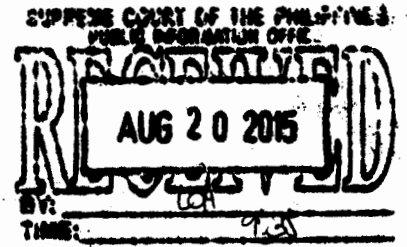




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **3 August 2015** which reads as follows:

G.R. No. 200532 (People of the Philippines v. Danilo Capco y Sumadlab). – We resolve the appeal filed by appellant Danilo Capco (*Capco*) from the Court of Appeals' (*CA*) June 3, 2011 decision¹ in CA-G.R. CR H.C. No. 04039. The *CA* decision affirmed the June 30, 2009 decision² of the Regional Trial Court (*RTC*), Branch 65, Makati City, finding Capco guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. 9165.

In its decision, the *RTC* gave credence to Norman Bilason's (*Bilason*) testimony that Capco possessed and sold methamphetamine hydrochloride or *shabu*. On this basis, the lower court sentenced Capco to suffer the penalty of life imprisonment in Criminal Case No. 08-1491 for illegal sale of *shabu*; and the indeterminate penalty of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, and eight (8) months, as maximum in Criminal Case No. 08-1492 for illegal possession of *shabu*.

On appeal, the *CA* affirmed the *RTC*'s decision. It found that Bilason's testimony was straightforward and credible, and that the drug's integrity had been preserved.

Our Ruling

After due consideration, we resolve to **dismiss** the appeal outright for lack of merit.

Capco's guilt was proven beyond reasonable doubt

Capco alleged that the prosecution failed to prove his guilt beyond reasonable doubt because Bilason failed to give the specific details of the buy-bust operation.

In *People v. Agcanas*,³ we held that positive identification, where categorical and consistent and absent any ill motive on the part of the witness, should prevail over a mere denial.

¹ SC Rollo, pp. 2-16; penned by Associate Justice Marlene Gonzales-Sison, and concurred in by Associate Justices Noel G. Tijam and Leoncia R. Dimagiba.

² CA rollo, pp. 13-21; penned by Judge Edgardo M. Caldon.

³ *People v. Agcanas*, G.R. No. 174476, October 11, 2011, 658 SCRA 842.

We also held in *People v. Naquita*,⁴ that the testimony of the members of the buy-bust team deserves full faith and credit. Public officers enjoy the presumption of regularity in the performance of official duty, particularly in drug cases, in the absence of indicators showing proof to the contrary.

The record shows that Bilason categorically identified Capco as the person caught *in flagrante* of selling and possessing *shabu*.⁵ Capco also failed to show that Bilason entertained ill motives when he gave his testimony.

The proper chain of custody was sufficiently proven

Capco pointed out that the prosecution failed to prove that the proper chain of custody was followed because the prosecution failed to present all the persons who handled the seized item.

The nonpresentation of all persons who handled the evidence as witnesses is not necessarily a defect fatal to the prosecution's case.⁶

The prosecution possesses sufficient discretion to determine how it will present its case, as well as the right to choose whom and how many to present as witnesses. What the law specifically requires for conviction is the presentation of a complete case that proves the accused guilty beyond reasonable doubt. The prosecution carries no additional burden beyond this point.

Additionally, the purpose of the rule on chain of custody is to ensure that the drug seized from the accused is the same drug offered in court.⁷ We find from the records that the integrity of the drug has been duly preserved.

Specifically, we note that: 1) Bilason's Joint Affidavit of Arrest shows that the drugs were properly marked; 2) Barangay Captain Rodolfo Doromal signed the inventory receipt; 3) Police Officer 3 Rafael Castillo's letter-request for a laboratory examination shows that the seized items were transmitted to the PNP crime laboratory; and 4) the Physical Science Report shows that the seized items arrived at the PNP crime laboratory and that the examined specimen was *shabu*.⁸

⁴ *People v. Naquita*, G.R. No. 180511, July 28, 2008, 560 SCRA 430.

⁵ *Rollo*, p. 8.

⁶ *People v. Angkob*, G.R. No. 191062, September 19, 2012, 681 SCRA 414.

⁷ *People v. Climaco*, G.R. No. 199403, June 13, 2012, 672 SCRA 631.

⁸ *Rollo*, p. 11.

mlg 8/18

WHEREFORE, in these lights, the decision of the Court of Appeals dated June 3, 2011, in CA-G.R. CR H.C. No. 04039 is **AFFIRMED**.

SO ORDERED."

Very truly yours,

MA Lourdes C. Perfecto
MA. LOURDES C. PERFECTO
Division Clerk of Court *file*
8/19

By:

TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

PUBLIC ATTORNEY'S OFFICE (reg)
(ATTY. KAROLINE J. ABELLO)
DOJ Agencies Building
NIA Road cor. East Avenue
1104 Diliman, Quezon City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

DANILO CAPCO SUMADLAB (reg)
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 65
Makati City
Crim. Case No. 08-1491

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR H.C. No. 04039

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
Supreme Court, Manila
[for uploading pursuant to A.M. No. 12-7-1-SC]

JUDGMENT DIVISION (x)
Supreme Court, Manila

Please notify the Court of any change in your address.
GR200532. 08/03/15 (52)