

FIRST DIVISION

[G.R. No. 192237, January 26, 2011]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JACQUILINE PAMBID Y CORTEZ, ACCUSED-APPELLANT.**

D E C I S I O N

VELASCO JR., J.:

The Case

This is an appeal from the November 27, 2009 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03400 entitled *People of the Philippines v. Jacqueline Pambid y Cortez*, which affirmed the February 19, 2008 Decision^[2] in Criminal Case Nos. Q-03-121145-46 of the Regional Trial Court (RTC), Branch 82 in Quezon City. The RTC found accused Jacqueline Pambid y Cortez (Pambid) guilty of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165 or the *Comprehensive Dangerous Drugs Act of 2002*.

The Facts

In Criminal Case No. Q-03-121145, the charge against Pambid stemmed from the following Information:

That on or about the 18th day of September 2003, in Quezon City, Philippines, the said accused, not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did, then and there, willfully and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, ZERO POINT FOURTEEN (0.14) gram of white crystalline substance containing Methylamphetamine Hydrochloride, a dangerous drug.

Contrary to law.^[3]

In Criminal Case No. Q-03-121146, the Information reads:

That on or about the 18th day of September 2003, in Quezon City, Philippines, the said accused, not being authorized by law to possess or use any dangerous drug, did, then and there, willfully, unlawfully and knowingly have in her/his/their possession and control, ZERO POINT ZERO EIGHT (0.08) gram of white crystalline substance containing Methylamphetamine Hydrochloride, a dangerous drug.

Contrary to law.^[4]

On April 14, 2004, Pambid was arraigned with the assistance of her counsel, and she pleaded not guilty to both charges.^[5] Upon the joint motion of counsel for the accused and the trial prosecutor on June 7, 2004, the pre-trial was terminated and the cases were then set for trial on the merits.^[6]

During the trial, the prosecution and defense stipulated on the intended testimonies of prosecution witnesses Police Inspector Bernardino Banac, Jr. (P/Insp. Banac, Jr.), Police Officer 1 Oliver Estrelles (PO1 Estrelles), and Police Officer 2 Edmond Paculdar (PO2 Paculdar), to wit:

(1) Stipulated testimony of P/Insp. Banac, Jr.:

x x x that he is Forensic Chemist of the Philippine National Police; that his office received a request for laboratory examination marked as Exhibit `A'; that together with said request was a brown envelope marked as Exhibit `B' which contained two (2) plastic sachets marked as Exhibits `B-1' and `B-2'; that he thereafter conducted the requested laboratory examination and, in connection therewith, he submitted a Chemistry Report marked as Exhibit `C'; the findings thereon showing the specimen positive for methylamphetamine hydrochloride was marked as Exhibit `C-1' and the signature of said police officer was marked as Exhibit `C-2'; that he then issued a Certification marked as Exhibit `C-3' and thereafter turned over the specimen to the Evidence Custodian and retrieved the same for the trial scheduled today.^[7]

(2) Stipulated testimony of PO1 Estrelles:

x x x that he was the investigator assigned to investigate this case; that in connection therewith, he took the Affidavit of PO2 Michael Collado and PO1 Edmund Paculdar marked as Exhibits `D' and `D-1'; that the specimens subject of this case marked as Exhibit `B-1' and `B-2' were turned over to him; that he prepared a request for laboratory examination marked as Exhibit `A' and in connection therewith he received a Chemistry Report marked as Exhibit `C'; that the buy bust money marked as Exhibit `E' and `F' was likewise turned over to him; that he submitted the accused for drug test and in connection therewith he received the Chemistry Report marked as Exhibit `G'; that after collating all the documents including the Pre-Operation Report marked as Exhibit `H', he

prepared the letter referral to the Office of the City Prosecutor, Quezon City marked as Exhibits `I' and `I-1'.^[8]

(3) Stipulated testimony of PO2 Paculdar:

x x x that said police officer assisted PO2 Michael Collado in arresting the accused; that he saw the evidence subject of these cases only at the police station; that said police officer, together with his companions conducted the operation on September 18, 2003 at 9:20 p.m. along 23 J.P. Laurel St., T.S. Cruz Subdivision, Brgy. San Agustin, Novaliches, Quezon City.^[9]

Thereafter, the prosecution presented the testimony of PO2 Michael Collado (PO2 Collado).

On the other hand, the defense presented Pambid, Cristina Parama (Parama), and Julieta San Jose (San Jose) as its witnesses.

The Prosecution's Version of Facts

On September 18, 2003, at around 6 o'clock in the evening, a confidential informant arrived at the Station Anti-Illegal Drugs (SAID), Station 4, Novaliches, Quezon City. The informant reported to the SAID Chief, Chief Superintendent Nilo Wong (C/Supt. Wong), the illegal drug activities of alias "Jack" and "Junior Laurel." Accordingly, a buy-bust team was formed composed of C/Supt. Wong, Senior Police Officer Mario Concepcion, PO2 Paculdar, PO2 Noel Magcalayo, PO2 Andy Salonga (PO2 Salonga), PO2 Cesar Collado, PO1 Estrelles, PO1 Bucatcat, and PO2 Collado.^[10] Likewise, a Pre-Operation Report was made.

The team proceeded to J.P. Laurel St., T.S. Cruz Subdivision, *Barangay* San Agustin, Novaliches, Quezon City and arrived there at around 9:10 in the evening. PO2 Collado then alighted from the vehicle and, along with the informant, proceeded to the house of alias "Jack," who was later identified as Pambid. They saw Pambid standing at the door of the house. The informant then introduced PO2 Collado to Pambid and told the latter that PO2 Collado needed PhP 200 worth of "*panggamit*." In response, Pambid gave PO2 Collado a plastic sachet containing white crystalline substance. PO2 Collado gave the PhP 200 to Pambid, and after the latter received the money, PO2 Collado executed the pre-arranged signal by scratching his head.^[11]

PO2 Collado introduced himself to Pambid as a policeman, recovered another plastic sachet from her left hand, and arrested her. They then brought her to the station. At the station, PO2 Collado turned over the money and the plastic sachets to the investigator, PO1 Estrelles.^[12] A request for laboratory examination was then prepared and the plastic sachets were sent to the Philippine National Police (PNP) Crime Laboratory, Central Police District Crime Laboratory Office in Doña Aurora Building, EDSA, Kamuning, Quezon City.^[13] Subsequently, P/Insp. Banac, Jr. issued

SPECIMEN SUBMITTED:

Two (2) heat-sealed transparent plastic sachets containing white crystalline substance having the following markings and recorded net weights:

A (MBC) = 0.14 gram B (MBC) = 0.08 gram

x x x x

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of any dangerous drug. x x x

FINDINGS:

Qualitative examination conducted on the above-stated specimen gave POSITIVE result to the test for Methylamphetamine Hydrochloride, a dangerous drug. x x x

CONCLUSION:

Specimens A and B contain Methylamphetamine Hydrochloride, a dangerous drug. [14] x x x

Version of the Defense

In contrast, Pambid interposed the defense of denial. She testified that on September 18, 2003, at around 5:30 p.m., she was preparing milk for her two-year old child when she was arrested. [15]

She recalled that when she heard a vehicle park outside her house, she opened the door and saw policemen who suddenly entered her house. She asked them why they were entering the house but they did not answer. She knew them to be PO2 Collado, PO1 Estrelles, PO2 Paculdar, C/Supt. Wong, PO2 Salonga and others because they eat in the *carinderia* or foodhouse in their area. They searched her house for about 20 minutes but found nothing. At which point, PO2 Paculdar pulled her out of the house while she was carrying her child and brought her to their vehicle. PO2 Collado asked her if she had any money to which she replied that she had money only for milk and diapers. [16] PO2 Collado took the money amounting to PhP 1,200. He stapled the two PhP 100 bills on a bond paper and pocketed the rest. [17] Afterwards, she was brought to the office of C/Supt. Wong while her child was sent home by PO2 Collado. She was then detained and later presented on inquest. [18]

The testimony of Parama is corroborative of the story of Pambid. Parama stated that on September 18, 2003 at exactly 5:30 p.m. in the afternoon, she was with Pambid, her son and her sister, Baby San Jose, at 23 J.P. Laurel, T.S. Cruz

Subdivision, Novaliches, Quezon City. After conversing, Pambid went to her house and prepared milk for her son when policemen in civilian clothes entered the house and insisted to get the *shabu* which Pambid allegedly sells. The policemen then brought Pambid outside whereupon Pambid asked Parama to follow her to the precinct but she was unable to do so.^[19]

Likewise, San Jose testified that on September 18, 2003, at about 5:00 p.m. in the afternoon, she was alone at home when she saw several men alight from a vehicle, a Ford Fierra.^[20] The men proceeded to the house of her aunt, Flor San Jose, and started to search for something.^[21] When they went out of the house, Pambid was already handcuffed.^[22] She followed Pambid to the headquarters in Novaliches, Quezon City.

Ruling of the Trial Court

After trial, the RTC, on February 19, 2008, found Pambid guilty of the charges. The dispositive portion of its Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

a) Re: Criminal Case No. Q-03-121145, the Court finds accused **JACQUILINE PAMBID y CORTEZ guilty** beyond reasonable doubt of a violation of Section 5, Article II of R.A. No. 9165. Accordingly, she is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine in the amount of FIVE HUNDRED THOUSAND (P500,000.00) PESOS.

b) Re: Criminal Case No. Q-03-121146, the same accused is likewise found **guilty** beyond reasonable doubt of a Violation of Section 11, Article II of the same Act, and accordingly hereby sentences her to suffer the indeterminate penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY as Minimum to FOURTEEN (14) YEARS as Maximum and to pay a fine in the amount of THREE HUNDRED THOUSAND (P300,000.00) PESOS.

SO ORDERED.^[23]

On appeal to the CA, Pambid disputed the trial court's decision finding her guilty beyond reasonable doubt of the violations. She argued that the RTC erred in admitting the seized dangerous drugs as evidence, considering that no proper inventory was taken of the seized drugs and that there was a break in the chain of custody of the evidence. Further, she contended that the police officers failed to read her rights to her as mandated by the Constitution.

Ruling of the Appellate Court

On November 27, 2009, the CA affirmed the judgment of the RTC. The dispositive