



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 March 2022** which reads as follows:*

“G.R. No. 254209 (*People of the Philippines v. Vim Rocky Pinili y Ojales*). — This is an appeal¹ from the January 31, 2020 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03037, which affirmed the April 11, 2018 Judgment³ of the Regional Trial Court (RTC), Branch 30, Dumaguete City in Criminal Case No. 2016-23618 finding Vim Rocky Pinili y Ojales (accused-appellant) guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs in violation of Section 5, Article II of Republic Act No. (RA) 9165,⁴ otherwise known as the “Comprehensive Dangerous Drugs Act of 2002,” as amended.

Accused-appellant was indicted for violation of Section 5, Article II of RA 9165 in an amended Information⁵ dated May 31, 2016, the accusatory portion of which reads:

The undersigned accuses, VIM ROCKY PINILI y OJALES for illegal sale, delivery or distribution of dangerous drugs, committed as follows:

That on or about the 22nd of April 2016 in Valencia, Negros Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there, willfully, unlawfully, feloniously, consciously and knowingly sell, deliver and distribute to a police poseur-buyer one (1) heat sealed transparent plastic sachet containing methamphetamine hydrochloride, commonly known as “shabu”, with a total weight of 0.07 gram, a dangerous drugs (sic).

¹ *Rollo*, pp. 18-19. Captioned as Notice of Appeal.

² *Id.* at 7-17. Penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by Associate Justices Alfredo D. Ampuan and Carlito B. Calpatura.

³ *CA rollo*, pp. 7-16. Docketed as Criminal Case No. 2016-23618 and penned by Judge Rafael Crescencio C. Tan, Jr.

⁴ Entitled “AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACTS OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.” Approved: June 7, 2002.

⁵ *Records*, pp. 34-35.

That accused was found positive for methamphetamine [hydrochloride] under Chemistry Report No. DT-150-16.

Contrary to Sec. 5, Article II, RA 9165.⁶

On arraignment, accused-appellant entered a plea of “not guilty”.⁷

Version of the Prosecution:

The prosecution presented the following witnesses: Forensic Chemist Police Chief Inspector Josephine Llana (PCI Llana), Police Officer 2 Junryl Ijan (PO2 Ijan), and Senior Police Officer 2 Elino de la Zerna (SPO2 de la Zerna), whose testimonies sought to establish the following facts:

Acting on a tip from a confidential informant (CI) that accused-appellant was engaged in illegal sale of shabu at Purok Monggo, Barangay Bong-ao, Valencia, the Acting Chief of Police of Valencia Police Station, PCI Alfonso Ablong Enriquez (PCI Enriquez), instructed PO2 Ijan and SPO2 de la Zerna to conduct a surveillance and casing operation on accused-appellant. During the surveillance on April 21, 2016, PO2 Ijan and SPO2 de la Zerna saw accused-appellant giving something to another person in exchange for money.⁸

Thereafter, the police officers returned to the police station and reported what they saw to PCI Enriquez. The latter in turn instructed the two police officers to continue monitoring accused-appellant. The next day, accused-appellant was likewise spotted by the CI in the place where he used to sell drugs in Barangay Bong-ao. Thus, PCI Enriquez headed and organized a buy-bust team composed of PO2 Ijan as poseur buyer and SPO2 de la Zerna as immediate back-up and photographer. PCI Enriquez gave PO2 Ijan one ₱500.00-bill bearing Serial No. HA565327 as buy-bust money.⁹

Meanwhile, the police officers coordinated the entrapment operation with the local Philippine Drug Enforcement Agency (PDEA) through a text message. The coordination request was received by PDEA Agent Medelyn Garduque, who immediately forwarded the same to the PDEA Regional Office. Thereafter, Coordination Control Number 20004-042016-00108 was issued. Upon receipt of the said control number, PO2 Ijan together with the CI proceeded to the target area on board a single motorcycle, and the rest of the team followed.¹⁰ A Certificate of Coordination was later issued by the PDEA dated April 23, 2016.¹¹

⁶ Id. at 34.

⁷ Id. at 44.

⁸ *Rollo*, p. 8.

