



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 253186

Present:

- versus -

CAGUIOA, J., *Chairperson,*
INTING,
ZALAMEDA*,
GAERLAN, and
SINGH, JJ.

WU JIAN CAI and JIANG HUO
ZAO,

Accused,

Promulgated:

CHEN JUNYUE,

Accused-Appellant.

September 21, 2022

x ----- Mis DCB ----- x

DECISION

INTING, J.:

Before the Court is an appeal¹ from the Decision² dated December 11, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10394 which affirmed the Joint Judgment³ dated November 17, 2017 of Branch 79, Regional Trial Court (RTC), Quezon City in Criminal Case Nos. Q-09-159311 and Q-09-159312.

In Criminal Case No. Q-09-159311, the RTC found Chen Junyue (accused-appellant), along with accused Wu Jian Cai a.k.a. Co, Jeson A.

* Designated additional Member per Raffle dated January 31, 2022.

¹ *Rollo*, pp. 38-39.

² *Id.* at 3-37; penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Japar B. Dimaampao (now a Member of the Court) and Gabriel T. Robeniol.

³ *CA rollo*, pp. 76-98; penned by Presiding Judge Nadine Jessica Corazon J. Fama.

(Wu), and Jiang Huo Zao (Jiang), guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. (RA) 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

Meanwhile, in Criminal Case No. Q-09-159312, the RTC found accused-appellant and Wu guilty beyond reasonable doubt of violation of Section 11 of the same law.⁴

The Antecedents

The case stemmed from two Informations charging accused-appellant, Wu, and Jiang with the offenses of Illegal Sale and Illegal Possession of Dangerous Drugs. The accusatory portions of the Informations read:

CRIMINAL CASE NO. Q-09-159311

That on or about the 12th day of June 2009, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did then and there, wilfully [*sic*] and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, one (1) black and blue backpack bag containing one (1) vacuum sealed plastic bag containing nineteen ninety-four point ninety (1994.90) grams of white crystalline substance containing Methylamphetamine [*sic*] hydrochloride, a dangerous drugs [*sic*].

CONTRARY TO LAW.⁵

CRIMINAL CASE NO. Q-09-159312

That on or about the 12th day of June 2009, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, without authority of law, did then and there wilfully [*sic*], unlawfully and knowingly have in their possession and control one (1) brown box containing five (5) vacuum sealed plastic bag containing ninety-nine ninety-three point thirty-two (9993.32) grams and one (1) blue plastic bag containing one (1) brown box [*sic*] seventy-nine eighty two point ten (7982.10) grams of white crystalline substance Methylamphetamine [*sic*] hydrochloride, a dangerous drugs [*sic*].

⁴ Id. at 180-181.

⁵ *Rollo*, p. 5.

CONTRARY TO LAW.⁶

Subsequently, the prosecution filed a Motion to Admit Amended Information to include Jojit Ilaoy Sta. Maria (Ilaoy) as one of the accused in Criminal Case No. Q-09-159311. The RTC granted the motion and ordered the issuance of a warrant of arrest against Ilaoy. However, Ilaoy evaded arrest and remains at large.⁷

Upon arraignment, accused-appellant, Wu, and Jiang pleaded “not guilty” to the charges.

Trial on the merits ensued.⁸

Version of the Prosecution

On January 19, 2009, the Special Operation Unit III, Anti-Illegal Drugs Special Operation Task Force (AIDSOTF) in Camp Crame, Quezon City launched Case Operation Plan (COPLAN): “South Stone” against the group of alias “Chong” (the Chong Group) that is purportedly engaged in the sale, distribution, and delivery of methamphetamine hydrochloride, also known as *shabu*, in the National Capital Region and nearby provinces.⁹

On April 21, 2009, Police Senior Superintendent Eduardo P. Acierto (PSSupt Acierto) received information from a confidential informant about the illegal activities of the Chong Group. He organized two (2) teams to conduct casing and surveillance operations against the Chong Group. After about a month of surveillance operations, the teams found that the Chong Group suddenly abandoned its apartment unit in Meycauayan City, Bulacan. On June 5, 2009, the confidential informant was able to locate the whereabouts of the Chong Group and made arrangements for the purchase of two kilograms of *shabu* for the price of ₱9,000,000.00.¹⁰

Upon PSSupt Acierto’s instructions, Police Chief Inspector (PCI) Ismael G. Fajardo, Jr. (PCI Fajardo), the team leader, created a buy-bust team composed of the following: Senior Police Officer (SPO3) Ronald

⁶ Id.

⁷ Id.

