

FIRST DIVISION

[G.R. No. 237769, March 11, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN LABADAN Y MANMANO AND RAQUEL SAGUM Y MARTINEZ, ACCUSED-APPELLANTS.

DECISION

GESMUNDO, J.:

This is an appeal from the September 7, 2017 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR HC No. 08440 affirming the July 1, 2016 Judgment^[2] of the Regional Trial Court, Branch 79 of Quezon City (RTC), in Criminal Case No. R-QZN-13-05013-CR finding Edwin Labadan y Manmano (*Labadan*) and Raquel Sagum y Martinez (Sagum) (collectively referred to as accused-appellants) 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. They were each sentenced to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

Antecedents

An information was filed against accused-appellants. The accusatory portion of the information states:

That on or about the **11th day of November, 2013** in Quezon City, Philippines, the said accused, conspiring together, confederating with and mutually helping each other, 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, **One (1) heat-sealed transparent plastic bag containing five point thirty nine (5.39) grams** of Methamphetamine hydrochloride or "Shabu," a dangerous drug.

CONTRARY TO LAW.^[3]

Upon arraignment, accused-appellants pleaded not guilty to the charge.^[4] Trial on the merits followed.

The prosecution presented Police Officer 3 Joel Diomampo (*PO3 Diomampo*) and Police Officer 3 Napoleon Zamora (*PO3 Zamora*). Senior Police Officer 2 Jerry Abad's (*SPO2 Abad*) testimony was dispensed with, based on the following stipulations:

1. SPO2 Jeny Abad is the investigator assigned in this case;

2. during the investigation, the arresting officers presented to him the specimen subject of this case;
3. after the specimen was presented to him, he prepared the following documents:
 - a. Request for Laboratory Examination;
 - b. Request for Drug Test;
 - c. Request for Physical Examination;
 - d. Affidavit of Arrest of the accused;
 - e. Arrest and Booking Sheet; and
 - f. Referral Letter;
4. he can identify the accused as well as the specimen subject of this case;
5. he signed the Chain of Custody [Form];
6. he mechanically prepared the Inventory Receipt;
7. he has no personal knowledge as to the facts and circumstances surrounding the arrest of the accused; and
8. he has no personal knowledge as to the source of the specimen subject of his investigation.^[5]

The parties also entered into stipulations on the testimony of Police Chief Inspector Jocelyn Belen Julian (*PCI Julian*), the forensic chemist, in lieu of her testimony in court on the following terms:

1. PCI Julian received a letter-request for laboratory examination dated November 19, 2013;
2. Attached to the letter-request was the specimen subject of the present case, which was one (1) piece heat-sealed transparent plastic sachet with markings "JD/RS 11-19-13";
3. After PCI Julian received the letter-request, she conducted a qualitative examination of the specimen;
4. After the examination of the specimen:
 - a. It gave a positive result to the test for [methamphetamine] hydrochloride, a dangerous drug;
 - b. PCI Julian issued Chemistry Report No. D-325-13;

- c. PCI Julian sealed the specimen subject of her examination, and surrendered the same to evidence custodian;
5. PCI Julian retrieved the specimen she examined on December 11, 2013 for the preliminary conference of this case;
6. PCI Julian can identify the plastic sachet subject of her examination;
7. She has no personal knowledge as to the facts and circumstances surrounding the arrest of the two (2) accused; and
8. PCI Julian has no personal knowledge as to the source of the specimen subject of her examination.^[6]

PO3 Diomampo and PO3 Zamora testified that on November 11, 2013, at 3:30 p.m., a confidential informant (*informant*) went to Camp Karingal, Quezon City. He stated that he could facilitate a drug deal with accused appellants for the purchase of P15,000.00 worth of drugs. Police Senior Inspector Roberto Razon (*PSI Razon*) instructed PO3 Diomampo and other police officers to conduct a buy-bust operation. A buy-bust team was formed, composed of PO3 Diomampo, PO3 Zamora, PO3 Miguel Cordero, PO3 Fernando Salonga, and others. PO3 Diomampo was assigned as poseur-buyer, with PO3 Zamora as back-up arresting officer. Two genuine P500.00 bills, marked as "JD" and twenty-eight (28) pieces of boodle money were prepared as buy-bust money.^[7]

In the evening of that day, the buy-bust team, together with the informant, proceeded to accused-appellants' residence at 46 Elga Street, Barangay Tatalon, Quezon City. The informant spoke with Labadan and introduced PO3 Diomampo to the latter. PO3 Diomampo ordered P15,000.00 worth of methamphetamine hydrochloride (*shabu*). Labadan asked for PO3 Diomampo's payment, but the latter wanted to see the drugs first. Labadan told Sagum, his live-in partner, to hand him the drugs. Sagum gave Labadan a plastic sachet containing a white crystalline substance. PO3 Diomampo, in exchange, gave the buy-bust money to Labadan. PO3 Diomampo then scratched his nape, the pre-arranged signal that the transaction had been consummated. The rest of the buy-bust team then rushed towards them and PO3 Zamora arrested accused-appellants. PO3 Zamora frisked Labadan and confiscated from him the plastic sachet containing white crystalline substance and boodle money. Thereafter, PO3 Diomampo marked the plastic sachet containing the white crystalline substance (*the specimen*) with "JD/RS 11/11/13" right at the area of arrest. The arrest caused a commotion in the area, with relatives and friends of accused-appellants shouting invectives at the police officers.^[8]

The team proceeded to Tatalon Barangay Hall and conducted the inventory. Photographs were taken and the inventory receipt was signed by Barangay Kagawad Roderick Olaguer and PSI Razon in front of accused appellants. No representative of the Department of Justice (DOJ) or the media witnessed the marking and inventory of the drug evidence. The buy-bust team tried to secure the presence of the necessary witnesses but no one was available.^[9]

The buy bust team and accused-appellants then proceeded to Camp Karingal. All

this time, PO3 Diomampo had possession of the specimen. Upon arrival at Camp Karingal, PO3 Diomampo turned over the specimen to SPO2 Abad and they both signed the chain of custody form. Abad prepared the requests for laboratory examination, physical examination, and drug test and delivered the specimen to the Crime Laboratory. PCI Julian, the forensic chemist, signed the chain of custody form upon PO3 Diomampo's turnover of the specimen to her.^[10]

Meanwhile, the defense presented accused-appellants as witnesses. They related that they were inside their house at Barangay Tatalon,

Quezon City, when two unknown men in civilian attire entered their house, accused them of selling illegal drugs, and searched them for illegal drugs. Afterwards, accused-appellants were boarded onto a vehicle parked outside and brought to a nipa hut at Camp Karingal. There, the men showed accused appellants an unidentifiable object and placed it on top of a table. The policemen demanded money from them and asked them to point out other persons to take their place as prisoners, which they refused. Accused appellants denied the accusation that they sold drugs.^[11]

The RTC Ruling

The trial court found that all the elements provided in Sec. 5, R.A. No. 9165 were present in this case. The sale of drugs took place between accused appellants and PO3 Diomampo, thus, accused-appellants were caught *in flagrante delicto*. Accused-appellants acted in concert showing the presence of conspiracy. The RTC ruled that the prosecution established the identity of the *corpus delicti* and that its integrity was preserved. PO3 Diomampo marked the item and kept the sachet in his possession until its inventory and subsequent turnover to SPO2 Abad. After the request for examination was prepared, the item was submitted to the crime laboratory. The RTC held that there was substantial compliance with Sec. 21, R.A. No. 9165, as the integrity of the drugs sold had been preserved. Meanwhile, the RTC did not give credence to the defense of denial as well as to the charge of extortion.^[12]

The RTC disposed of the case, thus:

WHEREFORE, judgment is hereby rendered finding accused **EDWIN LABADAN y MANMANO** and **RAQUEL SAGUM y MARTINEZ GUILTY BEYOND REASONABLE DOUBT** of violation of Section 5, Article II, of Republic Act [No.] 9165, and they are hereby sentenced to suffer life imprisonment, and to pay a fine of Five Hundred Thousand Pesos (P500,000.00) each.

The Branch Clerk of Court is directed to immediately turn over to the Chief of PDEA Crime Laboratory, the subject drugs covered by Chemistry Report No. D-335-13, to be disposed of in strict conformity with the provisions of Republic Act No. 9165 and its implementing rules and regulations on the matter.

SO ORDERED.^[13]

The CA Ruling

After examining the evidence, the CA held that the prosecution succeeded in proving the guilt of accused-appellants of the crime charged. PO3 Diomampo positively identified the accused-appellants as those who sold the illegal drug. His testimony was clear and straightforward, and was consistent with the physical evidence and stipulated facts. The inconsistencies pointed out by accused-appellants were minor details that could not diminish the witnesses' credibility, such being unrelated to the basic aspects of the crime.^[14]

The CA also concluded that the integrity of the specimen was well preserved and the chain of custody was unbroken. The CA recounted all the steps taken by the police authorities to ensure that the sachet of shabu presented in court was the exact same item seized from accused-appellants during the buy-bust operation. The recovery and handling of the seized illegal drugs was consistent with the requirements of the rule on chain of custody. The absence of a representative from the media, the DOJ, and a duly elected official was also not considered as a fatal procedural lapse as the integrity and evidentiary value of the seized item were duly preserved. Finally, the claims of denial and extortion were not believed by the appellate court.^[15] Thus, it sustained the RTC decision, viz:

ACCORDINGLY, the appeal is **DENIED**. The Decision dated July 1, 2016 of the Regional Trial Court, Branch 79 of Quezon City in Criminal Case No. R-QZN-13-05013-CR finding both accused-appellants Edwin Labadan y Manmano and Raquel Sagum y Martinez guilty beyond reasonable doubt of the crime of illegal sale of dangerous drugs in violation of Sec. 5, Art. II of Republic Act No. 9165 also known as the "Comprehensive Dangerous Drugs Act of 2002," as amended, is hereby **AFFIRMED**.

SO ORDERED.^[16]

Hence, this appeal.

In compliance with the Court's April 25, 2018 Resolution,^[17] accused-appellants filed a Manifestation in Lieu of an August 2, 2018 Supplemental Brief,^[18] stating that they had adequately discussed all matters pertinent to their defense in the appellants' brief filed before the CA. The Office of the Solicitor General (OSG), representing the People of the Philippines, filed a Manifestation and Motion,^[19] dated July 11, 2018, stating that it adopts the brief filed before the CA as a supplemental brief would only relay the same matters already taken up in the previous brief.

ISSUES

Accused-appellants submit to this Court the following Issues for resolution:

WHETHER THE RTC AND THE CA ERRED IN GIVING WEIGHT TO THE TESTIMONIES OF THE PROSECUTION WITNESSES DESPITE THEIR MATERIAL INCONSISTENCIES, THUS CASTING DOUBT UPON THEIR CREDIBILITY;

WHETHER THE RTC AND THE CA ERRED IN DISREGARDING ACCUSED-