⁹ Id. at 8-9.

¹⁰ *CA rollo*, p. 8

¹¹ Records, p. 26.

When PO2 Ijan saw accused-appellant at the target area, he alighted from the motorcycle and approached accused-appellant who then asked if PO2 Ijan wanted to buy “bunga”, referring to shabu. PO2 Ijan requested accused-appellant to show him the merchandise first. At this juncture, accused-appellant handed one heat-sealed elongated plastic sachet containing white crystalline substance to PO2 Ijan who immediately examined its contents. After ascertaining that it was shabu, PO2 Ijan gave accused-appellant the buy-bust money. Thereafter, PO2 Ijan introduced himself as a police officer and effected the arrest of accused-appellant.¹²

After the arrest, PO2 Ijan searched accused-appellant’s body and recovered from him the P500.00 marked money and one Samsung mobile phone. At the place of arrest, PO2 Ijan marked the plastic sachet sold to him with the initials “VRP-BB1-04-22-16” and signed the same.¹³

The buy-bust team then decided to conduct the inventory of the seized items at the Valenica Police Station for safety reasons. From the place of seizure up to the police station, PO2 Ijan remained in possession of the plastic sachet he bought from accused-appellant.¹⁴

At the police station, a physical inventory of the seized items was conducted in front of accused-appellant and in the presence of *Barangay Kagawad* Eustaquio Catalbas (Kagawad Catalbas), and media representative Leonida Orong (media representative Orong), who both signed the Receipt/Inventory of Property Seized.¹⁵ Photographs¹⁶ of the confiscated items together with accused-appellant and the witnesses were also taken. Thereafter, PO2 Ijan prepared a Request for Crime Laboratory [Examination] and Drug Test¹⁷ of the seized drug and urine sample of accused-appellant. PO2 Ijan then placed the plastic sachet he bought from accused-appellant inside a brown envelope which he tape-sealed and signed.¹⁸

PO2 Ijan personally brought accused-appellant together with the seized item to the Negros Oriental PNP Provincial Crime Laboratory Office for drug test and chemical examination of the contents of the plastic sachet. The drug specimen was received by PO3 Michelle Cañete who in turn gave it to PCI Llena, Chief Forensic Chemist of the Crime Laboratory for qualitative examination. Upon receipt of the brown envelope, PCI Llena assigned her examiner’s markings thereon as “A” D-235-16 JSL (brown envelope) and “A-1” D-235-16 JSL (plastic sachet). In the Chemistry Report No. D-235-16¹⁹ dated April 23, 2016, PCI Llena confirmed that the contents of the plastic sachet were positive for methamphetamine hydrochloride, a prohibited drug. The urine

¹² *Rollo*, p. 9.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Records*, p. 28.

¹⁷ *Id.* at 22.

¹⁸ *Rollo*, p. 10.

¹⁹ *Records*, p. 24.

sample taken from accused-appellant also tested positive for the presence of methamphetamine hydrochloride. Thereafter, PCI Llena returned the drug specimen inside the brown envelope, re-sealed the same and stored it in the evidence room of the crime laboratory of which only she had access. She then submitted specimen "A-1" together with her Chemistry Reports to the Court.²⁰

Version of the Defense:

Accused-appellant denied the charge leveled against him. He alleged that on April 22, 2016, he and his friend Jean Russel Otod (Otod) were on their way to Barangay Bong-ao, Valencia on-board a motorcycle when they were flagged down by his cousins' friend, Police Officer Manlan (Manlan). When accused-appellant and Otod stopped, Manlan allegedly hugged him and asked him where the shabu was. When accused-appellant denied having shabu in his possession, the police officer searched his body. They allegedly took his mobile phone and money amounting to ₱400.00, representing the proceeds of the sale of his coconuts. Thereafter, accused-appellant was brought to the police station where he learned that he was being charged with violation of Section 5, Article II of RA 9165.²¹

Ruling of the Regional Trial Court:

In a Judgment dated April 11, 2018, the RTC found accused-appellant guilty as charged and sentenced him to suffer the penalty of life imprisonment and a fine of ₱500,000.00, *viz.*:

WHEREFORE, in light of the foregoing, the Court hereby finds the accused Vim Rocky Pinili y Ojales **GUILTY** beyond reasonable doubt of the offense of illegal sale and delivery of 0.07 gram of *shabu* in violation of Section 5, Article II of R.A. No. 9165 and is hereby sentenced to suffer a penalty of life imprisonment and to pay a Fine of Five Hundred Thousand Pesos (P500,000.00).

