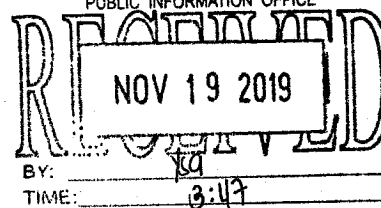




Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **October 9, 2019** which reads as follows:

**“G.R. No. 207520 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. ANTHONY TAN y POSADA, Accused-Appellant.)** – We dismiss the appeal by the accused-appellant for failure to prove that the Court of Appeals (CA) erred in promulgating its October 3, 2012 Decision,<sup>1</sup> whereby the CA affirmed his conviction for a violation of Section 5, Article II of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*).

Firstly, the findings of the RTC are accorded the highest degree of respect, especially if adopted and confirmed by the CA, such findings are final and conclusive and may not be reviewed on appeal unless there is clear misapprehension of facts.<sup>2</sup> Here, there was no showing that the RTC and the CA erred in appreciating the testimonial and object evidence of the prosecution.

Secondly, the CA and the RTC were correct in finding that the State had proven all the elements of illegal sale of *shabu* and that it had established the unbroken chain of custody of the subject specimen from the moment of its seizure in the hands of the apprehending officer, to the forensic chemist, and until it was presented during trial.

Lastly, the CA and the RTC aptly found that the PDEA agents substantially complied with the requirements of Republic Act No. 9165 and its implementing rules and regulations. The marking of the seized contraband in the presence of a media personnel and barangay official is already sufficient to remove any doubt as to the genuineness of the *corpus delicti* presented for testing.

- over – two (2) pages ...

181

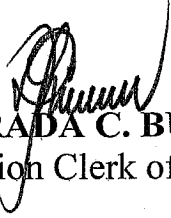
<sup>1</sup> *Rollo*, pp. 2-14; penned by Associate Justice Florito S. Macalino (deceased), with Associate Justice Sesinando E. Villon and Associate Justice Zenaida T. Galapate-Laguilles concurring.

<sup>2</sup> *People v. Bensig*, G.R. No. 138989, September 17, 2002, 389 SCRA 182, 190.

**WHEREFORE,** the Court **DISMISSES** the appeal and **AFFIRMS** the Decision of the Court of Appeals in CA-G.R. CR-HC No. 04464 promulgated on October 3, 2012 *in toto*.

**SO ORDERED.”** *Zalameda, J., designated as Additional Member per Special Order No. 2712 dated September 27, 2019.*

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

**181**

The Solicitor General  
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1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 04464)

The Hon. Presiding Judge  
Regional Trial Court, Branch 42  
Virac, 4800 Catanduanes  
(Crim. Case No. 4052)

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