



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 196146

Present:

- versus -

CARPIO, J.,
 Chairperson,
 BRION,
 DEL CASTILLO,
 PEREZ, and
 PERLAS-BERNABE, JJ.

FREDDIE LADIP y RUBIO,
 Accused-Appellant.

Promulgated:
 MAR 12 2014

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DECISION

PEREZ, J.:

Before this Court is an appeal from the Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03635 affirming *in toto* the Decision² in Criminal Case No. Q-06-144482 rendered by the Regional Trial Court (RTC), Branch 103 of Quezon City. The RTC Decision found Freddie Ladip y Rubio (accused) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Facts

The accused was charged under the Information³ docketed as Criminal Case No. Q-06-144482 for violation of Section 5, Article II of R.A. No. 9165 (illegal sale of dangerous drugs), which reads as follows:

¹ Rollo, pp. 2-16; Penned by Associate Justice Rosmari D. Carandang with Associate Justices Ramon R. Garcia and Manuel M. Barrios concurring.
² CA rollo, pp. 13-15; Penned by Presiding Judge Jaime N. Salazar, Jr.
³ Records, pp. 1-2.

That on or about 7th day of December, 2006, in Quezon City, accused without lawful authority did then and there willfully and unlawfully sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport, or act as broker in the said transaction, a dangerous drug, to wit: zero point thirteen (0.13) gram of white crystalline substance containing [methamphetamine] hydrochloride.

Upon arraignment, the accused pleaded not guilty to said charge.⁴ Thereafter, a full-blown trial ensued.

The Prosecution's Version of Facts

The prosecution presented Police Officer (PO) 1 Marcelino Sibal (PO1 Sibal) and PO1 Romeo Tayag (PO1 Tayag), who both testified that while on duty in the morning of 7 December 2006, together with other police operatives namely: PO2 Zamora, PO1 Almario, and PO2 Salas, at the Station Anti-Illegal Drugs (SAID) - Station Operation Task Group, Quirino Police Station (PS-09), Anonas Road, Project 2, Quezon City, a male confidential informant came to the station and provided them with the information that a certain Freddie Ladip was selling illegal drugs in Area 1, *Barangay* Batasan, Quezon City. Consequently, a buy-bust operation was conducted on the same day whereupon the accused was arrested for selling methamphetamine hydrochloride or *shabu*.⁵

As narrated during the trial, PO1 Sibal, who acted as poseur-buyer, and the informant went to a house located in the abovementioned area around 1 o'clock in the afternoon of 7 December 2006, wherein the accused was already waiting for them outside the said house. The informant introduced PO1 Sibal to the accused as a buyer of *shabu*. Accused immediately inquired as to the quantity of *shabu* that he intends to purchase by asking, "*magkano?*" PO1 Sibal replied that he wanted to buy ₱300.00 worth of *shabu*. Accused then asked for the payment, for which PO1 Sibal readily gave him the marked money consisting of three 100-peso bills. In return, accused handed to PO1 Sibal a transparent heat-sealed plastic sachet containing white crystalline granules. Upon the exchange and conveyance of *shabu* and the marked money having been completed, PO1 Sibal gave the pre-arranged signal by removing the cap from his head to signify to his back-up team, strategically stationed near the scene of the crime, that the transaction was consummated. Afterwards, the accused was arrested by the team.⁶

⁴ Id. at 23.

⁵ TSN, 27 February 2007, pp. 4-14.

⁶ Joint Affidavit, records, p. 12; TSN, 27 February 2007, pp. 11-14.

While the accused was being apprehended, a certain Perlyn Urbano y Dela Cruz (Perlyn) suddenly emerged before them, hysterically shouting and asking why her husband was being arrested, and even attempted to prevent the police operatives from consummating said arrest. Simultaneously, PO1 Tayag, being one of the back-up team, approached them and recovered another heat-sealed plastic sachet on the ground near Perlyn. Thereafter, both accused and Perlyn were brought to the police station where they were detained and investigated.⁷

It was further stated under oath that, prior to the turnover of the evidence to the investigator-on-duty in said station, PO1 Sibal and PO1 Tayag revealed that they placed their respective markings on the two (2) small heat sealed transparent plastic sachets,⁸ denominated as MS-FL-12-07-06 and RT-PU-12-07-06. Subsequently, an inventory of the seized items was made in the presence of the police operatives and the arrested persons. Photographs of the arrested persons, the marked money, and the seized items were likewise taken, followed by various requests for laboratory examination of said specimens, and for drug dependency examination of the arrested persons.⁹ Later on, the subject sachets were brought to the Quezon City Police District (QCPD) Crime Laboratory.

