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MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division

AUG 05 2020

Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 238517

BY: Misael Domingo C. Battung III
TIME: 1:25

Present:

LEONEN, J., Chairperson
GISMUNDO,*
CARANDANG,
LAZARO-JAVIER,** and
ZALAMEDA, JJ.

-versus-

LUNG WAI TANG,
Accused-Appellant.

Promulgated:

November 27, 2019

Misael Domingo C. Battung III

X ----- X

DECISION

ZALAMEDA, J.:

Our country has graciously opened its doors to foreigners seeking sojourn, or even permanent homes herein. But instead of returning the respect accorded to them, some take advantage of this hospitality, and engage in the widespread, large-scale infusion and proliferation of dangerous drugs, trammelling our intensified anti-drug campaign. And this We must not tolerate.

The Case

This appeal¹ assails the Decision² promulgated on 14 July 2017 by the Court of Appeals (CA) in CA-G.R. CR-HC No. 05518, affirming the

* On leave.

** Designated as Additional Member of the Third Division per Special Order No. 2728.

¹ Rollo, pp. 35-36.

² Id. at 2-34; penned by Associate Justice Carmelita Salandanan Manahan and concurred in by Associate Justices Mario V. Lopez (now a Member of this Court) and Elihu A. Ybañez of the Special Sixth (6th) Division, Court of Appeals, Manila.

Decision³ rendered on 26 October 2011 by Branch 95, Regional Trial Court (RTC) of Quezon City in Criminal Case No. Q-00-93938, which found accused-appellant Lung Wai Tang (accused-appellant) guilty beyond reasonable doubt of violating Section 16, Article III of Republic Act No. (RA) 6425 as amended,⁴ for illegal possession of Seven Thousand Nine Hundred Eighteen and 0.90 grams (7918.90 gms.) of methamphetamine hydrochloride, otherwise known as *shabu*.

Antecedents

The Information⁵ reads:

The undersigned Prosecution Attorney of the Department of Justice hereby accuses TAI ON CHEUNG, LUNG WAI TANG and SEK HUNG GOH @ PATRICK WONG GOH of the crime of violation of Sec. 16, Art. III of Republic Act. No. 6425, as amended, committed as follows:

That on or about 3:00 o'clock in the afternoon of July 18, 2000 in Unit 310, SJB Condominium, Nr. 130-B Panay Avenue, Diliman, Quezon City, and within the jurisdiction of this Honorable Court, the above-named accused, confederating, conspiring and helping one another, did then and there willfully, unlawfully and feloniously and knowingly have in their possession approximately Seven Thousand Nine Hundred Eighteen and 0.90 gms. (7918.90 grams) of Methamphetamine Hydrochloride otherwise known as "shabu", a regulated drug without any lawful authority to possess the same.

CONTRARY TO LAW.

Upon arraignment, accused-appellant pleaded "not guilty."⁶ After termination of pre-trial, trial on the merits ensued.

Version of the Prosecution

Sometime in May 2000, the Intelligence Division of the Philippine National Police (PNP) Narcotics Group received information from their foreign counterparts that a group from Hong Kong, particularly the San Li Ong Triad, was engaged in large-scale drug trafficking within the country.

³ CA *rollo*, pp. 129-156; penned by then Judge Henri Jean-Paul B. Inting (now a Member of the Court).

⁴ Otherwise known as "The Dangerous Drugs Act of 1972," as amended by RA 7659 otherwise known as "An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, as amended, other Special Penal Laws, and for Other Purposes."

⁵ Records, Volume 1, pp. 1-2.

⁶ *Id.* at Vol. 1, p. 159.

