



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

THE PEOPLE OF THE PHILIPPINES, G.R. No. 174481

Plaintiff-Appellee,

Present:

CARPIO, J., Chairperson,
BRION,
DEL CASTILLO,
MENDOZA, and
LEONEN, JJ.

-versus-

CRISTY DIMAANO y TIPDAS,
Accused-Appellant.

Promulgated:

10 FEB 2016

X-----X

DECISION

LEONEN, J.:

Human memory is not infallible. Inconsistencies in the testimonies of prosecution witnesses in cases involving violations of the Comprehensive Dangerous Drugs Act may be excused so long as the identity of the dangerous drugs is proved beyond reasonable doubt and the chain of custody is established with moral certainty.

This is an appeal¹ of the Court of Appeals Decision² dated May 30, 2006 affirming the conviction of accused-appellant Cristy Dimaano y Tirdas

¹ RULES OF COURT, Rule 122, sec. 3(c) provides:
SEC. 3. How appeal taken. -

.....
(c)The appeal in cases where the penalty imposed by the Regional Trial Court is *reclusion perpetua* or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same

(Dimaano) of the crime of attempted transportation of dangerous drugs punished under the Comprehensive Dangerous Drugs Act of 2002.³ Dimaano was sentenced to suffer the penalty of life imprisonment and was ordered to pay a fine of ₱500,000.00.

In the Information⁴ dated November 14, 2002, the Office of the City Prosecutor of Pasay City charged Dimaano with violating Section 5⁵ in relation to Section 26⁶ of the Comprehensive Dangerous Drugs Act of 2002. The accusatory portion of the Information reads:

That on or about the 13th day of November, 2002 at the Manila Domestic Airport Terminal 1, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable court, the above-named accused, being then a departing passenger for Cebu, without authority of law, did then and there wilfully, unlawfully and feloniously have in her possession and attempt to transport 13.96 grams of Methyllamphetamine [sic] Hydrochloride (shabu), a dangerous drug.

Contrary to law.⁷

Dimaano was arraigned on November 25, 2002, pleading not guilty to the charge.⁸ Trial then ensued.

On November 13, 2002, Non-Uniformed Personnel Florence S. Bilugot (NUP Bilugot) was detailed as frisker at the initial check-in departure area of the Manila Domestic Airport Terminal 1.⁹ At around 3:45 a.m., a woman arrived, placed her luggage at the x-ray machine, and passed

occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, *reclusion perpetua*, or life imprisonment is imposed, shall be by notice of appeal to the Court of Appeals in accordance with paragraph (a) of this Rule.

² The Decision was penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justices Hakim S. Abdulwahid and Vicente Q. Roxas of the Special Eleventh Division.

³ Rep. Act No. 9165 (2002).

⁴ CA *rollo*, p. 9.

⁵ Rep. Act No. 9165 (2002), sec. 5 partly provides:

Section 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions[.]

⁶ Rep. Act No. 9165 (2002), sec. 26(b) provides:

Section 26. *Attempt or Conspiracy.* - Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

. . . .

(b) Sale, trading, and administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical[.]

⁷ CA *rollo*, p. 9.

⁸ Id. at 14.

⁹ Id. at 14-15.

through the walk-through metal detector.¹⁰ The woman was then frisked by NUP Bilugot.¹¹

NUP Bilugot felt a hard object bulging near the woman's buttocks.¹² Asked what the object was, the woman replied that it was a sanitary napkin, explaining that she was having her monthly period.¹³ Suspicious, NUP Bilugot requested the woman to accompany her to the ladies' room.¹⁴ NUP Bilugot informed Senior Police Officer 2 Reynato Ragadio (SPO2 Ragadio), who was likewise detailed at the initial check-in area, of the hard object she felt on the woman's body.¹⁵ SPO2 Ragadio then accompanied the woman and NUP Bilugot.¹⁶ The woman and NUP Bilugot proceeded to the ladies' restroom while SPO2 Ragadio waited outside.¹⁷