Lastly, it was agreed upon by both parties to dispense with the testimony of the other prosecution's witness, Police Inspector (P/Insp.) Ma. Shirleen Ballete, and to enter instead the following stipulations:

- (1) That P/Insp. Ma. Shirleen Ballete is the Forensic Chemist who examined the specimen, subject matter of this case;
- (2) That there was a request made for an examination on the specimen;
- (3) That attached to the request are the two specimens, with the marking on each of the transparent plastic sachets, namely: MS-FL-12-07-06 and RT-PU-12-07-06;
- (4) That in view of the said request, Forensic Chemist Ma. Shirleen Ballete examined the specimen and prepared Chemistry Report No. D-525-2006 dated December 7, 2006 with the finding that said specimen, after qualitative examination conducted on the said specimen, gave positive result for the test of [methamphetamine] hydrochloride, a dangerous drug;

⁷ TSN, 27 February 2007, pp. 15-17; TSN, 21 May 2007, pp. 11-12.

⁸ TSN, 27 February 2007, pp. 18-19; TSN, 21 May 2007, pp. 14-15.

⁹ Records, pp. 3-4 and 7-8; Exhibits "A," "D," "I," "J," "J-1," "J-2," "K," "K-1," and "K-2"; TSN, 27 February 2007, pp. 21-24.

- (5) Likewise, said report has been properly subscribed and sworn to before the Administering Officer; and
- (6) That Forensic Chemist Ma. Shirleen Ballete merely conducted the examination on the specimens, but has no personal knowledge on how said specimens were recovered from the possession of the accused.¹⁰

The Defense's Version of the Facts

On the other hand, the accused had a different version of the facts surrounding his arrest. To put substance to his position, the defense presented the accused and a certain Lerma Cui (Lerma) as witnesses.

Accused testified that at around 1 o'clock in the afternoon of 7 December 2006, he was engaged in a drinking session inside the house of his live-in partner's (Perlyn) friend (a certain Wilma) at *Barangay Botocan*, Quezon City.¹¹ Suddenly, three men in civilian clothes arrived and searched the house but found nothing illegal. Nevertheless, the three men grabbed and handcuffed him and Perlyn,¹² boarded them in a vehicle and brought them to a police station to show them the *shabu* without explaining where it came from.¹³

To corroborate the testimony of the accused, Lerma testified that she was in the house of her friend Wilma having a drinking spree with them when the accused was unexpectedly and swiftly arrested by a group of three male individuals clad in civilian clothes for no apparent reason. She recalled that a member of said group informed them that they are looking for somebody, while the other began to search the house, and the third member of the group placed handcuffs on the accused and Perlyn. Shocked, Lerma gave witness that she and Wilma were not able to do anything to prevent such unlawful search and warrantless arrest.¹⁴

The Ruling of the RTC

After trial on the merits, the RTC rendered a Decision¹⁵ finding the accused guilty beyond reasonable doubt of violation of Section 5, Article II

¹⁰ Id. at 27-28 and 4; Order dated 12 February 2007, and Exhibit "D."

¹¹ TSN, 31 January 2008, pp. 3-4.

¹² Id. at 13.

¹³ Id. at 6-9.

¹⁴ TSN, 11 August 2008, pp. 2-5.

¹⁵ Records, pp. 85-87.

of R.A. No. 9165 (for drug pushing). The dispositive portion of which is hereunder quoted as follows:

ACCORDINGLY, judgment is rendered finding the accused **FREDDIE LADIP Y RUBIO, GUILTY** beyond reasonable doubt of the offense of violation of Section 5 of RA 9165 (for drug pushing) as charged, and he is hereby sentenced to suffer a jail term of **LIFE IMPRISONMENT** and to pay a fine of P500,000.00. Only the sachet sold to PO[1] Sibal covers the case against the accused. The other sachet picked up by PO[1] Tayag cannot be held beyond reasonable doubt as having come from the accused. Nonetheless, the statutory penalty is still as stated above as per RA 9165.

