FIRST DIVISION

[G.R. No. 237850, September 16, 2020]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAYMOND BUESA Y ALIBUDBUD, ACCUSED-APPELLANT.

D E C I S I O N

PERALTA, C.J.:

For consideration of the Court is the appeal of the Decision[1] dated December 7, 2017 of the Court of Appeals (*CA*) in CA-G.R. CR-H.C. No. 08929 which affirmed the Decision[2] dated December 5, 2016 of the Regional Trial Court (*RTC*), Branch 34, Calamba City, Laguna, in Criminal Case Nos. 26604-2016-C (P) and 26605-2016-C (P), finding accused-appellant Raymond Buesa y Alibudbud guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act (*R.A.*) No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

In two (2) separate Informations, Buesa was charged with Illegal Possession and Illegal Sale of Methamphetamine Hydrochloride (shabu), committed in the following manner:

> Criminal Case No. 26604-2016-C:
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> That on or about April 25, 2016 in Bay, Laguna and within the jurisdiction of this Honorable Court, the above-named accused without any authority of law, did then and there, willfully, unlawfully and feloniously possess Four (4) heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride with a total weight of 0.24 gram, a dangerous drug, in violation of the aforementioned law.
>
> CONTRARY TO LAW.
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> Criminal Case No. 26605-2016-C:
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> That on or about April 25, 2016 in Bay, Laguna and within the jurisdiction of this Honorable Court, the above-named accused without any authority of law, did then and there, willfully, unlawfully and feloniously sell and deliver to a police poseur buyer One (1) heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride weighing 0.06 gram, a dangerous drug, in violation of the aforementioned law.
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> CONTRARY TO LAW.[3] (Citations omitted)

Upon arraignment, Buesa pleaded not guilty to the charges filed against him. Subsequently, trial on the merits ensued. During the joint pre-trial, the prosecution presented the testimony of Police Officer 2 (*PO2*) Jessie Abad and, upon stipulation, dispensed with the testimony of PO2 Richard Arienda for being merely corroborative to that of PO2 Abad. For the defense, the lone testimony of Buesa was presented.

It was established by the prosecution that on April 25, 2015, a confidential agent went to the Laguna Police Provincial Office, Bay Municipal Police, and reported that a certain Raymond Buesa was involved in selling illegal drugs. PO2 Abad immediately informed PO2 Jose Guzman, Intel Police Non-Commissioned Officer, who relayed the information to Police Chief Inspector (*PCI*) Owen L. Banaag. Upon verification of said report, PCI Banaag ordered a buy-bust operation. During the briefing, PO2 Abad was tasked as the poseur-buyer, while PO2 Arienda and PO2 Guzman were tasked as back-up member and security perimeter, respectively. Also, the team prepared the Pre-Operation Report and the Coordination Form, as well as a P500.00 marked money bearing the marking "JA."[4]

On-board a pick-up vehicle, the buy-bust team and the confidential agent proceeded to the target area in *Barangay* Tagumpay, Bay, Laguna. Upon advice of the agent that their target had transferred location, the team proceeded to Marianville Subdivision, *Barangay* Puypuy, Bay, Laguna instead. Thereat, the confidential agent and PO2 Abad met Buesa who affirmed that he had a prior arrangement with said agent for the sale of shabu. After handing over the money to the target, PO2 Abad immediately made the signal by holding the right shoulder of Buesa. PO2 Arienda and PO2 Guzman responded. Then, PO2 Abad effected Buesa's arrest and conducted a preventive search which yielded one pouch containing four (4) plastic sachets. Next, the item subject of the sale was marked as RB-BB, while the items subject of the search were marked as RB-1 to RB-4. After marking the confiscated items and considering that they were in an accident-prone area, the buy-bust team proceeded to the police station. At the police station, PO2 Abad conducted an inventory of the confiscated items in the presence of a media representative, PO2 Arienda and a *barangay kagawad*. He also took photographs, prepared the request for laboratory examination, and delivered the same to the crime laboratory. After examination, the Chemistry Report revealed that the specimen submitted contained methamphetamine hydrochloride or "shabu," a dangerous drug.[5]