NUP Bilugot then asked the woman to remove her panties.¹⁸ On the panties' crotch was a panty shield on top of a sanitary napkin, but under all of these was a plastic sachet.¹⁹ Seeing a white crystalline substance similar to "tawas," NUP Bilugot asked the woman what the plastic sachet contained.²⁰ The woman allegedly replied that it was "shabu."²¹ NUP Bilugot asked the woman further as to who owned the shabu, but the woman answered that she was just asked to bring it.²² NUP Bilugot then seized the plastic sachet and, together with the woman, went out of the ladies' room.²³ NUP Bilugot turned over the plastic sachet to SPO2 Ragadio.²⁴

SPO2 Ragadio recalled receiving from NUP Bilugot two (2) transparent plastic sachets, which NUP Bilugot placed inside a plastic bag.²⁵ He then requested the woman for her airline ticket, revealing the woman's name to be "Cristy Dimaano."²⁶ Together with NUP Bilugot, SPO2 Ragadio brought Dimaano to the Intelligence and Investigation Office of the Philippine Center for Aviation and Security, 2nd Regional Aviation Security Office.²⁷ According to SPO2 Ragadio, he and NUP Bilugot wrote their

¹⁰ Id. at 15.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id. at 16.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id.

respective initials, “RBR” and “FSB,” on the two sachets.²⁸ NUP Bilugot then returned to her post at the initial check-in area.²⁹

Investigators detailed at the Philippine Center for Aviation and Security examined the contents of the two (2) plastic sachets.³⁰ One sachet contained three (3) smaller sachets while the other contained four (4).³¹ Thirty minutes later, three investigators from the Philippine Drug Enforcement Agency arrived to collect the specimen and placed their initials on the two plastic sachets.³² They then brought Dimaano to the Philippine Drug Enforcement Agency office at the Ninoy Aquino International Airport.³³

At around 2:30 p.m., SPO2 Ragadio received a phone call from the PDEA investigators, requesting him to go to the Philippine Drug Enforcement Agency office.³⁴ There, he and NUP Bilugot were informed that the specimen obtained from Dimaano tested positive for methamphetamine hydrochloride, or shabu.³⁵ He then executed his affidavit while NUP Bilugot executed an affidavit of arrest.³⁶

That the sachets contained methamphetamine hydrochloride was corroborated by Police Inspector Abraham B. Tecson (Police Inspector Tecson), a Forensic Chemist at the Philippine National Police Crime Laboratory at Camp Crame, Quezon City.³⁷ In his Physical Science Report, Police Inspector Tecson stated that he was the officer on duty at the chemistry department of the Philippine National Police Crime Laboratory when he received a request for examination at around 2:20 p.m. of November 13, 2002.³⁸ He received from Police Chief Inspector Roseller Fabian two plastic sachets marked with “FSB,” “RDR,” and “RSA.”³⁹

Police Inspector Tecson reported that one of the sachets contained three (3) heat-sealed plastic sachets, while the other contained four (4).⁴⁰ After subjecting the contents of the sachets to chemical analysis, Police Inspector Tecson confirmed that the sachets contained a total of 13.96 grams⁴¹ of methamphetamine hydrochloride.⁴²

²⁸ Id.

²⁹ Id.

³⁰ Id. at 17.

³¹ Id.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ Id. at 18.

⁴⁰ Id.

⁴¹ Id. at 14.

⁴² Id. at 18.

Waiving her right to testify in court, Dimaano instead filed a memorandum and argued that the prosecution failed to establish her guilt beyond reasonable doubt.⁴³ She specifically alluded to the conflicting testimonies of NUP Bilugot and SPO2 Ragadio as to the number of sachets allegedly obtained from her person.

