Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

THE PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee,

- versus -

BRIAN MERCADO y SARMIENTO, Accused-Appellant.

G.R. No. 207988

Present:

SERENO, *C.J.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PEREZ, and
PERLAS-BERNABE, *JJ.*

Promulgated:

MAR 11 2015

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DECISION

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. 04942 affirming the Decision[2] in Criminal Case Nos. C-77992 and C-77993 rendered by the Regional Trial Court (RTC), Branch 120 of Caloocan City. The RTC Decision found accused-appellant Brian Mercado y Sarmiento (accused-appellant) guilty beyond reasonable doubt for violation of Sections 5 and 11, Article II of Republic Act No. 9165 (R.A. No. 9165), otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."

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1 *Rollo*, pp. 2-15; Penned by Associate Justice Mario V. Lopez with Associate Justices Ricardo R. Rosario and Socorro B. Inting concurring.

2 Records, pp. 202-213; Penned by Judge Aurelio R. Ralar, Jr.

The Facts

The accused-appellant was charged of violation of Sections 5 and 11, Article II of R.A. No. 9165, in two (2) Informations, both dated 31 July 2007, which respectively read as follows:

Crim. Case No. 77992 (For violation of Section 5, R.A. No. 9165)

> That on or about the 27th day of July, 2007 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously sell and deliver to PO3 RAMON GALVEZ, who posed, as buyer, a plastic sachet containing METHYLAMPHETAMINE HYDROCHLORIDE (Shabu) weighing 0.02 gram, a dangerous drug, without corresponding license or prescription therefore, knowing the same to be such.[3]

Crim. Case No. 77993 (For violation of Section 11, R.A. No. 9165)

> That on or about the 27th day of July, 2007 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control Two (2) sachets containing METHYLAMPHETAMINE HYDROCHLORIDE (Shabu) weighing 0.02 gram & 0.02 gram, respectively, when subjected for laboratory examination gave positive result to the tests of Methylamphetamine Hydrochloride, a dangerous drug.[4]

Upon arraignment, the accused-appellant pleaded not guilty to said charges.[5] Trial thereafter proceeded.

Based on the evidence presented and on the stipulations and admitted facts entered into by the parties, the summary of factual findings is stated as follows:

The Version of the Prosecution

> [A]t around 10:00 a.m. on July 27, 2007, acting on a tip from a confidential informant that accused-appellant was selling *shabu*, the Station Anti-Illegal Drugs Special Operation Unit (SAID-SOU) of the

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3 Id. at 2.
4 Id. at 12.
5 Id. at 22; Certificate of Arraignment dated 13 August 2007.

Philippine National Police (PNP) organized a buy-bust operation [with] SPO2 Wilfredo Quillan as team leader, PO3 [Ramon] Galvez as poseur-buyer, and SPO1 [Fernando] Moran, PO2 Eugene Amaro, PO2 Celso Santos and PO3 Jose Martirez as members. After SPO2 Quillan briefed the buy-bust team, a pre-operation report was prepared. PO3 Galvez was provided with two (2) one hundred-peso bills which he marked on the right portion with his initials "RG". Then, the team and the informant boarded a passenger jeepney and proceeded to Phase 3-D, Camarin, Caloocan City. When the informant pointed to accused-appellant, PO3 Galvez approached him and said, *"[p]'re, pa-iskor naman"*, offering to buy P200.00 worth of *shabu*. He then handed the buy-bust money and accused-appellant brought out from his pocket three (3) pieces of plastic sachets, chose one (1) sachet and gave it to PO3 Galvez. As the sale was already consummated, PO3 Galvez introduced himself as a police officer, arrested accused-appellant, and gave the pre-arranged signal to his companions by scratching his nape. When SPO1 Moran rushed in, PO3 Galvez marked the plastic sachet with "BMS/RG" and told SPO1 Moran about the remaining two (2) plastic sachets in accused-appellant's pocket. SPO1 Moran then frisked him and confiscated the items which he marked as "BMS/FM-1" and "BMS/FM-2". Thereafter, they brought accused-appellant and the confiscated items to the SAID-SOU office in Samson Road, Caloocan City, and turned them over to the investigator, PO2 [Randulfo] Hipolito, who prepared the corresponding evidence acknowledgment receipt and request for laboratory examination.

