



Republic of the Philippines
Supreme Court
Baguio City

Mis-DC Batt
MISAEAL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

MAY 23 2019

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 237209

- versus -

Present:

MOHAMAD DAMPAK y DISALO
@ "Lando" and JAMIL DAMPAK y
MIMBALAWAG @ "Jamil,"
Accused.

PERALTA, J., Chairperson,
LEONEN,
REYES, A., JR.,
HERNANDO, and
CARANDANG,* JJ.

CATHERINE ROMOROSA y
OSTOY @ "Lyn,"
Accused-Appellant.

Promulgated:

April 10, 2019

Mis-DC Batt

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DECISION

PERALTA, J.:

At bench is an appeal¹ assailing the Decision² dated September 25, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 08319, affirming the conviction of herein appellant Catherine O. Romorosa for illegal sale of dangerous drugs, punished under Section 5³, Article II of Republic Act (R.A.) No. 9165.

* Designated Additional Member per Special Order No. 2624 dated November 28, 2018.

¹ By way of a notice of appeal pursuant to Section 13(c) of Rule 124 of the Rules of Court.

² Penned by Associate Justice Pablito A. Perez for the Fourteenth (14th) Division of the CA, with Associate Justices Ricardo R. Rosario and Ramon A. Cruz concurring, *rollo*, pp. 2-23.

³ Known as the *Comprehensive Dangerous Drugs Act of 2002*. Section 5 of R.A. No. 9165 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.

The antecedents.

On February 20, 2010, the appellant, along with a certain Mohamad D. Dampak (*Mohamad*) and one Jamil M. Dampak (*Jamil*), were arrested in Muntinlupa City during a buy-bust operation conducted by agents of the National Bureau of Investigation (*NBI*). The arrests led to the filing of five (5) criminal cases before the Regional Trial Court (*RTC*) of Muntinlupa City, to wit:

1. Criminal Case No. 10-111 – which charged Mohamad with possession of 1.0937 grams of methamphetamine hydrochloride, commonly known as *shabu*, in violation of Section 11, Article II of R.A. No. 9165;
2. Criminal Case No. 10-112 – which charged Jamil with possession of 1.1095 grams of *shabu* in violation of Section 11, Article II of R.A. No. 9165;
3. Criminal Case No. 10-113 – which charged Jamil with the sale of 1.0646 and 0.9822 grams of *shabu* in violation of Section 5, Article II of R.A. No. 9165;
4. Criminal Case No. 10-114 – which charged Mohamad with the sale of 1.0646 and 0.9822 grams of *shabu* in violation of Section 5, Article II of R.A. No. 9165;
5. Criminal Case No. 10-115 – which charged the appellant with the sale of 1.0646 and 0.9822 grams of *shabu* in violation of Section 5, Article II of R.A. No. 9165. The accusatory portion of the Information filed against appellant reads:

That on or about February 20, 2010, in Muntinlupa City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, [Romorosa] without having been authorized by law, did then and there, knowingly, willfully, unlawfully, and feloniously sell, trade, deliver, give away to another and distribute 1.0646 grams and 0.9822 gram quantity of white crystalline substance of Methylamphetamine Hydrochloride, a dangerous drug.

The above cases were consolidated before Branch 203 of the Muntinlupa City RTC.⁴



⁴ Records, pp. 48-49.

During arraignment, the appellant, Mohamad and Jamil all pleaded not guilty to the respective charges against them. Pre-trial followed and was terminated on May 26, 2011. Trial thereafter ensued.

The prosecution presented the testimonies of Special Investigator Rolan Fernandez (*SI Fernandez*) and Senior Forensic Chemist Edwin C. Purificando (*SFC Purificando*) of the NBI. SI Fernandez was the *poseur-buyer* in the buy-bust operation that resulted in the arrest of the appellant, Mohamad and Jamil. SFC Purificando, on the other hand, was the chemist who tested the sachets of white crystalline substance confiscated during such operation and who confirmed them positive for *shabu*.