The PNP coordinated with the Bureau of Immigration to be on the lookout for a certain Tai On Cheung, a Chinese national,⁷ who set foot in the Philippines on 21 May 2000. Thereafter, PNP operatives alerted their domestic informants to find out if any of them could locate or identify Tai On Cheung.⁸

On 01 June 2000, a police informant reported that a group of Hong Kong Chinese nationals were involved in a large-scale drug or *shabu* trafficking. Based on the information, the PNP organized surveillance operations to identify the group. During the operation, the police informant initially met with the subject group at the Holiday Inn Hotel. The police officers continued following them to Success Coffee Shop in J. Bocobo Street, Manila then to Atrium Hotel, then to another coffee shop fronting the gate of the Multinational Village in Parañaque City, and finally, to Casino Filipino near the Ninoy Aquino International Airport (NAIA). The members of the group were later identified as Tai On Cheung, Sek Kung Goh, also known as Patrick Go, and accused-appellant Lung Wai Tang, alias "*Tangkad*."⁹

The PNP conducted further surveillance for one and a half (1½) months and established the subject group's daily routine: (i) from Atrium Hotel to multiple hotels, the group would go to Success Coffee Shop at J. Bocobo Street, Manila, to meet with other Chinese nationals; (ii) while at the Success Coffee Shop, Tai On Cheung and Patrick Go would go out to get some boxes from the trunk of their car and bring them inside the coffee shop; (iii) after the other Chinese nationals would receive the boxes and after drinking coffee or tea, the subject group would return to Atrium Hotel.¹⁰ Through continuous surveillance and case build-up, the PNP was able to trace the subject group's safe house at Unit 310, San Jose Bright (SJB) Condominium, Panay Avenue, Quezon City.¹¹ Finally, the PNP, through the police informant, conducted a successful test buy for *shabu* from Tai On Cheung.¹²

The PNP applied for a search warrant¹³ which was granted on 18 July 2000 by the RTC of Caloocan City stating:

⁷ Records, Vol. I, p. 24.

⁸ *Rollo*, p. 11.

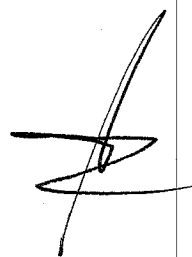
⁹ *Id.* at 8.

¹⁰ *Id.* at 8-9.

¹¹ Records, Exhibits for the Prosecution, p. 8.

¹² *Rollo*, p. 9.

¹³ Records, Exhibits for the Prosecution, p. 7.



It appearing to the satisfaction of the undersigned after examining under oath searching question on SPO3 Edgar Groyon and P/Insp. Roger E. Fuentes that Cheung, Tai-On @ Jimmy Cheng, Tang Lung Wai @ Wai, Michael Cheng @ Joseph Yeung and Wong, Patrick Y Goh have in their possession or control in the premises on No. 310, SJB Condominium, Nr. 130-B, Panay Avenue, Diliman, Quezon City, the following:

Undetermined amount of methamphetamine hydrochloride
or shabu

YOU ARE HEREBY COMMANDED to make an immediate search at any time of the day and night of the place but limited only to the premises herein described and forthwith seize and take possession of the above-mentioned articles and bring the same to the undersigned to be dealt with as the law directs, together with detailed inventory of articles seized within ten (10) days from service thereof.¹⁴

The PNP served the search warrant at Unit 310 of SJB Condominium. During the operation, the police operatives were accompanied by the condominium's building engineer and chief security guard. Tai On Cheung and Sek Hung Go were with accused-appellant Lung Wai Tang inside Unit 310 when he opened the door.¹⁵ The police operatives searched the premises and when they lifted the bed, they found a total of eight (8) self-sealing transparent plastic bags containing white crystalline substance suspected to be *shabu*. The police operatives marked and prepared an inventory of the seized items. The arresting officer, building engineer, chief security guard, and the three (3) suspects placed their respective markings on the seized evidence. The police officers then issued a Certificate of Good Conduct Search.

After the inventory (Receipt of Property Seized), the police operatives turned over Unit 310 to the building engineer while the three (3) suspects were brought to the police office for tactical interrogation. The arresting officer took possession of the seized evidence and turned them over to the evidence custodian at the police headquarters for safekeeping. He directed one of his personnel to prepare the request for laboratory examination and bring the confiscated pieces of evidence to the PNP Crime Laboratory which later issued a Certification confirming that the items seized were positive for the presence of *shabu*, a regulated drug.¹⁶

¹⁴ Records, Vol. I, p. 28.

¹⁵ The Records interchangeably referred to accused-appellant as "Lung Wai Tang," "Lung Wai Tai," "Lung Way Tang," or a combination thereof.

¹⁶ *Rollo*, p. 10.



