



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 229099

Present:

- versus -

BERSAMIN,* *C.J.*,
 DEL CASTILLO,
*Acting Chairperson,***
 JARDELEZA,
 GESMUNDO, *and*
 CARANDANG,* *JJ.*

JOY ANGELES y AGBOLOS,
Accused-Appellant.

Promulgated:

FEB 27 2019

X-----


DECISION

DEL CASTILLO, J.:

On appeal is the February 29, 2016 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07048 which affirmed the August 19, 2014 Joint Decision² of the Regional Trial Court (RTC) of Lingayen, Pangasinan, Branch 69 in Criminal Case Nos. L-9907 and 9908 finding accused-appellant Joy Angeles y Agbolos (appellant) guilty of illegal sale and possession of dangerous drugs in violation of Sections 5 and 11, respectively, Article II of Republic Act (RA) No. 9165.³

Factual Antecedents

Appellant was charged with illegal sale and illegal possession of dangerous drugs in two separate Informations, reading as follows:

[Crim. Case No. L-9907]

That on or about 3:30 in the early morning of November 19, 2013 in Brgy. Maniboc, Lingayen, Pangasinan, and within the jurisdiction of the

* On official leave.

** Per Special Order No. 2638 dated February 26, 2019.

¹ CA *rollo*, pp. 125-162; penned by Associate Justice Marlene Gonzales-Sison and concurred in by Associate Justices Ramon A. Cruz and Henri Jean Paul B. Inting.

² Records in Crim. Case No. L-9907, pp. 88-99; penned by Presiding Judge Loreto S. Alog, Jr.

³ The Comprehensive Dangerous Drugs Act of 2002.



Honorable Court, the above-named accused, did, then and there, willfully, unlawfully and feloniously sell one (1) heat[-]sealed plastic sachet containing Methamphetamine Hydrochloride (Shabu), a dangerous drug, to PO3 Raul Cayabyab worth PHP500.00 without lawful authority to do so.

Contrary to Sec. 5, Article II of R.A. 9165.⁴

[Crim. Case No. L-9908]

That on or about 3:30 in the early morning of November 19, 2013 in Brgy. Maniboc, Lingayen, Pangasinan, and within the jurisdiction of the Honorable Court, the above-named accused, did, then and there, willfully, unlawfully and feloniously have in her possession, control and custody two (2) heat[-]sealed plastic sachets containing Met[h]amphetamine Hydrochloride (Shabu), a dangerous drug, without lawful authority to do so.

Contrary to Sec. 11, Article II of R.A. 9165.⁵

Upon arraignment, appellant pleaded “Not Guilty”⁶ to both charges. Trial then ensued.

Version of the Prosecution

On November 16, 2013, Lingayen Police Station operatives PO3 Raul Cayabyab (PO3 Cayabyab), SPO1 Jolly Yanes (SPO1 Yanes) and SPO1 Marday delos Santos⁷ (SPO1 delos Santos), and a confidential informant (CI), conducted a surveillance against an alias Joy (later identified as appellant). Three days thereafter, or on November 19, 2013, P/Supt. Reynaldo Panay (P/Supt. Panay), the Chief of Police of Lingayen, designated PO3 Cayabyab as Team Leader and poseur-buyer, and directed him, SPO1 Yanes and SPO1 delos Santos to conduct a buy-bust operation against appellant, with the CI accompanying them in the operation.⁸

Consequently, at about 3:00 a.m. of the same day, the CI texted appellant to meet her at Sarah’s Store in Maniboc, Lingayen, Pangasinan. The buy-bust team arrived thereat at around 3:25 a.m. PO3 Cayabyab and the CI stayed in front of Sarah’s Store while SPO1 Yanes and SPO1 delos Santos positioned themselves at a distance of 5 to 10 meters. Appellant thereafter arrived in a motorcycle followed by a tricycle, which provided illumination in the area.⁹

After alighting from the motorcycle, appellant approached the CI. PO3 Cayabyab then told her that he was buying ₱500.00 worth of items. Appellant gave PO3 Cayabyab a plastic sachet containing crystalline granules, and the

⁴ Records in Crim. Case No. L-9907, p. 1.

⁵ Records in Crim. Case No. L-9908, p. 1.

⁶ Records in Crim. Case No. L-9907, pp. 24-26.

⁷ TSN, July 8, 2014, p. 15.

⁸ TSN, April 8, 2014, pp. 2-4.

