



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 7, 2022 which reads as follows:

“G.R. No. 253555 (People of the Philippines v. Dayamona Mira-ato y Mocado @ “Aisha”). – This is an appeal¹ seeking to reverse and set aside the Decision² dated 30 June 2020 of the Court of Appeals (CA) in CA-G.R. CR HC No. 12458, affirming the Decision³ dated 29 October 2018 of Branch 44, Regional Trial Court (RTC) of Manila, in Criminal Case No. 15-315144.

Antecedents

Accused-appellant Dayamona Mira-ato y Mocado @ “Aisha” was indicted for violation of Section 5⁴ of Republic Act No. (RA) 9165⁵ in an Information dated 23 April 2015 and which reads as follows:

That on or about April 18, 2015, in the City of Manila, Philippines, the said accused, conspiring and confederating with a minor whose whose (sic) age is still to be determined, not having been authorized by law to sell, trade, deliver, transport or distribute any dangerous drug, did then and there, willfully, unlawfully, knowingly and jointly sell or offer for sale to a police officer/poseur-buyer one (1) knot-tied transparent plastic bag with marking “EXH A1 GLT 04-18-15” containing ONE ZERO TWO POINT TWO SIX SEVEN FOUR (102.2674) grams of white crystalline substance containing Methamphetamine Hydrochloride, commonly known as shabu,

¹ *Rollo*, p. 15.

² *Id.* at 3-14; penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Marie Christine Azcarraga-Jacob and Florencio Mallanao Mamauag, Jr.

³ *CA rollo*, pp. 61-66; penned by RTC Acting Presiding Judge Teresa Patrimonio-Soriano.

⁴ Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.

⁵ 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: 07 June 2002.

a dangerous drug.

Contrary to law.⁶

When arraigned, Mira-ato entered a plea of “not guilty” to the charge.⁷ At the preliminary conference, the prosecution and defense agreed to the following stipulations: (1) the jurisdiction of the court to try and hear the case; and (2) the identity of accused-appellant Mira-ato as the same person charged before the court.⁸

Version of the Prosecution

The prosecution’s version⁹ of the events are as follows: At around 10:00 a.m. of 18 April 2015, operatives of the Philippine Drug Enforcement Agency (PDEA)-National Capital Region, through team leader Agent Ryan M. Reyes (Agent Reyes), received a tip from a confidential informant about the drug-peddling activities of a certain “Aisha” and her cohorts in certain areas of Manila.¹⁰

Agent Reyes thereafter summoned his team for a briefing for a buy-bust operation to be conducted against “Aisha” later that afternoon. Security Officer 2 Grace Tactac (SO2 Tactac) was designated to be the poseur-buyer while Intelligence Officer 1 Enrico H. Lausin (IO1 Lausin) was assigned to be the immediate back-up and arresting officer.¹¹

Upon Agent Reyes’ instructions, the confidential informant called “Aisha” to arrange a deal to buy ₱120,000.00 worth of shabu and introduced SO2 Tactac as the alleged buyer. The parties agreed to meet at 3:30 p.m. in front of Mercury Drug Store in P. Hidalgo Street, Quiapo.¹²

After the briefing, SO2 Tactac prepared two genuine ₱500.00 bills with serial numbers H213109 and YF161375 and marked the same with her initials “GLT.” She then placed these two marked bills on the top and bottom of a bundle of boodle money to make it appear that everything was genuine. These were placed inside a brown paper bag. The team then prepared the necessary documentation for the conduct of the buy-bust operation (Authority to Operate and Pre-Operation Report signed by the PDEA Director and Team Leader).¹³

At around 2:00 p.m. of the same day, the buy-bust team proceeded to

⁶ Records, p. 1.

⁷ Records, p. 33; *CA Rollo*, p. 82.

⁸ Records, p. 35; Pre-Trial Order dated 11 May 2015, p. 1.

⁹ *CA rollo*, pp. 89-92; Appellee’s Brief, pp. 3-6.

¹⁰ *CA rollo*, p. 89.

¹¹ *Id.*

¹² *Id.* at 89-90.