Qualitative examination conducted on the confiscated three (3) heat-sealed transparent plastic sachets containing white crystalline substance, each weighing 0.02 gram, yielded positive for methylampethamine hydrochloride or *shabu*, a dangerous drug.[6]

The Version of the Defense

On July 26, 2007, at around 9:30 to 10:00 in the evening, accused-appellant returned the jeepney he was driving to the garage of Phase 3-B, Camarin, Caloocan City. He was walking home when a jeepney with police officers on board suddenly stopped in front of him. PO3 Galvez asked accused-appellant where he came from. He answered that he just came from driving his jeepney showing the police officers his driver's license. Accused-appellant was then forced to ride in the jeepney where he saw eight (8) persons in handcuffs. He was brought to the police station and was told to produce ten thousand pesos (P10,000.00) in exchange for his liberty, otherwise, a case would be filed against him. Unable to produce the money, accused-appellant faced the present charges.[7]

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6 *Rollo*, pp. 3-5.

7 Id. at 5.

The Ruling of the RTC

After trial on the merits, the RTC rendered a Decision[8] finding the accused-appellant guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of R.A. No. 9165. The dispositive portion of which is hereunder quoted, to wit:

> Premises considered, this court finds and so holds that:
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> (1) The accused **Brian Mercado y Sarmiento GUILTY** beyond reasonable doubt for violation of Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 and imposes upon him the following:
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> (a) In **Crim. Case No. C-77992**, the penalty of Life Imprisonment and a fine of Five Hundred Thousand Pesos (P500,000.00); and
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> (b) In **Crim. Case No. C-77993**, the penalty of Imprisonment of twelve (12) years and one (1) day to Fourteen (14) years and a fine of Three Hundred Thousand Pesos (P300,000.00).
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> The drugs subject matter of these cases are hereby confiscated and forfeited in favor of the government to be dealt with in accordance with law.[9]

The trial court concluded that the evidence presented by the prosecution sufficiently satisfied the quantum required for accused-appellant's conviction. It declared that the fact of sale was sufficiently established upon showing the complete detailed manner of negotiation of said sale, exchange of consideration, and handing of the subject of the sale. The court *a quo* ruled that, as long as the police officer went through the operation as a buyer and his offer was accepted by the accused-appellant, and the dangerous drugs delivered to the former, the crime is considered consummated by the delivery of goods.[10] Likewise, the testimonies of the police officers who participated in the buy-bust operation appear credible and reliable since absence of any showing of ill-motive on their part to concoct trumped charges, they enjoy the presumption of regularity in the performance of their duties.[11] On the other hand, the denial of the accused-appellant and his mere allegation of extortion were found to be

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8 Records, pp. 202-213.

9 Id. at 212-213.

10 Id. at 208 citing *People v. Bandang, et al.*, G.R. No. 151314, 3 June 2004, 430 SCRA 570, 578-579.

11 Id. at 209-210 citing *People v. Bongalon*, 425 Phil. 96, 114 (2002); and *People v. Wu Tuan Yuan*, 466 Phil. 791, 802-803 (2004).

unsubstantiated by any convincing and credible evidence. Hence, being considered as negative, weak, and self-serving evidence, accused-appellant's bare denial cannot prevail over the positive testimony of the prosecution's witnesses and the physical evidence which supported said judgment of conviction.[12]

