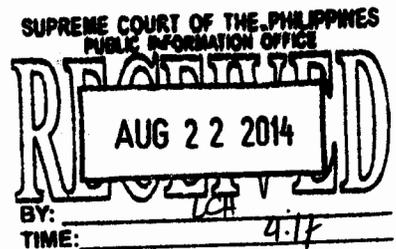




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 18, 2014** which reads as follows:*

***“G.R. No. 196053 - PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. RYAN LIBUATAN LAOYAN, Accused-Appellant.*”**

Accused-appellant Ryan Libuatan Laoyan appeals the Decision dated October 29, 2010 of the Court of Appeals in CA-G.R. CR.-H.C. No. 03386, which affirmed with modification the Decision dated February 15, 2008 of the Regional Trial Court (RTC), Branch 57, Angeles City, Pampanga, in Criminal Case No. DC-01-444, finding him guilty beyond reasonable doubt of illegal possession of prohibited drugs under Article II, Section 8 of Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended.

The Information dated November 9, 2001 filed before the RTC charged accused-appellant as follows:

That on or about the 9th day of November 2001, at Dau Bus Terminal, Municipality of Mabalacat, Province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, RYAN LIBUATAN LAOYAN, without having been lawfully authorized, did then and there willfully, unlawfully, and feloniously have in his possession and under his custody and control ten kilos and 2 tenths of a gram (10.2) of marijuana, a prohibited drug.¹

When arraigned, accused-appellant pleaded not guilty. At the pre-trial conference, the prosecution and the defense stipulated on the following facts: (1) accused-appellant’s identity; (2) accused-appellant was a resident of Brgy. Tuludan, Ifugao Province; and (3) at around 12:30 midnight of November 9, 2001, accused-appellant was at the Dau Bus Terminal, Dau, Mabalacat, Pampanga.

¹ Records, p. 2.

During trial, the prosecution presented the testimonies of Senior Police Officer (SPO) 4 Mario Zamora Nulud (Nulud) and Police Officer (PO) 3 Albert Dizon (Dizon). The prosecution likewise presented object and documentary evidence consisting of the Joint Affidavit of Arrest dated November 9, 2001 executed by SPO4 Nulud and PO3 Dizon; SPO4 Nulud's Custodial Investigation Report, Confiscation Receipt, and Certification of Initial Field Test; six bricks of suspected marijuana dried leaves, each brick weighing approximately two kilos, contained in a "Tyco Cartoon Box," all marked "MZN;" Request for Laboratory Examination dated November 9, 2001 of the specimens confiscated from accused-appellant, prepared by Police Chief Inspector (PC/Insp.) Edgar de Mayo Cacayan (Cacayan) of the Philippine National Police (PNP) Regional Office 3, Camp Olivas, San Fernando, Pampanga; and Chemistry Report No. D-0656-2001 dated November 9, 2001 of Forensic Chemist Ma. Luisa Gundran David (David), PNP Regional Crime Laboratory Office 3, Camp Olivas, San Fernando, Pampanga, stating that the tested specimens, with an aggregate weight of 10.2 kilograms, tested positive for marijuana.

The prosecution's evidence presented the following version of events:

On November 8, 2001, at around 11:00 in the evening, SPO4 Nulud and PO3 Dizon were at their safehouse in Balibago, Angeles City, Pampanga, when a civilian informant tipped them that a certain "Eddie Batman" would be buying volumes of marijuana leaves from the Igorots of Baguio City. SPO4 Nulud and PO3 Dizon immediately relayed the information to their station commander, Captain Joseph Plaza, who ordered the said police officers to place "Eddie Batman" under surveillance.

The following day, November 9, 2001, at around 12:30 in the early morning, SPO4 Nulud and PO3 Dizon, together with their informant, arrived at the Dau Bus Terminal. They strategically positioned themselves in the terminal to conduct the surveillance. After an hour, the informant positively identified "Eddie Batman" who entered the bus terminal and seated himself beside another individual, later identified as accused-appellant, who was then carrying a box on his lap. SPO4 Nulud attempted to accost "Eddie Batman," but the latter abruptly ran towards the exit of the bus terminal. PO3 Dizon gave chase, however "Eddie Batman" still managed to escape. SPO4 Nulud turned his attention on accused-appellant who was only about two feet away from him. Upon looking at the box in accused-appellant's possession, SPO4 Nulud saw dried marijuana leaves protruding from a hole in the box. SPO4 Nulud approached accused-appellant, introduced himself as a police officer, and confiscated the box from accused-appellant. When he opened the box, SPO4 Nulud found six bricks of dried leaves inside, which he determined to be marijuana. Thereafter, SPO4 Nulud apprehended accused-appellant and took him to the police station.