Taken together, the testimonies of SI Fernandez and SFC Purificando tell the following story:

1. On February 2, 2010, SI Fernandez received information from a confidential informant (*CI*) that a certain “Omar Macabuat” (*Omar*) is engaged in illegal drug operations. Acting on such information, SI Fernandez requested Atty. Ruel Lasala (*Atty. Lasala*) — the NBI Deputy Director for Intelligence Services and Anti-Illegal Drugs Task Force Commander — for an authority to investigate. Atty. Lasala granted such request.⁵
2. On February 19, 2010, the same CI returned to the NBI Office and told SI Fernandez that he (the CI) was able to arrange a *shabu* deal worth ₱12,000.00 with Omar that is due for delivery in Alabang, Muntinlupa City.⁶ The NBI decided to form a team of operatives,⁷ headed by SI Fernandez, to conduct a buy-bust operation.
3. Prior to the buy-bust operation, SI Fernandez marked two ₱100 and six ₱50 bills by writing “RSF” on the said bills. He also photocopied the bills and had them dusted by the NBI Forensic Chemist Division.⁸ SI Fernandez then prepared the following documents:⁹
 - a. Authority to Operate,
 - b. Pre-operation Report,
 - c. Coordination Form with the Philippine Drug Enforcement Agency (*PDEA*), and

⁵ TSN, February 7, 2012, pp. 7-10.

⁶ *Id.* at 10.

⁷ Namely, Supervising Agent Gregorio Zuñiga, Jr., SI Alan Glen Acal, SI Don Emmanuel R. Regalario and SI Jimmy De Leon. See Joint Affidavit of Arrest; records pp. 12-14.

⁸ TSN, February 7, 2012, p. 10-14.

⁹ *Id.* at 14.

- d. Coordination Letter for the Philippine National Police (PNP) Director, Southern Police District.
4. The buy-bust team, along with the CI, arrived in Alabang, Muntinlupa City at around 4:30 p.m. of February 20, 2010. After some time, the CI received a cellphone call from Omar who told him to go to a house with a wooden fence in Grabador St., Purok 7-C. The CI relayed this information to the buy bust team. Once the team was able to locate the house described by Omar, SI Fernandez and the CI approached the same. The other operatives, on the other hand, positioned themselves within the house's vicinity.¹⁰
 5. Inside the house, SI Fernandez and the CI were met by a woman who introduced herself as "Lyn." Also inside such house were two (2) male individuals. After some conversation, Lyn handed two (2) transparent plastic sachets containing white crystalline substance to SI Fernandez. SI Fernandez, in turn, and in the presence of the two male individuals, gave Lyn the marked money. At this point, SI Fernandez did the pre-arranged signal of ringing the phone of his commander, Supervising Agent Gregorio S. Zuniga. In seconds, the other members of the buy-bust team rushed inside the house and declared a buy-bust operation.¹¹
 6. The buy bust team arrested Lyn, who was later identified as the appellant. The team, likewise, arrested and effected body searches on the two male individuals who were inside the house with the appellant. The two male individuals were identified as Mohamad and Jamil, and they were found to be each in possession of one (1) transparent plastic sachet containing white crystalline substance.¹²
 7. All arrestees were informed of their constitutional rights and then brought to the NBI office in Manila. In transit, SI Fernandez took custody of the two plastic sachets seized from the appellant,¹³ while those from Mohamad and Jamil were returned to their respective pockets to avoid confusion.¹⁴

¹⁰ *Id.* at 20-21.

¹¹ *Id.* at 21-22.

¹² Aside from the appellant, Mohamad and Jamil, the buy-bust team also apprehended two fourteen-year-old minors present within the compound during the operation. (Records, p. 13) One of them was found to be in possession of two (2) white crystalline substance. (*Id.*) Later, upon being interviewed by the buy-bust team, the two minors admitted to working as couriers or spotters of Omar (TSN, February 7, 2012, p. 35).

¹³ TSN, February 7, 2012, p. 31.

¹⁴ *Id.*



8. Upon arrival at the NBI Office, SI Fernandez marked the two sachets purchased from the appellant with "COR-1a CID-NBI 2-20-2010" and "COR-1b CID-NBI 2-20-2010." The sachet taken from Mohamad was marked "MDD CID-NBI 2-20-2010," while that seized from Jamil with "JMD CID-NBI 2-20-2010."¹⁵ SI Fernandez explained that since a crowd started to gather in the scene of the buy-bust operation, the buy-bust team promptly left lest they be exposed to danger. Consequently, the markings, inventory and taking of the pictures were done at the NBI Office.¹⁶
9. Thereafter, SI Fernandez forwarded the marked sachets to SI Regalario who prepared an inventory of the seized items. At the same time, photographs of the appellant, Mohamad and Jamil with the respective sachets retrieved from each were also taken. Present during the execution of the inventory and taking of photographs were the appellant, Mohamad, Jamil, SI Fernandez and a media representative.

