

SECOND DIVISION

[G.R. No. 197818, February 25, 2015]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALLAN DIAZ Y ROXAS, ACCUSED-APPELLANT.

R E S O L U T I O N

DEL CASTILLO, J.:

Challenged in this final recourse is the February 11, 2011 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04206, which affirmed in *toto* the November 5, 2009 Decision^[2] of the Regional Trial Court (RTC), Branch 2, Manila, in Criminal Case No. 08-263032 convicting appellant Allan Diaz y Roxas (appellant) of violation of Section 5, Article II of Republic Act (R.A.) No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

Factual Antecedents

In an Information^[3] dated August 7, 2008, appellant was charged with illegal sale of *shabu* in violation of Section 5, Article II of R.A. No. 9165 committed as follows:

That on or about August 2, 2008, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, trade, deliver, or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell or offer for sale one (1) heat[-]sealed transparent plastic sachet with markings "ARD-1" containing ZERO POINT ZERO ONE EIGHT (0.018) [gram] of white crystalline substance known as "SHABU", [or] methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.^[4]

Appellant entered a plea of not guilty upon his arraignment on August 22, 2008 and filed a petition for bail. The petition was denied for lack of merit on November 17, 2008.

The parties' respective versions of the incident are as follows:

On August 1, 2008, a confidential informant reported to the Pandacan Police Station (PS-10), Manila Police District, about appellant's illegal drug trade activities in Kahilum I, Pandacan, Manila. At around 10:00 p.m. of the same day, a briefing was held and a buy-bust team composed of PO2 Arthuro Coronel, (PO2 Coronel), as poseur-buyer, PO3 Edgar Lacson, PO1 Ramil Carel and PO1 Richard Sibayan, as back-ups, was created. PO2 Coronel was provided with three pieces of 100-peso bills which he marked with his initials "AC1-AC3."^[5] A Pre-Operation Report and

Coordination Sheet^[6] were then prepared and sent to the Philippine Drug Enforcement Agency.

At about 4:00 a.m. the next day, the team along with the informant proceeded to Kahilum I, Pandacan on board three vehicles. From a distance, they saw appellant chatting with a male companion. The informant and PO2 Coronel approached appellant who was by then already alone. The informant introduced PO2 Coronel to the appellant as a buyer of *shabu*. Appellant informed them that he has available *shabu* by saying "mayroon." Thus, PO2 Coronel gave appellant the previously initialed three 100-peso bills and, in exchange therefor, the latter gave him a small plastic sachet containing white crystalline substance suspected to be *shabu*. At that juncture, PO2 Coronel made the pre-arranged signal and immediately arrested appellant. After appellant was apprised of his constitutional rights, the buy-bust team brought him to the police station and turned him over to the investigator. At the police station, the plastic sachet containing the suspected *shabu* was marked by PO2 Coronel with "ARD-1," the initials of appellant. A request for laboratory examination^[7] of the subject item was thereafter prepared by Police Senior Inspector Peter L. Nerviza. Later, the submitted specimen weighing 0.018 gram was found positive for methylamphetamine hydrochloride or *shabu*, a dangerous drug, per Chemistry Report No. D-725-08.^[8]

Appellant, on the other hand, claimed that between 10:00 and 11:00 p.m. of August 1, 2008, he was walking home when he was suddenly arrested, allegedly for verification purposes only, by policemen whose names he cannot recall. He was brought to a police station and thereafter to an inquest prosecutor in the City Hall of Manila where he first came to know that he was being charged with violation of R.A. No. 9165.

Ruling of the Regional Trial Court

After trial, the RTC convicted appellant as charged and accordingly sentenced him in its Decision^[9] of November 5, 2009 as follows:

WHEREFORE, finding accused, Allan Diaz y Roxas, GUILTY beyond reasonable doubt of the crime charged, he is hereby sentenced to life imprisonment and to pay a fine of P500,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

x x x x

SO ORDERED.^[10]

Ruling of the Court of Appeals

Appellant appealed to the CA contending that the prosecution failed to prove his guilt beyond reasonable doubt since the police officers failed to mark, conduct a physical inventory of, and photograph the subject item in his presence and those of the persons mentioned under Sec. 21(1) of R.A. No. 9165.

By its assailed Decision^[11] of February 11, 2011, the CA affirmed in *toto* the RTC Decision. It found that the prosecution was able to establish appellant's guilt to a moral certainty. Moreover, the CA did not doubt that the *shabu* presented before the RTC was the same *shabu* seized from appellant since the prosecution likewise established its unbroken chain of custody. Thus:

WHEREFORE, premises considered, the assailed decision of the RTC of Manila, Branch 2 dated November 5, 2009 is hereby AFFIRMED IN TOTO.

SO ORDERED.^[12]

Hence, this appeal.

Our Ruling

The appeal has no merit.

Appellant assails the trial court's assessment of the credibility of prosecution witness PO2 Coronel. He faults the RTC in giving more faith and credit to PO2 Coronel's testimony regarding the buy-bust operation over his defense of denial.

"[P]rosecution of cases involving illegal drugs depends largely on the credibility of the police officers who conducted the buy-bust operation. It is fundamental that the factual findings of the trial [court] and those involving credibility of witnesses are accorded respect when no glaring errors, gross misapprehension of facts, or speculative, arbitrary, and unsupported conclusions can be gathered from such findings. 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 the trial. The rule finds an even more stringent application where said findings are sustained by the [CA],"^[13] as in this case. The Court has thoroughly examined the records of this case and finds the testimony of PO2 Coronel credible. The said testimony is pertinently supported by documents such as the marked buy-bust money, chemistry report, affidavit of arrest, among others, which all clearly attest to the fact that a sale of *shabu* took place between him and appellant. On the other hand, appellant's defense of denial, aside from being self-serving, is unsubstantiated and thus, has little weight in law. Hence, the lower courts correctly gave more credence to the evidence of the prosecution.

Appellant banks on the prosecution's alleged failure to comply with the requirements of law^[14] with respect to the proper marking, inventory, and taking of photograph of the seized specimen. However, it does not escape the Court's attention that appellant failed to contest the admissibility in evidence of the seized item during trial. In fact, at no instance did he manifest or even hint that there were lapses on the part of the police officers in handling the seized item which affected its integrity and evidentiary value. As held by the Court in *People v. Domado*,^[15] citing *People v. Hernandez*,^[16] objection to the admissibility of evidence cannot be raised for the first time on appeal. When a party desires the court to reject the evidence offered, he must so state in the form of objection. Without such objection, he cannot raise the question for the first time on appeal. In this case, appellant raised the police