At the police station, SPO4 Nulud marked his initials "MZN" on the box and on the bricks of marijuana leaves confiscated from accused-appellant. After obtaining a Request for Laboratory Examination of the confiscated specimens from PC/Insp. Cacayan, SPO4 Nulud personally delivered the said specimens to the crime laboratory. The chemical examination of the confiscated specimens was concluded on November 9, 2001, the same day accused-appellant was arrested. Forensic Chemist David's examination revealed that the submitted specimens tested positive for marijuana.

The lone evidence for the defense was accused-appellant's testimony. Accused-appellant essentially denied the charge against him and claimed that he was merely framed-up by the police. Accused-appellant narrated that on November 9, 2001, in the course of his trip from Baguio City to Manila, his bus made a stopover at the Dau Bus Terminal. He alighted at the bus terminal to use the toilet. When accused-appellant came out of the toilet, he saw from about five meters away a man poking a gun at some other person. Accused-appellant walked away to return to his bus but another man blocked his way. The man introduced himself as a police officer, and asked accused-appellant if he knew the person who ran away. Accused-appellant answered that he did not know the said person. By this time, another police officer arrived and poked his gun at accused-appellant. The police officers frisked accused-appellant and seized accused-appellant's small bag which contained only his jacket. The police officers showed accused-appellant a box of marijuana, and they asked him again if he knew the person who carried the box. Accused-appellant denied knowing such person. The police officers ordered accused-appellant to follow them to their office. Once at the office, the police officers told accused-appellant to call home and ask his father to bring ₱100,000.00. When accused-appellant said that there was no telephone at his home, the police officers threatened to kill him.

The RTC promulgated its Decision on February 15, 2008 convicting accused-appellant for the crime charged and sentencing him as follows:

WHEREFORE, the prosecution having proven the guilt of the accused beyond reasonable doubt, the Court finds accused RYAN LIBUATAN LAOYAN GUILTY of the offense as charged and hereby sentences him to suffer the penalty of LIFE IMPRISONMENT and a fine of Php500,000.00.

Accused-appellant appealed his conviction before the Court of Appeals chiefly contending that the RTC erred in finding him guilty.

The Court of Appeals, in its Decision dated October 29, 2010, denied accused-appellant's appeal for lack of merit and affirmed the RTC judgment with modification as to the penalty imposed. The appellate court noted that Section 20 of Republic Act No. 6425, as amended by Republic

merely corroborative and cumulative.”² In this case, while it was the informant’s tip on “Eddie Batman” which prompted the conduct of surveillance by the police at the Dau Bus Terminal on November 9, 2001, accused-appellant’s arrest was not due to said tip but because accused-appellant was caught *in flagrante delicto* having in his possession, without any legal authority, a box containing 10.2 kilograms of dried marijuana leaves. It was never alleged that the informant was already aware of accused-appellant’s identity prior to the latter’s arrest. To recall, the informant’s tip was that “Eddie Batman” would be buying marijuana from the Igorots of Baguio. The testimony of the informant would have been corroborative only as to the fact that he gave a tip to SPO4 Nulud and PO3 Dizon regarding “Eddie Batman” and, thus, inconsequential to accused-appellant’s conviction.

The Court of Appeals also pertinently pointed out that the prosecution had sufficiently established the “chain of custody” of the confiscated marijuana leaves, and that the integrity and evidentiary value of the said evidence had never been compromised.

At the time of accused-appellant’s arrest, the procedure for the seizure or confiscation of dangerous drugs was governed by Section 1 of Dangerous Drugs Board Regulation No. 3, series of 1979, as amended by Board Regulation No. 2, series of 1990, which provided:

Section 1. All prohibited and regulated drugs, instruments, apparatuses and articles specially designed for the use thereof when unlawfully used or found in the possession of any person not authorized to have control and disposition of the same, or when found secreted or abandoned, shall be seized or confiscated by any national, provincial or local law enforcement agency. Any apprehending team having initial custody and control of said drugs and/or paraphernalia, should immediately after seizure or confiscation, have the same physically inventoried and photographed in the presence of the accused, if there be any, and/or his representative, who shall be required to sign the copies of the inventory and be given a copy thereof. Thereafter, the seized drugs and paraphernalia shall be immediately brought to a properly equipped government laboratory for a qualitative and quantitative examination.

