



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **14 February 2022** which reads as follows:*

**“G.R. 244180 (*People of the Philippines v. Leonard Mercedes y Junio @ “Nardo”*)**. — On appeal<sup>1</sup> is the August 30, 2018 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02666, which affirmed the May 29, 2017 Decision<sup>3</sup> of the Regional Trial Court (RTC), Branch 25, Maasin City, Southern Leyte, in Criminal Case No. 12-06-3765, finding accused-appellant Leonard Mercedes y Junio @ “Nardo” (accused-appellant), guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. (RA) 9165 (RA 9165),<sup>4</sup> otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

**Antecedents:**

In an Information<sup>5</sup> dated June 28, 2012, accused-appellant was charged with violation of Section 5, Article II of RA 9165, which alleged:

That on or about the 27th day of June 2012 in the City of Maasin, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, to sell or otherwise dispose of any dangerous drug, did, then and there willfully, unlawfully and knowingly sell, deliver and give away to a poseur buyer, a total of 0.04 gram of white crystalline substance, contained in two (2) transparent plastic sachets, which substance was

<sup>1</sup> *Rollo*, pp. 14-15.

<sup>2</sup> *Id.* at 4-13. Penned by Associate Justice Edward B. Contreras and concurred in by Associate Justices Edgardo L. Delos Santos (now a retired member of this Court) and Dorothy P. Montejo-Gonzaga.

<sup>3</sup> *Records*, pp. 106-121. Penned by Judge Ma. Daisy Paler Gonzalez.

<sup>4</sup> Entitled “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 FOR OTHER PURPOSES.” Approved June 7, 2002.

<sup>5</sup> *Records*, pp. 1-2.

found positive to the tests for Methyl Amphetamine Hydrochloride, locally known as "*shabu*", a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.<sup>6</sup>

Upon arraignment, accused-appellant pleaded not guilty to the crime charged.<sup>7</sup> Trial on the merits thereafter ensued.

**Version of the Prosecution:**

Police Officer 3 Rodel Pagangpang (PO3 Pagangpang) narrated that on June 27, 2012, Senior Police Officer 2 Rommel Roa (SPO2 Roa) organized a team that will conduct a buy-bust operation against herein accused-appellant, pursuant to an information they received from a confidential informant regarding the accused-appellant's illegal drug activities.<sup>8</sup> PO2 Jonathan Gaviola (PO2 Gaviola) then prepared two ₱500.00-bills as marked money.<sup>9</sup> Thereafter, PO3 Arvin Caberte (PO3 Caberte) personally coordinated with the Philippine Drug Enforcement Agency (PDEA).<sup>10</sup>

During the briefing, PO3 Pagangpang was designated as the poseur-buyer while Intelligence Officer (IO) 1 Manuel C. Zabate Jr. (IO1 Zabate), and PO1 Doble, were assigned as the arresting officers.<sup>11</sup> PO2 Mark Lowell Dequinto (PO2 Dequinto) was designated as the photographer.<sup>12</sup>

At around 3:00 p.m., the buy-bust team proceeded to the target area located at Brgy. Mantahan, Maasin City.<sup>13</sup> PO3 Pagangpang positioned himself at a waiting shed near the roasting house while the rest of the buy-bust team strategically positioned themselves nearby.<sup>14</sup> After waiting for almost 45 minutes, PO3 Pagangpang saw the confidential informant and the accused-appellant approaching him.<sup>15</sup> Thereafter, the confidential informant introduced PO3 Pagangpang to accused-appellant as the buyer.<sup>16</sup> PO3 Pagangpang then asked accused-appellant if he could buy ₱1,000.00 worth of *shabu*.<sup>17</sup> Thereafter, accused-appellant handed to PO3 Pagangpang the two plastic sachets of *shabu* and in turn, PO3 Pagangpang gave accused-appellant the marked money.<sup>18</sup> Subsequently, PO3 Pagangpang executed the pre-arranged signal by raising his shirt in order to notify the rest of the buy-bust team that the transaction has already transpired.<sup>19</sup> Accused-appellant however noticed the pre-arranged

<sup>6</sup> Id. at 1.

<sup>7</sup> Id. at p. 27.