Version of the Defense

In defense, accused-appellant proffered denial and claimed they were set up. He testified that he worked for the Regal Hotel in Hong Kong earning around HKD15,000.00 and Sunflower Sauna Parlor. He was arrested in Sta. Cruz, Binondo, Manila on 18 July 2000 while aboard a taxi.¹⁷

Accused-appellant alleged he was brought to Unit 310 of the SJB Condominium in Quezon City and saw police officers already waiting inside the unit. One of the police lifted the bed and pointed to two (2) Robinson's plastic bags with blue boxes inside. They opened the blue boxes which contained plastic bags with white crystalline substance. When he asked about the plastic bags, the policemen only smiled. He was then brought downstairs where he sat for about five (5) minutes until Tai On Cheung and Patrick Go entered together with several policemen.¹⁸

According to accused-appellant, a police officer instructed him to open the door once he hears a knock. Minutes after the police left the room, someone came knocking at the door. When accused-appellant did as instructed, the police officers served him a search warrant.¹⁹

Ruling of the RTC

The RTC rendered a decision convicting Tai On Cheung and accused-appellant. The RTC disposed:

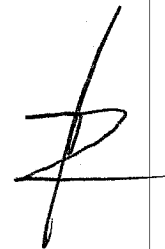
WHEREFORE, judgment is hereby rendered finding accused TAI ON CHEUNG and LUNG WAI TANG **GUILTY** beyond reasonable doubt for violation of Section 16[,] [Article] III of R.A. 6425 as amended by R.A. 7659 or possessing approximately Seven Thousand Nine Hundred Eighteen and 0.90 grams (7918.90 grams) of shabu, and each is therefore sentenced to suffer the penalty of *Reclusion Perpetua* and pay a fine of Php500,000.00; and accused SEK HUNG GOH **NOT GUILTY** of the same charge considering that the prosecution failed to prove his guilt beyond reasonable doubt.

Accused SEK HUNG GOH being a detained person at Camp Bagong Diwa, Bicutan, Taguig City, the Jail Warden of Camp Bagong Diwa, Bicutan, Taguig City is hereby ordered to release him from detention thereat, unless he is detained for some other lawful cause.

¹⁷ *Id.* at 16.

¹⁸ *Id.* at 17.

¹⁹ *Id.*



Prefatorily, the Court notes that Southeast Asia is facing one of the world's most intense drug crises.²⁵ Threats arising from transnational organized crime in Southeast Asia are becoming more deeply integrated within the region itself, as well as with neighbouring and connected regions. At the same time, criminal networks operating in Southeast Asia have achieved global reach, trafficking unfathomable quantities of high-profit methamphetamine,²⁶ including here in the Philippines.

Based on the study²⁷ by the United Nations Office on Drugs and Crime (UNODC), there are indications that transnational organized crime groups have migrated into the Philippines. Their presence is clearly evident and several methamphetamine laboratories have already been dismantled in this country in 2018, including one operated by a network based in Hong Kong, China.

The proliferation of these transnational drug syndicates, however, did not occur overnight. As in fact, accused-appellant in this case, a Chinese national,²⁸ is a member of a Hong Kong drug syndicate operating in Metro Manila.²⁹ The Chief of the PNP Narcotics Group testified it was their investigation of the San Li Ong Triad, a Hong Kong drug trafficking group, which led to the identification and arrest of accused-appellant.³⁰ The present case, which involves illegal possession of almost eight (8) kilos of *shabu*, predates almost two (2) decades ago. Yet, the evils brought by these drug syndicates persist even twenty (20) years after, up to this date.

The elements of illegal possession of dangerous drugs were duly established

The CA and the RTC uniformly held that the prosecution established the crime of illegal possession of prohibited drugs as defined under RA 6425, as amended. We see no reason to disturb the united findings of the courts *a quo*.

²⁵ *Asia's meth trade is worth an estimated \$61B as region becomes a 'playground' for drug gangs*, written by Berlinger, Joshua, 18 July 2019 <<https://edition.cnn.com/2019/07/18/asia/asia-methamphetamine-intl-hnk/index.html>> (visited 11 November 2019).

²⁶ *Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact*, United Nations Office on Drugs and Crime (UNODC) (2019), <https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA_TOCTA_2019_web.pdf> (visited 11 November 2019).