The one (1) heat-sealed transparent plastic sachet with markings "VRP-BB1-04-22-16" with signature containing a total weight of 0.07 gram of *shabu* is hereby confiscated and forfeited in favor of the government and to be disposed of in accordance with law.

In the service of sentence, the accused Vim Rocky Pinili y Ojales shall be credited with the full time during which he has undergone preventive imprisonment, provided he agrees voluntarily in writing to abide by the same disciplinary rule imposed upon convicted prisoners.

SO ORDERED.²²

The RTC found all the elements for the prosecution of Illegal Sale of Dangerous Drugs present, noting that the identity of accused-appellant as the seller of the illegal drug was clearly established when arrested *in flagrante*

²⁰ *Rollo*, p. 16

²¹ *Id.* at 11.

²² *CA rollo*, p. 16.

delicto by PO2 Ijan during a buy-bust operation. The apprehending officers complied with Section 21, Article II of RA 9165. Thus, the integrity and identity of the drug specimen had been duly preserved.

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

Ruling of the Court of Appeals:

In a Decision dated January 31, 2020, the CA upheld the RTC ruling, likewise finding that all the elements constituting the crime of Illegal Sale of Dangerous Drugs were present. Further, the prosecution witnesses duly established the chain of custody, thus, there is no doubt that the drug seized from accused-appellant was the same drug presented in court.

Hence, this appeal.

Issue

The issue for the Court's resolution is whether or not accused-appellant is guilty beyond reasonable doubt of violating Section 5, Article II of RA 9165.

In his Brief before the CA, accused-appellant challenged the existence of a legitimate buy-bust operation. He posited that PO2 Ijan only made a blanket declaration as to their receipt of a text message that accused-appellant was engaged in the illegal sale of drugs but his testimony lacked clear and complete details such as the time and exact location where accused-appellant allegedly conducted his illegal drug activities. It is hard to believe that a buy-bust operation actually took place because it was impossible for him to deal with a stranger in such public place and in broad daylight. The testimonies of PO2 Ijan and SPO2 de la Zerna were likewise inconsistent which allegedly affected the credibility of their story. Finally, there was improper handling of the drug evidence that raised doubt as to its identity.²³

Our Ruling

We dismiss the appeal.

Existence and regularity of the buy-bust operation.

We find no error on the part of the RTC and the CA in upholding the prosecution's version of events. PO2 Ijan's account of how the sale transaction was forged did not suffer from any inconsistency.

PO2 Ijan in his testimony, stated quite clearly, that on April 21, 2016, he and SPO2 de la Zerna were dispatched to conduct a surveillance operation

²³ Id. at 34-48. Brief for the Appellant.

against accused-appellant. On the same day, accused-appellant was seen by PO2 Ijan and SPO2 de la Zerna exchanging stuff with another person known to be a drug personality in Valencia. The next day, accused-appellant was again spotted in the same area by the informant. Consequently, a buy-bust operation was implemented.²⁴

At the target area, PO2 Ijan approached accused-appellant who immediately asked if he wanted to buy “bunga”, referring to shabu. Thereafter, an exchange took place. Accused-appellant gave a sachet of shabu to PO2 Ijan who in turn paid ₱500.00 to accused-appellant. After which, PO2 Ijan introduced himself as a police officer and effected the arrest of accused-appellant.²⁵

Accused-appellant next impugns the validity of the buy-bust operation claiming that it was impossible for him to deal with a stranger in such public place and in broad daylight. In this regard, it is significant to point out that accused-appellant is known to peddle his merchandise even to strangers. This is evident from the testimony of PO2 Ijan, *viz.*:

Q Even if he did not know you, he talked to you?

