

SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
 Supreme Court
 Baguio City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 242407

Plaintiff-Appellee, Present:

- versus -

CARPIO, J., Chairperson,
 PERLAS-BERNABE,
 CAGUIOA,
 J. REYES, JR., and
 LAZARO-JAVIER, JJ.

WILLIAM PIÑERO alias JUN
 JUN GENERALAO @ "Talep,"
 Accused-Appellant.

Promulgated:

01 APR 2019

X-----*[Signature]*-----X

DECISION

PERLAS-BERNABE, J.:

Assailed in this ordinary appeal¹ is the Decision² dated May 25, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02444, which affirmed the Joint Judgment³ dated October 18, 2016 of the Regional Trial Court of Negros Oriental, Branch 30 (RTC) in Crim. Case Nos. 2015-22797 and 2015-22796 finding accused-appellant William Piñero alias Jun Jun Generalao @ "Talep" (Piñero) guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165,⁴ otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."

¹ See Notice of Appeal dated June 8, 2018; *rollo*, pp. 19-21.
² Id. at 4-18. Penned by Associate Justice Marilyn B. Lagura-Yap with Associate Justices Gabriel T. Ingles and Gabriel T. Robeniol, concurring.
³ CA *rollo*, pp. 8-22. Penned by Judge Rafael Crescencio C. Tan, Jr.
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.

The Facts

This case stemmed from two (2) Informations⁵ filed before the RTC accusing Piñero of the crimes of Illegal Sale and Illegal Possession of Dangerous Drugs, respectively defined and penalized under Sections 5 and 11, Article II of RA 9165. The prosecution alleged that in the morning of February 9, 2015, a confidential informant tipped off the members of the Special Operations Group (SOG) of the Negros Oriental Provincial Police Office (NOPPO) regarding the illegal drug activities of Piñero alias “Talep” at Barangay Cadawinonan, Dumaguete City. After hatching a buy-bust plan and coordinating with the Philippine Drug Enforcement Agency (PDEA), the police officers proceeded to Barangay Cadawinonan in the afternoon of the same day. There, they successfully implemented the buy-bust operation against Piñero, during which a transparent plastic sachet of suspected *shabu* weighing 0.1 gram was recovered from him. When Piñero was searched after his arrest, the police officers were able to seize from his possession fourteen (14) more transparent plastic sachets containing a combined weight of 2.97 grams of white crystalline substance. Immediately after Piñero’s arrest, the apprehending officers conducted the marking, inventory, and photography in the presence of Barangay *Kagawad* Eusebia Albina, Department of Justice (DOJ) representative Anthony Chilius Benlot, and media representative Juancho Gallarde at the place of apprehension. Piñero was then brought to the SOG office and thereafter, Police Officer 2 Al Lester Avila (PO2 Avila), the poseur-buyer and the one who took custody of the suspected drugs, brought the seized sachets to the crime laboratory where, after examination,⁶ the contents thereof yielded positive for methamphetamine hydrochloride or *shabu*, a dangerous drug.⁷

In defense, Piñero denied the charges against him, claiming instead, that in the afternoon of February 9, 2015, he was at Barangay Looc waiting for his two siblings at the side of the store near a basketball court when suddenly two (2) men approached him asking if he had drugs. When he said he did not have any, he was forced to go with them. He was made to board their vehicle and while inside, he was asked if he knew anyone selling drugs to which he replied in the negative. He was then brought to Barangay Cadawinonan where, upon disembarking, the two (2) men and the driver brought out a black bag containing documents and plastic sachets which had salt-like contents. It was the first time he saw these items which are being used as evidence against him. Piñero claims he never sold nor possessed any drugs.⁸

⁵ Crim. Case No. 2015-22796 is for violation of Section 11, Article II of RA 9165 (see records, pp. 3-4 and 43-44), while Crim. Case No. 2015-22797 is for violation of Section 5, Article II of RA 9165 (see id. at 58-59 and 45-46).