¹³ *Id.* at 90.

the target area. SO2 Tactac and the confidential informant headed to front of Mercury Drug Store while the rest of the team positioned themselves in nearby strategic places. Once there, they called “Aisha” to tell her that they were already waiting for her at the agreed meeting place.¹⁴

At approximately 3:30 p.m., an adult female individual wearing white long-sleeved shirt with black stripes, maong pants and black scarf (identified by the confidential informant as “Aisha”) arrived. After they were introduced, “Aisha” asked SO2 Tactac if she brought the money. The latter replied affirmatively but demanded to see the items first before she would hand over the money.

“Aisha” motioned to a young girl wearing black and red stripes with violet blazer and black pants, later identified to be one Rahima Pulog (Rahima), who passed on to her a brown envelope. “Aisha” gave the brown envelope to SO2 Tactac who opened the same to examine its contents. Inside, she saw one knot-tied transparent plastic ice bag containing white crystalline substance. Satisfied, SO2 Tactac placed the item inside her pocket and gave the brown paper bag containing the boodle money to “Aisha”.¹⁵

With the sale consummated, SO2 Tactac untied her hair. This was the pre-arranged signal for IO1 Lausin and the rest of the team to rush to the scene to assist in apprehending “Aisha.” The team introduced themselves as PDEA Agents, arrested “Aisha” and Rahima, and informed the latter of their constitutional rights. SO2 Tactac conducted a body-search and from this she was able to recover the buy-bust money and a cellular phone from “Aisha” and a mobile phone from Rahima.¹⁶

Due to the commotion caused by the arrest, and to ensure the safety of the suspects and the arresting team, Agent Reyes decided that the team should bring “Aisha” and Rahima to the PDEA Office for processing, inventory and documentation.¹⁷

The team arrived at the PDEA Office at about 5:00 p.m. SO2 Tactac placed the seized items on the table in front of “Aisha,” who was later on identified as Dayamona Mira-ato, and on the knot-tied transparent plastic bag containing the white crystalline substance, she placed the markings “EXH A1 GLT 04-18-A-1.” The physical inventory, photography and marking of the confiscated items were witnessed by Barangay Kagawad Maritess Palma of Barangay Pinyahan, Quezon City and Mr. Alex Mendoza of Hataw Tabloid. Afterwards, SO2 Tactac brought the confiscated drugs to the PDEA Laboratory Service for chemical analysis. Forensic chemist Anna Loe Montilla (Chemist Montilla) conducted a qualitative examination on the seized items; test results showed that the specimen was positive for

¹⁴ Id.

¹⁵ Id. at 91.

¹⁶ Id.

¹⁷ Id.

methamphetamine hydrochloride, more commonly known as *shabu*, a dangerous drug.¹⁸

Version of the Defense

Mira-ato denied the accusations against her and put up the defenses of denial and frameup. She claims she was born and raised in Marawi City. Having only arrived in Manila on 15 April 2015, Mira-ato was, at the time and date in question, staying in a mosque in Quiapo, Manila. She offers the following version¹⁹ of the events: On 16 April 2015, she was at Quinta Market in Quiapo, Manila, to buy laundry soap when five men in civilian clothes blocked her path and ordered her to come with them. When she tried to ask them where they were taking her, she was merely told to keep quiet. Eventually, the men, who later turned out to be police officers, brought her to a room in a police station. There, they laid out shabu on a table in front of her and told her that they will be using the same against her.

Mira-ato further claims that she does not know both Rahima (the girl who allegedly acted as her companion during the illegal sale) and SO2 Tactac (the alleged poseur-buyer). According to Mira-ato, she saw them for first time only at the police station.²⁰

Ruling of the RTC

On 29 October 2018, the RTC rendered its Decision finding Mira-ato guilty beyond reasonable doubt. The dispositive portion of the RTC Decision reads:

WHEREFORE, judgment is rendered finding accused **DAYAMONA MIRA-ATO y MOCADO @ "AISHA" GUILTY** beyond reasonable doubt of Violation of Section 5 in relation to Section 26, Article II, Republic Act 9165, the offense charged in the Information, and hereby sentences her to a penalty of Life Imprisonment and to pay a fine of Php500,000.00.

