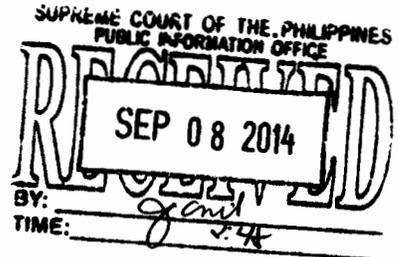




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **July 28, 2014** which reads as follows:*

“G.R. No.195536 – PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. ALFREDO EUGENIO y CORPUS a.k.a. ALFREDO or BATANG, Accused-Appellant.

The conviction of the accused for a violation of Section 5, Article II of Republic Act No. 9165 (*Comprehensive Drugs Act of 2002*) by the Regional Trial Court (RTC) in Quezon City was affirmed by the Court of Appeals (CA) under its decision promulgated on August 31, 2010.¹ He now appeals the affirmance.

Antecedents

The information dated May 19, 2005² charged the accused as follows:

That on or about the 16th day of May 2005 in Quezon City, Philippines, the said accused, not being authorized by law to sell, dispense, deliver, transport, or distribute any dangerous drug, did then and there willfully and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, one (1) transparent plastic sachet of white crystalline substance containing zero point eleven (0.11) gram of Methylamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.

¹ *Rollo* pp. 2-17; penned by Court of Appeals Associate Justice Jose C. Reyes, Jr., with Associate Justice Antonio L. Villamor (retired) and Associate Justice Amy C. Lazaro-Javier concurring.

² *CA rollo*, pp. 13-14.

Evidence for the State established that the police stationed in Camp Karingal, Quezon City organized a buy-bust operation after receiving information that a certain alias Batang was selling dangerous drugs in Payatas, Quezon City. Police Officer (PO) Napoleon Zamora, the designated poseur-buyer, brought three ₱100.00 bills marked with the letters "NZ" on their left upper-hand corner. He and the informant proceeded to the *bilyaran* located at Grevelpit Street in Barangay Payatas A, Quezon City to meet the suspect, who was later identified as the accused herein. PO Zamora dealt with the accused, telling the latter that he was interested in buying *shabu* worth ₱300.00. The latter handed a plastic sachet to PO Zamora who then delivered the three marked ₱100.00 bills in exchange. With that, PO Zamora placed a small towel on his shoulder to signal that the sale had been consummated. The rest of the entrapment team rushed forward, introduced themselves to the accused as policemen, and arrested him. The policemen recovered the three marked ₱100.00 bills from the accused. PO Zamora marked the sachet handed by the accused with the letters "NZ-AV." The plastic sachet and the marked bills were turned over to the investigator, who prepared the request for examination of the contents of the sachet.

Forensic Chemist Leonard M. Jabonillo of the PNP Crime Laboratory examined and tested the contents of the sachet, and certified that the contents were positive for methylamphetamine hydrochloride, or *shabu*, a dangerous drug.

Denying the charge, the accused claimed that he was in the *bilyaran* when armed men in civilian attire alighted from two vehicles and entered the *bilyaran*. They ordered him to lie flat on the ground, and attributed to him the killing of a policeman from Marikina. After they put handcuffs on him, they brought him to Camp Karingal where he was photographed together with the alleged *shabu* that he was seeing for the first time in the police station. His denial was corroborated by two other witnesses.³

Judgment of the RTC

After trial, the RTC (Branch 103) convicted the accused of the offense charged, thus:

ACCORDINGLY, judgment is rendered finding the accused **ALFREDO EUGENIO y CORPUZ a.k.a. "Batang or "Alfredo,"** **GUILTY** beyond reasonable doubt of the violation of Section 5 of R.A. No. 9165 (for drug pushing) as charged, and he is sentenced to suffer a jail term of **LIFE IMPRISONMENT** and to pay a fine of **₱500,000,000.00**.

³ Rollo, pp. 3-7.

The sachet of methylamphetamine hydrochloride (or shabu) involved in this case weighing 0.11 gram is ordered transmitted to the PDEA thru the DBB for disposal as per R.A. 9165.