⁶ See Chemistry Report No. D-051-15 dated February 9, 2015 examined by Forensic Chemist, Police Chief Inspector Josephine Suico Llena; id. at 25, including dorsal portion.

⁷ See *rollo*, pp. 7-8. See also *CA rollo*, pp. 9-12. PO2 Avila was also referred as “PO3 Avila” in some parts of the records.

⁸ See *rollo*, p. 8. See also *CA rollo*, p. 13.

In a Joint Judgment⁹ dated October 18, 2016, the RTC found Piñero guilty beyond reasonable doubt of the crimes charged, and accordingly, sentenced him as follows: (a) in Crim. Case No. 2015-22797 for Illegal Sale of Dangerous Drugs, to suffer the penalty of life imprisonment, and to pay a fine in the amount of ₱500,000.00; and (b) in Crim. Case No. 2015-22796 for Illegal Possession of Dangerous Drugs, to suffer an indeterminate penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum, and to pay a fine in the amount of ₱400,000.00.¹⁰ The RTC found that the prosecution, through the testimonial and documentary evidence it presented, had established beyond reasonable doubt that Piñero indeed sold one (1) transparent plastic sachet containing 0.1 gram of *shabu*, a dangerous drug, to the poseur-buyer, resulting in his arrest, and that during the search incidental thereto, he was discovered to be in possession of fourteen (14) more plastic sachets containing a combined weight of 2.97 grams of *shabu*. It also held that Piñero's arrest was legal, having been caught *in flagrante* selling drugs to the poseur-buyer in the buy-bust operation. Furthermore, the RTC found Piñero's claims of denial and frame-up untenable, these being weak defenses which cannot stand against his positive identification by the prosecution's witnesses. Piñero's claims are likewise belied by the fact that he did not file any administrative or criminal case against the supposed erring officers.¹¹ Aggrieved, Piñero appealed¹² to the CA.

In a Decision¹³ dated May 25, 2018, the CA affirmed the RTC ruling.¹⁴ It held that the prosecution had sufficiently established the validity of the buy-bust operation, and the resulting arrest and search of Piñero. The prosecution likewise established beyond reasonable doubt all the elements of the crimes charged against Piñero, and that the integrity and evidentiary value of the seized items have been preserved due to the arresting officers' compliance with the chain of custody rule.¹⁵

Hence, this appeal seeking that Piñero'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

⁹ CA *rollo*, pp. 8-22.

¹⁰ Id. at 20-21.

¹¹ See id. at 14-20.

¹² See Notice of Appeal dated November 7, 2016; records, pp. 193-194.

¹³ *Rollo*, pp. 4-18.

¹⁴ Id. at 17-18.

¹⁵ See id. at 10-17.

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payment; while the elements of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.¹⁶ Here, the courts *a quo* correctly found that all the elements of the crimes charged are present, as the records clearly show that Piñero was caught in *flagrante delicto* selling *shabu* to the poseur-buyer, PO2 Avila, during a legitimate buy-bust operation by the SOG-NOPPO; and that fourteen (14) more plastic sachets containing *shabu* were recovered from him during the search made incidental to his arrest. 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.¹⁷

Further, the Court notes that the buy-bust team had 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.¹⁸ 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.¹⁹

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.²⁰ 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.²¹

¹⁶ 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).

¹⁷ See *Cahulogan v. People*, G.R. No. 225695, March 21, 2018, citing *Peralta v. People*, G.R. No. 221991, August 30, 2017, 838 SCRA 350, 360, further citing *People v. Matibag*, 757 Phil. 286, 293 (2015).

¹⁸ See *People v. Crispo*, supra note 16; *People v. Sanchez*, supra note 16; *People v. Magsano*, supra note 16; *People v. Manansala*, supra note 16; *People v. Miranda*, supra note 16; *People v. Mamangon*, supra note 16. See also *People v. Viterbo*, 739 Phil. 593, 601 (2014).

¹⁹ See *People v. Gamboa*, G.R. No. 233702, June 20, 2018, citing *People v. Umipang*, 686 Phil. 1024, 1039-1040 (2012).