<sup>8</sup> TSN, December 10, 2013, pp. 4-5.

<sup>9</sup> Id. at 5.

<sup>10</sup> Id. at 5-6.

<sup>11</sup> TSN, September 7, 2015, p. 5.

<sup>12</sup> TSN, June 2, 2015, p. 4.

<sup>13</sup> TSN, September 7, 2015, p. 6.

<sup>14</sup> Id.

<sup>15</sup> Id. at 7.

<sup>16</sup> Id.

<sup>17</sup> Id. at 8.

<sup>18</sup> Id.

<sup>19</sup> Id.

signal executed by PO3 Pagangpang prompting him to run towards the national highway.<sup>20</sup> The buy-bust team immediately ran after accused-appellant and was able to get hold of him in front of Mantahan Church.<sup>21</sup> PO1 Doble and IO1 Zabate then arrested accused-appellant and bodily searched him in front of his mother who was angry at him for being involved in illegal drugs.<sup>22</sup>

As a result, the apprehending officers recovered from accused-appellant the two ₱500.00-bills and a cellular phone.<sup>23</sup> Due to the commotion, SPO2 Roa decided to proceed to the police station to conduct the marking and inventory of the seized items.<sup>24</sup> At the Maasin City Police Station, PO3 Pagangpang marked the two sachets of shabu as “RAP-1” and “RAP-2” in the presence of the accused-appellant, Department of Justice (DOJ) representative Josephine Haryana, media representative Ramon Buysar, and *Barangay Kagawad* Leandro Jurabe, Jr.<sup>25</sup> PO2 Dequinto took the photographs during the inventory.<sup>26</sup>

PO3 Pagangpang prepared the Request for Laboratory Examination<sup>27</sup> and brought the two plastic sachets to the Southern Leyte Provincial Crime Laboratory, which were received by PO1 Arnie Rey Abordo (PO1 Abordo).<sup>28</sup> PO1 Abordo then handed the seized items to Forensic Chemist, Police Inspector (PI) Robbie Charles P. Villagen (PI Villagen), who conducted the laboratory examination.<sup>29</sup> Chemistry Report No. D-22- 2012<sup>30</sup> concluded that the seized items tested positive for methylamphetamine hydrochloride, a dangerous drug.<sup>31</sup> Subsequently, PI Villagen placed the two specimens in a brown envelope, placed his markings on the same, and turned them over to the evidence custodian, PO1 Tome Lamason for safekeeping.<sup>32</sup>

### **Version of the Defense:**

Accused-appellant, on the other hand, proffered a different account of the incident and raised denial and frame-up as his defenses. Accused-appellant narrated that prior to his arrest, he already knew PO3 Pagangpang, PO1 Doble, PO2 Dequinto and PO3 Caberte as police officers.<sup>33</sup> He contended that on the day of the alleged buy-bust operation, he left his residence at around 3:10 p.m. to attend his grandfather’s funeral mass.<sup>34</sup> Accused-appellant likewise denied

---

<sup>20</sup> Id.

<sup>21</sup> Id. at 9.

<sup>22</sup> Id. at 9-10.

<sup>23</sup> Id. at 10; 17.

<sup>24</sup> Id. at 11.

<sup>25</sup> Id. at 12-13; 15.

<sup>26</sup> Id. at 13.

<sup>27</sup> Records, p. 13.

<sup>28</sup> Id.

<sup>29</sup> TSN, July 22, 2013, p. 7.

<sup>30</sup> Records, p. 14.

<sup>31</sup> Id.

<sup>32</sup> TSN, July 22, 2013, p. 9.

<sup>33</sup> TSN, December 7, 2016, pp. 3-6.

