

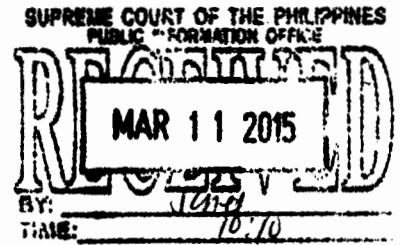


Republic of the Philippines

Supreme Court

Manila

THIRD DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated February 25, 2015, which reads as follows:

“G.R. No. 207661 (*People of the Philippines vs. Gilbert Mendoza y Balancio*). – This is an appeal from the October 29, 2012 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05011, which affirmed the Decision² of the Regional Trial Court (RTC), Branch 61, Baguio City, in Criminal Case No. 30718-R, convicting appellant Gilbert Mendoza y Balancio for violation of Section 5, Article II of Republic Act (RA) No. 9165.³

The prosecution established that in the evening of May 23, 2010, Agent Melody Yapes of the Philippine Drug Enforcement Agency-Cordillera Autonomous Region (PDEA-CAR) received information that appellant was engaged in illegal drug activities at Sanitary Camp, Baguio City. Acting on the report, Agent Meyrick Calisto formed a team to conduct a buy-bust operation against appellant. In the early morning of May 24, 2010, the informant met with appellant at the Sanitary Camp and introduced Agent Yapes as the buyer of *shabu*. Appellant asked for ₱1,500 and he took out from his left pocket a transparent plastic sachet which appeared to contain *shabu*. He then handed the plastic sachet to Agent Yapes.⁴

After the transaction was completed, Agent Yapes called Agent Reneir Tinong’s mobile number to alert the other members of the buy-bust team. When Agent Tinong arrived and identified himself as a PDEA agent, appellant suddenly ran but the agents caught up with him. Meanwhile, Agent Yapes marked the plastic sachet with “MWY 5/24/10”, which was brought to the PDEA-CAR field office. The seized item was turned over to Agent Dick Dayao, who prepared the Booking Sheet and Arrest Report, the Inventory, and the Request for Laboratory Examination. The inventory was done in the presence of appellant and other witnesses.⁵ Later, Agent Dayao

¹ *Rollo*, pp. 2-17. Penned by Associate Justice Normandie B. Pizarro, with Associate Justices Remedios A. Salazar-Fernando and Manuel M. Barrios, concurring.

² *CA rollo*, pp. 13-19. Penned by Presiding Judge Antonio C. Reyes.

³ Otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

⁴ TSN, August 18, 2010, pp. 5-30; TSN, October 26, 2010, pp. 5-11.

⁵ *Id.* at 30-46; *id.* at 11-18.

brought the Request for Laboratory Examination and the seized specimen to the crime laboratory. Police Senior Inspector (PSI) Rowena Canlas received the specimen and conducted the laboratory examination. She confirmed that the 0.07 gram of white crystalline substance inside the sachet was positive for *shabu*.⁶

For his defense, appellant claimed that on May 24, 2010, at around 1:40 a.m., he received a text message from his younger brother, an employee of Texas Instruments, asking to meet him somewhere up the street outside their house because he was bringing home a laptop. Appellant went to Sanitary Camp and while waiting, he saw two persons riding a motorcycle pass by and return. The passenger of the motorcycle drew a gun, and appellant immediately ran away thinking that he was going to be held up. Upon reaching the gate of his house, he was subdued by one of the riders, whom he identified as Agent Calisto. Another PDEA agent arrived and started hitting him. The agents told his family that they were inviting him to their field office because he was selling *shabu*. Appellant voluntarily went with the agents. At the PDEA office, he denied selling any drugs to Agent Yapes. Appellant further claimed that Agents Elizer Mangili and Calisto tried to extort ₱100,000 from him in exchange for his liberty but he refused.⁷

The RTC found appellant guilty of illegal sale of *shabu* and sentenced him to suffer life imprisonment and to pay a fine of ₱3,000,000.

Appellant appealed to the CA arguing that his guilt was not proven beyond reasonable doubt as the PDEA agents failed to comply with Section 21 of RA No. 9165, and thus, were not able to establish the chain of custody of the confiscated plastic sachet.

The CA affirmed the RTC Decision. It found no reason to deviate from the findings of the trial court. It gave credence to the testimonies of Agent Yapes and Agent Tinong, who both testified that appellant indeed sold the *shabu* to Agent Yapes during a legitimate buy-bust operation. The CA noted that when appellant was arrested, Agent Tinong searched his person and found the buy-bust money. The CA also noted that the contents of the plastic sachet were tested in the crime laboratory and the same were found to be positive for *shabu*. Thus, the CA was convinced that the integrity and evidentiary value of the evidence had been preserved.