⁹ Id. at 5-6.

latter handed appellant the ₱500.00 marked money. Immediately, PO3 Cayabyab raised his left hand as signal for SPO1 Yanes and SPO1 delos Santos to approach them.¹⁰ When they came near appellant, SPO1 Yanes and SPO1 delos Santos introduced themselves as police offices and informed appellant of her rights. Upon inspection, they found in appellant's left pants pocket two plastic sachets and the marked money that was used in the buy-bust. Meanwhile, SPO1 delos Santos relayed to P/Supt. Panay that appellant was arrested; and consequently, PO3 Danny Santos of their Action Team coordinated with the *barangay* officials and the representative of the Department of Justice (DOJ), who, later arrived at the place of incident.¹¹

At the place of incident and in the presence of the *Barangay Kagawad* Federico Dizon of *Barangay* Maniboc, and Assistant Provincial Prosecutor Jeffrey Catungal, PO3 Cayabyab marked the item he bought from appellant with "RGC1." He also marked the two sachets recovered from appellant with "RGC2" and "RGC3."¹² He likewise prepared the Confiscation Receipt at the place of incident. The Duty Investigator, PO2 Rodolfo Q. Naungayan (PO2 Naungayan) took pictures of the marking and inventory of the recovered items from appellant.¹³

The police officers brought appellant to the police station where PO3 Cayabyab turned over the recovered plastic sachets to PO2 Naungayan. Afterwards, PO3 Cayabyab brought appellant to the Don Mariano Community Hospital for medical examination. Upon his return to the police station, PO3 Cayabyab received from PO2 Naungayan the Request for laboratory examination as well as the sachets he earlier gave the latter. Subsequently, he brought appellant, said Request and the subject sachets at the Crime Laboratory. Later, appellant was brought back to the police station where she was detained.¹⁴

Meanwhile, PCSI Emelda B. Roderos (PCSI Roderos) testified that she was a Forensic Chemist at the Pangasinan Provincial Crime Laboratory Office; on November 19, 2013, she received three heat-sealed plastic sachets with these initials: "RGC1," "RGC2," and "RGC3;" and, she placed the control number (D-217-2013L), the names of the specimens (A-1, A-2, A-3), their corresponding weight (0.1 gram, 0.04 gram, and 0.03 gram), and her initials ("EBR") on the specimens. According to PCSI Roderos, per her examination, these items tested positive for the presence of methamphetamine hydrochloride. She also confirmed in court that the specimens shown to her were the same

¹⁰ Id. at 6-7; July 8, 2014, p. 14.

¹¹ TSN, April 8, 2014, pp. 7-9.

¹² TSN, July 8, 2014, pp. 3, 19-20.

¹³ TSN, April 8, 2014, pp. 9-10.

¹⁴ Id. at 10-13.

ones she earlier examined at the Crime Laboratory.¹⁵

Version of the Defense

For her part, appellant denied the accusations against her and instead averred that:

x x x [O]n 18 November 2013, at around 11:00 o'clock in the evening, not having any other means to buy medicine for her sick mother, as she was, likewise, sick, [appellant] enlisted the help of one Oliver Roxas (Oliver for brevity), a tricycle driver in their place at Bengson Street, Lingayen, Pangasinan and a friend. When Oliver dropped by to get the One Hundred pesos (Php100.00) for the medicine, the latter requested to use her cellular phone as he had no load/credit left.

x x x As it took a while for Oliver to come back, [appellant] called him and asked what was keeping him. [T]he former reasoned that he still has a passenger and directed her to wait for him on a street different from the one where they met earlier. When Oliver arrived, instead of handing over the medicine he bought, [he] tried to give [appellant] a Five Hundred Peso (Php500.00) bill. It was then that police officers appeared, poked their guns at her, boarded her on the tricycle and brought her to the police station.

x x x At the police station, [appellant] overheard the policemen talking about going back to Sarah[']s Store in Camanggaan Street to plot the evidence against her. True enough, she was brought back to Sarah[']s Store and ordered to sit down while the police officers put the drugs near her and took pictures thereof. At the same time, she was crying loudly and calling for her mother, thus, one of the police officers threatened to kick her on the face. Thereafter, the case prosecutor and a barangay official arrived to witness the proceedings. She was subsequently charged with Sale and Possession of Dangerous Drugs.¹⁶

Ruling of the Regional Trial Court

The RTC found appellant guilty of both charges and sentenced her to suffer the penalty of life imprisonment and her to pay a ₱500,000.00 fine, for illegal sale of dangerous drug, and imprisonment ranging from twelve (12) years and one (1) day, as minimum, to seventeen (17) years, as maximum, and to pay a ₱300,000.00 fine, for illegal possession of prohibited drugs.

Ruling of the Court of Appeals

The CA affirmed the RTC Decision. It agreed with the findings of the RTC that the elements of the crimes charged were established, and that the

¹⁵ TSN, May 15, 2014, pp. 4-6; Records in Crim. Case No. L-9907, p. 17.

¹⁶ CA rollo, pp. 36-37.

chain of custody rule was properly observed.

Undaunted, appellant filed this appeal.

Issue

Whether appellant is guilty beyond reasonable doubt of illegal sale and possession of dangerous drugs.


