand.

WHEREFORE, the appeal is DISMISSED. The Decision dated January 30, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09056 is hereby AFFIRMED. Accused-appellant Brenda Camiñas y Aming is found 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, as amended by Republic Act No. 10640, and accordingly, sentenced to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.

SO ORDERED.

Carpio,[*] Acting Chief Justice, (Chairperson), Caguioa, J. Reyes, Jr., and Hernando,[**] JJ., concur.

[*] Designated Acting Chief Justice per Special Order No. 2631 dated December 28, 2018.

[**] Designated Additional Member per Special Order No. 2629 dated December 18, 2018.

[1] See Notice of Appeal dated January 9, 2018; id. at 8-10.

[2] Id. at 2-7. Penned by Associate Justice Japar B. Dimaampao with Associate Justices Rodil V. Zalameda and Renato C. Francisco, concurring.

[3] CA rollo, pp. 40-49. Penned by Presiding Judge Nadine Jessica Corazon J. Fama.

[4] Entitled "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] Dated November 6, 2014. Records, pp. 1-2.

[6] See Chemistry Report No. D-554-14 and Initial Laboratory Report both dated November 5, 2014 and examined by PCI Bacani; records, pp. 112 (including dorsal portion) and 113, respectively.

[7] See id.

[8] See rollo, pp. 3-4. See also CA rollo, pp. 41-42.

[9] See rollo, pp. 4-5.

[10] CA rollo, pp. 40-49.

[11] Id. at 48.

[12] See id. at 45-48.

[13] See Notice of Appeal dated February 21, 2017; id. at 11.

[14] Rollo, pp. 2-7.

[15] Id. at 7.

[16] See id. at 5-7.

[17] See *People v. Crispo*, G.R. No. 230065, March 14, 2018; *People v. Sanchez*, G.R. No. 231383, March 7, 2018; *People v. Magsano*, G.R. No. 231050, February 28, 2018; *People v. Manansala*, G.R. No. 229092, February 21, 2018; *People v. Miranda*, G.R. No. 229671, January 31, 2018; and *People v. Mamangon*, G.R. No. 229102, January 29, 2018; all cases citing *People v. Sumili*, 753 Phil. 342, 348 (2015) and *People v. Bio*, 753 Phil. 730,

736 (2015).

[18] Cahulogan v. People, G.R. No. 225695, March 21, 2018, citing Peralta v. People, G.R. No. 221991, August 30, 2017, further citing People v. Matibag, 757 Phil. 286, 293 (2015).

[19] See People v. Crispo, supra note 17; People v. Sanchez, supra note 17; People v. Magsano, supra note 17; People v. Manansala, supra note 17; People v. Miranda, supra note 17; People v. Mamangon, supra note 17. See also People v. Viterbo, 739 Phil. 593, 601 (2014).

[20] See People v. Gamboa, G.R. No. 233702, June 20, 2018, citing People v. Umipang, 686 Phil. 1024, 1039-1040 (2012).

[21] See People v. Ana, G.R. No. 230070, March 14, 2018; People v. Crispo, supra note 17; People v. Sanchez, supra note 17; People v. Magsano, supra note 17; People v. Manansala, supra note 17; People v. Miranda, supra note 17; and People v. Mamangon, supra note 17. See also People v. Viterbo, supra note 19.

[22] In this regard, case law recognizes that "marking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team." (People v. Mamalumpon, 767 Phil. 845, 855 [2015], citing Imson v. People, 669 Phil. 262, 270-271 [2011]. See also People v. Ocfemia, 718 Phil. 330, 348 [2013], citing People v. Resurreccion, 618 Phil. 520, 532 [2009].) Hence, the failure to immediately mark the confiscated items at the place of arrest neither renders them inadmissible in evidence nor impairs the integrity of the seized drugs, as the conduct of marking at the nearest police station or office of the apprehending team is sufficient compliance with the rules on chain of custody. (See People v. Tumalak, 791 Phil. 148, 160-161 [2016] and People v. Rollo, 757 Phil. 346, 357 [2015].)

[23] Entitled "AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE 'COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002,'" approved on July 15, 2014.

[24] Section 21 (1) and (2) Article II of RA 9165 and its Implementing Rules and Regulations.

[25] Section 21, Article II of RA 9165, as amended by RA 10640.

[26] See People v. Miranda, supra note 17. See also People v. Mendoza, 736 Phil. 749, 764 (2014).

[27] See Inventory Receipt of Personal Items; records, pp. 155-156, including dorsal portions.

[28] See id. at 158 and 160-162.

[29] See Chain of Custody of Evidence; id. at 159. See also id. at 80.

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