<sup>34</sup> Id. at 5.

having sold two sachets of shabu to PO3 Pagangpang.<sup>35</sup> Upon arrival at the church, PO1 Doble, accompanied by PO3 Pagangpang, PO2 Dequinto and PO3 Caberte, suddenly called and asked him where he was going.<sup>36</sup> Subsequently, when accused-appellant was about to enter the church, PO3 Pagangpang held his left arm while PO2 Dequinto and PO3 Caberte pointed their guns at him.<sup>37</sup> Thereafter, the police officers forced him to board PO3 Caberte's motorcycle.<sup>38</sup> Accused-appellant then sought help from PO1 Doble but the latter refused.<sup>39</sup> When accused-appellant was able to free himself from PO3 Pagangpang, he immediately ran away and took the narrow road across the street towards the sea and proceeded to the house of Neneng Litangan (Litangan).<sup>40</sup> Thereat, he sought help from Litangan and locked himself inside the comfort room.<sup>41</sup> The door, however, was forcibly opened and the police officers dragged him out of the house.<sup>42</sup> The police officers then arrested him and brought him to the police station.<sup>43</sup>

At the police station, PO3 Pagangpang placed his hand inside accused-appellant's left pocket, pulled out the latter's cellular phone and placed it beside two small sachets of shabu.<sup>44</sup> Accused-appellant further maintained that the two sachets of shabu, and two ₱500.00-bills came from PO3 Pagangpang.<sup>45</sup> Consequently, PO2 Dequinto ordered accused-appellant's mother to bodily search the latter but nothing was found.<sup>46</sup> Thereafter, certain witnesses arrived at the police station and signed a document.<sup>47</sup> Pictures of the accused-appellant were taken by PO2 Dequinto.<sup>48</sup>

### **Ruling of the Regional Trial Court:**

The RTC, in its Decision<sup>49</sup> dated May 29, 2017, found accused-appellant guilty beyond reasonable doubt of the offense charged. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, the court finds the accused Leonard (sic) Mercedes Y Junio GUILTY beyond reasonable doubt of violation of Section 5, Article II of RA 9165 (Comprehensive Dangerous Drugs Act of 2002), and hereby sentences him to suffer the indivisible penalty of LIFE IMPRISONMENT and to pay a fine of Five hundred thousand pesos (₱500,000.00).

---

<sup>35</sup> Id.

<sup>36</sup> Id. at 5-6.

<sup>37</sup> Id. at 7.

<sup>38</sup> Id.

<sup>39</sup> Id.

<sup>40</sup> Id. at 8.

<sup>41</sup> Id. at 9.

<sup>42</sup> Id.

<sup>43</sup> Id. at 10.

<sup>44</sup> Id. at 11.

<sup>45</sup> Id. at 12.

<sup>46</sup> Id.

<sup>47</sup> Id. at 13.

<sup>48</sup> Id.

<sup>49</sup> Records, pp. 106-121.

The dangerous drugs subject matter of this instant case are hereby ordered confiscated and forfeited in favor of the government pursuant to Sec. 20, RA 9165, to be disposed in accordance with the provisions of Section 21 of the same Act.

SO ORDERED.<sup>50</sup>

The RTC gave credence to the testimonies of the prosecution witnesses concluding that the identities of the sellers and the buyer were established. It further ruled that the prosecution cogently established each link in the chain of custody over the shabu, from the time it was seized from the accused-appellant up to the time it was presented during the trial as proof of the *corpus delicti*.

Aggrieved, accused-appellant appealed his conviction before the CA.

### **Ruling of the Court of Appeals:**

In its assailed August 30, 2018 Decision,<sup>51</sup> the CA affirmed the RTC's Decision finding accused-appellant guilty of violation of Section 5, Article II of RA 9165. It ruled that all the elements of the crime of Illegal Sale of Dangerous Drugs were present in the instant case. It further held that the links in the chain of custody in the subject buy-bust operation were all established by the prosecution.

The CA likewise rejected the defense of denial proffered by the accused-appellant, holding that this defense cannot be given greater evidentiary weight absent any showing that the police officers were inspired by ill motive or that they were not properly performing their duties.

Thus, the dispositive portion of the CA Decision reads:

WHEREFORE, in view of the foregoing, the Appeal is DENIED. The Decision dated May 29, 2017, of the Regional Trial Court, Branch 25, Maasin City, Southern Leyte, in Criminal Case No. 12-06-3765, finding appellant Leonard Mercedes y Junio @ "Nardo," guilty beyond reasonable doubt of Violating Section 5, Article II of R.A. No. 9165, is hereby AFFIRMED.

SO ORDERED.<sup>52</sup>

Hence, the instant appeal.