The Ruling of the CA

On intermediate appellate review, the CA affirmed the RTC's Decision in convicting the accused-appellant. It ruled 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. The prosecution therefore must simply show that the seized item recovered from appellant was the same item presented in court and found to be an illegal/prohibited drug. These were all established and proven beyond reasonable doubt in the instant case.[13] Accordingly, the prosecution was able to sufficiently bear out the statutory elements of the crime of illegal sale and illegal possession of such drugs committed by accused-appellant. The disposal on appeal reads:

> It is well-settled that objection to the admissibility of evidence cannot be raised for the first time on appeal; when a party desire the court to reject the evidence offered, he must so state in the form of objection. Thus, as the trial was already concluded, [w]e can no longer turn back to find out the justifiable grounds for the omission of the legal requisites.
>
> In any case, the procedural lapse did not render accused-appellant's arrest illegal or the evidence adduced inadmissible. If there is non-compliance with Section 21, the issue is not of admissibility, but of weight – evidentiary merit or probative value – to be given the evidence. After a scrutiny of the records, [w]e find the evidence adduced more than sufficient to prove the charges against accused-appellant. Therefore, considering that no circumstance exists to put the trial court's findings in error, [w]e apply the time-honored precept that findings of the trial courts which are factual in nature and which involve credibility are accorded respect when no glaring errors, gross misapprehension of facts and speculative, arbitrary and unsupported conclusions can be gathered from such findings.

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12 Id. at 210-211 citing *People v. Bang-ayan*, 534 Phil. 70, 82 (2006).

13 *Rollo*, pp. 9-10; CA Decision.

> **FOR THESE REASONS**, [w]e **DENY** the appeal and **AFFIRM** the assailed February 23, 2011 Decision of the Caloocan City Regional Trial Court, Branch 120.[14]

Moreover, the appellate court emphasized that, during trial, accused-appellant neither suggested that there were lapses in the safekeeping of the suspected drugs that could affect their integrity and evidentiary value nor objected to their admissibility. Accused-appellant was then precluded from raising such issue which must be timely raised during trial.[15]

Upon elevation of this case before this Court, the Office of the Solicitor General manifested that it will no longer file its supplemental brief and, instead, will adopt all the arguments in its brief filed before the CA.[16] On the other hand, accused-appellant raised the issue that the court *a quo* gravely erred in convicting him notwithstanding the police operatives' patent non-compliance with the strict and mandatory requirements of R.A. No. 9165.

The Issue

Whether or not the RTC and the CA erred in finding that the evidence of the prosecution was sufficient to convict the accused of the alleged sale and possession of methamphetamine hydrochloride or *shabu*, in violation of Sections 5 and 11, respectively, of R.A. No. 9165.

Our Ruling

We sustain the judgment of conviction.

The Court finds no valid reason to depart from the time-honored doctrine 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.[17]

Upon perusal of the records of the case, we see no reason to reverse or modify the findings of the RTC on the credibility of the testimony of

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14 Id. at 14.
15 Id. at 12.
16 Id. at 38-39.
17 *People v. Lardizabal*, G.R. No. 89113, 29 November 1991, 204 SCRA 320, 329.

prosecution's witnesses, more so in the present case, in which its findings were affirmed by the CA. It is worthy to mention that, in addition to the legal presumption of regularity in the performance of their official duty, the court *a quo* was in the best position to weigh the evidence presented during trial and ascertain the credibility of the police officers who testified as to the conduct of the buy-bust operation and in preserving the integrity of the seized illegal drug.