²⁰ See *People v. Año*, G.R. No. 230070, March 14, 2018; *People v. Crispo*, supra note 16; *People v. Sanchez*, supra note 16; *People v. Magsano*, supra note 16; *People v. Manansala*, supra note 16; *People v. Miranda*, supra note 16; and *People v. Mamangon*, supra note 16. See also *People v. Viterbo*, supra note 18.

²¹ 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

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 10640,²² a representative from the media AND the DOJ, and any elected public official,²³ 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.²⁴ 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.”²⁵

In this case, it is glaring from the records that after Piñero was arrested during the buy-bust operation and was subsequently searched, the poseur-buyer, PO2 Avila, immediately took custody of the seized plastic sachets and conducted the marking, inventory, and photography thereof in the presence of a public elected official, a DOJ representative, and a media representative right at the place where Piñero was arrested.²⁶ Thereafter, PO2 Avila secured the seized plastic sachets and delivered the same to the forensic chemist at the crime laboratory, who in turn, kept the items in the evidence vault of which only she has access to, and thereafter, personally brought the items to the RTC for identification.²⁷ In view of the foregoing, the Court holds that there was compliance with the chain of custody rule and, thus, the integrity and evidentiary value of the *corpus delicti* have been preserved. Perforce, Piñero’s conviction must stand.

WHEREFORE, the appeal is **DISMISSED**. The Decision dated May 25, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 02444 is hereby **AFFIRMED**. Accused-appellant William Piñero alias Jun Jun Generalao @ “Talep” is found **GUILTY** beyond reasonable doubt of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, respectively defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165, as amended by Republic Act No. 10640. Accordingly, he is sentenced as follows: (a) in Crim. Case No. 2015-22797 for Illegal Sale of Dangerous Drugs, to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱500,000.00; and (b) in Crim. Case No. 2015-22796 for Illegal Possession of Dangerous Drugs, to suffer an indeterminate penalty of

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].)

²² 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.

²³ Section 21 (1), Article II of RA 9165 and its Implementing Rules and Regulations.

²⁴ Section 21 (1), Article II of RA 9165, as amended by RA 10640

²⁵ See *People v. Miranda*, supra note 16. See also *People v. Mendoza*, 736 Phil. 749, 764 (2014).

²⁶ In conformity with the witness requirement under Section 21 (1), Article II of RA 9165, as amended by RA 10640.

²⁷ See CA *rollo*, pp. 12-13.

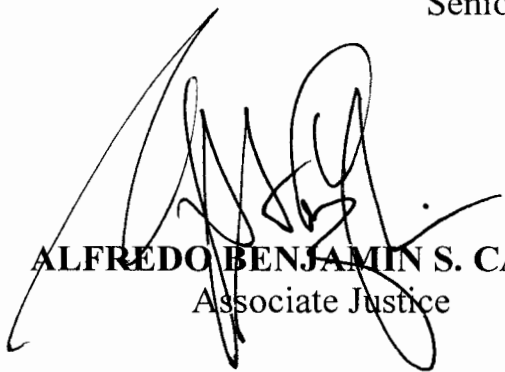
imprisonment of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum, and to pay a fine in the amount of ₱400,000.00.

SO ORDERED.

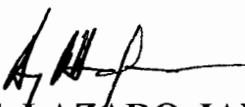

ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On Official Leave
JOSE C. REYES, JR.
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

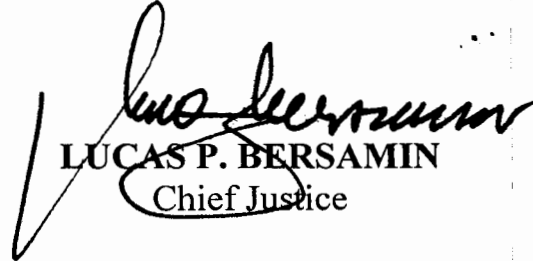
ATTESTATION

I attest 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.


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, 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.



LUCAS P. BERSAMIN
Chief Justice