The two (2) sachets of shabu involved in this case are ordered transmitted to PDEA thru DDB for disposal as per RA 9165.¹⁶

The trial court ruled that the testimonies of the police operatives are credible and reliable. On the other hand, the denials of the accused were found to be negative, weak, and self-serving. It further pointed out that the marking of the subject sachets made only in the police station was reasonable considering that during the arrest, there was a commotion which resulted to a crowd build-up, thereby giving rise to the probability of risk to the life and limb of the police, had they stayed there much longer. Hence, such belated marking was therefore deemed justified.

The Ruling of the CA

On appeal, the accused contended that the confiscated drugs were not marked immediately at the time and place of its seizure, and that the subsequent physical inventory thereof was not made in the presence of representatives from the Department of Justice (DOJ), the media, and any elected public official, in violation of Section 21 of R.A. No. 9165, thus, destroying the identity and integrity of the evidence against him; that there were inconsistencies in the testimonial evidence presented by the prosecution; and that ultimately, the prosecution miserably failed to prove the accused's guilt beyond reasonable doubt.¹⁷

The CA affirmed *in toto* the decision of the RTC and dismissed the appeal.¹⁸ The appellate court ruled that the prosecution's evidence established the essential elements of the crime. It held that failure to comply with Section 21 of R.A. No. 9165 will not render the arrest of the accused

¹⁶ Id. at 87.

¹⁷ CA *rollo*, pp. 34-56; Brief for the Accused-Appellant.

¹⁸ *Rollo*, pp. 2-16.

illegal, nor will it result to the inadmissibility in evidence against the accused of the illegal drugs seized in the course of the entrapment operation. What is of utmost relevance is the preservation of the integrity and maintenance of the evidentiary value of the confiscated illegal drugs, for in the end, the same shall necessarily be the thrust that shall determine the guilt or innocence of the accused.¹⁹ More so, the CA emphasized that in the prosecution of offenses relating to illegal sale, peddling and conveyance of prohibited drugs, what is of material and pivotal importance is proof that the sale of drugs actually took place, coupled with the presentation of the *corpus delicti* as evidence,²⁰ and furthermore, that there is no showing of any indicia of ill or improper motive on the part of the police operatives to impute such serious crime against accused as manifested by their witnesses' spontaneous and categorical declarations and account of the incident.²¹ These were all established and proven beyond reasonable doubt in the instant case.

When the case was elevated to this Court, accused, through the Public Attorney's Office, and the Office of the Solicitor General, both manifested that they would no longer file their respective supplemental brief and, instead, they would adopt all the arguments in their briefs filed before the CA.²² In his Appellant's Brief,²³ accused raised the following assignment of errors: (a) the court *a quo* gravely erred in convicting the accused-appellant notwithstanding the prosecution's failure to establish the chain of custody and integrity of the alleged seized illegal drugs; (b) the court *a quo* gravely erred in convicting the accused-appellant notwithstanding the prosecution witnesses' incredible and highly inconsistent testimonies; and (c) the court *a quo* gravely erred in convicting the accused-appellant despite the prosecution's failure to prove his guilt beyond reasonable doubt.

The Issues

Posed for resolution is whether or not the accused is guilty of illegal sale of dangerous drugs; and of similar importance is the course of the investigation and trial.

Ultimately, the above issues may be consolidated, to wit: whether or not the RTC and the CA erred in finding that the evidence of the prosecution was sufficient to convict the accused of the alleged sale of

¹⁹ Id. at 10.

²⁰ Id. at 12.

²¹ Id. at 14.

²² Id. at 38-39; Resolution dated 19 September 2011.

²³ CA *rollo*, pp. 34-56.

methamphetamine hydrochloride or *shabu*, in violation of Section 5 of R.A. No. 9165.

Our Ruling

The Court finds no merit in the appeal.