SI Fernandez clarified that, prior to the inventory and photograph-taking of the seized items, the NBI also contacted barangay officials as well as the Department of Justice (*DOJ*) for them to send representatives to witness such inventory and photograph taking.¹⁷ However, none came.¹⁸ Hence, in view of the time limit for inquest proceedings, he and SI Regalario were constrained to commence with the inventory and picture-taking without the presence of an elected official or a representative from the *DOJ*.

10. The confiscated plastic sachets were then submitted by SI Regalario to SFC Purificando for laboratory examination. The examination revealed the contents of the plastic sachets to be positive for *shabu*, a dangerous drug. Meanwhile, the appellant also underwent ultra-violet light examination, and yellow fluorescent smudges had been found in both of her hands.
11. SFC Purificando then took custody of the confiscated plastic sachets and kept them in his steel cabinet, until the time he was summoned to produce the same in court.



¹⁵ *Id.* at 32.

¹⁶ *Id.* at 35.

¹⁷ TSN, June 18, 2013, pp. 39-40.

¹⁸ *Id.* at 40.

After the prosecution filed its Formal Offer of Evidence and rested its case, Mohamad and Jamil filed, without leave of court, a Demurrer to the prosecution's evidence.¹⁹

On September 1, 2014, the RTC issued an Order granting Mohamad and Jamil's demurrer with respect to Criminal Case Nos. 10-113 and 10-114 for illegal sale of *shabu*, but denying the same with respect to Criminal Case Nos. 10-111 and 10-112 for illegal possession of *shabu*.²⁰ Since they filed their demurrer without leave of court, however, Mohamad and Jamil were deemed to have waived their right to present their evidence in Criminal Case Nos. 10-111 and 10-112.²¹ Consequently, trial continued only as regards Criminal Case No. 10-115 — the case for illegal sale of *shabu* against the appellant.

The appellant testified on her behalf. In substance, the appellant denied being caught, *in flagrante*, of selling *shabu* and claimed that she was merely a victim of a police frame-up. She professed the following version of events:²²

1. On the date and time of the supposed buy-bust, she was in Alabang to visit a friend. On her way to such friend, however, she noticed a commotion in an alley prompting her to stand by a nearby store.
2. An unknown man then approached her. The former mentioned to her the name of three Muslim men and asked her if she knew any of them. She replied in the negative.
3. The unknown man then dragged her into a parked white car, which is boarded by four other men. She was brought to the NBI office where she was detained inside a room.
4. The next day, or on February 21, 2010, she woke up seeing two men — which turned out to be Mohamad and Jamil — inside the room with her. An NBI agent, later identified to be SI Fernandez, came inside the room and showed to her a plastic sachet with white crystalline substance. SI Fernandez then instructed her to point at the sachet and the former took pictures of her.



¹⁹ *Rollo*, p. 4.

²⁰ *Id.*

²¹ Rules of Court, Rule 119, Sec. 23.

²² See TSN, February 25, 2015; TSN, August 26, 2015.

5. On February 22, 2010, a certain “*Atty. Rosemarie*” informed her that she is being criminally charged unless she pays SI Fernandez the sum of ₱500,000.00.

On March 14, 2016, the RTC rendered a Joint Decision²³ in Criminal Case Nos. 10-111, 10-112 and 10-115. Therein, the trial court found both Mohamad and Jamil guilty of illegal possession of *shabu*, and also found the appellant guilty of illegal sale of *shabu*. In arriving at such findings, the RTC gave full faith and credence to the version of the prosecution as established by the testimonies of SI Fernandez and SFC Purificando. The dispositive portion of the RTC Decision accordingly reads:

WHEREFORE, premises considered, the Court finds:

(a) accused Catherine Romorosa y Ostoy @ “Lyn GUILTY beyond reasonable doubt of violation of Section 5, Article II of R.A. No. 9165 in Criminal Case No. 10-115, and hereby sentences her to life imprisonment and a fine of P500,000.00; and

(b) accused Mohamad Dampak y Disalo @ Lando and Jamil Dampak y Mimbawag @ “Jamil” GUILTY beyond reasonable doubt of Section 11, Article II of R.A. No. 9165 in Criminal Cases Nos. 10-111 and 10-112, and hereby sentences them to imprisonment of Twelve (12) years and one (1) day to fourteen (14) years and a fine of P300,000.00 each.

x x x x

SO ORDERED.²⁴

The appellant appealed her conviction to the CA.