²⁷ *Id.*

²⁸ Records, Vol. I, p. 25.

²⁹ *Id.* at 22.

³⁰ TSN, 27 May 2002, pp. 5-6.



In illegal possession of dangerous drugs, the elements are: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.³¹

Here, the elements were established when accused-appellant was caught in possession of 7,918.90 grams of *shabu* by members of the PNP Narcotics Group during the implementation of a search warrant at Unit 310 of SJB Condominium in Quezon City. Prosecution witness P/Insp. Roger Fuentes positively identified accused-appellant as the person who opened the door of Unit 310. Upon conducting a search, the police officers found several plastic bags containing white crystalline substance of suspected *shabu*. After inventory and marking, the seized items were brought to the PNP Crime Laboratory for examination.³² The forensic chemist and prosecution witness P/Insp. Cirox T. Omero conducted a chemical examination of the seized items and the results confirmed the seized white crystalline substance as 7,918.90 grams of methamphetamine hydrochloride, commonly known as *shabu*.³³

*The defense of denial and frame-up
are invariably weak*

Accused-appellant's defenses, primarily predicated on denial and frame-up, are invariably viewed with disfavor because such defenses can easily be fabricated and are common ploys in prosecutions for the illegal possession of dangerous drugs. They deserve scant consideration in light of the positive testimonies of the police officers.³⁴

In order to prosper, accused-appellant's defense of denial and frame-up must be proven with strong and convincing evidence. Without proof of any intent on the part of the police officers to falsely impute to appellants the commission of a crime, the presumption of regularity in the performance of official duty and the principle that the findings of the trial court on the credibility of witnesses are entitled to great respect, should prevail over bare denials and self-serving claims.³⁵

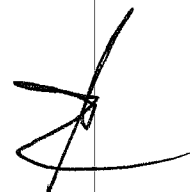
³¹ *People v. Serrano*, G.R. No. 179038, 06 May 2010, 620 SCRA 315, 344, citing *People v. Pringas*, G.R. No. 175928, 31 August 2007, 531 SCRA 828, 846.

³² *Rollo*, pp. 26-27. See also Records, Volume III, pp. 1616-1617.

³³ *Id.* at 27.

³⁴ *People v. Bala*, G.R. No. 203048, 13 August 2014, 733 SCRA 50, 65.

³⁵ *People v. Chi Chan Liu*, G.R. No. 189272, 21 January 2015, 746 SCRA 476, 498.



Further, accused-appellant's purported claim of being out of the country during the dates of surveillance from 01 June to 17 July 2000³⁶ and the minor discrepancy in the time-stamped video cannot stand against his positive identification by the prosecution witnesses. First, even if the Court considers the travel records belatedly submitted on appeal, these records merely indicated accused-appellant's arrival in the Philippines on 19 June 2000³⁷ while the police surveillance lasted until 17 July 2000. Second, the small difference in the time stamps between the video footage and the photographs can be attributed to the different internal clock settings of the separate devices used, particularly the video recorder and the still camera. In any case, accused-appellant's circumstantial arguments fail to convince the Court that factual errors were committed by the courts below.

The sheer volume of the seized drugs consisting of 7,918.90 grams or almost eight (8) kilograms renders the defense of frame-up difficult to believe; the large quantity of drugs seized reduces, if not eradicates, the possibility of planting or tampering of evidence

This Court finds unreliable accused-appellant's version that he was merely framed-up. The considerable quantity of seized drugs totaling 7.9 kilograms renders his claim that the seized drugs were planted by the police officers difficult to believe. Unlike miniscule amounts, a large quantity of drugs worth millions is not as susceptible to planting, tampering, or alteration.

In *People v. Chi Chan Liu*,³⁸ the Court upheld a conviction involving forty-five (45) kilos of *shabu* given the appellants' failure to explain how the police officers were able to plant such a large quantity of drugs without their knowledge. The Court emphasized the defense of denial and frame-up should be established with strong and convincing evidence:

The evidence on record clearly established that appellants were in possession of the bags containing the regulated drugs without the requisite authority. As mentioned previously, on the date of appellants' arrest, the

³⁶ Records, Exhibits for the Prosecution, p. 21.