### **Issue**

The issue is whether or not the CA correctly found accused-appellant guilty beyond reasonable doubt of violation of Section 5, Article II of RA 9165.

---

<sup>50</sup> Id.

<sup>51</sup> *Rollo*, pp. 4-13.

<sup>52</sup> Id. at 13.

### Our Ruling

The appeal is not meritorious.

For the prosecution of Illegal Sale of Dangerous Drugs, the following elements must concur: (a) the identity of the buyer and the seller, the object, and the consideration, and (b) the delivery of the thing sold and the payment.<sup>53</sup>

The Court finds that the prosecution has sufficiently established all the aforementioned elements. As testified to by PO3 Pagangpang, the sale of the dangerous drugs actually took place between him as the poseur buyer, and accused-appellant, who was positively identified as the very same person subject of the buy-bust operation.

In this case, PO3 Pagangpang testified on the seizure of two heat-sealed transparent plastic sachets containing *shabu*, which he received from the accused-appellant. He narrated in this wise:

Q: [W]hile your informant and the accused were getting closer to you, what happened next? What did you observe next?

A: The informant introduced to me (sic) as buyer of the *shabu* from Leonard (sic) Mercedes.

Q: [A]fter the confidential informant introduced you to the accused, could you please tell us what was the reaction or response of the accused, Mr. Witness?

A: He gave me the two (2) sachets of *shabu* and I gave him the marked money, two (2) Five Hundred Peso Bills.

Q: Before the *shabu* was given to you and before you gave the money in exchange of *shabu*, did you and the accused have conversation?

A: Yes, sir.

Q: Could you tell this Honorable Court, what are those conversations all about?

A: I asked him if I could buy *shabu* worth One (1) Thousand.

Q: And what was the response of the accused?

A: He gave me two (2) sachets of *shabu* and I, in returned (sic), gave him two (2) pieces of Five Hundred Pesos bills, sir.

Q: [A]fter you gave him the marked money, Mr. Witness, what did you do next?

A: I signaled the pre-arranged signal to raise my worn shirt, so that my teammates could see.

---

<sup>53</sup> *Belmonte v. People*, 811 Phil 844, 856 (2017), citing *People v. Sumili*, G.R. No. 212160, February 4, 2015, 750 SCRA 143, 149.

Q: [B]y the way Mr. Witness, what is the significant (sic) of raising your worn shirt?

A: It is my signal that the buying of *shabu* was consummated, sir.<sup>54</sup>

From the foregoing testimony, PO3 Pagangpang positively and categorically identified the accused-appellant as the seller who sold the two heat-sealed transparent plastic sachets to him. Moreover, the Chemistry Report issued and submitted by PI Villagen stating therein that the subject plastic sachets truly contained methamphetamine hydrochloride or *shabu*, likewise corroborated the declarations of PO3 Pagangpang.

Moreover, in the prosecution of drug cases, it is the dangerous drug itself that forms part of the *corpus delicti* of the offense. Thus, the integrity of the *corpus delicti* must be established with moral certainty through an unbroken chain of custody. We find that the prosecution satisfactorily complied with this requirement.

Here, the act subject of this case was allegedly committed on June 27, 2012, or prior to the amendment of Section 21, Article II of RA 9165 by RA 10640.<sup>55</sup> Thus, the three witnesses under RA 9165 are required, to wit: (1) a representative from the media; (2) a representative from the Department of Justice (DOJ); and (3) any elected public official. The pertinent portion of Section 21 reads:

*SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (1) 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; (Emphasis Ours)**

In addition, Section 21(a) of the Implementing Rules and Regulations of RA 9165 further emphasizes the insulating presence of the three required witnesses during the physical inventory and photographing of the seized drugs, *viz.*:

<sup>54</sup> TSN, December 10, 2013, pp. 7-8.

<sup>55</sup> Entitled "AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002." Approved on July 15, 2014.

SECTION 21. *Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(a) The apprehending officer/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: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items;** (Emphasis and underscoring Ours)

In this regard, We find that the prosecution has satisfactorily complied with the required presence of insulating witnesses during the inventory and taking of photograph. In fact, they were also present during the marking of the seized contrabands.