SO ORDERED.⁴

Decision of the CA

The accused appealed, arguing that the Prosecution did not establish the chain of custody of the *shabu*.

On August 31, 2010, however, the CA promulgated its decision finding that the State had established each link in the chain of custody starting from the moment of seizure of the *shabu* from the accused until the presentation in court of the *shabu*,⁵ to wit:

WHEREFORE, in view of the foregoing, the October 22, 2008 Decision of the Regional Trial Court (RTC) of Quezon City, Branch 103, finding accused-appellant guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 and sentencing him to life imprisonment and ordering him to pay a fine of ₱500,000.00, in Criminal Case No. Q-05-134477 is hereby **AFFIRMED**.

SO ORDERED.

Issues

In this appeal, the accused maintains his innocence, claiming that the Prosecution did not prove the observance of the chain of custody. He casts doubt on the identity of the dangerous drug presented in court as evidence, insisting that the failure to present the police officer who had turned the seized item over for examination and who had actual custody and safekeeping of the dangerous drug was fatal to the case of the prosecution.

Ruling

We **AFFIRM** the CA.

Crucial in every case involving the sale of illegal drugs is the establishment beyond reasonable doubt of the identity of the dangerous drugs.⁶ Such identification is ensured by monitoring and tracking the movements of the drugs from the moment of seizure from the accused by

⁴ CA rollo, p. 28.

⁵ Supra note 1.

⁶ *People v. Zakaria*, G.R. No. 181042, November 26, 2012, 686 SCRA 390, 401.

the arresting officer, to the turnover to the forensic chemist for the laboratory tests, and finally to the trial court where the drugs are presented as evidence against the accused.⁷ The integrity and the evidentiary value of the seized drugs should be preserved, for they would be vital and essential in determining the guilt or innocence of the accused.⁸

According to the CA, the State established an unbroken chain of custody against the accused herein, thus:

In its appeal with this Court, the defense faulted the RTC for finding accused-appellant guilty beyond reasonable doubt of the offense charged despite the fact that not all elements of the offense were clearly established. It averred that the prosecution failed to establish the chain, which shows that the shabu presented in court was the very same item seized from the accused-appellant at the time of the arrest. According to accused-appellant in his defense, to fully ascertain the identity of the alleged dangerous drug, it is fundamental that the different links in the chain of custody be conclusively established with definite exactitude.

x x x x

In the instant case, each and every link in the chain of custody of the shabu recovered from the accused-appellant was established through the testimonial evidence of the prosecution's witnesses, particularly, the police officers who participated in the buy-bust operation and who arrested accused-appellant. PO2 Napoleon Zamora (the poseur-buyer) narrated how he got hold of the shabu, the markings that he made and how he turned it over to the investigator, thus:

“Q: Now, after informing the accused of his constitutional right and the offense he committed at that time, what happened there?

A: We marked the evidence at the area and proceeded to police station.

Q: Other than the marking of the evidence as you mentioned at the place or the scene of the crime, what other matter was taken during that time?

A: Nothing else, sir.

Q: After marking that transparent plastic sachet you said you went to the police station, who was in possession of that transparent plastic sachet which has been marked as Exhibit B in going to the police station?

A: I was the one, sir.

Q: At the police station what happened?

⁷ *People v. Martinez*, G.R. No. 191366, December 13, 2010, 637 SCRA 791, 811.

⁸ *People v. Capco*, G.R. No. 183088, September 17, 2009, 600 SCRA 204, 213.

A: We turned it over to the investigator.

Q: What items you turned over to the investigator at that time?

A: The shabu.” (TSN, June 5, 2006, pp. 18-19)

The foregoing testimony was materially corroborated by PO3 Manny Panlilio (back-up) who in turn narrated how he saw the marking of the specimen by PO2 Napoleon Nicolas, until it was turned over to the investigator, who made a request that the said specimen be examined for the presence of dangerous drug (See: TSN, October 26, 2006, pp. 16-17).