³⁷ *Rollo*, p. 72.

³⁸ *Supra* at note 35.

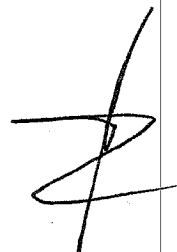
apprehending officers were conducting a surveillance of the coast of Ambil Island in the Municipality of Looc, Occidental Mindoro, upon being informed by the Municipality's *Barangay* Captain that a suspicious-looking boat was within the vicinity. Not long after, they spotted two (2) boats anchored side by side, the persons on which were transferring cargo from one to the other. Interestingly, as they moved closer to the area, one of the boats hurriedly sped away. Upon reaching the other boat, the police officers found the appellants with several transparent plastic bags containing what appeared to be *shabu* which were plainly exposed to the view of the officers. Clearly, appellants were found to be in possession of the subject regulated drugs.

Moreover, this Court is not legally prepared to accept the version of the appellants that they had nothing to do with the incident and that they were being framed up as the drugs seized from them were merely planted by the apprehending officers. At the outset, this Court observes that appellants did not provide any explanation as to how the apprehending officers were actually able to plant forty-five (45) bags of regulated drugs weighing about one (1) kilo each in the speed boat of appellants in the middle of the ocean without their knowledge. Also, as the trial court noted, they did not even give any explanation as to the purpose of their presence in the coast of Ambil, Looc, Occidental Mindoro. More importantly, aside from saying that the confiscated bags of regulated drugs were merely implanted in their speed boat, they did not provide the court with sufficient evidence to substantiate their claim. x x x

This Court has consistently noted that denial or frame up is a standard defense ploy in most prosecutions for violations of the Dangerous Drugs Law. This defense has been invariably viewed with disfavor for it can easily be concocted. In order to prosper, the defense of denial and frame-up must be proved with strong and convincing evidence. Without proof of any intent on the part of the police officers to falsely impute to appellants the commission of a crime, the presumption of regularity in the performance of official duty and the principle that the findings of the trial court on the credibility of witnesses are entitled to great respect, deserve to prevail over the bare denials and self-serving claims of frame up by appellants.

Strict adherence to the procedural safeguards is required where the quantity of illegal drugs seized is small, since it is highly susceptible to planting, tampering, or alteration of evidence.³⁹ On the other hand, large amounts of seized drugs are not as easily planted, tampered, or manipulated. Here, the considerable quantity of *shabu* consisting of almost eight (8) kilograms provides strong probative value favoring the prosecution's version of events.

³⁹ *People v. Bayang*, G.R. No. 234038, 13 March 2019.



In determining whether the amount of seized drugs is large or small, courts may be guided by the threshold quantities set under the Plea Bargaining Framework in drugs cases (A.M. 18-03-16-SC)

In *Estipona, Jr. v. Lobrigo*,⁴⁰ the Court acknowledged that the country's problem on illegal drugs has reached "epidemic," "monstrous," and "harrowing" proportions, and that its disastrously harmful social, economic, and spiritual effects have broken the lives, shattered the hopes, and destroyed the future of thousands especially our young citizens. Fully aware of the gravity of the drug menace that has beset our country and its direct link to certain crimes, the Court, within its sphere, must do its part to assist in the all-out effort to lessen, if not totally eradicate, the continued presence of drug lords, pushers and users.

Associate Justice Marvic Leonen's concurring opinion in *Estipona* further noted that most "drug-pushers" are found with less than 0.1 gram of illegal drugs. While some of these accused will be charged with both selling and possession, most of them will have to suffer the penalty of selling, that is, life imprisonment. They will be sentenced to life imprisonment for evidence amounting to only about 2.5% of the weight of a five-centavo coin (1.9 grams) or a one-centavo coin (2.0 grams).⁴¹

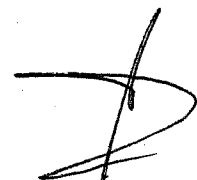
The Court's ruling in *Estipona* led to the adoption of the plea bargaining framework⁴² in drug cases. Under this framework, an accused in a drug case is allowed the opportunity to plead guilty to a lesser drug-related offense. However, plea bargaining is not allowed if the quantity of drugs involved exceeds certain threshold amounts. In particular, no plea bargaining is allowed for illegal possession of dangerous drugs when the quantity involved amounts to 10 grams and above (for *shabu*, opium, morphine, heroin, or cocaine) or 500 grams and above (for marijuana). As for illegal sale of drugs, plea bargaining is unavailable when the quantity involved weighs one (1) gram and above (for *shabu* only) or ten (10) grams and above (for marijuana).

