



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SPECIAL SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Special Second Division, issued a Resolution dated **22 June 2020** which reads as follows:

“**G.R. No. 227856** (*People of the Philippines v. Siem Lee*). – After a judicious review of the records, the Court resolves to **DISMISS** the appeal from the Decision¹ dated November 27, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06443 for failure of Siem Lee (accused-appellant) to prove that the CA committed reversible error in affirming the Decision² dated January 29, 2013 of Branch 82, Regional Trial Court (RTC), Quezon City, finding him guilty of Illegal Sale of Dangerous Drugs under Section 5, Article II of Republic Act No. (RA) 9165.

The prosecution had satisfactorily established the elements of Illegal Sale of *shabu*: (1) the identity of the buyer and seller, the object, and consideration; and (2) the delivery of the thing sold and the payment therefor. Senior Police Officer II Ronald Parreno (SPO2 Parreno), who acted as the *poseur*-buyer, positively identified the accused-appellant as the seller of *shabu* during the buy-bust operation conducted on October 5, 2003. Accordingly, accused-appellant gave SPO2 Parreno a box containing four plastic bags³ of white crystalline substance and, in exchange therefor, he handed to accused-appellant the buy-bust money.⁴ Upon qualitative examination at the crime laboratory, the seized items weighing 4,004.00 grams tested positive for *shabu*.⁵ The CA said:

A review of the records of the instant case reveals that the prosecution successfully proved the existence of all the aforesaid essential elements of illegal sale of *shabu*. The accused-appellant was

¹ *Rollo*, pp. 2-12; penned by Associate Justice Elihu A. Ybañez with Associate Justices Magdangal M. De Leon and Victoria Isabel A. Paredes, concurring.

² Records, pp. 579-587.

³ Referred to as “sachets” by the CA.

⁴ Records, p. 581.

⁵ *Id.* at 200.

positively identified as the seller of *shabu* by SPO2 Parreno who conducted the buy-bust operation with other police officers. SPO2 Parreno testified that he acted as buyer of *shabu* from the accused-appellant. It was likewise established that the sale actually occurred and that four (4) sachets of *shabu* was sold for the price of ₱3,200,000.00. The *shabu* sold by the accused-appellant was also positively and categorically identified during trial.⁶

The Court sees no reason to deviate from the findings of the CA.

First, credence was properly accorded to the testimonies of the prosecution witnesses, who are law enforcers. When police officers have no motive to testify falsely against the accused, the courts are inclined to uphold the presumption of regularity in the performance of their duty. In this case, no evidence has been presented to suggest any improper motive on the part of the police enforcers in arresting the accused-appellant. Besides, the testimonies of the police officers regarding the conduct of the buy-bust operation corroborated each other. The RTC stated:

Aware of the foregoing legal yardstick, evidence disclose that involved herein is a buy bust operation conducted by police operatives. [SPO2 Parreno], the poseur buyer in said operation, testified on the details thereof, identified [accused-appellant] as the seller of the dangerous drugs who received from him the buy bust money paid by him therefor. He similarly identified the dangerous drugs subject of their transaction which upon examination by PSI Stella Graciano Ebuena, the Forensic Chemist, was found positive for methamphetamine hydrochloride, or shabu.

X X X X

All told, the evidence herein adduced established the elements of the violation attributed to the accused. Absent from the evidence proffered by the accused is any proof or even an attempt to belie such evidence and to show that the police operatives involved in said operation were inspired by improper motive or were not properly performing their duty. Given that, it has been held that their testimonies cannot be belittled or ignored. x x x⁷

Second, the Court also finds no reason to doubt the testimonies of the prosecution witnesses as to what really transpired during the buy-bust operation. The evaluation by the trial court of the credibility of witnesses is entitled to the highest respect and will not be disturbed on appeal considering that the trial court is in a better position to decide such question, having heard the witnesses themselves and observed their

⁶ *Rollo*, p. 9.

⁷ Records, pp. 585-586.

deportment and manner of testifying during the trial. Its findings on the issue of credibility of witnesses and the consequent findings of fact must be given great weight and respect on appeal, unless certain facts of substance and value have been overlooked which, if considered, might affect the result of the case.⁸

Third, the Court also upholds the findings of the courts *a quo* that the State had preserved the integrity of the prohibited drug confiscated from the accused-appellant.

In this case, the Court is convinced that the integrity of the seized items had been preserved. PO2 Reynaldo G. Ramos marked the bags with his initials "RGR"⁹ at the crime scene before proceeding to Camp Crame. Later, Police Senior Inspector Stella Graciano Ebuén (PSI Ebuén) received the request for laboratory examination¹⁰ together with the specimen from SPO2 Parreno, who personally surrendered the items to the crime laboratory.¹¹ It must be noted that the contraband remained with SPO2 Parreno until they reached the crime laboratory. The Initial Laboratory Report¹² and Chemistry Report No. D-114-03¹³ of PSI Ebuén both showed that the specimen submitted by the police operatives indeed bore the markings "RGR-1" to "RGR-4" and that they tested positive for methamphetamine hydrochloride or *shabu*. Soon after, she turned over the specimen and the results of the examination to SPO2 Parreno after placing her own markings on the plastic bags.¹⁴ PSI Ebuén narrated:

Q:

You were able to identify Exh. "A" which is a Request for Laboratory Examination, when did you receive Exh. "A"?

