



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **October 16, 2019** which reads as follows:

**“G.R. No. 215756 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. GEORGE ARRIETA GALLA, JR., Accused-Appellant.)** - We dismiss this appeal for failure of the accused-appellant to prove that the Court of Appeals (CA) committed reversible error in promulgating its May 13, 2014 decision<sup>1</sup> in CA-G.R. CR H.C. 06069, whereby the CA affirmed the December 27, 2012 decision<sup>2</sup> rendered by the Regional Trial Court (RTC), Branch 37, Lingayen, Pangasinan, finding the accused-appellant guilty of violation of Section 5 of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*)

The elements of Section 5 of R. A. No. 9165 are: (a) the identities of the buyer and seller, the object of the sale, and the consideration; and (b) the delivery of the thing sold and the payment for the thing. What is material is the proof showing that the transaction or sale actually took place, coupled with presentation in court of the *corpus delicti* as evidence.<sup>3</sup>

Time and again, this Court has ruled that findings of fact of the trial court as to the credibility of witnesses are accorded great weight and respect when no glaring errors, gross misapprehension of facts, and speculative, arbitrary and unsupported conclusions can be gathered from such findings. The rationale behind this rule is that the trial court is in a better position to decide the credibility of witnesses,

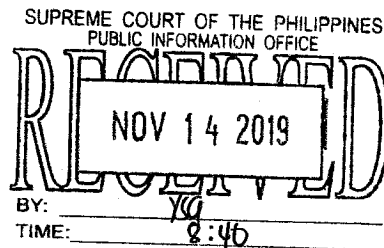
- over – four (4) pages ...

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<sup>1</sup> Rollo, pp. 2-10; penned by Associate Justice Florito S. Macalino, and concurred in by Associate Justice Sesinando E. Villon and Associate Justice Pedro B. Corales.

<sup>2</sup> CA rollo, pp. 41-50, penned by Judge Emma Progalidad-Bauzon.

<sup>3</sup> *People v. Bautista*, G.R. No. 177320, February 22, 2012, 666 SCRA 518, 529-530.



having heard their testimonies and observed their deportment and manner of testifying during trial. This rule finds an even more stringent application where said findings are sustained by the CA.<sup>4</sup>

Still,<sup>5</sup> the accused-appellant insisted on the alleged inconsistencies between the testimony of PO2 Arnold Sabiano and those of the two other members of the buy-bust team, and further argued that the presentation of the civilian asset is indispensable.

Jurisprudence is however replete with pronouncements that inconsistencies in the testimonies of witnesses, which refer only to minor details and collateral matters, do not affect the veracity and weight of their testimonies where there is consistency in relating the principal occurrence and the positive identification of the accused.<sup>5</sup> Moreover, the presentation of an informant is not a requisite in the prosecution of drug cases. The failure to present the informant does not vitiate the prosecutions cause as his testimony is not indispensable to a successful prosecution for drug-pushing since it would be merely corroborative of, and cumulative with, that of the poseur-buyer who was presented in court and testified on the facts and circumstances of the sale and delivery of the prohibited drug.<sup>6</sup>

The accused-appellant also argued that the custodial chain of the seized drugs was broken by pointing out that (1) the Receipt of Property Seized (Receipt)<sup>7</sup> presented in evidence did not qualify as inventory under R.A. No. 9165, and (2) that the prosecution failed to provide a clear picture and evidence of the seized item's evidentiary value while being transferred from one of its links to the next.<sup>8</sup>

This Court has held that failure to strictly comply with the prescribed procedures in the inventory of seized drugs did not render the arrest of the accused-appellants as illegal or the item seized/confiscated from them inadmissible. The essential thing to consider is "the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused."<sup>9</sup>

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<sup>4</sup> *People v. Mike Steve*, G.R. No. 204911, August 6, 2014, 732 SCRA 385, citing *People v. Cruz*, G.R. No. 187047, June 15, 2011, 652 SCRA 286, 297-298.

<sup>5</sup> *People v. Bis*, G.R. No. 191360, March 10, 2014, 718 SCRA 250, citing *People v. Sarcia*, G.R. No. 169641, September 10, 2009, 599 SCRA 20, 34.

<sup>6</sup> *People v. Andres*, G.R. No. 193184, February 7, 2011, 641 SCRA 602, 610-611.

<sup>7</sup> CA rollo, p. 36.

<sup>8</sup> Id. at 37.

<sup>9</sup> *People v. Steve*, G.R. No. 204911, August 6, 2014, 732 SCRA 385, citing *People v. Le*, G.R. No. 188976, June 29, 2010, 622 SCRA 571, 583

Also, this Court has emphasized that non-compliance with Section 21 is not fatal as long as the integrity and evidentiary value of the confiscated items were preserved. Here, the evidentiary value and integrity of the seized drug have been proven by the prosecution beyond reasonable doubt. First, PO2 Sabinano immediately marked the confiscated drugs at the place of arrest. The accused-appellant was brought to the police station where a receipt was issued and signed by the accused-appellant. Thereafter, PO2 Sabinano handed the seized item to PO1 Rodolfo Naungayan, who later submitted the same to the Provincial Crime Laboratory. Police Senior Inspector Myrna Malojo-Tadeno then brought the seized item before the trial court for identification and presentation.

As a final point, this Court agrees with the CA that the accused-appellant's bare denial cannot prevail over the positive identification of the prosecution witnesses. Denial or frame-up, like *alibi*, has been viewed with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecutions for violation of the Dangerous Drugs Act. The defense of frame-up or denial in drug cases requires strong and convincing evidence because of the presumption that the law enforcement agencies acted in the regular performance of their official duties. Bare denial of the appellant cannot prevail over the positive testimony of the prosecution witness.<sup>10</sup>

**WHEREFORE**, the Court **DISMISSES** the appeal, **AFFIRMS** the decision promulgated on May 13, 2014, and **ORDERS** the accused-appellant to pay the costs of suit.

**SO ORDERED.**” *Perlas-Bernabe, J., on official business; Gesmundo, J., designated as Acting Working Chairperson per Special Order No. 2717 dated October 10, 2019; 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

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<sup>10</sup> *People v. Dela Rosa*, G.R. No. 185166, January 26, 2011, 640 SCRA 635, 656, citing *People v. Soriano*, G.R. No. 173795, 3 April 2007, 520 SCRA 458, 468.



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Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 06069)

The Hon. Presiding Judge  
Regional Trial Court, Branch 37  
Lingayen, 2407 Pangasinan  
(Crim. Case No. L-9366)

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