NUP Bilugot testified in court that she obtained from Dimaano only one (1) plastic sachet. On the other hand, SPO2 Ragadio recalled receiving two (2) plastic sachets from NUP Bilugot. This discrepancy, according to Dimaano, casts doubt as to the identity of the specimen allegedly obtained from her. There was a break in the chain of custody of the seized drugs, which warranted her acquittal.⁴⁴

In addition, Dimaano assailed the prosecution's failure to present in court the airline ticket bearing her name. She argued that this failure disproved the factual allegation that on November 13, 2000, she was supposed to board an airplane to transport methamphetamine hydrochloride.⁴⁵

Branch 119 of the Regional Trial Court, Pasay City found that the prosecution proved beyond reasonable doubt that Dimaano attempted to transport methamphetamine hydrochloride, a dangerous drug.⁴⁶ According to the trial court, Dimaano, a departing airline passenger, had in her person 13.96 grams of methamphetamine hydrochloride distributed in seven (7) small sachets, three of which were placed in a bigger sachet and the remaining four in another bigger sachet.⁴⁷

On the discrepancy in NUP Bilugot's and SPO2 Ragadio's testimonies as to the number of sachets obtained from Dimaano, the trial court explained that "the chain of [custody] [nevertheless] remained unbroken because immediately after NUP Bilugot seized the 'shabu' from [Dimaano], [NUP Bilugot] immediately turned over the same to SPO2 Ragadio who was just outside the door of the ladies['] comfort room."⁴⁸ The trial court added that SPO2 Ragadio's testimony that he received from NUP Bilugot two (2) plastic sachets that were further placed inside a bigger plastic sachet explained NUP Bilugot's testimony that she obtained only one plastic sachet from Dimaano.⁴⁹

⁴³ Id.

⁴⁴ Id. at 18–21.

⁴⁵ Id. at 21.

⁴⁶ Id.

⁴⁷ Id. at 21–22.

⁴⁸ Id. at 28–29.

⁴⁹ Id.

Considering that Dimaano was apprehended prior to her departure at the Manila International Airport, the trial court ruled that she was properly charged with attempt to transport dangerous drugs punished under Section 5 in relation to Section 26 of the Comprehensive Dangerous Drugs Act of 2002.⁵⁰ The presentation of the airline ticket, therefore, was unnecessary.

Thus, in the Decision⁵¹ dated March 5, 2005, the trial court convicted Dimaano as charged. The dispositive portion of the Decision reads:

WHEREFORE, this Court finds accused Cristy Dimaano y Tipdas guilty beyond reasonable doubt of violation of Section 5, in relation to Section 26 of Republic Act 9165, she is hereby sentenced to Life Imprisonment and a fine of five Hundred Thousand Pesos (P500,000.00).

The methamphetamine hydrochloride recovered from the accused is considered confiscated in favor of the government and to be turned-over to the Philippine Drug Enforcement Agency.

SO ORDERED.⁵²

Dimaano appealed⁵³ before the Court of Appeals, maintaining that there was a break in the chain of custody of the methamphetamine hydrochloride allegedly seized from her person. Because the testimonies of NUP Bilugot and SPO2 Ragadio differed as to the number of sachets allegedly obtained from her, “the identity of the illegal drugs recovered from her was not established.”⁵⁴

The Court of Appeals, however, was not convinced of Dimaano’s argument. It stated that “[a]side from [Dimaano’s] . . . allegations, [Dimaano] did not present evidence to support her claim. [Worse,] she never bothered to testify in court to refute the evidence of the prosecution.”⁵⁵

Relying on the general rule that “the lower court’s assessment of the credibility of the witnesses is accorded great respect,”⁵⁶ the Court of Appeals found NUP Bilugot and SPO2 Ragadio to be credible witnesses. That their testimonies differed as to the number of sachets obtained from Dimaano did not destroy NUP Bilugot’s and SPO2 Ragadio’s credibility because “the chain of events as to the custody of the recovered shabu was never broken.”⁵⁷ Moreover, the Court of Appeals affirmed the trial court’s finding that the two sachets SPO2 Ragadio obtained from NUP Bilugot were placed

⁵⁰ Id. at 37.

⁵¹ The Decision was penned by Presiding Judge Pedro De Leon Gutierrez.

⁵² CA *rollo*, pp. 37–38, Decision dated March 5, 2005.

⁵³ Id. at 40, Notice of Appeal.

⁵⁴ *Rollo*, p. 9, Decision dated May 30, 2006.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Id. at 10.

inside one bigger plastic sachet.⁵⁸ According to the Court of Appeals, this explained why NUP Bilugot recalled obtaining only a single plastic sachet from Dimaano.

With respect to the airline ticket, the Court of Appeals agreed with the trial court that it need not be presented in court to prove that Dimaano attempted to transport methamphetamine hydrochloride. According to the Court of Appeals, the “indorsement letter”⁵⁹ of Police Chief Inspector Roseller N. Fabian to the City Prosecutor of Pasay, which stated that Dimaano was apprehended at the initial check-in departure area of the Manila International Airport, proved that Dimaano was bound for Cebu to transport dangerous drugs.⁶⁰

In the Decision dated May 30, 2006, the Court of Appeals affirmed the trial court’s Decision dated March 5, 2005.⁶¹

The case was brought on appeal before this court through a notice of appeal,⁶² the penalty imposed on Dimaano being life imprisonment.⁶³ In the Resolution⁶⁴ dated December 4, 2006, this court directed the parties to file their respective supplemental briefs if they so desired.

In their respective manifestations, the Office of the Solicitor General, representing the People of the Philippines,⁶⁵ and accused-appellant Dimaano⁶⁶ requested this court to treat the appeal briefs they filed before the Court of Appeals as their supplemental briefs. This court noted the parties’ manifestations in the Resolution⁶⁷ dated March 19, 2007.

In her Accused-Appellant’s Brief,⁶⁸ Dimaano maintains that the prosecution failed to establish the identity of the illegal drugs allegedly seized from her. With the inconsistent testimonies of NUP Bilugot and SPO2 Ragadio as to the number of sachets allegedly obtained from her,

⁵⁸ Id. at 10–11.

⁵⁹ Id. at 14.

⁶⁰ Id.

⁶¹ Id. at 17.

⁶² CA *rollo*, pp. 154–155.

⁶³ RULES OF COURT, Rule 122, sec. 3(c) provides:
SEC. 3. *How appeal taken.* –

.....

(c)The appeal in cases where the penalty imposed by the Regional Trial Court is *reclusion perpetua* or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, *reclusion perpetua*, or life imprisonment is imposed, shall be by notice of appeal to the Court of Appeals in accordance with paragraph (a) of this Rule.

⁶⁴ *Rollo*, p. 18.

⁶⁵ Id. at 20–22, Manifestation dated February 6, 2007.

⁶⁶ Id. at 23–24, Manifestation (In Lieu of Supplemental Brief) dated February 12, 2007.

⁶⁷ Id. at 25.

⁶⁸ CA *rollo*, pp. 51–65.

Dimaano argues that the prosecution “failed to prove the crucial first link in the chain of custody”⁶⁹ required under Section 21 of the Comprehensive Dangerous Drugs Act of 2002.⁷⁰

Dimaano adds that NUP Bilugot and SPO2 Ragadio only marked the two sachets that contained seven smaller sachets of methamphetamine hydrochloride allegedly obtained from her. They did not write their initials on the seven sachets. Dimaano, thus, argues that “there is no certainty that the seven (7) smaller plastic sachets of shabu presented in court by the prosecution were the very same ones recovered from [her].”⁷¹

Lastly, with the prosecution’s failure to present in court the airline ticket that would prove that she intended to board a plane bound for Cebu, Dimaano argues that the prosecution failed to establish her alleged attempt to transport illegal drugs.⁷² She thus prays that this court set aside the trial court’s Decision and that a new decision be rendered acquitting her of the crime charged.⁷³

In its Brief for Plaintiff-Appellee,⁷⁴ the Office of the Solicitor General cites portions of NUP Bilugot’s and SPO2 Ragadio’s respective testimonies, maintaining that the two prosecution witnesses credibly related in court how Dimaano attempted to transport illegal drugs. Contrary to Dimaano’s claim, the Office of the Solicitor General argues that there were no inconsistencies

⁶⁹ Id. at 62.

⁷⁰ Rep. Act No. 9165 (2002), sec. 21 partly provides:

Section 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 the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;
- (2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;
- (3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: Provided, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: Provided, however, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours[.]

⁷¹ CA *rollo*, p. 62, Accused-Appellant’s Brief.

⁷² Id. at 63.

⁷³ Id. at 64.

⁷⁴ Id. at 96–129.

in NUP Bilugot's and SPO2 Ragadio's testimonies and cites SPO2 Ragadio's testimony that he received from NUP Bilugot two plastic sachets that were further placed inside a bigger plastic.⁷⁵

As to why the seven (7) smaller sachets were not marked, the Office of the Solicitor General counters that this "relate[s] only to [a] minor, trivial, peripheral and inconsequential [matter] that [does] not detract from the weight of the testimonies of the prosecution witnesses in their entirety as to material and important facts."⁷⁶

With respect to the prosecution's failure to present the airline ticket bearing Dimaano's name, the Office of the Solicitor General argues that NUP Bilugot's and SPO2 Ragadio's testimonies sufficiently proved that Dimaano was bound for Cebu to transport methamphetamine hydrochloride.⁷⁷ The Office of the Solicitor General thus prays that the Decision convicting Dimaano be affirmed in toto.⁷⁸

The principal issue for this court's resolution is whether accused-appellant Cristy Dimaano y Tipdas is guilty beyond reasonable doubt of attempting to transport dangerous drugs punished under Section 5 in relation to Section 26 of the Comprehensive Dangerous Drugs Act of 2002. Subsumed in this issue is whether the prosecution established the unbroken chain of custody of the methamphetamine hydrochloride allegedly seized from accused-appellant.

This appeal must be dismissed.

Section 5 of the Comprehensive Dangerous Drugs Act of 2002 punishes the transportation of dangerous drugs. The provision states, in part:

Sec. 5. Sale, Trading, Administration, Dispensation, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any such transactions.

⁷⁵ Id. at 104–115.

⁷⁶ Id. at 119.

⁷⁷ Id. at 124–127.

⁷⁸ Id. at 127.

The attempt to transport dangerous drugs is punished by the same penalty prescribed for its commission:

SEC. 26. *Attempt or Conspiracy.* – Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

....

(b) Sale, trading, administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical[.]

To transport a dangerous drug is to “carry or convey [it] from one place to another.”⁷⁹ For an accused to be convicted of this crime, the prosecution must prove its essential element: the movement of the dangerous drug from one place to another.⁸⁰

In cases involving violations of the Comprehensive Dangerous Drugs Act of 2002, the prosecution must prove “the existence of the prohibited drug[.]”⁸¹ “[T]he prosecution must show that the integrity of the corpus delicti has been preserved,”⁸² because “the evidence involved—the seized chemical—is not readily identifiable by sight or touch and can easily be tampered with or substituted.”⁸³

To show that “the drugs examined and presented in court were the very ones seized [from the accused],”⁸⁴ testimony as to the “chain of custody” of the seized drugs must be presented. Chain of custody is:

the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition⁸⁵

⁷⁹ *People v. Laba*, G.R. No. 199938, January 28, 2013, 689 SCRA 367, 374 [Per J. Perlas-Bernabe, Second Division].

⁸⁰ *Id.*

⁸¹ *People v. Watamama*, 692 Phil. 102, 106 (2012) [Per J. Villarama, Jr., First Division].

⁸² *People v. Guzon*, G.R. No. 199901, October 19, 2013, 707 SCRA 384, 406 [Per J. Reyes, First Division].