⁸ Id. at 6.

⁹ Id.

¹⁰ Id.

C. Parreño (SPO3 Parreño),¹¹ as the *poseur*-buyer; and SPO2 Alejandro Gerardo R. Liwanag (SPO2 Liwanag), SPO1 Reynaldo M. Pascua (SPO1 Pascua), SPO1 Leonardo G. Taldo (SPO1 Taldo), Police Officer (PO3) Glenn Marlon G. Caluag (PO3 Caluag), PO3 Hercules Basmayor (PO3 Basmayor), and PO2 Lawrence Perida (PO2 Perida) as the arresting officers.¹²

On the day of the transaction, June 12, 2009, the confidential informant received a call from alias “Chong” who instructed him and SPO3 Parreño to park behind a black Toyota Altis with plate number XSU 502 along Kanlaon Street in Quezon City. The confidential informant and SPO3 Parreño complied with the instructions; thereafter, they transferred to another vehicle. With the boodle money with them, SPO3 Parreño entered through the front passenger door of the black Toyota Altis while the confidential informant entered through the left rear passenger door. Once SPO3 Parreño and the confidential informant were inside, Ilao alighted from the driver’s seat and approached a green Honda Civic with plate number XDS 845, which was parked in front of the black Toyota Altis. Ilao boarded the green Honda Civic. Jiang, the driver of the green Honda Civic, alighted therefrom and spoke to accused-appellant, the driver of a silver Nissan Exalta Grandeur with plate number XBX 683. Jiang boarded the silver Nissan Exalta Grandeur through the left passenger door. Soon after, Jiang alighted from the said vehicle carrying a blue and black backpack with the label “Lihao Sport.” He then went inside the green Honda Civic with the backpack. After a few minutes, Ilao got off the green Honda Civic carrying the same backpack and returned to the driver’s seat of the black Toyota Altis. Inside, Ilao handed the backpack to SPO3 Parreño. Ilao informed SPO3 Parreño that alias “Chong” was in the other vehicle and told him to leave what he needed to leave there. SPO3 Parreño opened the backpack and saw a vacuum-sealed plastic bag containing about two kilograms of white crystalline substance suspected to be *shabu*. With the backpack, SPO3 Parreño alighted from the black Toyota Altis and executed the pre-arranged signal that the transaction had been consummated.¹³

The other members of the buy-bust team immediately approached the three vehicles to arrest the occupants. However, alias “Chong” escaped.

¹¹ Referred to as SPO3 Ronald C. Parreno and PO3 Parreno in some parts of the *rollo* (see *id.* at 6 and 8).

¹² *Id.* at 6-7.

¹³ *Id.* at 8-9.

The police officers were able to block the other accused. SPO1 Pascua and PO2 Perida arrested accused-appellant and Wu, the occupants of the silver Nissan Exalta Grandeur. They frisked them and found the following: three Nokia cellular phones; one dark brown wallet containing ₱3,770.00 cash; Wu's driver's license, several documents, one blue tickler notebook, and a small brown phone book directory; one black wallet containing ₱200.00 cash; and accused-appellant's driver's license together with several documents. They also took custody of the silver Nissan Exalta Grandeur, with plate number XBX 683, along with the items therein: one brown box with five vacuum-sealed plastic bags containing approximately two kilograms of white crystalline substance per bag; and one brown box with four vacuum-sealed plastic bags containing approximately two kilograms of white crystalline substance per bag.¹⁴

At the place of arrest, PO3 Roderick Araneta (PO3 Araneta) placed the markings and conducted an inventory thereof in the presence of the following: accused-appellant and Wu; Prosecutor Pedro M. Tresvalles (Prosecutor Tresvalles); *Barangay* Chairman Jaime Cabalona (*Brgy.* Chairman Cabalona) of *Brgy.* Teresita, Quezon City; and media representative Niko Baua (Baua) of ABS-CBN.¹⁵ They also took photographs during the marking and inventory of the seized items.¹⁶

Meanwhile, SPO2 Liwanag and PO3 Caluag arrested Jiang. They frisked him, searched his vehicle, and recovered the following: two Nokia cellular phones; one light brown wallet containing ₱320.00 cash; and Jiang's driver's license and various documents. Further, they took custody of the green Honda Civic with plate number XDS 845.

At the place of arrest, PO3 Caluag marked the seized items and conducted the inventory thereof in the presence of Jiang, Prosecutor Tresvalles, *Brgy.* Chairman Cabalona, and media representative Baua. They took photographs of the seized items, and the marking and inventory process.¹⁷

Lastly, SPO1 Taldo and PO3 Basmayor arrested Ilaog and confiscated the following from him: (1) one brown box with the marking

¹⁴ Id. at 10.