The shabu subject matter of this case is confiscated in favor of the government, the same to be turned over to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

SO ORDERED.²¹

¹⁸ Id.

¹⁹ CA rollo, p. 41; Appellant's Brief, p. 7.

²⁰ CA rollo, p. 41.

²¹ CA rollo, 65-66; RTC Decision, pp.5-6.

Undaunted, Mira-ato filed a Notice of Appeal.²² When this was given due course,²³ Mira-ato, in her Brief²⁴ before the CA, contended, *inter alia*, that the prosecution failed to show: (1) an unbroken chain of custody of the subject specimen; and (2) that the apprehending narcotics officers properly handled and disposed of the confiscated drugs in accordance with law.²⁵

In the meantime, on 20 December 2018, Acting Presiding Judge Grace P. Chavez-Ty issued an Order of Commitment delivering custody over Mira-ato to the Director of the Correctional Institution for Women, Mandaluyong City.²⁶

Ruling of the CA

The CA denied Mira-ato's appeal in its assailed Decision dated 30 June 2020. It found that the trial court correctly convicted Mira-ato for violation of Section 5, Article II of RA No. 9165. According to the CA, "the prosecution was able to establish the elements of the crime of illegal sale of dangerous drugs and the identity of the prohibited drugs with moral certainty."²⁷ The dispositive portion of the CA's Decision reads:

WHEREFORE, the appeal is DENIED. The October 29, 2018 Decision of the Regional Trial Court, Branch 44, Manila in Criminal Case No. 15-315144 is AFFIRMED.

SO ORDERED.²⁸

Hence, the present recourse.²⁹

On 23 February 2022, the Office of the Solicitor General filed a Manifestation (In Lieu of Supplemental Brief)³⁰ on behalf of the People stating that it would no longer file a supplemental brief as all relevant issues and arguments have been adequately adduced in its Brief dated 30 January 2020.

²² CA *rollo*, p. 8.

²³ Id. at 10. RTC Order dated 03 January 2019.

²⁴ Id. at 35-60.

²⁵ CA *rollo*, pp. 41-57. Appellant's Brief, pp. 7-23.

²⁶ *Rollo*, p. 19.

²⁷ CA *rollo*, p. 118; CA Decision, p. 8.

²⁸ CA *rollo*, 121; CA Decision, p. 11.

²⁹ *Rollo*, p. 15.

³⁰ Id. at 26-28.

Issue

The Court now resolves whether the CA erred in affirming Mira-ato's conviction.

Ruling of the Court

The appeal is without merit.

Mira-ato was charged with the crime of illegal sale of dangerous drugs, defined and penalized under Section 5, Article II of RA 9165. To sustain a conviction in actions involving the illegal sale of dangerous drugs, the following elements of the crime must be established: (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.³¹

Here, both the trial court and the CA found that all the elements of the crime of illegal sale of dangerous drug to be present, as the records clearly show that Mira-ato was caught *in flagrante delicto* selling shabu to SO2 Tactac, the buy-bust team's designated poseur buyer. A body search conducted on her person immediately after arrest also yielded the brown paper bag containing the marked boodle money given by SO2 Tactac to Mira-ato as consideration for the drugs. There is no indication that the courts *a quo* overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. The Court therefore finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties.

Further, in cases for Illegal Sale of Dangerous Drugs under RA 9165, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime. Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and, hence, warrants an acquittal.

In *People v. Anicoy*,³² this Court summarized the requirements of time, witnesses, and proof of inventory with respect to the custody of seized dangerous drugs, thus:

³¹ *People v. Piñero*, G.R. No. 242407, 01 April 2019.

³² G.R. No. 240430, 06 July 2020.