It bears emphasis that the marking of the seized items was made in the presence of a barangay official, a DOJ representative, a media representative, and the accused-appellant himself. PO3 Pagangpang likewise conducted an inventory in the presence of the same witnesses, while PO2 Dequinto took photographs of the inventory.

More significantly, We find that the prosecution successfully accounted for each link in the chain of custody, to wit:

First, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer;

Second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer;

Third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and

Fourth, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.<sup>56</sup>

<sup>56</sup> *People v. Siaton*, 789 Phil 87, 98-99 (2016), citing *People v. Remigio*, 700 Phil. 452, 468 (2012).

As can be gleaned from the established facts, PO3 Pagangpang personally marked at the police station the two plastic sachets containing white crystalline substance that the accused-appellant handed over to him. This is clear from the testimony of PO3 Pagangpang who narrated that he marked the same with his initials and signature.

In *Matabilas v. People*<sup>57</sup> (*Matabilas*), We declared that:

To establish the identity of the dangerous drug with moral certainty, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime. As part of the chain of custody procedure, the law requires, *inter alia*, that the marking, physical inventory, and photography of the seized items be conducted immediately after seizure and confiscation of the same. In this regard, case law recognizes that “marking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team.” Hence, the failure to immediately mark the confiscated items at the place of arrest neither renders them inadmissible in evidence nor impairs the integrity of the seized drugs, as the conduct of marking at the nearest police station or office of the apprehending team is sufficient compliance with the rules on chain of custody.<sup>58</sup> (Citations omitted)

Moreover, *Matabilas* held that:

**As a general rule, compliance with the chain of custody procedure is strictly enjoined as the same has been regarded “not merely as a procedural technicality but as a matter of substantive law.”** This is because “[t]he law has been crafted by Congress as safety precautions to address potential police abuses, especially considering that the penalty imposed may be life imprisonment x x x.”

Nonetheless, the Court has recognized that due to varying field conditions, strict compliance with the chain of custody procedure may not always be possible.<sup>59</sup> (Emphasis in the original; citations omitted)

Elsewise stated, the marking of the seized items need not always be at the place of arrest but may be conducted at the nearest police station provided such deviation has justifiable ground, and the integrity and evidentiary value of the seized items are properly preserved.

In *People v. Tecson*<sup>60</sup> (*Tecson*), the Court allowed the marking of the seized items in the nearest police station “as bystanders started to crowd the place of arrest.”<sup>61</sup> *Tecson* ruled thus:

In this regard, case law recognizes that “[m]arking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team.” Hence, the failure to immediately mark the confiscated

<sup>57</sup> G.R. No. 243615, November 11, 2019.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> G.R. No. 243786, October 9, 2019.

<sup>61</sup> *Id.*

items at the place of arrest neither renders them inadmissible in evidence nor impairs the integrity of the seized drugs, as the conduct of marking at the nearest police station or office of the apprehending team is sufficient compliance with the rules on chain of custody.

In fine, pursuant to *Matabilas* and *Tecson*, We likewise find in the instant case the marking of the seized items at the nearest police station in view of the ensuing commotion, as a justifiable deviation from the rules.

Furthermore, it is beyond cavil that the integrity and evidentiary value of the seized items were preserved. PO3 Pagangpang was the one who personally took custody and control of the seized drugs and immediately submitted the same for laboratory examination. Upon receipt from the crime laboratory, PI Villagen prepared the chemistry report on his findings, which yielded positive results for the presence of metamphetamine hydrochloride, a dangerous drug. As such, We are convinced that the prosecution had sufficiently established an unbroken chain of custody as laid down under Section 21 of RA 9165 as well as Section 21 of the IRR of the said law.

Section 21(a) of RA 9165, as amended, expressly provides that the non-compliance with the requirements, under justifiable grounds, shall not render void and invalid the seizures of and custody over the items seized, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team. In this case, although the marking of the seized items was not done at the place of arrest, the failure of the apprehending team to immediately conduct the marking of the seized items does not impair the integrity and evidentiary value of the seized drugs as their accomplishment at the police station is deemed sufficient compliance with the abovementioned procedure, consistent with our pronouncements in *Matabilas* and *Tecson*.