¹⁵ Referred to as Nico Baua in some parts of the *rollo* (see id.).

¹⁶ Id.

¹⁷ Id. at 10-11.

“PRINT CARTRIDGE SP1000S” containing 42 bundles of boodle money with four genuine ₱500.00 bills with serial numbers SD959355, SG330279, NS317272, and NM241364, dusted with ultraviolet powder; one Nokia cellular phone; dark brown wallet containing ₱3,090.00 cash; and Ilaos driver’s license and other documents. They also took custody of the black Toyota Altis with plate number XSU 502.¹⁸

At the place of arrest, SPO3 Parreño surrendered the blue and black backpack to PO3 Ernesto Peña (PO3 Peña)¹⁹ with its contents. PO3 Peña placed his markings on the backpack, on the vacuum-sealed plastic bag with approximately two kilograms of white crystalline substance, and on the brown box containing 42 bundles of money with four genuine ₱500.00 bills. He also conducted the inventory in the presence of Ilaos, Prosecutor Tresvalles, Brgy. Chairman Cabalona, and media representative Baua. The same witnesses signed the Receipt/Inventory of Property Seized. Photographs were also taken during the process.²⁰

The police officers then brought accused-appellant, Jiang, Ilaos, and Wu to the AIDSOTF office at Camp Crame, Quezon City for investigation and documentation. In the meantime, PO3 Araneta, PO3 Caluag, and PO3 Peña maintained custody over the seized items. At the AIDSOTF office, they turned over the seized items to PO3 Gary C. Gomez (PO3 Gomez), the investigator on case. Later, they brought accused-appellant, Jiang, Ilaos, and Wu to the PNP Crime Laboratory Service (CLS) for medical/physical and drug test examination. Jiang, Wu, and accused-appellant tested negative for the presence of methamphetamine and THC metabolites, both dangerous drugs; while Ilaos tested positive for the presence of methamphetamine. Meanwhile, PO3 Gomez delivered the seized drugs to Forensic Chemist PCI Maridel Cuadra Rodis (PCI Rodis)²¹ at the PNP CLS for laboratory examination. The qualitative examination indicated that all the specimens submitted tested positive for methamphetamine hydrochloride. PCI Rodis placed her markings thereon and turned them over to the evidence custodian.²²

On September 30, 2009, PCI Rodis retrieved the seized drugs from the evidence custodian and took a representative sample from the plastic bag of *shabu* marked as “D-39-09 C-1 6-12-09 MCR,” the subject of Criminal Case No. Q-09-159311. The process was witnessed

¹⁸ Id.

¹⁹ Referred to as PO3 Ernesto Pena in some parts of the *rollo* (see id. at 7, 11).

²⁰ Id at 11.

²¹ Referred to as PCI Maridel Rodis-Martinez in the RTC Decision (see CA *rollo*, p. 160).

²² *Rollo*, pp. 11-12.

by accused-appellant, Jiang, Wu, and their counsel Atty. Faustino Millare (Atty. Millare). Also present were SPO3 Parreño, a certain SPO1 Gerardo, PO2 Perida, PO3 Basmayor, Assistant City Prosecutor Raul Desembrana (ACP Desembrana), and Presiding Judge Elvira D.C. Panganiban (Judge Panganiban). The marked bags of *shabu* were returned to the evidence custodian for safekeeping. For lack of time, the ocular inspection and taking of representative samples from the other bags of *shabu* were rescheduled, and the marked bags of *shabu* were returned to evidence custodian.²³

On March 5, 2010, the other marked plastic bags of *shabu* were retrieved by PCI Rodis from the evidence custodian for ocular inspection and taking of representative samples. Present during the process were the following: accused-appellant; Jiang; Wu; Assistant City Prosecutor Hector Buenaluz, Jr. (ACP Buenaluz); Atty. Millare as counsel of accused-appellant and Wu; Atty. Alfredo L. Villamayor (Atty. Villamayor) as counsel of Jiang; Atty. Valentina J. Asencio (Atty. Asencio) as counsel of PDEA; Chinese interpreter Joseph Lopez; and Atty. Gildo E. Gorospe (Atty. Gorospe), the Branch Clerk of Court of Branch 79, RTC of Quezon City. Also present were PCI Rodis, PDEA Forensic Chemist Majella S. Munasque, SPO3 Parreño, PO3 Caluag, SPO2 Liwanag, SPO1 Pascua, and SPO1 Taldo. Upon agreement, the original markings placed by PCI Rodis on the 10 plastic bags of *shabu* were transferred to smaller self-sealing plastic bags containing the representative samples. Thereafter, the original and the representative samples were turned over to the evidence custodian. During the trial, the representative samples were brought by PCI Rodis and were turned over to the trial court.²⁴