It has been consistently ruled that for the successful prosecution of offenses involving the illegal sale of drugs under Section 5, Article II of R.A. No. 9165, the following elements must be proven: (1) the identity of the buyer and seller, object and consideration; and (2) the delivery of the thing sold and the payment therefor.²⁴ In other words, there is a need to establish beyond reasonable doubt that the accused actually sold and delivered a prohibited drug to another, and that the former indeed knew that what he had sold and delivered to the latter was a prohibited drug.²⁵ To reiterate, what is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, plus the presentation in court of *corpus delicti* as evidence.²⁶

Contrary to the claim of accused, the prosecution was able to clearly recount how the buy-bust operation²⁷ was conducted, and the eventual submission of the subject sachet of *shabu* as part of its evidence. We note that during the direct examination of the prosecution's witness, PO1 Sibal, he categorically testified on the following factual antecedents:

Q: On December 7, 2006 in what police station you were assigned?

A: Station 9 Anti Illegal Drug.

Q: Do you remember having reported for duty on said date?

A: Yes, sir.

Q: Who were with you at the time when you reported for duty?

A: PO1 Romeo Tayag, PO1 Almario, PO2 Zamora and PO2 Salas.

²⁴ *People v. Tiu*, 469 Phil. 163, 173 (2004); *Chan v. Formaran III, et al.*, 572 Phil. 118 (2008).

²⁵ *People v. Pagkalinawan*, G.R. No. 184805, 3 March 2010, 614 SCRA 202, 215.

²⁶ *People v. Andres*, G. R. No. 193184, 7 February 2011, 641 SCRA 602, 608 citing *People v. Serrano*, G. R. No. 179038, 6 May 2010, 620 SCRA 327.

²⁷ In *People v. De Leon*, G.R. No. 186471, 25 January 2010, 611 SCRA 118, 135, the High Court expressed that “[a] buy-bust operation is a form of entrapment whereby ways and means are resorted to for the purpose of trapping and capturing the lawbreakers in the execution of their criminal plan. In this jurisdiction, the operation is legal and has been proved to be an effective method of apprehending drug peddlers, provided due regard to constitutional and legal safeguards is undertaken.”

Q: While you were on the said station, what happened if you still recall?

A: There was an informant who arrived in our station.

Q: When this informant arrived in your station, what happened?

A: He told us that a certain Freddie Ladip in Area 1 is selling shabu.

x x x x

Q: After that information was given by the said informant, what did your team do, if any?

A: We made the pre-operation report, the buy bust money was also prepared.

Q: Was there a briefing conducted?

A: Yes, sir.

Q: In this briefing that was conducted by your chief, what was taken?

A: I will be the poseur buyer.

Q: As a poseur buyer, what will you do?

A: I was tasked to buy shabu.

Q: And what will you use to buy shabu?

A: Marked money P300.00.

Q: Was it already marked when it was given to you?

A: Not yet I was the one who marked the money.

Q: From whom did you receive the money?

A: Chief of SAID Balmaseda.

Q: In what denomination you used?

A: 3 pieces of P100.00.

Q: After you received the money, what did you do?

A: We placed marking on the upper left (sic).

Q: What marking did you place?

A: My initial MS.

Q: Why do you have to mark the money?

A: That this will be the money we will use.²⁸

x x x x

Q: After this pre-operation report was prepared, what else were discussed during the briefing?

A: I was tasked as a poseur buyer. After the money was given we went to the location.

Q: Who was your back up?

A: Romeo Tayag. The other are back ups but on viewing distance.

Q: You said you were tasked to buy shabu, how could (sic) the back up knew that the sale was already consummated?

A: We have the pre-arranged signal.

Q: And what was the pre-arranged signal?

A: Taking of my cap.

Q: Which signify what?

A: That the buy bust was already consummated.

Q: What time did you proceed to the area?

A: Around 12:30 pm.

Q: At around 12:30 p.m. you were dispatched, what mode of transportation did you use?

A: Two cars.

Q: Were you able to reach the area of your operation?

A: Yes, sir.

Q: What exact place were you (sic) dispatched?

A: Area 1, Bgy. Botocan, Quezon City.

Q: Where was the informant when you reached the said place?

²⁸ TSN, 27 February 2007, pp. 3-6.

- A: He was with me.
- Q: When you reached the said place, what happened?
- A: I together with the informant we went to the house of the suspect.
- Q: How did you go there?
- A: We were walking.
- Q: How far is their vehicle from you?
- A: The vehicle was parked on the street and the place where the supposed pusher is located in the looban.
- Q: What about your back up?
- A: Strategic position.
- Q: You said you were able to reach the house of the suspect, what happened when you reached the house of the suspect?
- A: The informant introduced me to Freddie as the one who will buy shabu.
- Q: You said you reached the house of Freddie and you were introduced by the informant, how were you introduced by the informant to Freddie?
- A: Buyer of shabu.
- Q: After you were introduced by the informant that you will buy shabu, what happened next?
- A: Freddie said how much.
- Q: And how much your answer?
- A: P300.00.
- Q: And when you answered P300.00, what did he do?
- A: He asked for the money.
- Q: After he asked for the money, what did you do?
- A: After he got the money he gave me the small transparent sachet.
- Q: And what did you do after you received the sachet?
- A: I executed the pre-arranged signal and I arrested Freddie.

Q: You said you recovered the sachet and P300.00 worth of shabu, did you examine it?

A: Yes, sir.

Q: What is the content?

A: White crystalline substance.

Q: You said you executed a pre-arranged signal, what happened after that?

A: After I removed my cap I arrested Freddie and my back ups went towards us.

Q: Why did you arrest Freddie?

A: Because I was able to buy shabu from Freddie.

Q: What else did you tell Freddie?

A: I introduced myself as police officer.

Q: After introducing yourself as police officer, what else did you do?

A: I informed him of his constitutional rights.

Q: What else did you do?

A: I was able to recover P300.00 which I used to buy shabu.

Q: From where did you recover it?

A: Still on his hand.²⁹

x x x x

Q: Before reaching the station who was in custody of the sachet you purchased from the accused?

A: I was the one.

Q: How about the 3 pieces of P100.00.

A: I was the one.

x x x x

Q: When you reached the station, what did you do with the evidence?

²⁹ Id. at 9-14.

A: Before we turn over to the investigator we placed the initial.

Q: What initial you placed?

A: MSFL 12-07-09 (sic).

Q: What does MSFL stand for?

A: MS Marcelino Sibal and FL Freddie Ladip.

x x x x

Q: How about the 3 pieces of marked money?

A: Turned over to the investigator.

Q: Were you able to identify the plastic sachet you purchased from the accused?

A: Yes, sir.

Q: Showing to you the plastic sachet, what can you say to this?

A: This is the one.

Q: Witness identified the plastic sachet marked as Exhibit B and the signature as B-1 and B-2.

Q: You said you were able to turn over to the investigator the money, where is the money now?

A: I have it but I was not able to bring it.

Q: Before you present it to the inquest, what did you do with the P300.00?

A: We took pictures of the money.

Q: Would you be able to identify the money?

A: Yes, sir.

Q: Showing to you the xerox copy, what can you say to that?

A: This is the buy bust money.

Q: We request that the 3 pieces of P100.00 be marked as EXHIBIT F, G and H.

Point to us the marking you placed before the operation?

Witness pointing to the initial MS which we request to be marked as EXHIBITS F-1, G-1 and H-1.³⁰

Clearly from the foregoing declaration, the prosecution indeed established that there was a buy-bust operation conducted, showing that accused sold and delivered the *shabu* for ₱300.00 to PO1 Sibal, the poseur-buyer. PO1 Sibal himself testified that there was an actual exchange of the marked money and the prohibited drug. Certainly, accused was fully aware that what he was selling was illegal and prohibited. Thereafter, the *corpus delicti* or the subject drug was seized, marked, and subsequently identified as a prohibited drug.³¹

It cannot be overemphasized that in cases involving violations of Dangerous Drugs Act, credence should be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary. In this regard, the defense failed to show any ill motive or odious intent on the part of the police operatives to impute such a serious crime that would put in jeopardy the life and liberty of an innocent person, such as in the case of accused. Incidentally, if these were simply trumped-up charges against him, it remains a question why no administrative charges were brought against the police operatives. Moreover, in weighing the testimonies of the prosecution witnesses vis-à-vis those of the defense, it is a well-settled rule that in the absence of palpable error or grave abuse of discretion on the part of the trial judge, the trial court's evaluation of the credibility of witnesses will not be disturbed on appeal.³²

Again, in the absence of any showing that substantial or relevant facts bearing on the elements of the crime have been misapplied or overlooked, this Court can only accord full credence to such factual assessment of the trial court which had the distinct advantage of observing the demeanor and conduct of the witnesses during the trial. Absent any proof of motive to falsely charge an accused of such a grave offense, the presumption of regularity in the performance of official duty and the findings of the trial

³⁰ Id. at 18-21.

³¹ Records, pp. 27-28; Both parties dispensed with the testimony of P/Insp. Ma. Shirleen Ballete, the Forensic Chemist who examined the specimen being subject matter of this case, and admitted in evidence her Chemistry Report No. D-525-2006 dated 7 December 2006. Said report categorically declared that, after qualitative examination conducted on the said specimen, the same was found to be a dangerous drug prohibited by law.

³² *People v. Sembrano*, G. R. No. 185848, 16 August 2010, 628 SCRA 328, 342 citing *People v. Llamado*, G. R. No. 185278, 13 March 2009, 581 SCRA 544, 552, and *People v. Remerata*, 449 Phil. 813, 822 (2003).

court with respect to the credibility of witnesses shall prevail over his bare allegation.³³

With the illegal sale of dangerous drugs established beyond reasonable doubt, the handling of the evidence, or the observance of the proper chain of custody, which is also an indispensable factor in prosecution for illegal sale of dangerous drugs, is the next matter to be resolved.

The point, understandably, of the accused is noncompliance by the arresting officers with Section 21, Article II of the Implementing Rules and Regulations (IRR) of R.A. No. 9165 regarding the chain of custody of seized drugs, particularly as to the following: (a) that no copy of the inventory was given to the accused or his representative; (b) that no photographs were taken in the presence of a representative from the media or the DOJ or any elected public officer; and (c) that there was no explanation of how the alleged sachets of *shabu* were handled and disposed of from the time these were turned-over to the crime laboratory, up to their presentation in court, is fatal to the prosecution's case against him. Resolving this matter is of utmost importance because if proven, substantial gaps in the chain of custody of the seized drugs would cast serious doubts on the authenticity of the evidence presented in court and would then entitle the accused to an acquittal.

We are not persuaded by these arguments.

This Court has time and again spoken on the chain of custody rule,³⁴ a method of authenticating evidence which requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. This would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered in evidence, in such a way that every person who touched the exhibit would describe how and from whom it was

³³ *People v. Soriaga*, G.R. No. 191392, 14 March 2011, 645 SCRA 300, 305-306 citing *People v. Tamayo*, G.R. No. 187070, 24 February 2010, 613 SCRA 556, and *People v. De Leon*, *supra* note 27 at 136.

³⁴ Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002 which implements R.A. No. 9165 defines "Chain of Custody" as follows:

"Chain of Custody" means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.

received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.³⁵

In *People v. Salonga*,³⁶ we held that it is essential for the prosecution to prove that the prohibited drug confiscated or recovered from the suspect is the very same substance offered in court as exhibit. Its identity must be established with unwavering exactitude for it to lead to a finding of guilt. Thus, drug enforcement agents and police officers involved in a buy-bust operation are required under R.A. No. 9165 and its implementing rules to mark all seized evidence at the buy-bust scene. Section 21 (a), Article II of the IRR, states:

SECTION 21. Custody and 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. x x x

(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;

³⁵ *Mallillin v. People*, 576 Phil. 576, 587 (2008).

³⁶ G.R. No. 186390, 2 October 2009, 602 SCRA 783, 795.

As often as there are occasions to apply the chain of custody rule, the Court has pronounced that the requirements under R.A. No. 9165 and its IRR are not inflexible. What is essential is “the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.”³⁷ Thus:

From the point of view of jurisprudence, we are not beating any new path by holding that the failure to undertake the required photography and immediate marking of seized items may be excused by the unique circumstances of a case. In *People v. Resurreccion*, we already stated that “marking upon immediate confiscation” does not exclude the possibility that marking can be at the police station or office of the apprehending team. In the cases of *People v. Rusiana*, *People v. Hernandez*, and *People v. Gum-Oyen*, the apprehending team marked the confiscated items at the police station and not at the place of seizure. Nevertheless, we sustained the conviction because the evidence showed that the integrity and evidentiary value of the items seized had been preserved. To reiterate what we have held in past cases, **we are not always looking for the strict step-by-step adherence to the procedural requirements; what is important is to ensure the preservation of the integrity and the evidentiary value of the seized items, as these would determine the guilt or innocence of the accused.** We succinctly explained this in *People v. Del Monte* when we held:

We would like to add that non-compliance with Section 21 of said law, particularly the making of the inventory and the photographing of the drugs confiscated and/or seized, will not render the drugs inadmissible in evidence. Under Section 3 of Rule 128 of the Rules of Court, evidence is admissible when it is relevant to the issue and is not excluded by the law or these rules. For evidence to be inadmissible, there should be a law or rule which forbids its reception. If there is no such law or rule, the evidence must be admitted subject only to the evidentiary weight that will [be] accorded it by the courts. x x x

We do not find any provision or statement in said law or in any rule that will bring about the non-admissibility of the confiscated and/or seized drugs due to non-compliance with Section 21 of Republic Act No. 9165. The issue therefore, if there is non-compliance with said section, is not of admissibility, but of weight — evidentiary merit or probative value — to be given the evidence. The weight to be given by the courts on said evidence depends on the circumstances obtaining in each case.³⁸ (Emphasis supplied)

³⁷ *People v. Le*, G.R. No. 188976, 29 June 2010, 622 SCRA 571, 583.

³⁸ *People v. Domado*, G.R. No. 172971, 16 June 2010, 621 SCRA 73, 91-92.

From the testimonies of the police officers in the case at bench, the prosecution established that they had custody of the drugs seized from the accused from the moment he was arrested, during the time he was transported to the police station, and up to the time the drugs were submitted to the crime laboratory for examination. The same witnesses also identified the seized drugs with certainty when these were presented in court. With regard to the handling of the seized drugs, there are no conflicting testimonies or glaring inconsistencies that would cast doubt on the integrity thereof as evidence presented and scrutinized in court. It is therefore safe to conclude that, to the unprejudiced mind, the testimonies show without a doubt that the evidence seized from the accused at the time of the buy-bust operation was the same one tested, introduced, and testified to in court. In short, there is no question as to the integrity of the evidence against the accused.

By way of reiteration, although this Court finds that the police officers did not strictly comply with the requirements of Section 21, Article II of the IRR implementing R.A. No. 9165, the noncompliance did not affect the evidentiary weight of the drugs seized from the accused, because the chain of custody of the evidence was shown to be unbroken under the circumstances of the case. As correctly found by the appellate court, the drugs confiscated from the accused were properly accounted for and forthrightly submitted to the Crime Laboratory for its extensive examination. The CA further ruled that nothing invited the suspicion that the integrity and evidentiary value of the seized articles were jeopardized.

In fine, considering the pieces of evidence presented by the prosecution, the denial of the accused-appellant fails. Courts generally view the defense of denial with disfavor due to the facility with which an accused can concoct it to suit his or her defense. As evidence that is both negative and self-serving, this defense cannot attain more credibility than the testimonies of the prosecution witnesses who testify clearly, providing thereby positive evidence on the various aspects of the crime committed.³⁹

Also, it is a well-entrenched principle that findings of fact of the trial court as to the credibility of witnesses are accorded great weight and respect when no glaring errors, gross misapprehension of facts, and speculative, arbitrary and unsupported conclusions can be gathered from such findings. The rationale behind this rule is that the trial court is in a better position to decide the credibility of witnesses, having heard their testimonies and observed their deportment and manner of testifying during trial. This rule finds an even more stringent application where said findings are sustained by

³⁹ *Zalameda v. People*, G. R. No. 183656, 4 September 2009, 598 SCRA 537, 556.

the Court of Appeals.⁴⁰ This Court does not find any convincing reason to depart from the ruling of the trial court, which was affirmed by the appellate court. Thus, we affirm the assailed Decision of the appellate court and uphold the conviction of the accused.

WHEREFORE, the appeal is **DENIED**. The Court of Appeals Decision in CA-G.R. CR-H.C. No. 03635 dated 22 September 2010, is **AFFIRMED** in all respects.

SO ORDERED.

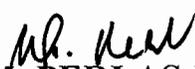

JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

⁴⁰ *People v. Cruz*, G. R. No. 187047, 15 June 2011, 652 SCRA 286, 297-298.

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.

**ANTONIO T. CARPIO**

Associate Justice

Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARIA LOURDES P. A. SERENO**

Chief Justice