A:

I received it last October 5, 2003, sir.

Q:

What time was that?

A:

At around 4:25 P.M. that day, sir.

x x x x

Q:

To whom did you personally receive this?

⁸ *People v. Magundayao*, G.R. No. 217377, February 4, 2019 citing *People v. Bensig*, 437 Phil. 748, 756 (2002).

⁹ TSN, April 17, 2006, p. 27.

¹⁰ Records, p. 199.

¹¹ TSN, May 19, 2008, p. 5.

¹² Records, p. 200.

¹³ *Id.* at 201.

¹⁴ TSN, May 19, 2008, pp. 8 and 10.

x x x x

A:

May I be allowed to go over the letter request, sir?
(After the document was handed over to her)
Based on the stamp mark receipt, I received it from SPO2 Ronald Pareño [*sic*], sir.¹⁵

x x x x

Q:

When you received the item, was it contained in a box?

A:

Yes, sir.

Q:

Did you ask where the box came from?

A:

No, sir.

Q:

Did you place markings on the box on which the alleged drugs are contained?

A:

I placed my markings on the box, sir.

Q:

How about on the plastic containing the box?

A:

Yes, sir. I placed my markings.

Q:

What were the markings you placed on the plastic bags?

A:

I placed the control number which is Chemistry Report No. D-[1114]-03, "A-1, A-2, A-3 and A-4", my initials SGE on each of the bags, sir.¹⁶

x x x x

Q:

Just for the record, this representation is showing to the witness a document marked as Exh. "C" denominated as Initial Laboratory Report. Kindly go over this and tell us who received this document?

A:

Based on this document, it was received by a certain SPO2 Ronald Pareño [*sic*], sir.

Q:

It appears that the one who delivered the items was Pareño [*sic*] and he was also the one who received it?

A:

Yes, sir.¹⁷

¹⁵ *Id.* at 5.

¹⁶ *Id.* at 7-8

¹⁷ *Id.* at 10.

Finally, a stricter adherence to Section 21, Article II of RA 9165 is required where the quantity of illegal drugs seized is minuscule since it is highly susceptible to planting, tampering, or alteration.¹⁸ While the minuscule amount of narcotics seized is by itself not a ground for acquittal, this circumstance underscores the need for more exacting compliance with the law. In one case, the Court observed that the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives.¹⁹

Any possibility of substitution, adulteration, or tampering of the seized drugs in the conduct of the operation is remote, if not impossible, in this case since the amount of *shabu* recovered from the accused-appellant was so substantial at four kilos. Significantly, given the quantity and obvious size of the articles, including the box which contained them, it is incredible that they will be planted or exchanged with another.

In fine, the Court entertains no doubt that accused-appellant is guilty of the offense. The penalty of the unauthorized sale of *shabu* is life imprisonment to death and a fine ranging from ₱500,000.00 to ₱10 Million, regardless of its quantity and purity. Accused-appellant was therefore properly sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00.

WHEREFORE, the Decision dated November 27, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 06443 finding accused-appellant Siem Lee guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs is hereby **AFFIRMED**.

Accordingly, accused-appellant Siem Lee is hereby sentenced to suffer the penalty of life imprisonment without eligibility for parole, and to pay a fine in the amount of ₱500,000.00.

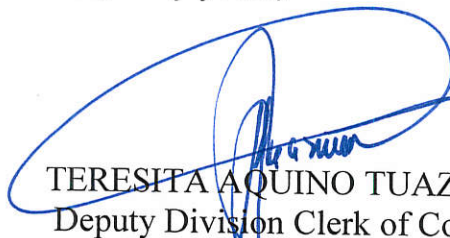
The Court **NOTES** the letter dated December 14, 2019 of JInsp. Jaime P. Batuyog, Jr., Officer-in-Charge, New Bilibid Prison-North, Muntinlupa City, confirming the confinement of accused-appellant Siem Lee at the said institution since August 23, 2013.

¹⁸ *People v. Señeres, Jr.*, G.R. No. 231008, November 5, 2018. Citations omitted.

¹⁹ *People v. Holgado*, 741 Phil. 78, 99 (2014), citing *Mallillin v. People*, 576 Phil. 576, 588 (2008).

SO ORDERED." (GAERLAN, J., designated as additional member per Special Order No. 2780 dated May 11, 2020, on leave).

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *mu 9/3*

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THE DIRECTOR (reg)
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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 82
Quezon City
(Crim. Case No. Q-03-121422)

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