Version of the Defense

Accused-appellant denied the charges. He asserted that he was driving a car with two of his co-accused when he was arrested. He denied selling and possessing illegal drugs. On the other hand, accused Jiang maintained that he was driving for Wu when men on board three cars arrived, poked their guns at him, covered his face with plastic, and tied his hands. Later, he learned that he was arrested because of illegal drugs. He denied knowing accused-appellant and Ilaio.²⁵

²³ Id. at 12-13.

²⁴ Id. at 13.

²⁵ Id.

Ruling of the RTC

In the Joint Judgment²⁶ dated November 17, 2017, the RTC found accused-appellant, Wu, and Jiang guilty beyond reasonable doubt of violation of Section 5, Article II of RA 9165. According to the RTC, all of the accused were present during the sale transaction. It found that accused-appellant and Wu gave the bag containing *shabu* to Jiang, who in turn gave the bag to Ila. Later, Ila handed the bag containing *shabu* to SPO3 Parreño and received the buy-bust money. Verily, conspiracy may be inferred from the acts of the accused before, during, and after the commission of the crime, which indubitably point to and are indicative of a joint purpose, concerted action, and community of interest.²⁷

The RTC also found accused-appellant and Wu guilty beyond reasonable doubt of violation of Section 11, Article II of RA 9165. However, it acquitted Jiang for failure of the prosecution to establish that he was aware that Wu and accused-appellant were in possession of the boxes of *shabu* which were placed in the compartment of their car; thus:

WHEREFORE, judgment is hereby rendered as follows:

1. In Criminal Case No. Q-09-159311, accused WU JIAN CAI, CHEN JUNYUE, and JIANG HUO ZAO, are found GUILTY BEYOND REASONABLE DOUBT of violation of Section 5, Article II of Republic Act No. 9165, and they are each sentenced to suffer life imprisonment, and to pay a fine of One million pesos (P1,000,000.00); and
2. In Criminal Case No. Q-09-159312, accused WU JIAN CAI and CHEN JUNYUE are found GUILTY BEYOND REASONABLE DOUBT of violation of Section 11, Article II of Republic Act 9165, and they are each sentenced to suffer life imprisonment, and to pay a fine of One million pesos (P1,000,000.00). Accused JIANG HUO ZAO is hereby ACQUITTED of violation of Section 11, Article II of Republic Act 9165.

Since accused Jojit Ila remains at large and he has not been arraigned, the case against him is hereby archived subject to his prosecution upon his arrest.

The subject drugs covered by Chemistry Report No. D-39-09 are hereby forfeited in favor of the government. The Branch

²⁶ CA rollo, pp. 76-98.

²⁷ Id. at 178.

Clerk of Court is hereby directed to submit the representative samples of the subject specimens and all evidence in the custody of the Court to the Chief of the PDEA Crime Laboratory be disposed of in strict conformity with the provisions of R.A. 9165 and its implementing rules and regulations on the matter. The Evidence Custodian of the PNP Crime Laboratory is directed to immediately turnover [*sic*] to the Chief of PDEA Crime [L]aboratory the remaining specimens in these cases covered by Chemistry Report No. D-39-09 which are in the custody of the PNP Crime Laboratory for destruction strictly in accordance with law and to submit a report of his compliance thereof.

SO ORDERED.²⁸

Both accused-appellant and Jiang moved for reconsideration of the Joint Judgment, but the RTC denied their motions in an Order²⁹ dated January 3, 2018.

Dissatisfied, accused-appellant³⁰ and Jiang³¹ appealed to the CA. Wu did not file an appeal.

Ruling of the CA

In the assailed Decision,³² the CA affirmed the convictions of accused-appellant and Jiang. It decreed as follows:

WHEREFORE, in view of the foregoing, the appeal is DISMISSED. The Joint Judgment dated November 17, 2017 and Order dated January 3, 2018 rendered by the Regional Trial Court in Quezon City, Branch 79, for Criminal Case Nos. Q-09-159311 and Q-09-159312 is AFFIRMED.

SO ORDERED.³³

The CA noted that as the backpack containing about two kilograms of *shabu* was delivered through the concerted acts of accused-appellant, Wu, Jiang, and Ila, to *poseur*-buyer SPO3 Parreño in exchange for the boodle money and the marked ₱500.00 bills, the buy-bust transaction was evidently and indubitably consummated.³⁴

²⁸ Id. at 180-181.