A The report is, he is open for a transaction and he sells to persons even if he did not know (sic).²⁶

Besides, it is of judicial notice that drug pushers sell their wares to any prospective customer, stranger or not, in both public and private places, with no regard for time. They have become increasingly daring and blatantly defiant of the law.²⁷ Moreover, drug pushing when done on a small-scale, like the instant case, belongs to those types of crimes that may be committed any time and at any place.²⁸

Further, records show that SPO2 de la Zerna coordinated the entrapment operation with the local PDEA through a text message, which in turn provided a Control Number to serve as authority for the buy-bust team to proceed with the operation.²⁹ Thereafter, the PDEA issued a Certificate of Coordination dated April 23, 2016 to confirm that coordination was made in connection with the anti-drugs operation conducted by the buy-bust team against accused-appellant on April 22, 2016.³⁰ The foregoing pieces of evidence belie accused-appellant’s claim that no valid buy-bust operation took place in the instant case.

In addition, we rule that inconsistencies in the testimonies of the prosecution witnesses that were pointed out by accused-appellant consist merely of minor variances that do not deviate from the main narrative which is

²⁴ TSN, March 6, 2018, pp. 3-4.

²⁵ *Id.* at 5-6.

²⁶ *Id.* at 5.

²⁷ 615 Phil. 769, 787-788 (2009).

²⁸ *People v. Dela Peña*, 754 Phil. 323, 338 (2015), citing *People v. Guzman*, 564 Phil. 282, 291 (2007).

²⁹ TSN, March 7, 2018, p. 3 (Direct examination of SPO2 de la Zerna).

³⁰ Records, p. 26.

the fact that he sold illegal drugs to PO2 Ijan. It has been held, time and again, that minor inconsistencies and contradictions in the declarations of witnesses do not destroy the witnesses' credibility but even enhance their truthfulness as they erase any suspicion of a rehearsed testimony. It bears stressing, too, that the determination by the trial court of the credibility of witnesses, when affirmed by the appellate court, is accorded full weight and credit as well as great respect, if not conclusive effect.³¹

Elements of Illegal Sale of Dangerous Drugs were sufficiently established.

To successfully prosecute the offense of Sale of Illegal Drugs under Section 5, Article II of RA 9165, the following elements must be present: (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 the payment therefor. In a buy-bust operation, the receipt by the poseur-buyer of the dangerous drug and the corresponding receipt by the seller of the marked money consummate the Illegal Sale of Dangerous Drugs. What matters is the proof that the sale actually took place, coupled with the presentation in court of the prohibited drug, the *corpus delicti*, as evidence.³²

Here, the Court upholds the CA finding that the prosecution successfully established the elements of Illegal Sale of *shabu*. PO2 Ijan, the poseur-buyer positively identified that accused-appellant was the seller of the seized illegal substance which turned out to be positive for methamphetamine hydrochloride, a dangerous drug. Accused-appellant sold and delivered the drug for ₱500.00 to PO2 Ijan. The exchange of items was witnessed and confirmed by SPO2 de la Zerna who was positioned near accused-appellant and PO2 Ijan. The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummated the buy-bust transaction. Undoubtedly, all the elements of the sale of illegal drugs were established to warrant accused-appellant's conviction.

Chain of custody rule was complied with.

In illegal drugs cases, the drugs seized from the accused constitute the *corpus delicti* of the offense. Thus, it is of utmost importance that the integrity and identity of the seized drugs must be clearly shown to have been duly preserved with moral certainty. "This means that on top of the elements of possession or illegal sale, the fact that the substance illegally sold or possessed is, in the first instance, the very substance adduced in court must likewise be established with the same exacting degree of certitude as that required in

³¹ *People v. Moner*, 827 Phil. 42, 54 (2018), citing *People v. Castro*, 711 Phil. 662, 673 (2013).

