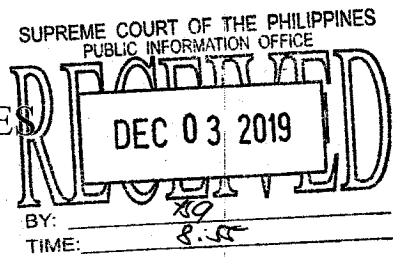




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 11 November 2019 which reads as follows:

G.R. No. 239912 (Jerome Baptisma y Flores v. People of the Philippines)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the January 26, 2018 Decision² and the June 5, 2018 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 39044 for failure of petitioner Jerome Baptisma y Flores (petitioner) to sufficiently show that the CA committed any reversible error in affirming his conviction⁴ for the crime of Illegal Possession of Dangerous Drugs, defined and penalized under Section 11, Article II of Republic Act No. 9165,⁵ otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

As correctly ruled by the CA, the prosecution satisfactorily established all the elements of the crime charged,⁶ considering that petitioner failed to show authority to possess the two (2) sachets of marijuana caught inside his right sock after a routine body search was conducted on him by a police officer.⁷ Moreover, the unbroken chain of custody over the seized dangerous drugs was sufficiently established,⁸ as their integrity and evidentiary values were preserved from the time of seizure and marking until receipt by the forensic chemist and subsequent presentation in court.⁹

Finally, it is settled that a defense of denial which is unsupported and unsubstantiated by clear and convincing evidence becomes negative and self-serving, deserving no weight in law, and cannot be given greater evidentiary value over convincing, straightforward and probable testimony on affirmative matters,¹⁰ as in this case.

¹ Rollo, pp. 13-33.

² Id. at 39-51. Penned by Presiding Justice Romeo F. Barza with Associate Justices Mario V. Lopez and Victoria Isabel A. Paredes, concurring.

³ Id. at 53-54.

⁴ See RTC Decision dated May 17, 2016, penned by Judge Winston S. Racoma; id. at 76-80.

⁵ Entitled “AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES,” approved on June 7, 2002.

⁶ In *People v. Montevirgen* (723 Phil. 534, 542 [2013]), citing *People v. Sembrano* (642 Phil. 476, 490-491 [2010]), the Court held that in prosecuting a case for illegal possession of dangerous drugs under Section 11, Article II of RA 9165, the following elements must concur: (1) the accused is in possession of an item or object, which is identified as a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug. See also *rollo*, p. 46.

⁷ See *rollo*, pp. 46-47.

⁸ See *People v. Gutierrez*, 614 Phil. 285, 298 (2009).

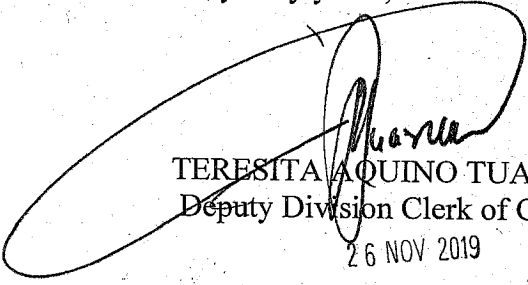
⁹ *Rollo*, pp. 48-49.

¹⁰ *Palo v. People*, 780 Phil. 681, 696 (2016).

10/4

SO ORDERED. (INTING, J., on official leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

26 NOV 2019

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