²⁹ Id. at 99-104.

³⁰ Id. at 125-157.

³¹ Id. at 53-75.

³² *Rollo*, pp. 3-37.

³³ Id. at 31.

³⁴ Id. at 20.

Moreover, the prosecution successfully discharged its burden of proving illegal possession of dangerous drugs on the part of accused-appellant.³⁵ There is no showing in the records and transcripts of any apparent inconsistencies in the prosecution witnesses' account of the events which transpired and led to the arrest of accused-appellant for illegal possession of *shabu*.³⁶

Hence, the present appeal of accused-appellant Chen Junyue. Jiang did not file a notice of appeal.

In the Resolution³⁷ dated December 7, 2020, the Court noted the records forwarded by the CA. The Court then ordered the parties to file their respective supplemental briefs, should they so desire, within 30 days from notice.

In his Manifestation (In Lieu of Supplemental Brief)³⁸ dated February 15, 2021, accused-appellant stated that he would no longer file a supplemental brief because all of his contentions have been exhaustively ventilated in the Brief for the Accused-Appellant that he submitted to the CA. The Office of the Solicitor General filed a similar Manifestation (In Lieu of Supplemental Brief)³⁹ on behalf of the People.

The Issue

The Core issue for the Court's resolution is whether accused-appellant is guilty beyond reasonable doubt of Illegal Sale and Illegal Possession of Dangerous Drugs under Sections 5 and 11 of Article II of RA 9165, respectively.

The Ruling of the Court

The Court resolves to dismiss the appeal.

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.⁴⁰

³⁵ Id. at 29.

³⁶ Id. at 31.

³⁷ Id. at 44-45.

³⁸ Id. at 46-48.

³⁹ Id. at 62-65.

⁴⁰ *People v. Dela Cruz*, G.R. No. 238212, January 27, 2020.

The prosecution witnesses were consistent and clear in their narration that Jiang obtained from the silver Nissan Exalta, the vehicle occupied by accused-appellant and Wu, a blue and black backpack with label "Lihao Sport." He handed the backpack to Ilaos, who then delivered it to SPO3 Parreño, the *poseur*-buyer, in exchange for the buy-bust money. SPO3 Parreño opened the backpack and saw a plastic bag with approximately two kilograms of white crystalline substance. Upon qualitative examination at the crime laboratory, the seized drugs weighing 1,994.90 grams tested positive for *shabu*.

Indeed, in the present case, the sale of *shabu* was consummated and all the elements constituting the illegal sale of dangerous drug were present. The CA discussed:

Here, the prosecution evidence was able to establish the foregoing elements through the testimonies of prosecution witnesses SPO3 Parreno, SPO2 Liwanag, PO3 Caluag, PO3 Basmayor, SPO1 Pascua[1], PO3 Pena, and PO2 Perida. Recurring testimonies of the abovenamed witnesses show the following sequence of events:

1. In the morning of June 12, 2009 along Kanlaon Street, Barangay Teresita, Quezon City, Poseur-buyer SPO3 Parreno and the confidential informant, following the instructions of alias "Chong", transferred to the black Toyota Altis, where they found Ilaos on the driver's seat.
2. Ilaos alighted the Toyota Altis and walked towards the green Honda Civic parked in front of him. Ilaos spoke to the driver Jiang and thereafter went inside the car. Subsequently, the driver of the Honda Civic, Jiang, alighted the car and boarded the silver Nissan Exalta where Chen can be found.
3. A few minutes later, Jiang alighted the Nissan Exalta Grandeur carrying a blue and black backpack with the label "Lihao Sport". Jiang then walked towards his Honda Civic and boarded the same.
4. Ilaos, who had been waiting for Jiang while the latter picked up the bag from the Nissan, then came out of the Honda Civic with the same blue and black backpack with the label "Lihao Sport". He walked back towards his Toyota Altis to meet with poseur-buyer SPO3 Parreno and the confidential informant, who were still inside.
5. In the car, Ilaos told SPO3 Parreno that alias "Chong" was in the other vehicle, further remarking, "*Iwan nyo na lang po ang dapat na iwan dyan. eto na po ang bag*". SPO3 Parreno then opened the blue and black backpack and saw it contained a plastic bag with approximately two kilograms of white crystalline

substance later found to be positive for shabu.