This case presents an opportunity for the Court to set guidelines on when a certain amount of drugs may be considered large or miniscule. To recall, there should be a distinction in the evidentiary treatment of drugs

⁴⁰ G.R. No. 226679, 15 August 2017, 837 SCRA 160, 171.

⁴¹ *Id.*

⁴² A.M. No. 18-03-16-SC.



based on its quantity. Unlike small amounts, large quantities of drugs are less likely to be the subject of planting and manipulation. During trial, considerable quantities of seized drugs are certainly more persuasive than infinitesimal ones.

Thus, in determining whether the quantity of seized drugs may be considered large or small, courts should be guided by the threshold amounts set in the plea bargaining framework. If the amount of drugs seized precludes the availability of plea-bargaining, it shall be deemed a large amount and should be given strong probative value.

While seizure of bulk quantities of drugs will not excuse police officers from complying with the procedural requirements under the law, the strong evidentiary treatment should encourage law enforcement agencies to focus on large-scale drug operations instead of small-time street dealers.

The old drugs law, or RA 6425 (The Dangerous Drugs Act of 1972) and its implementing rules, are applicable

Accused-appellant's challenge to the custody of the seized *shabu* is unavailing. Chain of custody is the duly recorded authorized movements and custody of seized items at each stage, from seizure to receipt in the forensic laboratory to safekeeping to presentation in court for destruction.⁴³

Here, the search and seizure of dangerous drugs occurred on 18 July 2000, or prior to the effectivity of RA 9165.⁴⁴ At the time, the prevailing law was RA 6425 and its implementing rules. Notably, in *People v. Gonzaga*,⁴⁵ the Court had occasion to cite the prescribed procedure for the custody of seized drugs under RA 6425:

Dangerous Drugs Board Regulation No. 3, Series of 1979

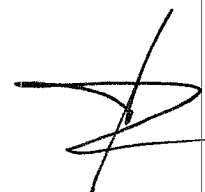
Subject: Amendment of Board Resolution No. 7, series of 1974, prescribing the procedure in the custody of seized prohibited and regulated drugs, instruments, apparatuses, and articles specially designed for the use thereof.

[xxx xxx xxx]

⁴³ *People v. Noah*, G.R. No. 228880, 06 March 2019.

⁴⁴ Otherwise known as "An Act Instituting the Comprehensive Dangerous Drugs Act of 2002, Repealing Republic Act No. 6425, Otherwise Known as the Dangerous Drugs Act of 1972, as Amended, Providing Funds Therefor, and Other Purposes."

⁴⁵ G.R. No. 184952, 11 October 2010, 632 SCRA 551, 573.



SECTION 1. All prohibited and regulated drugs, instruments, apparatuses and articles specially designed for the use thereof when unlawfully used or found in the possession of any person not authorized to have control and disposition of the same, or when found secreted or abandoned, shall be seized or confiscated by any national, provincial or local law enforcement agency. Any apprehending team having initial custody and control of said drugs and/or paraphernalia, should immediately after seizure and confiscation, have the same physically inventoried and photographed in the presence of the accused, if there be any, and/or his representative, who shall be required to sign the copies of the inventory and be given a copy thereof. Thereafter, the seized drugs and paraphernalia shall be immediately brought to a properly equipped government laboratory for a qualitative and quantitative examination.

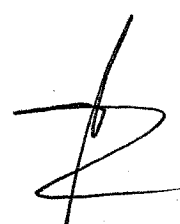
The apprehending team shall: (a) within forty-eight (48) hours from the seizure inform the Dangerous Drugs Board by telegram of said seizure, the nature and quantity thereof, and who has present custody of the same, and (b) submit to the Board a copy of the mission investigation report within fifteen (15) days from completion of the investigation.