In his defense, Buesa testified that at 11:00 a.m. of April 25, 2016, he was onboard a borrowed motorcycle and about to fetch his wife at the public market in Calo, Bay, Laguna, when he was flagged down by four (4) armed persons. These armed persons asked for his driver's license, but he was only able to give a citation ticket. Suddenly, they apprehended and handcuffed him, telling him that he was in their watch list. They then brought him to the police station in *Barangay* Puypuy where he was interviewed and physically harmed. They also forced him to admit to a crime involving shabu. At 5:00 p.m., the armed men brought Buesa to Marianville Subdivision where Buesa saw another person and was told to point to something. When he did not obey the order, one of the armed men got mad. They then brought Buesa to the municipal hall where he was again investigated. They made him sit beside a table on which they placed all the items he was previously ordered to point to. Then, they took photographs. According to Buesa, he is not guilty of the charges against him nor was he informed of the same when he was arrested. But he did not file any complaint against the persons who apprehended him because he did not know what to do nor did he have the money to do so.[6]

On December 5, 2016, the RTC rendered its Decision finding Buesa guilty beyond reasonable doubt of the crimes charged and disposed as follows:

> WHEREFORE, premises considered, the Court finds accused RAYMOND BUESA y ALIBUDBUD GUILTY beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. 9165 by selling 0.06 gram of shabu in a buy-bust operation and for possessing 0.24 gram of shabu [and] is accordingly SENTENCED to serve Life Imprisonment and to pay a Fine of Five Hundred Thousand Pesos (P500,000.00) for violation of Section 5 in Criminal Case No. 26605-2016-C (P) and Twelve (12) Years and One (1) Day, as minimum, to Fifteen (15) Years, as maximum, and to pay a Fine of Three Hundred Thousand Pesos (P300,000.00) for violation of Section 11 in Criminal Case No. 26604-2016-C (P).
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> The five (5) transparent plastic sachets containing an aggregate weight of 0.30 gram of Methamphetamine Hydrochloride are ordered to be transmitted to the Philippine Drug Enforcement Agency (PDEA) for proper disposition in accordance with law.
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> SO ORDERED.[7]

The RTC found that the prosecution duly established all the elements of illegal sale and illegal possession of shabu. According to the trial court, the candid and credible testimony of the arresting officer, PO2 Abad, leaves no doubt that Buesa, indeed, sold shabu to PO2 Abad, acting as a poseur-buyer, in the presence of the confidential agent who introduced them to each other. After consummation of the sale of shabu, and pursuant to the legal buy-bust operation, PO2 Abad frisked Buesa which yielded a coin purse or a small pouch containing small plastic sachets of shabu. Thus, between Buesa's bare allegations of denial and frame-up and the prosecution's clear and straightforward evidence, the trial court found the latter to be more worthy of credence and belief.[8]

In its Decision dated December 7, 2017, the CA affirmed the RTC ruling. It held that the findings of the trial court, which are factual in nature and which involve the credibility of witnesses, are accorded respect when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.[9]

Now before us, both Buesa and the People manifested that they would no longer file a Supplemental Brief, taking into account the thorough and substantial discussions of the issues in their respective appeal briefs before the CA.[10] Buesa is consistent in arguing that he deserves to be acquitted in view of the prosecution's failure to prove his guilt beyond reasonable doubt. *First*, he claims that PO2 Abad's testimony is full of inconsistencies that reveal an undeniable irregularity in the buy-bust operation. *Second*, he maintains that the buy-bust team failed to follow the procedure mandated in Section 21, Article II of R.A. No. 9165, as amended by R.A. No. 10640. Specifically, he alleged the absence of a representative from the National Prosecution Service at the time of the conduct of the inventory. *Finally*, Buesa insisted that the prosecution also failed to establish an unbroken chain of custody of the alleged seized drugs. As such, his defenses of denial and frame-up should not have been brushed aside.

The appeal is unmeritorious.

Under Section 5, Article II of R.A. No. 9165 or illegal sale of prohibited drugs, in order to be convicted of the said violation, the following must concur: (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor.[11] In illegal sale of dangerous drugs, it is necessary that the sale transaction actually happened and that "the (procured) object is properly presented as evidence in court and is shown to be the same drugs seized from the accused."[12] Also, under Section 11, Article II of R.A. No. 9165 or illegal possession of dangerous drugs, the following must be proven before an accused can be convicted: (1) the accused was in possession of dangerous drugs; (2) such possession was not authorized by law; and (3) the accused was freely and consciously aware of being in possession of dangerous drugs.[13]

In both cases involving illegal sale and illegal possession, the illicit drugs confiscated from the accused comprise the *corpus delicti* of the charges.[14] Time and again, the Court held that it is of paramount importance that the identity of the dangerous drug be established beyond reasonable doubt; and that it must be proven with certitude that the substance bought during the buy-bust operation is exactly the same substance offered in evidence before the court. In fine, the illegal drug must be produced before the court as exhibit and that which was exhibited must be the very same substance recovered from the suspect. Thus, the chain of custody carries out this purpose "as it ensures that unnecessary doubts concerning the identity of the evidence are removed."[15]

In this case, the Court finds that all the foregoing requisites for the sale and possession of an illegal drug were met. As duly observed by the appellate court, PO2 Abad positively identified Buesa, the seller, as the same person who transacted with him and the confidential agent for the sale of shabu in the buy-bust operation. Upon the consummation of the sale, the members of the buy-bust team responded to the pre-arranged signal of PO2 Abad, and upon apprehension of Buesa, PO2 Abad searched his body. From Buesa, he recovered the marked money and one (1) pouch containing four (4) plastic sachets which, together with the plastic sachet subject of the sale, tested positive for the presence of Methamphetamine Hydrochloride.[16]

Contrary to Buesa's assertion, the prosecution successfully established an unbroken chain of custody. The chain of custody rule is but a variation of the principle that real evidence must be authenticated prior to its admission into evidence.[17] To establish a chain of custody sufficient to make evidence admissible, the proponent needs only to prove a rational basis from which to conclude that the evidence is what the party claims it to be. In other words, the prosecution must offer sufficient evidence from which the trier of facts could reasonably believe that an item is still what the government claims it to be. In the prosecution of illegal drugs, the well-established federal evidentiary rule in the United States is that when the evidence is not readily identifiable and is susceptible to alteration by tampering or contamination, courts require a more stringent foundation entailing a chain of custody of the item with sufficient completeness to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.[18]

In *People v. Kamad*,[19] we enumerated the essential links that must be proven by the prosecution in order to establish an unbroken chain of custody over the drugs seized in a buy-bust situation: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court. [20]

Here, the following facts were clearly established from the narrations of PO2 Abad:

1. Their confidential agent informed PO2 Abad about the illegal drugs activities of the accused prompting the police officers to plan a buy-bust operation after they verified said information;

2. The police officers duly prepared the requisite Coordination Form and Pre-Operation Report albeit such were not duly sent to the PDEA;

3. Their informant accompanied them to the place of the accused and later to Marianville Subdivision in Brgy. Puypuy since the accused left his place;

4. At 6:20 in the evening on April 25, 2016, the accused arrived onboard a motorcycle;

5. PO2 Abad was introduced to the accused by their informant as the latter's friend who would like to buy shabu;

6. PO2 Abad, acting as poseur buyer, told the accused that he would like to buy shabu worth P500.00;

7. After being paid with the marked money consisting of a P500.00 bill, the accused gave to PO2 Abad the specimen in a plastic sachet containing 0.06 gram of shabu, then with the illegal transaction consummated PO2 Abad made the prearranged signal of holding the shoulder of the accused;

8. PO2 Abad arrested the accused after introducing himself as a police officer and after PO2 Arienda handcuffed the accused, PO2 Abad conducted the preventive body search and recovered the marked P500.00 bill and confiscated a coin purse containing four plastic sachets of shabu from the possession of the accused;

9. In the place of arrest PO2 Abad marked the shabu specimen subject of the buy-bust operation with "RB-BB" and the four other shabu specimens with "RB-1," "RB-2," "RB-3" and "RB-4;"

10. In the police station, in the presence of Barangay Kagawad Pedro Perez of Brgy. Puypuy and media representative Efren Chavez, PO2