Accordingly, We find no cogent reason to depart from the factual findings of the RTC, which was likewise affirmed by the CA, that the chain of custody remained unbroken and that the integrity and evidentiary value of the seized drugs were preserved. It is settled that the factual findings of the trial court, more so when affirmed by the appellate court, are entitled to great weight and respect.<sup>62</sup> Particularly, the evaluation of witnesses' credibility is "best left to the trial court because it has the opportunity to observe the witnesses and their demeanor during the trial."<sup>63</sup>

We likewise reject the defense of denial interposed by the accused-appellant. Jurisprudence dictates that the defense of denial or frame-up, like alibi, has been invariably viewed by the courts with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecution for violation of RA 9165.<sup>64</sup>

---

<sup>62</sup> *Villarba v. Court of Appeals*, G.R. No. 227777, June 15, 2020.

<sup>63</sup> *Id.*, citing *People v. Corpuz*, 812 Phil. 62, 88 (2017).

<sup>64</sup> *People v. Domingo*, 786 Phil. 246, 251 (2016), citing *People v. Hernandez*, 607 Phil. 617, 635 (2009).

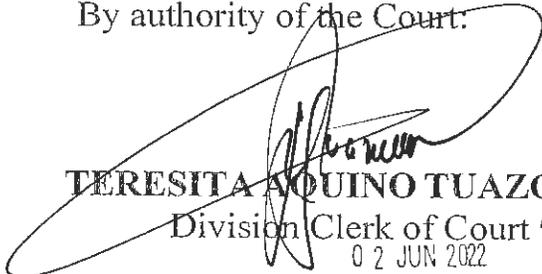
Anent the imposable penalty, We affirm the penalties meted by the lower courts upon the accused-appellant for the crime of Illegal Sale of Dangerous Drugs.

**WHEREFORE**, the appeal is **DISMISSED**. The August 30, 2018 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 02666, finding accused-appellant Leonard Mercedes y Junio @ “Nardo” guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs under Section 5, Article II of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002, and sentencing accused-appellant to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00, is hereby **AFFIRMED**.

The Court **NOTES** the letter dated October 20, 2021 of Mr. Mario C. Agura, Records Officer II, Archives Unit, Court of Appeals, Cebu City, stating that pursuant to the CA Resolution dated December 12, 2018, the entire records of the case were already forwarded to the Judicial Records Office of this Court.

**SO ORDERED.”**

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
 Division Clerk of Court *by CJZ*  
 02 JUN 2022

OFFICE OF THE SOLICITOR GENERAL (reg)  
 134 Amorsolo Street  
 1229 Legaspi Village  
 Makati City

HON. PRESIDING JUDGE (reg)  
 Regional Trial Court, Branch 25  
 Maasin City, Southern Leyte  
 (Crim. Case No. 12-06-3765)

PUBLIC ATTORNEY’S OFFICE (reg)  
 Regional Special & Appealed Cases Unit  
 3F, Taft Commercial Center  
 Metro Colon Carpark, Osmeña Boulevard  
 Brgy. Kalubihan, 6000 Cebu City

\*MR. MARIO C. AGURA (reg)  
 Records Officer II, Archives Unit,  
 Court of Appeals  
 Cebu City

LEONARD MERCEDES y JUNIO @ “NARDO” (reg)  
 Accused-Appellant  
 c/o The Superintendent  
 Leyte Regional Prisons  
 Abuyog, Leyte

JUDGMENT DIVISION (x)  
 Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
 LIBRARY SERVICES (x)  
 [For uploading pursuant to A.M. No. 12-7-SC]

THE SUPERINTENDENT (reg)  
 Leyte Regional Prisons  
 Abuyog, Leyte

OFFICE OF THE CHIEF ATTORNEY (x)  
 OFFICE OF THE REPORTER (x)  
 PHILIPPINE JUDICIAL ACADEMY (x)  
 Supreme Court, Manila

THE DIRECTOR (reg)  
 Bureau of Corrections  
 1770 Muntinlupa City

COURT OF APPEALS (reg)  
 Visayas Station  
 Cebu City  
 CA-G.R. CR-HC No. 02666

\*For this resolution only  
*Please notify the Court of any change in your address.*  
 GR244180. 02/14/2022(189 & 222)URES