The commission of the offense of illegal sale of dangerous drugs merely requires the consummation of the selling transaction, which happens the moment the exchange of money and drugs between the buyer and the seller takes place. Here, as the blue and black backpack containing about two kilograms of shabu was delivered through the concerted acts of Wu, Chen, Jiang, and Ilao to the poseur-buyer (sic) SPO3 Parreno in exchange for the boodle money and marked PHP 500.00 bills, the buy-bust transaction was evidently and indubitably consummated.⁴¹ (Underlining supplied)

For the successful prosecution of the crime of Illegal Possession of prohibited drugs, on the other hand, the following elements must be proved: (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.⁴² The prosecution established these elements.

After all of the accused were caught *in flagrante delicto* selling illegal drugs, PO3 Araneta searched the silver Nissan Exalta used by Wu and accused-appellant. In its compartment, PO3 Araneta found two boxes containing vacuum-sealed bags of white crystalline substance. One box contained five vacuum-sealed bags of white crystalline substance while the other box contained four or a total of 17,975.42 grams of *shabu*. Verily, the finding of illicit drugs in the vehicle owned or occupied by a person raises the presumption of knowledge and possession thereof which, standing alone, is sufficient to convict. Unfortunately for accused-appellant, he failed to rebut this presumption. The RTC declared:

There is no evidence on record which shows that accused Wu Jian Cai and Chen Junyue had authority to possess the drugs found in their possession. Mere possession of a regulated drug *per se* constitutes *prima facie* evidence of knowledge or *animus possidendi* sufficient to convict an accused absent a satisfactory explanation of such possession; the *onus probandi* is shifted to the accused, to explain the absence of knowledge or *animus possidendi* (People of the Philippines vs. Ronnie Boy Eda, G.R. No. 220715, August 24, 2016). The accused had not presented convincing evidence to rebut their possession of the drugs.

⁴¹ *Rollo*, pp. 19-20.

⁴² *People v. Manabat*, G.R. No. 242947, July 17, 2019.

SPO2 Roderick Araneta positively identified the transparent plastic bags containing white crystalline substance (Exhibits “BBB” to “KKK”) which he confiscated from the Nissan Exalta of accused Wu Jian Cai and Chen Junyue (TSN, September 5, 2016, pp. 5-11).

The contents of the plastic bags found in the possession of Wu Jian Cai and Chen Junyue after they were lawfully arrested, all tested positive for Methamphetamine Hydrochloride or *shabu*, a dangerous drug, upon the laboratory examination conducted by PCI Maridel Rodis-Martinez.⁴³

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

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 the 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.⁴⁴

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 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.⁴⁵

Third, the Court upholds the findings of the courts *a quo* that the State had preserved the integrity of the seized drugs.

Immediately after the sale transaction, SPO3 Parreño turned over

⁴³ *CA rollo*, p. 179.

⁴⁴ *People v. Lee* (Notice), G.R. No. 227856, June 22, 2020.

⁴⁵ *People v. Magundayao*, G.R. No. 217377, February 4, 2019, citing *People v. Bensig*, 437 Phil. 748, 756 (2002).

the backpack containing the vacuum-sealed plastic bag of approximately two kilograms of *shabu* to PO3 Peña, who placed his markings on the backpack, on the vacuum-sealed plastic bag, and on the brown box containing 42 bundles of boodle money with four pieces of genuine ₱500.00 bills. Both the markings and inventory were conducted in the *place of arrest* in the presence of Prosecutor Tresvalles, *Brgy.* Chairman Cabalona and media representative Baua. The Receipt/ Inventory of Property Seized was signed by the witnesses and photographs were also taken during the marking and inventory of the seized items. Evidently, the prosecution established that all the three required witnesses were present during the marking and inventory, the point where their presence is most needed and would belie any doubt as to the source, identity, and integrity of the seized drug.

PO3 Peña also maintained custody of the seized items until they arrived at the AIDSOTF office where PO3 Gomez duly received them. Later, PO3 Gomez delivered the seized drugs to PCI Rodis for qualitative examination. The Chemistry Report No. D-39-09 of PCI Rodis shows that the specimens submitted by the police operatives were positive for methamphetamine hydrochloride or *shabu*. Lastly, PCI Rodis turned over the seized items to the evidence custodian for presentation in court. While it was not shown to whom PCI Rodis had transferred the seized drugs after laboratory examinations, nevertheless, the prosecution was able to sufficiently show that the identity, integrity and probative value of the seized drugs had been properly preserved as discussed above. The CA correctly ruled that the chain of custody of the seized drugs had not been broken and that the failure to present the testimony of the evidence custodian will not affect the findings that the accused committed Illegal Sale of Dangerous Drugs.⁴⁶ The Court explained in one case:

x x x [T]here is nothing in Republic Act No. 9165 or in its implementing rules, which requires each and everyone who came into contact with the seized drugs to testify in court. As long as the chain of custody of the seized drug was clearly established to have not been broken and the prosecution did not fail to identify properly the drugs seized, it is not indispensable that each and every person who came into possession of the drugs should take the witness stand. This Court, in *People v. Hernandez*, citing *People v. Zeng Hua Dian*, ruled:

⁴⁶ *Rollo*, p. 28.