Our Ruling

Appellant contends that the identity of the drug evidence was not sufficiently proved because there were gaps in the chain of custody. She argues that the lack of her or her representative's signature as well as that of a media representative in the inventory of the seized items constituted gaps in the chain of custody of the recovered items.¹⁷

Such contentions, however, are untenable considering that the prosecution proved with moral certainty the elements of illegal sale and illegal possession of dangerous drugs as well as the existence of the *corpus delicti*, such that her guilt was established beyond reasonable doubt.

Elements; illegal sale, possession of dangerous drugs

As regards illegal sale of dangerous drug, the prosecution established: (i) the identity of the seller (appellant) and the buyer (PO3 Cayabyab), the object (a sachet of *shabu*) and consideration (₱500.00 marked money) of the sale as well as (ii) the delivery of the thing sold and the payment for the same.¹⁸

Put in another way, appellant committed illegal sale of dangerous drug because it was shown that during the buy-bust operation, appellant sold a sachet of *shabu* worth ₱500.00 to PO3 Cayabyab. Moreover, the *corpus delicti* was identified and presented in court as evidence. For indeed "the delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the buy-bust money[, as in this case,] consummate the illegal transaction."¹⁹ 

¹⁷ *Rollo*, pp. 45-47.

¹⁸ *People v. Taboy*, G.R. No. 223515, June 25, 2018.

¹⁹ *People v. Pundugar*, G.R. No. 214779, February 7, 2018.

On the other hand, the elements of illegal possession of dangerous drugs were also proved here. Appellant was found to be in possession of two heat-sealed sachets containing white crystalline granules, which upon examination, tested positive for methamphetamine hydrochloride (*shabu*). Likewise, her possession thereof was not shown to be authorized by law; and, she freely and consciously possessed such illegal drugs.²⁰


Given these, and pursuant to the rule that the findings of fact of the trial court and its conclusions are given high respect, if not conclusive effect, when affirmed by the CA, we see no reason to disregard these findings and conclusion, there being no showing that the lower courts overlooked or misinterpreted any relevant matter that would influence the outcome of the case.²¹

Compliance with the Chain of Custody Rule

In addition, it is settled that in drug-related cases, it is primordial that the *corpus delicti* or the drug subject of the offense charged is identified, proved, and adduced in court as evidence.²² In this case, overwhelming evidence proved the existence of the *corpus delicti*, such that it cannot be denied that appellant was guilty of the offenses charged against her.

Section 21 of RA 9165, prior to its amendment by RA 10640,²³ provides for the procedure governing the custody of seized drug and related items to ensure the preservation of the *corpus delicti* and guarantee that the item/s seized from the accused would be the same one/s that would be presented in court, *viz.*:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

In addition, Section 21(a) of the Implementing Rules and Regulations of RA 9165 which implements the afore-quoted provision reads: 

²⁰ Id.

²¹ *People v. Calvelo*, G.R. No. 223526, December 6, 2017.

²² *People v. De Asis*, G.R. No. 225219, June 11, 2018.

²³ An Act to Further Strengthen the Anti-Drug Campaign of the Government, Amending for the Purpose Section 21 of R.A. No. 9165, Otherwise Known as the "Comprehensive Dangerous Drugs Act of 2002." Approved: July 15, 2014.

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof; *Provided*, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; *Provided*, further that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items;

Generally, there are four links that must be established to comply with the chain of custody rule, to wit: “*first*, the seizure and marking, if practicable, of the 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.”²⁴

In this case, the prosecution established that the buy-bust team fully complied with the requirements under Section 21, RA 9165, as amended.

In particular, after the buy-bust operation and at the place of incident, PO3 Cayabyab **immediately marked** with his initials and their corresponding numbers (“RGC1,” “RGC2,” and “RGC3”) the item subject of the buy-bust sale as well as the two sachets recovered from appellant. He also promptly conducted an **inventory** of these items at the place of incident. Such marking and inventory were made *in the presence of an elective public official (Barangay Kagawad Dizon) and a representative from the DOJ* (Prosecutor Catungal). Added to these, PO2 Naungayan **took pictures** of the marking and inventory of the recovered items.

Thereafter, at the police station, PO3 Cayabyab **turned over to their Duty Investigator** PO2 Naungayan the seized sachets; in turn, the investigator prepared the necessary request for the examination of these items; thereafter, PO3 Cayabyab brought the Request and the items to the Crime Laboratory; PCSI Roderos, the **Forensic Chemist at the Crime Laboratory received the Request and the sachets** with these initials: “RGC1,” “RGC2,” and “RGC3;” she placed thereat the control number (D-217-2013L), the names of the

²⁴ *People v. Calvelo*, supra note 21.

specimens (A-1, A-2, A-3), their respective weight (0.1 gram, 0.04 gram, and 0.03 gram), as well as her initials (“EBR”). PCSI Roderos **testified** that the subject items *tested positive* for the presence of methamphetamine hydrochloride, and **that the specimens presented in court were the same ones she earlier examined at the Crime Laboratory.**

Despite the foregoing clear presentation of the custodians of the items from their seizure until their identification in court, appellant still insists that there were gaps in the chain of custody of these items because the inventory sheet or the “Receipt of Confiscated/Recovered Items” did not contain her or that of her representative’s signature and no representative from the media was present during the marking and inventory of the seized items.

