



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated October 5, 2020, which reads as follows:

“G.R. No. 238996 (*People of the Philippines v. Norlito Membrebe y Sistina*). – The Court NOTES the letters dated February 17 and 21, 2019 of CSSupt. Gerardo F. Padilla, Chief Superintendent of the New Bilibid Prison, Bureau of Corrections, Muntinlupa City, confirming the confinement therein of accused-appellant since September 5, 2015.

This is an appeal from the January 11, 2018 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR IIC No. 07772, which affirmed the July 15, 2015 Decision² of the Regional Trial Court of Binangonan, Rizal, Branch 67 (RTC), finding Norlito Membrebe y Sistina (*accused-appellant*) guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act (R.A) No. 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*, for the illegal sale of 0.04 gram of *shabu*.

After a perusal of the records, the Court finds no cogent reason to reverse the ruling of the CA. The prosecution was able to establish all the elements for illegal sale of dangerous drugs, namely: (1) the identity of the buyer and the seller, the object of the sale, and the consideration; and (2) the delivery of the thing sold and its payment.

The testimony of Police Officer 1 Raul G. Paran (*PO1 Paran*) positively identified accused-appellant as the person who dealt with him during the buy-bust operation. It was accused-appellant himself who handed him the contraband after receiving the P200.00 marked money. Subsequently, the marked money and the seized items were recovered from accused-appellant after he was frisked and searched. Upon examination, the

¹ *Rollo*, pp. 2-22; penned by Associate Justice Carmelita Salandanan Manahan, with Associate Justices Remedios A. Salazar-Fernando and Stephen C. Cruz, concurring.

² *CA rollo*, pp. 13-15; penned by Presiding Judge Dennis Patrick Z. Perez.

contraband recovered from accused-appellant tested positive for *shabu* per Chemistry Report No. D-44-13.

The Court cannot give credence to accused-appellant's defense of denial and accusation of frame-up against the police officers who conducted the buy-bust operation. Other than his bare allegations, accused-appellant failed to substantiate his defense of alibi. Absent any convincing countervailing evidence, the presumption is that the members of the buy-bust team performed their duties in a regular manner.

Moreover, a buy-bust operation is a form of entrapment legally employed by peace officers as an effective way of apprehending drug dealers in the act of committing an offense. Such police operation has judicial sanction as long as it is carried out with due regard to constitutional and legal safeguards. The delivery of the contraband to the poseur-buyer and the receipt by the seller of the marked money successfully consummate the buy-bust transaction between the entrapping officers and the accused. Unless there is clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimony on the operation deserves faith and credit.³

Sec. 21(1) of R.A. No. 9165 mandates that *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.* However, noncompliance by the buy-bust team with Sec. 21 is not fatal as long as there is a justifiable ground therefor, and as long as the integrity and the evidentiary value of the confiscated/seized items are properly preserved by the apprehending team.⁴ The evident purpose of the procedure is the preservation of the integrity and evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or the innocence of the accused.⁵ The prosecution must demonstrate that the integrity and evidentiary value of the evidence seized have been preserved.⁶

In the present case, the requirements of the law with regard to the custody and disposition of the seized *shabu* were substantially complied with and the integrity of the drug seized from accused-appellant was preserved and safeguarded. From the time of accused-appellant's arrest, the seized item was properly marked in the presence of accused-appellant and Richard B.

³ *People v. Dumangay*, 587 Phil. 730, 743 (2008).

⁴ See *People v. Sanchez*, 590 Phil. 214, 234 (2008).

⁵ *People v. Naelga*, 615 Phil. 539, 558 (2009).

⁶ *People v. Denoman*, 612 Phil. 1165, 1178 (2009).

Cabotaje, a media representative, and was thereafter sent to the PNP Crime Laboratory for laboratory examination, and later tested positive for methamphetamine hydrochloride.

WHEREFORE, the Court **AFFIRMS** the Decision of the Court of Appeals in CA-G.R. CR HC No. 07772, finding accused-appellant Norlito Membrebe y Sistina **GUILTY** beyond reasonable doubt of violating Sec. 5, Article II of Republic Act No. 9165. He is **SENTENCED** to suffer the penalty of life imprisonment and **TO PAY** a fine of Five Hundred Thousand Pesos (P500,000.00).

SO ORDERED." (Padilla, J., *on leave.*)

By authority of the Court:

Misael C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *10/5/20*

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(RTC CR No. 13-042)
Crim. Case No. 13-042

The Superintendent
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