This Court has consistently ruled that for the successful prosecution of offenses involving the illegal sale of 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, the object and consideration; and (2) the delivery of the thing sold and the payment therefor.[18] 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.[19] 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.[20] On the other hand, we have adhered to the time-honored principle that for illegal possession of regulated or prohibited drugs under Section 11 of the same law, the prosecution must establish the following elements: (1) the accused is in possession of an item or object, which is identified to be a prohibited or regulated drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug.[21]

Undoubtedly, the prosecution had indeed established that there was a buy-bust operation[22] showing that accused-appellant sold and delivered the *shabu* for value to PO3 Ramon Galvez (PO3 Galvez), the poseur-buyer. PO3 Galvez himself testified that there was an actual exchange of the marked-money and the prohibited drug. Likewise, accused-appellant was fully aware that what he was selling was illegal and prohibited considering that when PO3 Galvez told him, "*pre, pa-iskor naman,*" the former immediately answered, "*magkano?,*" then when the poseur-buyer replied, "*dos lang,*" it resulted to the production of three (3) pieces of plastic sachets

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18 *People v. Tiu*, 469 Phil. 163, 173 (2004); *Chan v. Formaran III, et al.*, 572 Phil. 118, 132-133 (2008).

19 *People v. Pagkalinawan*, 628 Phil. 101, 114 (2010).

20 *People v. Andres*, 656 Phil. 619, 627 (2011) citing *People v. Serrano*, 634 Phil. 406, 420 (2010).

21 *People v. Bautista*, G.R. No. 177320, 22 February 2012, 666 SCRA 518, 530 citing *People v. Naquita*, 582 Phil. 422, 445 (2008).

22 In *People v. De Leon*, 624 Phil. 786, 803 (2010), 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."

from accused-appellant's pocket. Thereafter, the *corpus delicti* or the subject drug was seized, marked, and subsequently identified as a prohibited drug. Note that there was nothing in the records showing that he had authority to possess them. Jurisprudence had pronounced repeatedly that mere possession of a prohibited drug constitutes *prima facie* evidence of knowledge or *animus possidendi* sufficient to convict an accused in the absence of any satisfactory explanation.[23] Above all, accused-appellant likewise failed to present contrary evidence to rebut his possession of the *shabu*. Taken collectively, the illegal sale and illegal possession of dangerous drugs by accused-appellant were indeed established beyond reasonable doubt.

By way of emphasis, 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.[24] In this regard, the defense failed to show any ill motive or odious intent on the part of the police operatives 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-appellant. As a matter of fact, aside from accused-appellant's mere denial and alleged extortion against him, no evidence was ever presented to prove the truthfulness of the same. Incidentally, if these were simply trumped-up charges against him, it remains a question why no administrative charges were brought against the police officers. Moreover, 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.[25]

To reiterate, in the absence of any showing that substantial or relevant facts bearing on the elements of the crime have been misapplied or overlooked, this Court can only accord full credence to such factual assessment of the trial court which had the distinct advantage of observing the demeanor and conduct of the witnesses during the trial. Absent any proof of motive to falsely charge an accused of such a grave offense, the presumption of regularity in the performance of official duty and the

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23 *People v. Quiamanlon*, G.R. No. 191198, 26 January 2011, 640 SCRA 697, 706 citing *Fuentes v. CA*, 335 Phil. 1163, 1164-1165 (1997).

24 *People v. De Guzman*, 564 Phil. 282, 293 (2007).

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

findings of the trial court with respect to the credibility of witnesses shall prevail over his/her bare allegation.[26]

Furthermore, this Court has time and again adopted the chain of custody rule,[27] 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.[28]

It is essential for the prosecution to prove that the prohibited drug confiscated or recovered from the suspect is the very same substance offered in court as exhibit. Its identity must be established with unwavering exactitude for it to lead to a finding of guilt.[29]

Alongside these rulings are our pronouncements, just as consistent, that failure to strictly comply with the prescribed procedures in the inventory of seized drugs does not render an arrest of the accused illegal or the items seized/confiscated from him inadmissible. What is essential 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."[30] Thus:

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26 *People v. Soriaga*, 660 Phil. 600, 605 (2011) citing *People v. Tamayo*, 627 Phil. 369 (2010) and *People v. De Leon*, *supra* note 22 at 136.

27 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.

28 *Malillin v. People*, 576 Phil. 576, 587 (2008).

29 *People v. Salonga*, 617 Phil. 997, 1010 (2009).