After a thorough review of the records of this case, we find that the chain of custody of the seized substance was not broken and that the prosecution did not fail to identify properly the drugs seized in this case. The non-presentation as witnesses of other persons such as SPO1 Grafia, the evidence custodian, and PO3 Alamia, the officer on duty, is not a crucial point against the prosecution. The matter of presentation of witnesses by the prosecution is not for the court to decide. The prosecution has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses.⁴⁷ (Citations omitted)

As the Court held in *Belga v. People*,⁴⁸ not all people who came into contact with the seized drugs are required to testify in court. As long as the chain of custody of the seized drug was clearly established not to have been broken and that the prosecution did not fail to identify properly the drugs seized, it is not indispensable that each and every person who came into possession of the drugs should take the witness stand.⁴⁹

In any case, any possibility of substitution, adulteration, or tampering of the seized drugs in the conduct of the operation is remote, if not impossible, in the case because the amount of *shabu* recovered from the accused-appellant was so substantial at almost 20 kilos. Significantly, given the quantity and obvious size of the articles, including the backpack and the box which contained them, it is incredible that they will be planted or exchanged with another.

More importantly, all the seized illegal drugs were brought to the RTC for the taking of a representative sampling the purpose of which was to preserve its integrity and avoid a switching. In cases where large quantity of drugs are involved as in the case, the taking of representative sampling can facilitate the immediate and expeditious destruction of the illegal drugs in order to avoid them falling into the wrong hands and prevent a further recycle, resell of dangerous drugs, or planting of evidence by some erring police officers. Section 21 of RA 9165 provides for the procedure of the disposition and destruction of the seized illegal drugs:

SECTION 21. Custody and Disposition of Confiscated, Seized,

⁴⁷ *People v. Amansec*, 678 Phil. 831, 857-858 (2011).

⁴⁸ G.R. No. 241386, November 11, 2021.

⁴⁹ *Id.*

and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

x x x x

(4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, conduct an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter proceed with the destruction or burning of 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 DOJ, civil society groups and any elected public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: *Provided*, That those item/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes: *Provided*, further, That a representative sample, duly weighed and recorded is retained;

(5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject item/s which, together with the representative sample/s in the custody of the PDEA, shall be submitted to the court having jurisdiction over the case. In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board;

(6) The alleged offender or his/her representative or counsel shall be allowed to personally observe all of the above proceedings and his/her presence shall not constitute an admission of guilt. In case the said offender or accused refuses or fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the public attorney's office to represent the former;

(7) After the promulgation and judgment in the criminal case wherein the representative sample/s was presented as evidence in

court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative sample/s to the PDEA for proper disposition and destruction within twenty-four (24) hours from receipt of the same[.]

x x x x

Corollary thereto, Section 3 of Board Regulation No. 1, Series of 2007,⁵⁰ of the Dangerous Drugs Board establishes the guidelines to govern the disposition of the confiscated, seized and/or surrendered dangerous drugs. The pertinent portions thereof read:

Section 3. Disposal of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia, and/or Laboratory Equipment. Dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia, and/or laboratory equipment confiscated, seized and/or surrendered and covered by this Regulation shall be disposed of as follows:

a. Upon the receipt of the final certification of the forensic laboratory examination results issued by the government forensic laboratory, pursuant to Section 21 of R.A. 9165 and Section 4 of Board Regulation No. 1, Series of 2002, the PDEA may file a petition for the immediate destruction of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment with the Regional Trial Court presided by the Executive Judge of the province or city where the confiscation, seizure and/or surrender took place. If the confiscation, seizure or surrender was by virtue of a search warrant, the appropriate motion shall be filed with the Court which issued the said search warrant. In both instances, the petition or motion shall be filed with the prior written conformity of the Provincial or City Prosecutor which shall be indicated in the pleading. The trial court where the criminal case is subsequently filed shall take judicial notice of the proceedings thereof.

b. After the filing of the petition or motion, as the case may be, the Court shall, within seventy-two hours, conduct an ocular inspection of the confiscated, seized, and/or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia, and/or laboratory equipment.