On September 25, 2017, the CA rendered a Decision affirming the conviction of the appellant *in toto*. Hence, this appeal.

In this appeal, the appellant claims that the RTC and the CA erred in giving full faith and credence to the version of the prosecution. She particularly questions the credibility of SI Fernandez, whom she says gave an inconsistent account as to how the alleged deal for the purchase of *shabu* was actually brokered. The appellant points out that in SI Fernandez’s testimony, he mentioned that it was the CI who was able to “*transact a drug deal*” worth ₱12,000.00 with Omar.²⁵ However, in the Joint Affidavit of Arrest²⁶ co-signed by SI Fernandez after the alleged buy-bust operation, it

²³ Penned by Presiding Judge Myra B. Quiambao; CA *rollo*, pp. 64-84.

²⁴ *Id.* at 83.

²⁵ TSN, February 7, 2012, p. 10.

²⁶ Records, pp. 12-14.

was categorically stated that it was SI Fernandez himself who was able to “close a deal” for the purchase of *shabu* worth ₱12,000.00.²⁷

The appellant believes that the above inconsistency is detrimental to the credibility of the prosecution story that the NBI really undertook a genuine buy-bust operation; it proving that SI Fernandez cannot be relied upon as a credible witness. Consequently, she urges the Court to take a second look at her version of events and to consider the same to be the truth of what happened in this case.

At any rate, the appellant argues that her acquittal may still be justified in light of the prosecution’s failure to prove the *corpus delicti* of the offense charged against her. The appellant claims that the identity of the *shabu* that was presented by the prosecution in that regard is suspect for the same was never forwarded to the evidence custodian of the NBI. She highlights the fact that such *shabu*, prior to its presentation in court, was only kept by SFC Purificando in his steel cabinet.

The appellant argues that the failure of SFC Purificando to turn-over the *shabu* he examined to the evidence custodian is a violation of the “standard procedure” of the NBI and, as such, renders doubtful the very integrity of the *shabu* presented by the prosecution in court.²⁸

OUR RULING

We dismiss the appeal.

The RTC and the CA did not err in giving full faith and credence to the version of the prosecution

We find no error on the part of the RTC and the CA in upholding the prosecution’s version of events. SI Fernandez’s account of how the *shabu* deal was forged did not suffer from any inconsistency.

The details of how the *shabu* deal with Omar came about was revealed by SI Fernandez in his testimony. Therein, SI Fernandez stated, quite clearly, that it was the CI who originally contacted Omar and arranged for the purchase of *shabu*, to wit:



²⁷ *Id.* at 12.

²⁸ CA rollo, p. 54.

PROS. ROMAQUIN, JR.:

Q So after your Authority to Investigate or after you have been granted Authority to Investigate, what did you do?

A **So, on February 19, 2010, sir, again, the same [CI] came to our office and informed me that he was able to transact a drug deal with alias Omar for the purchase of methamphetamine hydrochloride worth twelve thousand pesos (P12,000.00) and it will be delivered at Alabang, Muntinlupa City.**²⁹

SI Fernandez's narration further discloses that it was only after such arrangement has been made and then relayed to him that the NBI decided to organize the buy-bust operation which would eventually result in the arrest of the appellant.

Contrary to the appellant's claim, the foregoing narration is not inconsistent with the Joint Affidavit of Arrest³⁰ co-executed by SI Fernandez. True, the Joint Affidavit of Arrest contained a statement that SI Fernandez "*close[d] the deal*" for the purchase of *shabu* — but a closer look at the **context** in which such statement is made would show that there is really no inconsistency between it and the testimony of SI Fernandez, thus:

7. The undersigned positioned themselves strategically around the target area. SI FERNANDEZ, who acted as poseur-buyer was accompanied by an asset inside the house located at Grabador St., Purok 7-C, Alabang, Muntinlupa City. **After a brief transaction, SI FERNANDEZ was able to close a deal for the purchase of shabu for Php12,000.00 from a female subject, who was later identified as [the appellant], a known affiliate of [Omar].**³¹

As can be seen, the affidavit referenced to SI Fernandez as being able to "*close a deal*" for the purchase of *shabu* **during the conduct of the buy-bust operation itself**. This implies that the affidavit's use of the phrase "*close a deal*" was not to connote that it was SI Fernandez who contacted Omar and made *prior* arrangements for the sale of *shabu* in Alabang. Rather, the phrase was used in the sense that it was only SI Fernandez who was able to **consummate the sale of shabu** which had been pre-arranged by the CI. This is practically what SI Fernandez was trying to explain when he was confronted with this apparent inconsistency during his cross-examination:

ATTY. MOLDEZ:

Q In the Joint Affidavit of Arrest that you have read, it was you who close[d] the deal, am I correct?