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

> 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:
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> > **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 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.[31] (Emphases 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 from the moment he was arrested, during the time he was transported to the police station, and up to the time the drug was submitted to the crime laboratory for examination. The same witnesses also identified the seized drug with certainty when this was presented in court. With regard

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[31] *People v. Domado*, 635 Phil. 93-94 (2010).

to the handling of the seized drugs, 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-appellant 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 Chemical Officer of the Northern Police District Crime Laboratory Office, Caloocan City, Police Chief Inspector Albert S. Arturo.[32] In other words, there is no question as to the integrity of the evidence against accused-appellant.

Accordingly, we hereby affirm the position taken by the CA when it expounded on the matter:

> It is well-settled that objection to the admissibility of evidence cannot be raised for the first time on appeal; when a party desires the court to reject the evidence offered, he must so state in the form of objection. Thus, as the trial was already concluded, [w]e can no longer turn back to find out the justifiable grounds for the omission of the legal requisites.
>
> In any case, the procedural lapse did not render accused-appellant's arrest illegal or the evidence adduced inadmissible. If there is non-compliance with Section 21, the issue is not of admissibility, but of weight – evidentiary merit or probative value – to be given the evidence. After scrutiny of the records, [w]e find the evidence adduced more than sufficient to prove the charges against accused-appellant. Therefore, considering that no circumstance exists to put the trial court's findings in error, [w]e apply the time-honored precept that findings of the trial courts which are factual in nature and which involve credibility are accorded respect when no glaring errors, gross misapprehensions of facts and speculative, arbitrary and unsupported conclusions can be gathered from such findings.[33]

Again, 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-appellant, because the chain of custody of the evidence was shown to be unbroken under the circumstances of the case. As correctly found by the appellate court:

> The following links must be established in the chain of custody in a buy-bust operation: *first*, the seizure and marking, if practicable, of the

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32 Records, pp. 203-204; RTC Decision.

33 *Rollo*, p. 14; CA Decision.

> 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 from the forensic chemist to the court. A circumspect study of the evidence movements reveal the integrity and the evidentiary value of the suspected drugs were safeguarded. PO3 Galvez and SPO1 Moran testified that they marked the suspected drugs with "BMS/RG", "BMS/FM-1" and "BMS/FM-2" in the presence of accused-appellant immediately upon confiscation. Then, they brought accused-appellant and the confiscated items to their office, entrusting custody to investigator PO2 Hipolito. Contrary to accused-appellant's claim, there is no hiatus in the third and fourth link in the chain of custody. The defense admitted that, upon receipt of the items, PO2 Hipolito prepared the corresponding evidence acknowledgment receipt and request for laboratory examination. The request for laboratory examination, which the prosecution offered as part of its documentary evidence, bears a stamp stating PO2 Hipolito was the one who delivered the marked confiscated items to PNP Crime Laboratory, with forensic chemist PSI Arturo as the receiving officer. PSI Arturo then conducted the examination which yielded positive for methylamphetamine hydrochloride or *shabu*. When the prosecution presented the marked plastic sachets in court, PO3 Galvez and SPO1 Moran positively identified them as those recovered from accused-appellant in the buy-bust operation. Considering that every link was adequately established by the prosecution, the chain of custody was unbroken.[34]

In fine, considering the pieces of evidence presented by the prosecution, the denial and allegation of extortion of the accused-appellant fails. 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.[35] Consequently, we find no cogent reason to disturb the decisions of the RTC and the CA. Accused-appellant Bryan Mercado y Sarmiento is guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of R.A. No. 9165.

WHEREFORE, the appeal is **DENIED**. The CA Decision in CA-G.R. CR HC No. 04942 dated 26 September 2012, is **AFFIRMED** in all respects.

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34 Id. at 11-12.

35 *Zalameda v. People*, 614 Phil. 710, 733 (2009).

SO ORDERED.

JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice