

THIRD DIVISION

[G.R. No. 205639, January 18, 2016]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANITA MIRANBA Y BELTRAN, APPELLANT.

DECISION

PERALTA, J.:

Appellant was charged before the Regional Trial Court (RTC) of Calapan City, Oriental Mindoro, Branch 39, with violation of Section 5, Article 11 of Republic Act (R.A.) No. 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.^[1] When arraigned, she pleaded not guilty to the charge.

The prosecution's evidence established that after a surveillance conducted outside appellant's house located in Barangay Ibaba West, Calapan City, it was confirmed that she was engaged in the illegal sale of shabu. Thus, at 12:00 noon of May 6, 2005, the police formed a buy-bust team designating PO2 Mariel D. Rodil (*PO2 Rodil*) to act as the poseur-buyer, SPO1 Noel Buhay (*SPO1 Buhay*) and PO2 Ritchie Chan (*PO2 Chan*) as the arresting officers and the other team members as back up. Marked and given to PO2 Rodil were four (4) one hundred peso bills. At 2:00 p.m., the buy-bust team arrived in Barangay Ibaba West and PO2 Rodil proceeded to appellant's house, while the rest of the team hid somewhere near appellant's house. PO2 Rodil saw appellant outside her house and after a brief conversation, told her that she was buying shabu worth P400.00. Appellant then went inside her house and upon her return, handed to PO2 Rodil one (1) transparent plastic sachet containing white crystalline substance. After PO2 Rodil gave appellant the marked money as payment, she then made a missed call to PO2 Chan's cell phone as a pre-arranged signal. SPO1 Buhay and PO2 Chan effected, appellant's arrest. PO2 Chan got the marked money from appellant, while PO2 Rodil held on to the plastic sachet containing white crystalline substance. The team then informed Arnel Almazan, Barangay Councilor of Barangay Ibaba West, about the operation and they all brought appellant to the Calapan Police Station.^[2]

Both the inventory of the seized item and the taking of appellant's photos were made at the police station. PO2 Rodil marked the seized item and submitted the same for laboratory examination on the same day.^[3] The Forensic Chemist, Police Inspector Rhea Fe DC Alviar (*PI Alviar*) confirmed the specimen submitted -positive for methamphetamine hydrochloride (*shabu*).

Appellant denied selling illegal drugs saying that at 2:00 p.m. of May 6, 2005, she was at home watching TV when the police officers entered her house, frisked her and searched her house. She was later brought to the Calapan Police Station where she was asked to point to the shabu placed on top of a table; and that she was also subjected to a drug test.^[4]

On March 9, 2010, the RTC rendered its Decision^[5] as follows:

ACCORDINGLY, in view of the foregoing, this Court finds the accused ANITA MIRANDA y BELTRAN GUILTY beyond reasonable doubt as principal of the crime charged in the aforequoted information and in default of any modifying

circumstances attendant, hereby sentences her to suffer the penalty of LIFE IMPRISONMENT and a fine of VIVE HUNDRED THOUSAND (P500,000.00) PESOS, with the accessories provided by law and with credit for preventive imprisonment undergone, if any.

The 0.04 grain of methamphetamine hydrochloride (shabu) subject matter of this case is hereby ordered confiscated in favor of the government to be disposed of in accordance with the law.^[6]

Appellant filed her appeal with the CA, which in a Decision^[7] dated July 4, 2012, denied the same and affirmed the RTC decision *in toto*.

Dissatisfied, appellant is now before us seeking a reversal of her conviction. We required the parties to submit their Supplemental Briefs if they so desire. Appellant filed a Supplemental Brief, while the OSG representing the People did not, saying that it had already exhaustively discussed the issues in its Appellee's Brief filed with the CA.

In her Supplemental Brief,^[8] appellant insists that: (1) the prosecution evidence showed no indication of full compliance with Section 21(1) of Republic Act (RA) 9165 on the custody and disposition of confiscated, seized, and/or surrendered dangerous drugs; (2) PO2 Rodil failed to establish that the shabu presented in court was the very item seized from her at the time of her arrest; and (3) the person who received the seized item from PO2 Rodil, as well as the person who was tasked to bring the illegal drug from the laboratory to the court, were never presented in court nor their testimonies offered in evidence.

We find no merit in this appeal.

It is material in every prosecution for the illegal sale of a prohibited drug that the drug, which is the *corpus delicti*, be presented as evidence in court. Hence, the identity of the prohibited drug must be established without any doubt. Even more than this, what must also be established is the fact that the substance bought during the buy-bust operation is the same substance offered in court as exhibit.^[9] The chain of custody requirement performs this function in that it ensures that unnecessary doubts concerning the identity of the evidence are removed.^[10]

Chain of custody, as defined under Section 1(b) of Dangerous Drugs Board Regulation No. 1, series of 2002, which implements RA 9165, states:

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.

In this case, we find that the prosecution was able to establish the crucial links in the chain of custody of the seized sachet of shabu. After PO2 Rodil received the plastic sachet of white crystalline substance from appellant, she was in possession of the shabu up to the time appellant was brought to the police station for investigation. With the buy-bust team and appellant at the police station were the Kill Droga Provincial President, Nicanor Ocampo, Sr. and Barangay Councilor Almazan. PO2 Rodil made an inventory^[11] of the seized item which was attested by Ocampo. She also marked the seized item with her initials "MDR".^[12]

Appellant's photos were also taken pointing to the plastic sachet.^[13]

PO2 Rodil prepared and signed the request^[14] for laboratory examination and brought the letter request and the seized item to the Regional Crime Laboratory Office-4B Mimaropa, Suqui, Calapan City for qualitative analysis. The specimen was received at the laboratory at 5:00 p.m. of the same day.^[15] PI Alviar examined the white crystalline substance contained in a heat-sealed plastic transparent plastic sachet with marking "MDR" on the same right and issued Chemistry Report No. D-025-05 wherein she stated that the specimen was tested positive for methamphetaminc hydrochloride (shabu).^[16] The staple-sealed brown envelope with markings D-025-05 RFDCA (PI Alviar's initials), which contained one rectangular transparent plastic sachet sealed with masking tape with the same marking, was offered in evidence and identified in court by PI Alviar.^[17]

There is no doubt that the sachet of shabu, which was bought and confiscated from appellant, brought to the police station, and was submitted to the crime laboratory for a qualitative examination, was the very same shabu presented and identified in court. The police had sufficiently preserved the integrity and evidentiary value of the seized item, thus, complying with the prescribed procedure in the custody and control of the confiscated drugs.^[18]

We; find that the penalty imposed, by the RTC and affirmed by the CA is proper under the law.^[19]

WHEREFORE, the instant appeal is **DISMISSED**. The Decision dated July 4, 2012 of the Court of Appeals in CA-G.R. CR HC No. 04416, which affirmed *in toto* the Decision dated March 9, 2010 of the Regional Trial Court of Calapan City, Oriental Mindoro, Branch 39, finding appellant Anita Miranda y Beltran guilty of violation of Article II, Section 5 of Republic Act No. 9165, is hereby **AFFIRMED**.

SO ORDERED.

*Velasco, Jr., (Chairperson), Perez, Reyes, and Leonen, * JJ., concur.*

February 17, 2016

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on January 18, 2015 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on February 17, 2016 at 10:15 a.m.

Very truly yours,
(SGD)
WILFREDO V. LAPITAN
Division Clerk of Court

* Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated October 1, 2014.

[1] Records, p. 1.

The Information reads:

That on or about [the] 6th day of May 2005, at around 2:00 o'clock in the afternoon, more or less, at Barangay Ibaba West, City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without any legal authority nor corresponding license or prescription, did then and there, wilfully, unlawfully and feloniously sell, deliver, transport or distribute to a poseur-buyer, methamphetamine hydrochloride (shabu), a dangerous drug, weighing 0.04 gram, more or less.
CONTRARY TO LAW.

[2] TSN, March 7, 2006, pp. 6-15; TSN, March 21, 2007, pp. 7-13.

[3] TSN, March 7, 2005, pp. 15-18.

[4] TSN, July 20, 2009, pp. 4-8.

[5] CA *rollo*, pp. I 1-15-A; Per Judge Manuel C. Luna, Jr.; Docketed as Criminal Case No. CR-05-8044.

[6] *Id.* at 15-A.

[7] Penned by Associate Justice Rodil V. Zalameda, with Associate Justices Rebecca tie Guia-Salvador and Normandie B. Pizarro, concurring; *rollo*, pp. 2-14.

[8] *Rollo*, p. 21-26.

[9] *People v. Brainer*, G.R. No. 188571, October 20, 2012, 683 SCRA 505, 523.

[10] *Id.*, citing *People v. Guiara*, 616 Phil. 290, 307 (2009).

[11] Records, p. 33.

[12] TSN, March 7, 2006, p. 16.

[13] Records, pp. 36-38.

[14] *Id.* at 24.

[15] *Id.*

[16] *Id.* at 215.

[17] TSN, February 6, 2007, p. 5; Exhibits "N-N-1."

[18] *People v. Bara*, 676 Phil. 39, 45-46 (2011).

[19] **Section 5.** *Sale, Trading, Administration, Dispensation, Delivery, Distribution and*

Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals -
The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit, or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.