Both the CA and the RTC aptly found the chain of custody in handling the evidence unbroken. The arresting officer marked, photographed, and inventoried the seized *shabu* at the place of implementation of the search warrant in the presence of accused-appellant. It was then turned over to the evidence custodian for safekeeping at the police station. Thereafter, it was delivered to the PNP Crime Laboratory for qualitative examination and tested positive for methamphetamine hydrochloride or *shabu*. The same specimen was presented to the court and duly identified by prosecution witnesses through the markings they placed thereon. As such, the integrity and evidentiary value of the seized items were preserved.⁴⁶

Based on the records, the Court is likewise convinced the apprehending officers observed proper procedure and maintained each link of the chain from marking and delivery of the seized evidence to the custodian for safekeeping, to its examination by the forensic chemist, up to presentation of the same before the trial court.

The country's wage of war against transnational organized drug syndicates operating in the country must not be thwarted; large scale illegal possession by members of these crime groups must not be countenanced

⁴⁶ Rollo, p. 31.



This Court has observed with dismay the deluge of cases against small-time drug pushers swamping the court dockets while affirming its readiness to handle cases involving the cartels trafficking these drugs in massive quantities. Thus, in *People v. Holgado*⁴⁷ –


It is lamentable that while our dockets are clogged with prosecutions under Republic Act No. 9165 involving small-time drug users and retailers, we are seriously short of prosecutions involving the proverbial "big fish." We are swamped with cases involving small fry who have been arrested for miniscule amounts. While they are certainly a bane to our society, small retailers are but low-lying fruits in an exceedingly vast network of drug cartels. Both law enforcers and prosecutors should realize that the more effective and efficient strategy is to focus resources more on the source and true leadership of these nefarious organizations. Otherwise, all these executive and judicial resources expended to attempt to convict an accused for 0.05 gram of shabu under doubtful custodial arrangements will hardly make a dent in the overall picture. It might in fact be distracting our law enforcers from their more challenging task: to uproot the causes of this drug menace. We stand ready to assess cases involving greater amounts of drugs and the leadership of these cartels.⁴⁸

Indeed, transnational organized crime syndicates engaged in large scale distribution of dangerous drugs in the country are destroying the very mind and soul of the Filipino nation. This Court will not hesitate to apply the full force of the law against them, more so foreign nationals benefitting from our kindness and hospitality. Law enforcement officials who risk their lives in protecting the Filipino nation by going against these syndicates should not only be commended, but should be encouraged.

WHEREFORE, the appeal is hereby **DISMISSED**. Accordingly, the Decision promulgated by the Court of Appeals on 14 July 2017 in CA-G.R. CR-H.C. No. 05518 is **AFFIRMED** in *toto*.

Accused-appellant is likewise **ORDERED** to pay the costs of suit.


SO ORDERED.


RODIL V. ZALAMEDA
Associate Justice

⁴⁷ G.R. No. 207992, 11 August 2014, 732 SCRA 554, 557.

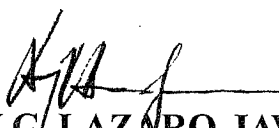
⁴⁸ *Id.*

WE CONCUR:


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

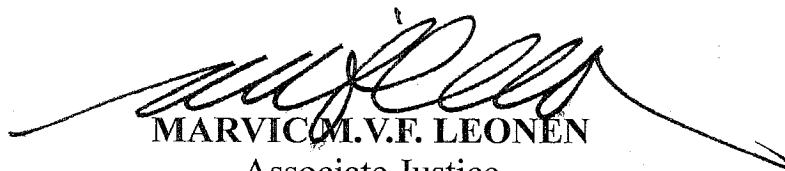
(On leave)
ALEXANDER G. GESMUNDO
Associate Justice

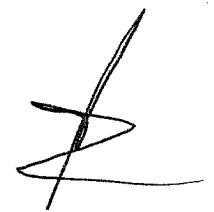

ROSMARID D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

ATTESTATION

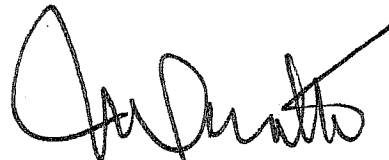
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson



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.



DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY

MisDCCBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division

AUG 05 2020