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ Dangerous Drugs Board Regulation No. 1, Series of 2002, sec. 1(b).

and is governed by Section 21 of the Comprehensive Dangerous Drugs Act of 2002. Section 21, before amendment by Republic Act No. 10640 in 2013, provides, in part:

SECTION 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 the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;
- (2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;
- (3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: Provided, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: Provided, however, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours[.]

The purpose of Section 21 is “to [protect] the accused from malicious imputations of guilt by abusive police officers[.]”⁸⁶

Nevertheless, Section 21 cannot be used to “thwart the legitimate efforts of law enforcement agents.”⁸⁷ “Slight infractions or nominal deviations by the police from the prescribed method of handling the corpus delicti [as provided in Section 21] should not exculpate an otherwise guilty defendant.”⁸⁸ Thus, “substantial adherence”⁸⁹ to Section 21 will suffice, and, as section 21(a) of the Implementing Rules and Regulations of the Comprehensive Dangerous Drugs Act provides:

[N]on-compliance with [the] requirements [of Section 21] under justifiable grounds, *as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team*, shall not render void and invalid such seizures of and custody over said items[.]

We agree with the trial court and the Court of Appeals that accused-appellant is guilty beyond reasonable doubt of attempting to transport dangerous drugs. The prosecution proved the essential element of the crime; accused-appellant would have successfully moved 13.96 grams of methamphetamine hydrochloride from Manila to Cebu had she not been apprehended at the initial check-in area at the Manila Domestic Airport Terminal 1. The prosecution need not present the airline ticket to prove accused-appellant’s intention to board an aircraft; she submitted herself to body frisking at the airport when 13.96 grams of methamphetamine hydrochloride was found in her person.⁹⁰

It is true that NUP Bilugot testified in court that she recovered only a single plastic sachet from accused-appellant. As to its contents, NUP Bilugot testified that she could not remember whether this single sachet contained several other sachets:

- Q - After you saw the napkin, what else did you see after [accused-appellant] [lowered] her panty?
 A - One thing place(d) in a sachet attached to the panty.
- Q - What was attached to the panty?
 A - *A sachet, sir.*

....

⁸⁶ *People v. Sultan*, 637 Phil. 528, 537 (2010) [Per J. Villarama, Jr., Third Division].

⁸⁷ *Id.* at 538.

⁸⁸ *Id.*

⁸⁹ *People v. Watamama*, 692 Phil. 102, 107 (2012) [Per J. Villarama, Jr., First Division].

⁹⁰ *See People v. Cadidia*, G.R. No. 191263, October 16, 2013, 707 SCRA 494, 506 [Per J. Perez, Second Division].

Q - What about the plastic sachet that you recovered, if you see those plastic of shabu, would you be able to identify it?

A - Yes, sir.

Q - How would you be able to identify?

A - We place(d) our initials, sir.

Q - *And what is the marking that you placed in that plastic sachet?*

A - My initials, FSB.

....

Q - I am showing to you madam witness a plastic sachet containing three plastic sachets containing shabu which was previously marked as Exhibit "B," "B-1," "B-2," "B-3" and ["B-4," kindly go over the same Miss Witness and tell us what is the relation of this plastic sachet containing shabu from those that you found from the possession of the accused?

A - *During that time I recovered one plastic sachet only from her, sir.*

Q - *And did you come to know how many plastic sachets of shabu that were contained in that one plastic sachet?*

A - *No, sir.*⁹¹ (Emphasis supplied)

Accused-appellant points out that NUP Bilugot's testimony contrasts with that of SPO2 Ragadio, who testified that NUP Bilugot turned over *two* sachets to him. These sachets, according to SPO2 Ragadio, further contained a total of seven smaller sachets all containing methamphetamine hydrochloride. SPO2 Ragadio then initialled the two outer sachets but not the seven smaller sachets:

Q - So what happened next Mr. Witness after Florence Bilugot brought the female passenger to the comfort room?

A - According to her, she was able to get two transparent plastic bag [sic] from the passenger.

....

Q - And so what did you do if any Mr. Witness after you were informed by Florence Bilugot that she was able to find two paslic [sic] sachets from the possession of the female passenger?

A - *The two plastic sachets were handed to me by her sir.*

⁹¹ CA rollo, pp. 23-25, Decision dated March 5, 2005.

.....

Q - So all in all how many transparent sachet[s] containing this two transparent plastic that were turned over to you by Florence Bilugot?

A - Seven (7) all in all, sir.

.....

Q - *And how many plastic sachet[s] where you put your initial?*

A - *Two.*

Q - *Only two?*

A - *Yes, sir.*⁹² (Emphasis supplied)

Despite the discrepancy in the testimonies as to the number of sachets obtained from accused-appellant, there is evidence that NUP Bilugot marked *two* plastic sachets. Police Inspector Tecson, the Forensic Chemist who subjected the specimen to chemical analysis, reported that he received two plastic sachets marked with “FSB,” “RDR,” and “RSA.”⁹³ “FSB” are the initials of NUP Bilugot.⁹⁴

Having marked two plastic sachets, NUP Bilugot confirmed that she obtained those two sachets from accused-appellant. This corroborates SPO2 Ragadio’s testimony that he received two sachets from NUP Bilugot, which were further placed inside a plastic:

Q - By the way, Mr. Witness, when NUP frisker Florence Bilugot turn(ed) over to you these two pieces of plastic sachets containing while [sic] crystalline substance which according to you were found to be positive for shabu when examined, what was their condition at that time?

A - It was placed in a plastic, sir.⁹⁵

NUP Bilugot may not have remembered the contents of the sachet she seized from accused-appellant. Still, “witnesses are not expected to remember every single detail of an incident with perfect or total recall.”⁹⁶ That NUP Bilugot candidly stated in open court that she could not remember the contents of the sachet suggests that she was telling the truth and was not rehearsed.⁹⁷

⁹² Id. at 29–33.

⁹³ *Rollo*, p. 17.

⁹⁴ *CA rollo*, p. 24.

⁹⁵ Id. at 29.

⁹⁶ *People v. Langcua*, G.R. No. 190343, February 6, 2013, 690 SCRA 123, 134 [Per J. Perez, Second Division], *citing* *People v. Alas*, 340 Phil. 423, 432 (1997) [Per J. Panganiban, Third Division].

⁹⁷ *CA rollo*, p. 24.

It is likewise true that the seven smaller sachets inside the two plastic sachets were not initialled.⁹⁸ Nevertheless, the marking of the corpus delicti as a means to preserve its identity should be done only “as far as practicable.”⁹⁹ In this case, only the two outer sachets could be marked because the two sachets were *heat-sealed*.¹⁰⁰ The two outer sachets would have to be opened for the seven smaller sachets to be marked. This would have contaminated the specimen.

Thus, the prosecution successfully established the identity of the corpus delicti. In addition, the chain of custody was unbroken. Both NUP Bilugot and SPO2 Ragadio testified that after NUP Bilugot seized the specimen, she immediately endorsed it to SPO2 Ragadio. SPO2 Ragadio then turned over the two plastic sachets to investigators detailed at the Philippine Center for Aviation and Security. SPO2 Ragadio’s testimony states, in part:

Q - You mentioned awhile ago . . . the plastic sachet containing shabu, how did you know that the two plastic sachet were turn [sic] over by Florence Bilugot contain shabu?

A - When Florence Bilugot handed to me according to her that plastic is containing shabu.

Q - You said that there were two plastic sachet[s] that were recovered from the possession of the female passenger turned over to you by Florence Bilugot, did you examine the two plastic sachet[s] that were turned over to you?

A - Yes, sir.

Q - Who actually examined the contents of these two plastic sachet[s] that were turned over to you?

A - The investigator of the 2nd [Regional Aviation Security Office].