⁵⁰ Guidelines on the Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia, and/or Laboratory Equipment in Connection with Cases under Investigation, Preliminary Investigation or Reinvestigation.



c. Within twenty-four hours after the Court inspection, the Court through the PDEA shall proceed with the destruction or burning or disposal of subject items.

d. Prior to their destruction, representative samples of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals shall be taken and duly weighed and recorded by the forensic laboratory which conducted the examination for presentation as evidence in the trial court.

x x x x

k. Destruction or disposal or burning of seized dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia, and/or laboratory equipment shall be done in public and witnessed by the following:

- 1) the respondent/accused or his/her representative or counsel or a member of the Public Attorney's Office appointed by the Secretary of Justice;
- 2) a representative from the media;
- 3) a representative from the DOJ;
- 4) a representative from civil society groups; and
- 5) any elected public official.

l. The respondent/accused or his/her representative or counsel shall be allowed to personally observe all the above proceedings. In case he/she refuses or fails to appoint a representative after due notice in writing to him/her or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the Public Attorney's Office to represent the respondent/accused.

m. The Board, through the Director General of the PDEA or Regional Director of the PDEA, as the case may be, shall issue a sworn certification as to the fact of destruction or burning of the subject items which shall be submitted to the Court hearing the petition or motion and a copy of which, certified to by the clerk of court, shall be submitted to the trial court where the criminal case is subsequently filed together with the representative samples in the custody of the PDEA.

n. The cost of disposition or destruction of seized dangerous drugs, controlled precursors and essential chemicals, and/or equipment shall be borne by the respondent/accused.

o. After the promulgation of judgment in the criminal case, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the trial court for leave to turn over

the said representative samples, including any instrument/paraphernalia and/or laboratory equipment, to the PDEA for proper disposition and destruction within twenty-four (24) hours after receipt of same.

In the case, the police officers retrieved the seized drugs from the evidence custodian on September 30, 2009 for ocular inspection and taking of representative samples. The proceedings were witnessed by accused-appellant, Jiang, Wu, Atty. Millare, the members of the PNP, ACP Desembrana, and Judge Panganiban. The rescheduled ocular inspection and taking of representatives of the other bags of *shabu* conducted on March 5, 2010 were witnessed by accused-appellant himself, his co-accused Jiang and Wu, and other members of the PNP. Also present during the proceedings were ACP Buenaluz, Atty. Millare, Atty. Villamor and Atty. Asencio, a Chinese interpreter, and Branch Clerk of Court Atty. Gorospe. Given the rigorous process that followed, the absence of the testimony of the evidence custodian becomes excusable considering that representative samples were already in the custody of the court while the bulk of the seized drugs was disposed by the PDEA.

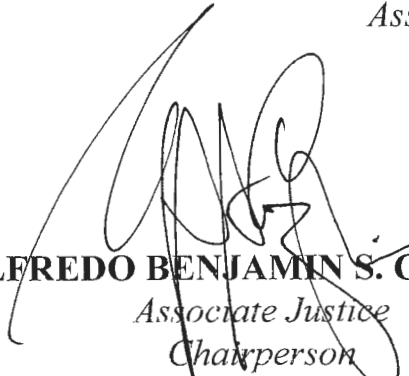
In fine, the Court entertains no doubt that accused-appellant is guilty of the offenses charged against him.

WHEREFORE, the present appeal is **DISMISSED**. The Decision dated December 11, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 10394 finding accused-appellant Chen Junyue guilty beyond reasonable doubt of Illegal Sale and Illegal Possession of Dangerous Drugs is hereby **AFFIRMED**.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



RODIL V. ZALAMEDA
Associate Justice



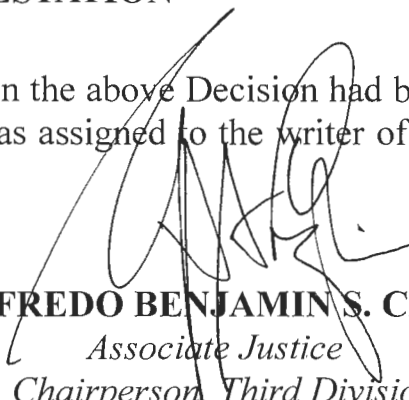
SAMUEL H. GAERLAN
Associate Justice



MARIA FILOMENA D. SINGH
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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third 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.



MARVIC MARIO VICTOR F. LEONEN
Senior Associate Justice
Acting Chief Justice
Per Special Order No. 2914
September 15, 2022