We are unconvinced.

First, it was specifically indicated in the “Receipt of Confiscated/Recovered Items” that appellant “refuse[d] to sign”²⁵ the same. That such was indeed the situation was bolstered by the following narrations of the police officers in their Joint Affidavit:

x x x [T]he inventory and the markings of the confiscated evidenc[e] were made in the presence of DOJ representative[,] Prosecutor Catungal, Elected Bry[,] Official Bry[,] Kgd[,] Federico Dizon, *we called the presence of [appellant] however she stepped away and refused[.]*

That I (PO3 Raul Cayabyab) made the markings on the confiscated evidences in which the one (1) Plastic transparent heat sealed containing suspected shabu that I [bought] from the suspect I marked it with “RGC-1” while the recovered two (2) Plastic transparent heat sealed containing suspected shabu were marked as “RGC-2 and RGC-3” as my initial respectively and it was also made in the presence of DOJ representative Prosecutor Jeffrey Catungal, Elected Brgy[,] Official[,] Brgy[,] Kgd[,] Federico Dizon and in the presence of the suspect;

That after the markings and inventory of the confiscated evidences, we together with DOJ representative Jeffrey Catungal, Elected Brgy[,] Official[,] Brgy[,] Kgd[,] Federico Dizon *showed, read and explained to her the content of the confiscated receipt and asked her to sign but she again refused[.]*²⁶

Clearly, the absence of appellant’s signature in the inventory sheet was due to no fault of the buy-bust team as appellant herself refused to sign the same.



²⁵ Records in Crim. Case No. L-9907, p. 13.

²⁶ Id. at 9; emphases ours.

Second, prior to the amendment in RA 9165, the witnesses necessary during the marking and inventory of the seized items include: (a) an elective public official; (b) a representative from the DOJ; and, (c) a representative from the media.

It is worthwhile to note that the prosecution gave a clear explanation on its failure to secure the presence of a media representative. PO3 Cayabyab testified that their Duty Investigator sent text messages to reporters from ABS-CBN (Melanie Heng)²⁷ and GMA (Joyce Ann Sigui)²⁸ (media outlets) but the reporter from ABS-CBN was in Infanta, Pangasinan and would take an hour to arrive at the place of incident; on the other hand, no response was received from the reporter from GMA.²⁹ To our mind, such explanation proved that the buy-bust team exerted serious efforts to secure the presence of a media representative during its operation. The failure to secure the same was, nevertheless, justified given the unavailability of the reporters from the media outlets that the police coordinated with.

Penalty properly imposed against appellant.

Finally, pursuant to Sections 5³⁰ and 11,³¹ Article II of RA 9165, as amended, the penalties imposed against appellant are in order. Particularly, for having been found guilty of illegal sale of *shabu*, the RTC, as affirmed by the CA, correctly imposed against her the penalty of life imprisonment and a fine of ₱500,000.00. On the other hand, for having been found guilty of illegal possession of *shabu* weighing less than five grams (0.04 gram, and 0.03 gram), the penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to seventeen (17) years, as maximum, and a fine amounting to ₱300,000.00 were properly imposed against her.

WHEREFORE, the appeal is **DISMISSED**. The assailed February 29, 2016 Decision of the Court of Appeals in CA-G.R. CR-HC No. 07048 is hereby **AFFIRMED**.

²⁷ Id.

²⁸ Id.

²⁹ TSN, April 8, 2014, p. 8.

³⁰ SECTION 5. *Sale x x x of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (₱500,000.00) to Ten million pesos (₱10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell x x x any dangerous drug x x x regardless of the quantity and purity involved x x x.

³¹ SECTION 11. *Possession of Dangerous Drugs.* — x x x

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (₱300,000.00) to Four hundred thousand pesos (₱400,000.00), if the quantities of dangerous drugs are less than five (5) grams of x x x methamphetamine hydrochloride or “shabu”[.]


SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:

(On official leave)
LUCAS P. BERSAMIN
Chief Justice


FRANCIS H. JARDELEZA
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

(On official leave)
ROSMARI D. CARANDANG
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.


MARIANO C. DEL CASTILLO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.

**ANTONIO T. CARPIO***Acting Chief Justice**

* Per Special Order No. 2637 dated February 26, 2019.