²⁹ TSN, February 7, 2012, p. 10. (Emphasis supplied).

³⁰ Records, pp. 12-14.

³¹ *Id.* at 12. (Emphasis supplied).



A Yes, ma'am.

Q And in your direct examination that I've read, it was the [CI] who was able to close the deal, yes or no?

A Prior to the operation...

Q Just yes or no. Mr. Witness. Yes or no?

A Pardon, ma'am.

Q If I may read again your Honor, please: "So after your Authority to Investigate or after you have been granted Authority to Investigate, what did you do?" Your answer was, "So on February 19, 2010, sir, again the same [CI] came to our office and informed me that he was able to transact a drug deal with alias Omar for the purchase of methamphetamine hydrochloride worth P12,000.00 and it will be delivered at Alabang, Muntinlupa City." [S]o in this particular answer of yours, it was the [CI] who was able to close a deal of P12,000.00?

x x x x

A Excuse me, I'm sorry ma'am, because the answer is to close a deal meaning it's open. During the buy-bust operation, ma'am, hindi naman lahat close yan e. Pag sinabi ng informant sa amin na nakapag-transact siya ibig sabihin ma'am, hindi pa close yan so ibig sabihin kami pa rin ang mag-aano dyan, mag co-confirm sa subject namin.³²

Verily, the claimed contradiction in SI Fernandez's account is more imagined than real.

With the credibility of SI Fernandez intact, the appellant is, thus, left with only her denial to fend off the serious accusations against her. Such denial, by itself, however, cannot overcome the weight traditionally accorded to affirmative testimonies of law enforcement officers with unsullied credibility.³³ We find that the RTC and the CA are, therefore, correct in giving full faith and credit to the open court narration of SI Fernandez and, ultimately, to the version of the prosecution.

***Corpus delicti of the offense
proven beyond reasonable doubt***

We also find that the *corpus delicti* of the offense charged against the appellant was adequately proven in this case. A review of the evidence on record would reveal that the prosecution was able to establish an unbroken chain of custody over the *shabu* that it claims was sold by the appellant.

³² TSN, June 18, 2018, pp. 24-25. (Emphasis supplied).

³³ *People v. Balaquit*, 741 Phil. 343, 353 (2014).

In *People v. Kamad*,³⁴ We enumerated the essential links that must be proven by the prosecution in order to establish an unbroken chain of custody over the drugs seized in a buy-bust situation:

x x x: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.³⁵

In the case at bench, it is apparent that the narrations of SI Fernandez and SFC Purificando, as supplemented by the prosecution's other evidence, were able to cover all the essential links identified in *Kamad*. We may recall:

1. After the buy-bust has been declared, it was testified that SI Fernandez took possession of the two plastic sachets sold to him by the appellant.³⁶ SI Fernandez explained that since a crowd started to gather in the scene of the buy-bust operation, however, the buy-bust team promptly left for the NBI Office lest they be exposed to danger.³⁷ Consequently, the markings, inventory and photograph-taking required under Section 21 of R.A. No. 9165 were done at the NBI Office.

At the NBI Office, SI Fernandez immediately marked the two sachets sold to him by the appellant with "COR-1a CID-NBI 2-20-2010" and "COR-1b CID-NBI 2-20-2010."³⁸

2. SI Fernandez forwarded the marked sachets to SI Regalario, who prepared the inventory.³⁹ Photographs were also taken of the appellant with the marked sachets.⁴⁰ Present during the execution of the inventory and taking of photographs were the appellant, SI Fernandez and a media representative.

³⁴ 624 Phil. 289 (2010).

³⁵ *Id.* at 304, citing *People v. Garcia*, 599 Phil. 416 (2009); *People v. Gum-Oyen*, 603 Phil. 665 (2009); *People v. Denoman*, 612 Phil. 1165 (2014); *People v. Coreche*, 612 Phil. 665 (2009).