1. The initial custody requirements must be done immediately after seizure or confiscation;
2. The physical inventory and photographing must be done in the presence of:
 - a. The accused or his representative or counsel;
 - b. The required witnesses:
 - i. A representative from the media and the Department of Justice (DOJ), and any elected public official for offenses committed during the effectivity of RA 9165 and prior to its amendment by RA 10640;
 - ii. **An elected public official and a representative of the National Prosecution Service of the DOJ or the media for offenses committed during the effectivity of RA 10640.**³³

Mira-ato alleges that the police officers failed to strictly comply with the procedure required in seizure of drugs.

Indeed, the apprehending team was not able to immediately mark the seized items at *the place of arrest*. The law nevertheless allows for some deviation from the requirements of Section 21 under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team.³⁴

Here, the prosecution was able to provide justification for their failure to conduct the marking, inventory and photography of the seized items *at the place of arrest*. As recounted by the prosecution witnesses, the buy-bust operation and Mira-ato's subsequent arrest caused a commotion in the area. To ensure the safety of everyone involved, Agent Reyes decided to conduct the inventory at the PDEA Office.

More importantly, and despite the circumstances that prevented the police officers from immediately taking an inventory of the seized drugs, We agree and uphold the findings of the CA that the shabu presented in court was duly preserved with its integrity and evidentiary value uncompromised.³⁵ The records show that the prosecution was able to establish an unbroken chain of custody over the seized drugs — from the seizure and confiscation of the shabu up to the delivery of the same to the crime laboratory and its presentation in court.

From the place of seizure to the PDEA Office, SO2 Tactac had sole custody of the confiscated items.³⁶ The testimony of SO2 Tactac, the inventory of the seized items, and the photographs offered in evidence established that the subject *shabu* was marked, inventoried, and photographed at the PDEA Office in the presence of Mira-ato and the required witnesses: elective official *Barangay Kagawad* Marites Palma and

³³ Emphasis supplied.

³⁴ Implementing Rules and Regulations of R.A. No. 9165 (Comprehensive Dangerous Drugs Act of 2002), IRR of RA 9165, 30 August 2002.

³⁵ See also *People v. Flor*, 824 Phil. 46 (2018).

³⁶ TSN, 09 May 2018, pp. 30-31; Chain of Custody Form (Records, p. 52).

media representative Alex Mendoza of Hataw Tabloid. Thereafter, SO2 Tactac delivered the dangerous drugs to the crime laboratory where it was received by Forensic Chemist Montilla for qualitative testing.³⁷ The same drugs, which yielded positive for the presence of methamphetamine hydrochloride, was presented in court by Forensic Chemist Montilla and identified by SO2 Tactac as the items she purchased from Mira-ato.³⁸

Finally, it is settled that the integrity of the evidence is presumed to have been preserved unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with. The accused bears the burden of showing that the evidence was tampered or meddled with to overcome the presumption of regularity in the handling of exhibits by public officers and the presumption that public officers properly discharged their duties.³⁹ Mira-ato, in this case, failed to present any plausible reason to impute ill motive on the part of the arresting officers. Thus, the testimonies of the apprehending officers deserve full faith and credit.

WHEREFORE, the appeal is **DISMISSED**. The Decision⁴⁰ dated 30 June 2020 of the Court of Appeals in CA-G.R. CR HC No. 12458 is hereby **AFFIRMED**. Accused-appellant **DAYAMONA MIRA-ATO Y MOCADO @ "AISHA"** is found **GUILTY** beyond reasonable doubt of the crime of Illegal Sale of Dangerous Drugs, defined and penalized under Section 5, Article II of Republic Act No. 9165, as amended by Republic Act No. 10640. Accordingly, she is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱500,000.00.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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³⁷ TSN, 09 May 2018, pp. 24-25; Records, pp. 43-44; Request for Laboratory Examination (Records, p. 17); Chain of Custody Form (Records, p. 52).

³⁸ TSN, 09 May 2018, pp. 22-23; Order dated 16 June 2015 (Records, p. 46).

³⁹ *People v. De la Trinidad*, 742 Phil. 347, 360 (2014).

⁴⁰ *Rollo*, pp. 3-14.

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The Hon. Presiding Judge
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