The apprehending team shall: (a) within forty-eight (48) hours from the seizure inform the Dangerous Drugs Board by telegram of said seizure, the nature and quantity thereof, and who has present custody of the same, and (b) submit to the Board a copy of the mission investigation report within fifteen (15) days from completion of the investigation.

The aforequoted provision was subsequently incorporated as Article II, Section 21(1) of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, which repealed Republic Act No. 6425 upon its effectivity on July 4, 2002.

² *People v. Dumalag*, G.R. No. 180514, April 17, 2013, 696 SCRA 628, 643.



While law enforcement officers are enjoined to strictly follow the procedure for seizure or confiscation of dangerous drugs to preserve the identity of the *corpus delicti*, non-compliance with the said procedure is not necessarily fatal to prosecution's case. It has been ruled time and again that failure to strictly comply with what is now Article II, Section 21(1) of Republic Act No. 9165 does not necessarily render an accused's arrest illegal or the items seized or confiscated from him inadmissible. 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.³

The function of the chain of custody requirement is to ensure that the integrity and evidentiary value of the seized items are preserved, so much so that unnecessary doubts as to the identity of the evidence are removed. To be admissible, the prosecution must show by records or testimony, the continuous whereabouts of the exhibit at least between the time it came into possession of the police officers and until it was tested in the laboratory to determine its composition up to the time it was offered in evidence.⁴

The prosecution was able to satisfactorily establish the chain of custody of the seized marijuana leaves in this case. SPO4 Nulud testified that after he seized the marijuana leaves from the possession of accused-appellant, he immediately arrested accused-appellant and brought him to the police station. It was at the police station, and in the presence of accused-appellant, where SPO4 Nulud made his markings on the seized bricks of dried marijuana leaves, conducted an initial field test on the said leaves, and executed a confiscation receipt for the same. The Court had already clarified, in relation to the requirement of marking the drugs "immediately after seizure and confiscation," that the marking may be undertaken at the police station rather than at the place of arrest for as long as it is done in the presence of the accused and that what is of utmost importance is the preservation of its integrity and evidentiary value.⁵ It would have been difficult for the police officers to conduct a proper inventory and marking at the bus terminal, a very busy and public place. Thereafter, SPO4 Nulud personally delivered the dried marijuana leaves to the PNP Crime Laboratory at Camp Olivas for forensic examination, and he even waited for the results. During trial, SPO4 Nulud positively identified the very same dried marijuana leaves that he seized from accused-appellant.

Lastly, accused-appellant's uncorroborated defenses of denial and frame-up cannot prevail over the prosecution witnesses' positive testimonies, coupled with the presentation in court by the prosecution of

³ *People v. Lucio*, G.R. No. 191391, June 19, 2013, 699 SCRA 173, 196-196.

⁴ *Id.*

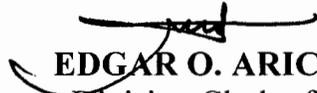
⁵ *People v. Maongco*, G.R. No. 196966, October 23, 2013.

the *corpus delicti*. Prosecutions involving illegal drugs depend largely on the credibility of the investigating and/or arresting police officers. Oft-repeated is the rule that in illegal drug cases, credence is given to prosecution witnesses who are police officers for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary. Absent any indication that the police officers were ill motivated in testifying against accused-appellant, their testimonies deserve full credence. In contrast, the defenses of denial and frame-up have been invariably viewed by this Court with disfavor for it can easily be concocted and is a common and standard defense ploy in prosecutions involving illegal drugs. In order to prosper, the defenses of denial and frame-up must be proved with strong and convincing evidence. Accused-appellant presented no such evidence in this case.⁶

WHEREFORE, in view of the foregoing, the Decision dated October 29, 2010 of the Court of Appeals in CA-G.R. CR.-H.C. No. 03386 is **AFFIRMED**.

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{with}
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Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR H.C. No. 03386)

The Director
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The Hon. Presiding Judge
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c/o The Director
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SR

⁶ *People v. Gani*, G.R. No. 198318, November 27, 2013.