³⁶ TSN, February 7, 2012, p. 31.

³⁷ *Id.* at 35.

³⁸ *Id.* at 25-26, 35.

³⁹ *Id.* at 32-34.

⁴⁰ TSN, February 8, 2013, pp. 6-11.

SI Fernandez clarified that, prior to the conduct of inventory and photograph-taking, the NBI also contacted barangay officials as well as the DOJ for them to send representatives to witness such inventory and photograph-taking.⁴¹ However, after some time waiting, none came.⁴² Hence, in view of the time limit for inquest proceedings, he and SI Regalario were constrained to commence with the inventory and photograph-taking without the presence of an elected official and a representative from the DOJ.⁴³

3. The marked sachets were, thereafter, submitted by SI Regalario to SFC Purificando for laboratory examination. The examination revealed the contents of the marked sachets to be positive for *shabu*, a dangerous drug.⁴⁴ Meanwhile, the appellant also underwent ultra-violet light examination, and yellow fluorescent smudges had been found in both of her hands.⁴⁵
4. SFC Purificando then took custody of the marked sachets and their contents and kept them in his steel cabinet, until the time he was summoned to produce the same in court.⁴⁶

Contrary to appellant's assertion, the failure of SFC Purificando to turn-over the *shabu* he examined to an "*evidence custodian*," prior to submitting the same to the court, did not render doubtful the integrity of the *shabu* so submitted. We find that such failure did not create a gap in the chain of custody of the *shabu* retrieved from the appellant:

First. The act of SFC Purificando in taking custody of the specimen he examined and submitting the same to the court himself did not, strictly speaking, violate any mandatory provision of law pertaining to the custody of illegal drugs seized in an entrapment operation. Indeed, Section 21 of R.A. No. 9165 — the leading law governing the custody and disposition of confiscated drugs and contrabands — actually prescribed no particular *intermediary* between the forensic chemist who examined the specimens seized from the buy-bust operation and the court to whom such specimens must be submitted. The provision also did not specifically prohibit the forensic chemist from acting as the safekeeper of the specimens he examined pending their transmission to the court.

Second. From the perspective of case law, on the other hand, it would seem that — for the purpose of establishing the chain of custody over an illegal drug — a direct submission of such drug from the forensic chemist

⁴¹ TSN, June 18, 2013, pp. 39-40.

⁴² *Id.* at 40.

⁴³ *Id.* at 35.

⁴⁴ Records, p. 37. See also TSN, August 9, 2011, pp. 4-6.

⁴⁵ Records, p. 34.

⁴⁶ TSN, September 30, 2011, pp. 4-11.

to the court may be allowed. If we may remember, in the *Kamad* case cited above, the submission of the seized illegal drug *by the forensic chemist to the court* was recognized as the last link needed to complete an unbroken chain of custody over such drug:

We applied this ruling in *People v. Garcia*, *People v. Gum-Oyen*, *People v. Denoman* and *People v. Coreche* where we recognized the following links that must be established in the chain of custody in a buy-bust situation: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, **the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.**⁴⁷

The foregoing pronouncement in *Kamad*, in turn, went on to be reiterated in a number of subsequent cases, including *People v. Marcelino, Jr.*,⁴⁸ *Ampatuan v. People*,⁴⁹ *People v. Mendoza*,⁵⁰ *People v. Arriola*,⁵¹ *People v. Almodiel*,⁵² *People v. Llanita*⁵³ and *People v. Langcua*,⁵⁴ to name a few.

Third. Since neither law nor jurisprudence specifically condemns a direct submission of drug evidence by the forensic chemist to the court, We cannot *ipso facto* make the conclusion that the *shabu* submitted by SFC Purificando is no longer reliable *solely* on the ground that he by-passed the evidence custodian of the NBI. This holds true even though such action by SFC Purificando may have constituted a deviation from a “*standard practice*” of the NBI. Again, there is simply no law or jurisprudence that renders a drug evidence inadmissible just because it was not forwarded to an “*evidence custodian*” and was instead submitted directly to the court by the forensic chemist.

Fourth. The integrity of the illegal drug presented to the court, to Our mind, has less to do with the title of the law enforcement officer that made the submission than it does with evidence of how such officer, in truth, performed his duty as safekeeper of the drug in question. And, in this case, there is actual ample evidence to show that SFC Purificando had taken proper precautions to ensure that the *shabu* it examined was protected from any possibility of contamination or substitution while in his custody. The testimony of SFC Purificando, in this regard, is compelling:

⁴⁷ *People v. Kamad*, *supra* note 34, at 304. (Citations omitted; emphasis supplied).