It is clear then that the prosecution was able to trace the chain of custody of the seized shabu, from the time of its confiscation from accused-appellant, to the marking of the same at the police station, then to the turning over of the same to the investigator, its submission for laboratory examination until its presentation in court. Indeed, the presumption of regularity in the performance of duties works in the policemen’s favor. The integrity of the evidence is presumed to be preserved unless there is a showing of bad faith, ill-will, or proof that the evidence has been tampered with (*People vs. Resurreccion*, 603 SCRA 510, 521 [2009]). The presumption of regularity in the handling of the specimen/evidence by the policemen remains, in the instant case, because the defense failed to present clear and convincing evidence that the specimen confiscated from accused-appellant was tampered, altered of [*sic*] meddled with.

Considering that no clear and convincing evidence was presented by accused-appellant to overturn the presumption of regularity in the performance of duty, then such presumption effectively works in favor of the police officers. That is to say, we see substantial adherence by the police officers on that so-called ‘chain of custody rule’, thus showing that the integrity of the seized specimen was never compromised. In this regard, we specifically refer to the succession of events from the time of the confiscation of the dangerous drug, the markings made, the submission for laboratory examination, the positive result obtained up until its presentation as evidence in open court. All these events show that the evidence confiscated was the same evidence examined and later on, identified and testified to in court.

As held by the Supreme Court, testimony about a perfect chain is not always the standard because it is almost always impossible to obtain an unbroken chain (*People vs. Cortez*, 593 SCRA 743, 763 [2009]). What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as these would be utilized in the determination of the guilt or innocence of the accused (*Zalameda vs. People*, 598 SCRA 537, 564 [2009]).

x x x x

Thus, the prosecution was able to establish, to the satisfaction of the Court, the presence of all the elements of illegal sale of “shabu” beyond moral certainty. To repeat, what is material is proof that the sale actually took place, coupled with the presentation in evidence of the

seized item, as part of the corpus delicti (*People vs. Cruz*, G.R. No. 185381, December 16, 2009). As it is, delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummate the buy-bust transaction (*ibid.*). PO2 Napoleon Zamora, having acted as the poseur-buyer clearly and categorically narrated how the sale transaction between him and accused-appellant took place. x x x

x x x x

Apart from these testimonial evidence, the prosecution witnesses likewise positively identified accused-appellant in open court, as the person who had peddled the illegal drugs during the buy-bust operation (TSN, June 5, 2006, p. 14 and October 26, 2006, p. 13). As held by the Supreme Court:

“Decisive in a prosecution for drug pushing or possession is the testimony of the police officers on what transpired before, during, and after the accused was caught and how the evidence was preserved. Their testimonies in open court are considered in line with the presumption that law enforcement officers have performed their duties in a regular manner, absent evidence to the contrary. In the absence of proof of motive to falsely impute a crime as serious as drug pushing against (accused-appellant), the presumption of regularity in the performance of official duty, as well as the findings of the trial court on the credibility of witnesses, shall prevail over (accused-appellant’s) self-serving and uncorroborated denial. This presumption holds true for the police officers in this case, as (accused-appellant) could not provide a credible and believable account on why he was being falsely accused (*People vs. Capco*, G.R. No. 183088, December 17, 2009).⁹

We concur with the findings and conclusions of the CA. Indeed, the State fully established an unbroken chain of custody of the seized drugs from the moment of seizure from the accused down to the time of their presentation as evidence against the accused before the trial court. We stress that what is material in every prosecution of illegal sale of dangerous drugs is proof that the transaction or sale actually took place, coupled with the presentation in court of evidence of the *corpus delicti*.¹⁰ Inasmuch as the State sufficiently established both elements, we uphold the findings of the RTC and the CA.

Lastly, we affirm the penalty of life imprisonment and the fine of ₱500,000.00 for being in accordance with Section 5, Article II of R.A. No. 9165.

⁹ *Rollo*, pp. 9-16.

¹⁰ *People v. Mala*, G.R. No. 152351, September 18, 2003, 411 SCRA 327, 334; *People v. Padasin*, G.R. No. 143671, February 14, 2003, 397 SCRA 417, 428.

WHEREFORE, the Court **AFFIRMS** the decision promulgated on August 31, 2010; and **ORDERS** the accused to pay the costs of suit.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *m8/24*
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