Issue

Whether appellant's guilt for violation of Section 5, Article II of RA No. 9165, was proven beyond reasonable doubt.

⁶ Chemistry Report No. D-30-2010, records, p. 29.

⁷ TSN, February 28, 2011, pp. 5-24.

Our Ruling

We dismiss the appeal.

In cases involving violations of the Dangerous Drugs Law, appellate courts tend to rely heavily on the trial court's assessment of the credibility of witnesses, because trial courts had the unique opportunity, denied to the appellate courts, to observe the witnesses and to note their demeanor, conduct, and attitude under direct and cross-examination. Hence, the factual findings of trial courts are accorded great respect, even finality, absent any showing that certain facts of weight and substance bearing on the elements of the crime have been overlooked, misapprehended, or misapplied.⁸

In the present case, the prosecution witnesses categorically testified that appellant, who was sitting on the sidewalk, was approached by Agent Yapes and the informant. Appellant then asked Agent Yapes if she was indeed the buyer of *shabu*. Thereafter, appellant took out a transparent plastic sachet containing *shabu* from his left pocket and handed it to Agent Yapes. In turn, Agent Yapes gave appellant the buy-bust money. On the witness stand, Agent Yapes positively identified appellant as the person who sold the *shabu* to her. Thus, we agree with the findings of the trial court and the CA that the prosecution was able to prove appellant's guilt beyond reasonable doubt.

On appellant's contention that the PDEA agents failed to preserve the integrity and the evidentiary value of the seized item, jurisprudence is consistent in stating that strict compliance as to the chain of custody rule is not required and that the arrest of an accused will not be invalidated and the items seized from him rendered inadmissible on the sole ground of non-compliance with Section 21, Article II of RA No. 9165. We have emphasized that what is essential 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."⁹

In this case, we note that Agent Yapes immediately marked the transparent plastic sachet with "MWY 05/24/10" at the scene of the crime. Likewise, the custody of the plastic sachet remained with Agent Yapes from the time appellant handed it to her, until it was turned over to the evidence custodian. Thereafter, Agent Dayao, the evidence custodian, inventoried the specimen in the presence of Agent Yapes, a barangay official, a member of the Department of Justice, a member of the media and appellant himself. After preparing the Request for Laboratory Examination, Agent Dayao delivered the specimen to the crime laboratory, which was received by PSI

⁸ *People v. De Mesa*, 638 Phil. 245, 252 (2010).

⁹ *People v. Cardenas*, G.R. No. 190342, March 21, 2012, 668 SCRA 827, 837.

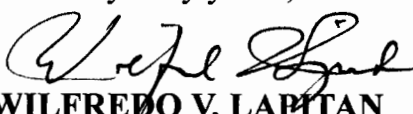
Canlas. The same specimen was identified in court by Agent Yapes.¹⁰ Hence, the Court finds that the chain of custody of the seized item was not broken, and that the integrity and the evidentiary value of the specimen was duly preserved.

Finally, in cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers, PDEA agents in this case, for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary suggesting ill-motive on the part of the police officers.¹¹ In this case, the Court notes that appellant failed to show any motive on the part of the police officers to implicate him in a crime he claimed he did not commit. Verily, the presumption of regularity in the performance of duty must prevail over appellant's unfounded allegations.

WHEREFORE, the instant appeal is **DISMISSED**. The October 29, 2012 Decision of the Court of Appeals in CA-G.R. CR-HC No. 05011, affirming the conviction of appellant Gilbert Mendoza y Balancio, is hereby **AFFIRMED**. (*Jardeleza, J.*, no part, due to his prior action as Solicitor General; *Leonen, J.*, designated Member per Raffle dated January 5, 2015.)

SO ORDERED.”

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court 2/2/15

Atty. Michelle Anne F. Yango
PUBLIC ATTORNEY'S OFFICE
Special & Appealed Cases Service
DOJ Agencies Building
East Avenue cor. NIA Road
Diliman, 1101 Quezon City

COURT OF APPEALS
CA G.R. CR HC No. 05011
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

The Chief Superintendent
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

Mr. Gilbert Mendoza y Balancio
c/o The Chief Superintendent
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 61, 2600 Baguio City
(Crim. Case No. 30718-R)

PUBLIC INFORMATION OFFICE
LIBRARY SERVICES
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

¹⁰ CA rollo, p. 86.

¹¹ *People v. Arriola*, G.R. No. 187736, February 8, 2012, 665 SCRA 581, 591.