⁴⁸ 667 Phil. 495 (2011).

⁴⁹ 667 Phil. 747 (2011).

⁵⁰ 672 PHIL 264 (2011).

⁵¹ 681 Phil. 578 (2012).

⁵² 694 Phil. 449 (2012).

⁵³ 696 Phil. 167 (2012).

⁵⁴ 703 Phil. 115 (2013).

DIRECT EXAMINATION [OF SFC PURIFICANDO] BY PROS. ROMAQUIN, JR:

x x x x

Q So aside from the fact that you acted as the Forensic Chemist, you were the one who also acted as the Evidence Custodian?

A Yes.

x x x x

Q So after you conducted the examination, where did you place the substance?

A At the NBI office, we are being furnished our individual steel cabinet wherein we are only the one in-charge of the key and it's there that I placed the evidence regarding this case.

Q And can you please tell this Honorable Court the security features of that steel cabinet?

A It is a steel cabinet like the one over there, the green-colored cabinet, (witness pointing to the steel cabinet inside the Courtroom) inside my office.

Q How about the lock?

A The lock is very doubled and the key is in my possession.

Q So apart from you, is there any other person who has the key to that lock?

A No one else, sir.

Q And where is this steel cabinet situated?

A Right inside my office, at the back of my office table, sir.

Q So can you tell the Honorable Court or describe to the Honorable Court the safety features of your office?

A It is a closed-room office, typical, with a lock.

Q And who has access to that room?

A Only members of my section and me.

Q But with regard to that cabinet, who has access?

A I am the only one in-charge.

Q Now at the time when you retrieved, by the way[,] can you please tell the Honorable Court who delivered the substance to the Honorable Court?

A I was the one last time, during the hearing of this Honorable Court last August 9, 2011.

Q Anyways, at the time when you retrieved the substance, can you please tell the Honorable Court or describe to the Honorable Court the security seals and markings that you placed?

A The security seal has the same appearance when I turned over the same to the Honorable Court.



Q In short, the seals are all intact?

A Yes, sir.

Q How about the markings?

A All the evidence bears my markings.

Q So can you give the Honorable Court an assurance that the substance was never changed, altered or adulterated while under your custody until the time you turned over the same to the Honorable Court?

A Yes, sir.⁵⁵

In view of the foregoing, We are satisfied that the *corpus delicti* of the offense charged against the appellant was proven beyond reasonable doubt.

WHEREFORE, premises considered, the instant appeal is **DISMISSED**. The Decision dated September 25, 2017 of the Court of Appeals in CA-G.R. CR HC No. 08319 is hereby **AFFIRMED**.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

⁵⁵ TSN, September 30, 2011, pp. 5-7.

WE CONCUR:


MARVIC MARIO VICTOR F. LEONEN
 Associate Justice

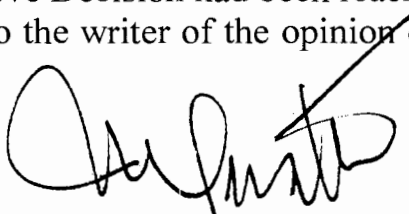
^{Reyes}
ANDRES B. REYES, JR.
 Associate Justice


RAMON PAUL L. HERNANDO
 Associate Justice


ROSMARI B. CARANDANG
 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.


DIOSDADO M. PERALTA
 Associate Justice
 Chairperson, Third Division

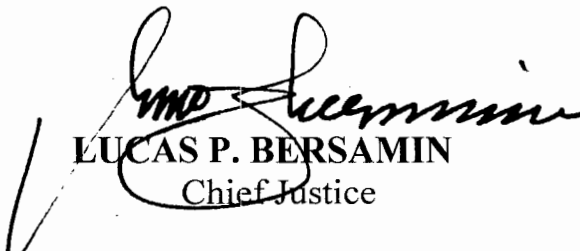
CERTIFICATION

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.

CERTIFIED TRUE COPY

^{Mis-DCBatt}
MISAEAL DOMINGO C. BATTUNG III
 Deputy Division Clerk of Court
 Third Division

MAY 23 2019


LUCAS P. BERSAMIN
 Chief Justice