....

Q - How did the investigator examine the two plastic sachet[s] in your presence?

A - He opened the plastic in front of the passenger and weight [sic] it.

....

Q - In this two plastic sachet[s] how many plastic sachet that contain [sic] in them?

A - One has three and the other has four.

Q - So in one plastic sachet contain [sic] three transparent plastic bag[s] containing white crystalline substance?

A - Yes, sir.

Q - What about the other one?

A - Four.

⁹⁸ Id. at 35.

⁹⁹ *People v. Obmiranis*, 594 Phil. 561 (2008) [Per J. Tinga, Second Division]; *Mallillin v. People*, 576 Phil. 576, 587 (2008) [Per J. Tinga, Second Division].

¹⁰⁰ *Rollo*, p. 8.

Q - So all in all how many transparent plastic sachet[s] containing this [sic] two transparent plastic that were turned over to you by Florence Bilugot?

A - Seven (7) all in all, sir.

....

Q - By the way Mr. Witness, when NUP frisker Florence Bilugot turn[ed] over to you this [sic] two pieces of plastic sachet containing white crystalline substance which according to you were found to be positive for shabu when examined, what was their condition at that time?

A - It was place[d] in a plastic, sir.

....

Q - Mr. Witness if this plastic sachet containing shabu will be shown to you, would you be able to identify them?

A - Yes, sir.

Q - How will you be able to identify them?

A - The initials, sir.

Q - And what are the initials that were place [sic] in these plastic?

A - RBR

Q - And what does that initial RBR mean?

A - Reynato B. Ragadio.¹⁰¹

Investigators from the Philippine Drug Enforcement Agency then collected the specimen and finally turned it over to the Philippine National Police Crime Laboratory for testing.

We agree with the Court of Appeals when it cited *People v. Dulay*,¹⁰² which states that:

[I]n cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary suggesting ill-motive on the part of the police officers or deviation from the regular performance of their duties. . . . The findings of the trial court on the credibility of witnesses and their testimonies are accorded great respect unless the trial court overlooked substantial facts and circumstances, which, if considered, would materially affect the result of the case.¹⁰³

We find no ill motive on the part of NUP Bilugot or SPO2 Ragadio to implicate accused-appellant had it not been true that sachets of methamphetamine hydrochloride were seized from her. We, therefore, uphold her conviction.

¹⁰¹ Id. at 11–12, Court of Appeals Decision.

¹⁰² 468 Phil. 56 (2004) [Per J. Azcuna, First Division].

¹⁰³ Id. at 65.

Accused-appellant being guilty of attempt to transport dangerous drugs, the trial court correctly imposed the penalty of life imprisonment and a fine of ₱500,000.00 per Section 5 in relation to Section 26 of the Comprehensive Dangerous Drugs Act of 2002.

In crimes committed in airports, the prosecution relies heavily on airport security personnel and procedures for evidence. Recently, cases of illegal possession of ammunition committed in airports have been on the news, with some suggesting that airport security personnel are behind this *laglag-bala* modus operandi. Whether or not there is truth in these reports, the public has since been more concerned with airport security procedures.

The rise in cases of *laglag-bala*, however, does not excuse the laxity in processing other pieces of evidence. Drugs equally destroy lives, as do bullets fired with a gun. Prosecuting drug dealers and users should be given equal vigilance.

WHEREFORE, the appeal is **DISMISSED**. The Court of Appeals Decision dated May 30, 2005 in CA-G.R. CR-H.C. No. 00942 affirming the conviction of accused-appellant Cristy Dimaano y Tirdas by Branch 119 of the Regional Trial Court, Pasay City for violation of Section 5 in relation to Section 26 of Republic Act No. 9165 is **AFFIRMED**.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice


WE CONCUR:



ANTONIO T. CARPIO

Associate Justice

Chairperson

Plc see my Dissent

ARTURO D. BRION

Associate Justice



MARIANO C. DEL CASTILLO

Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice