

THIRD DIVISION

[G.R. No. 201365, August 03, 2015]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MANUELA FLORES Y SALAZAR @ WELLA ACCUSED-APPELLANT.**

DECISION

PERALTA, J.:

This is a Petition for Review on *Certiorari* assailing the Decision^[1] of the Court of Appeals (CA) dated September 2, 2011 in CA-G.R. CR-HC No. 04430. The CA affirmed the Decision^[2] of the Manila Regional Trial Court (RTC) Branch 2, dated April 7, 2010 in Criminal Case Nos. 09-270069 and 09-270070, finding accused-appellant Manuela Flores y Salazar @ Wella, guilty beyond reasonable doubt of violation of Sections 5^[3] and 11(3),^[4] Article II of Republic Act (R.A.) 9165.^[5]

The Information in Criminal Case No. 09-270069 charged Flores with violating Section 11(3) or illegal possession of dangerous drugs, which reads as follows:

That on or about the 28th day of July, 2009, in the City of Manila, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his possession and under his custody and control five ^[5] pcs. of heat-sealed transparent plastic sachets containing white crystalline substance each containing the following weight, to wit: A-"MF1" - ZERO POINT ZERO ONE FOUR [0.014] gram; B-"MF2" - ZERO POINT ZERO ZERO EIGHT [0.008] gram; C-"MF3" - ZERO POINT ZERO ONE FIVE [0.015] gram; that D-"MF4" - ZERO POINT ZERO ZERO SEVEN [0.007] gram; and E-"MF5" - ZERO POINT ZERO ZERO EIGHT [0.008] gram all containing Methylamphetamine Hydrochloride known as "SHABU", which is a dangerous drug.

Contrary to law.^[6]

A separate Information for violation of Section 5 or illegal sale of dangerous drugs was filed in Criminal Case No. 09-270070, which provides:

That on or about the 28th day of July, 2009, in the City of Manila, Philippines, the said accused, without being authorized by law to sell, trade, deliver, or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell one ^[1] heat-sealed transparent plastic sachet containing: ZERO POINT ZERO ONE TWO [0.012] gram of white crystalline substance containing

Methylamphetamine Hydrochloride known as "SHABU", which is a dangerous drug.

Contrary to law.^[7]

When arraigned, Flores pleaded not guilty to both charges.^[8]

The factual antecedents, as narrated by the prosecution witnesses during the trial, are as follows:

On July 28, 2009, an informant arrived at the District Anti-Illegal Drugs Special Operation Task Group of the Manila Police District and disclosed that a certain alias Wella was selling illegal drugs at Basan Street, corner Palanca Street, Quiapo, Manila. Later, alias Wella was identified as Manuela Flores, herein accused. Acting on the report, Police Superintendent Harris Ebes created a team to conduct a buy-bust operation.

At around 8:30 p.m., the buy-bust team and the confidential informant proceeded to the target area. When they reached the corner of Palanca Street, a tomboy, later identified as Flores, met them and asked, "*Kukuha ba kayo?*" The poseur-buyer, PO3 Rodelio Salvador, answered, "*Oo, kukuha kami, pang-gamit,*" then gave her the marked money. Thereafter, Flores took out several pieces of sachet from her pocket, chose one (1), and handed PO3 Salvador a plastic sachet containing a white crystalline substance. After receiving the sachet, PO3 Salvador made the pre-arranged signal of removing his cap, prompting the other police officers to arrest Flores. They apprised her of her constitutional rights and ordered her to surrender the remaining plastic sachets from her pocket. PO3 Salvador marked the seized specimen from the sale as "MFS", while those remaining sachets found in her possession were marked as "MF1" to "MF5". They then brought Flores to the police station where PO3 Salvador turned over the seized plastic sachets and the buy-bust money to PO3 Elymar Garcia, the precinct investigator. They likewise prepared an inventory and took photographs of the seized items. Afterwards, the buy-bust team executed a Joint Affidavit of Apprehension.

Subsequently, PO3 Garcia requested for a laboratory examination of the confiscated substance, which tested positive for *shabu*.

On April 7, 2010, the RTC of Manila found Flores guilty beyond reasonable doubt of the offenses charged. The dispositive portion of its Decision reads:

WHEREFORE, judgment is hereby rendered as follows, to wit:

1. In Criminal Case No. 09-270069, finding accused, Manuela Flores y Salazar @ Wella, **GUILTY** beyond reasonable doubt of the crime charged, she is hereby sentenced to suffer the indeterminate penalty of 12 years and 1 day as minimum to 17 years and 4 months as maximum, to pay a fine of P300,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

2. In Criminal Case No. 09-270070, finding accused, Manuela Flores y Salazar @ Wella, **GUILTY** beyond reasonable doubt of the crime charged, she 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.

The specimens are forfeited in favor of the government and the Branch Clerk of Court, accompanied by the Branch Sheriff, is directed to turn over with dispatch and upon receipt the said specimens to the Philippine Drug Enforcement Agency (PDEA) for proper disposal in accordance with the law and rules.

SO ORDERED.^[9]

Aggrieved by the ruling of the trial court, Flores appealed before the CA. On September 2, 2011, the appellate court affirmed the lower court's Decision, thus:

WHEREFORE, the appeal is **DENIED**. The Decision of the RTC, Branch 2, City of Manila, dated April 7, 2010, finding accused-appellant MANUELA FLORES y SALAZAR @ WELLA guilty beyond reasonable doubt of violating Sections 5 and 11(3), Article II of R.A. No. 9165 is hereby **AFFIRMED**.

SO ORDERED.^[10]

Flores now seeks her acquittal before the Court. She contends that the arresting officers failed to comply with the procedure provided under Section 21, Article II of R.A. 9165.^[11]

The petition is unmeritorious.

Section 21(1), Article II of R.A. 9165 provides:

Sec. 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. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending 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