³² *People v. Baluyot*, G.R. No. 243390, October 5, 2020, citing *People v. Magalong*, G.R. No. 231838, March 4, 2019.

sustaining a conviction.”³³ “The chain of custody rule performs this function as it ensures that unnecessary doubts concerning the identity of the evidence are removed.”³⁴

The links that the prosecution must establish in the chain of custody in a buy-bust operation are: *first*, the seizure and marking, if practicable, of the dangerous drug recovered from the accused by the apprehending officer; *second*, the turnover of the dangerous drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the dangerous drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked dangerous drug seized by the forensic chemist to the court.³⁵

In the case at bar, the prosecution successfully showed an unbroken chain of custody of the seized drugs. Anent the first link, PO2 Ijan testified that he immediately marked the plastic sachet he bought from accused-appellant with “VRP-BB1-04-22-16” and signed the same at the place of arrest.³⁶

Further, as part of the chain of custody procedure, the apprehending team is mandated, immediately after seizure and confiscation, to conduct a physical inventory and to photograph the seized items in the presence of the accused or the person from whom the items were seized, or his representative or counsel, as well as certain required witnesses, namely: (a) if prior to the amendment of RA 9165 by RA 10640, a representative from the media and the Department of Justice (DOJ), and any elected public official; or (b) if after the amendment of RA 9165 by RA 10640 an elected public official and a representative of the National Prosecution Service (NPS) or the media.³⁷

RA 10640, which took effect on August 7, 2014,³⁸ is applicable in this case since the crime was committed on April 22, 2016. RA 10640 requires the apprehending officers to conduct a physical inventory of, and photograph the seized items in the presence of the accused, an elected public official and a representative from the NPS *or* the media.³⁹ Here, the police officers conducted

³³ *People v. Adrid*, 705 Phil. 654, 670 (2013).

³⁴ *Fajardo v. People*, 691 Phil. 752, 758-759 (2012), citing *People v. Gutierrez*, 614 Phil. 285, 293 (2009).

³⁵ See *People v. Hementiza*, 807 Phil. 1017, 1030 (2017).

³⁶ TSN, March 6, 2018, p. 6.

³⁷ *Plan v. People*, G.R. No. 247589, August 24, 2020.

³⁸ As the Court noted in *People v. Gutierrez* (G.R. No. 236304, November 5, 2018), RA 10640 which was approved on July 15, 2014, states that it shall “take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.” Accordingly, a copy of the law was published on July 23, 2014 in the respective issues of “The Philippine Star” (Vol. XXVIII, No. 359, Philippine Star Metro section, p. 21) and the “Manila Bulletin” (Vol. 499, No. 23; World News section, p. 6); hence, RA 10640 became effective on August 7, 2014. (See also *People v. Santos*, G.R. No. 243627, November 27, 2019).

³⁹ Sec. 21. x x x

(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items 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, with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, That the physical inventory and

the requisite inventory and photography of the seized items in front of accused-appellant and in the presence of an elected public official, Kagawad Catalbas and media representative Orong, in conformity with the amended witness requirement under RA 10640. Contrary therefore to accused-appellant's assertion, the absence of a representative from the DOJ in this case is not fatal to the admissibility of the drug evidence.

On the second link, PO2 Ijan, the poseur buyer, took possession of the drug seized from accused-appellant. Thereafter, he marked and affixed his signature thereon. From the time of confiscation up to its turnover to the crime laboratory, the drug evidence did not change hands, thus, there was no break in the second link.⁴⁰

On the third link, it was also PO2 Ijan who personally brought the plastic sachet to the crime laboratory. The Request for Crime Laboratory [Examination] and Drug Test showed that this, together with the seized drug and urine sample, were received by PO3 Cañete at 3:30 p.m. of April 22, 2016. PO3 Cañete in turn gave the subject specimens to Forensic Chemist PCI Llena at 3:40 p.m. of the same day.⁴¹ The qualitative examination conducted by PCI Llena on the contents of the plastic sachet yielded positive for the presence of methamphetamine hydrochloride, a dangerous drug, which she reduced into writing through Chemistry Report No. D-235-16.⁴² The urine sample taken from accused-appellant likewise tested positive for the presence of methamphetamine hydrochloride as per Chemistry Report No. DT-150-16.⁴³

On the fourth link, records show that PCI Llena personally appeared before the trial court and confirmed that she received the drug specimen from PO3 Cañete and that the contents of the plastic sachet tested positive for methamphetamine hydrochloride. PCI Llena also categorically testified that after the qualitative examination, she re-sealed the plastic sachet and placed her own marking thereon. During trial, PCI Llena identified the sachet of *shabu* presented in court to be the same sachet of *shabu* that she examined as evidenced by her own marking thereon. She then kept the specimen in the evidence room prior to its submission to the court. Finally, PCI Llena personally transmitted the drug evidence to the trial court, together with the request for laboratory examination, and the original copies of Chemistry Report Nos. D-235-16 and DT-150-16.⁴⁴

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, finally, That noncompliance of 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 and custody over said items.

⁴⁰ See *People v. Calvelo*, 822 Phil. 423, 444 (2017).

⁴¹ Records, p. 22.

⁴² Id. at 24.

⁴³ *CA rollo*, p. 9.

⁴⁴ TSN, March 5, 2018, pp. 7-8.

In a further attempt to escape conviction, accused-appellant argues that there was improper handling of the drug evidence owing to the alleged discrepancy in the marking of PCI Llena appearing on her Chemistry Report as opposed to the actual marking of PO2 Ijan on the plastic sachet. He points out that the specimen subjected by PCI Llena to laboratory examination was marked "VRP-BB-04-22-16" whereas the plastic sachet sold by accused-appellant was marked "VRP-BB1-04-22-16."

This argument does not hold water.

It bears to emphasize that the said discrepancy was already cured by the testimony of PCI Llena in open court where she explained that she inadvertently omitted the figure "1" when she prepared the report. However, she clarified that the specimen marked as "VRP-BB1-04-22-16," which she marked as specimen "A-1" was the same specimen she referred to in her report, thus:

Q We noticed in your report under the paragraph specimen submitted, there is a description of the specimen which is one (1) heat-sealed transparent plastic sachet with markings. However, the markings appearing in your chemistry report shows VRP-BB-04-22-16 whereas that in the specimen it shows there VRP-BB1-04-22-16, so there is a difference in the second group of letters, in your chemistry report you only placed BB while in the specimen it was BB1, can you explain it to us?

A The figure 1 was not indicated when I prepared the report but the specimen itself was the one being referred to in my report, ma'am, and also the specimen wherein I had placed my own markings for identification purposes.

Q So this specimen you marked as specimen "A-1" which is Exhibit "F" for the prosecution, is the same specimen that you examined and is the subject of your Chemistry Report D-235-16?

A Yes, ma'am, that is the same specimen.⁴⁵

In light of the foregoing, the Court holds that the chain of custody over the seized dangerous drug remained unbroken, and that the integrity and evidentiary value of the *corpus delicti* have been properly preserved. Perforce, accused-appellant's conviction must stand.

Penalty:

Under the law, the penalty for the unauthorized sale of shabu, regardless of its quantity and purity, is life imprisonment to death and a fine ranging from ₱500,000.00 to ₱10 Million.⁴⁶ However, with the enactment of RA 9346,⁴⁷ only life imprisonment and fine shall be imposed. Thus, the penalty imposed by the trial court in Criminal Case No. 2016-23618, *i.e.*, life imprisonment and a fine

⁴⁵ Id. at 6-7.

⁴⁶ Section 5, Article II of R.A. 9165.

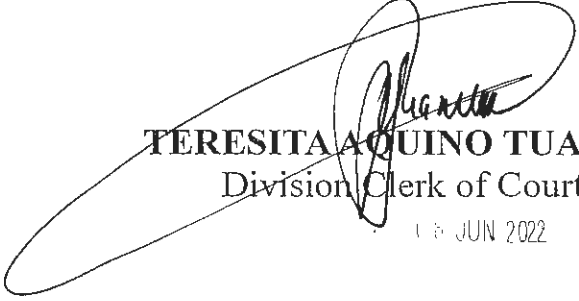
⁴⁷ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006.

of ₱500,000.00, is in order.

WHEREFORE, the instant appeal is hereby **DISMISSED**. The assailed Decision dated January 31, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 03037, is **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court *ff/df*
 JUN 2022

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