



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **August 10, 2022**, which reads as follows:*

“G.R. No. 248618 (ERIC RIOFLORIDO y POTENCIO, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent). — The Court NOTES:

- (1) petitioner’s Compliance with the Resolution dated January 19, 2021, submitting the verified declaration of electronic submission of the filed soft copy of the petition for review on *certiorari* and stating that the said verified declaration was submitted to the Court via electronic mail on September 13, 2019;
- (2) the Office of the Solicitor General’s Comment on the petition for review on *certiorari*; and
- (3) the Transmittal Letter dated June 23, 2021 of the Court of Appeals (CA), Manila, in compliance with the Resolution dated January 19, 2021, elevating to this Court the CA *rollo* of this case.

After a careful review of the records of the case and the submissions of the parties, the Court finds that the Court of Appeals (CA) erred in issuing the Decision¹ dated February 28, 2019 of the CA’s Third Division and the Resolution² dated July 29, 2019 of its Special Former Third Division, both in CA-G.R. SP No. 153215, which reversed the Order³ dated February 27, 2017 of the Regional Trial Court (RTC) of Boac, Marinduque, Branch 38, in Criminal Case Nos. 141-14 and 142-14.

¹ CA *rollo*, pp. 158-168. Penned by Associate Justice Rodil V. Zalameda (now a Member of this Court) and concurred in by Associate Justices Fernanda Lampas Peralta and Henri Jean Paul B. Inting (now a Member of this Court).

² Id. at 197-198. Penned by Associate Justice Rodil V. Zalameda (now a Member of this Court) and concurred in by Associate Justices Fernanda Lampas Peralta and Franchinto N. Diamante.

³ Id. at 71-91. Rendered by Presiding Judge Emmanuel R. Recalde.

It is beyond question that a judgment of acquittal is “final, unappealable, and immediately executory upon its promulgation.”⁴ This rule is rooted in the accused’s constitutional right against double jeopardy.⁵ The philosophy behind these principles, as explained by the Court, is:

x x x to afford the defendant, who has been acquitted, final repose and safeguard him from government oppression through the abuse of criminal processes. As succinctly observed in *Green v. United States*[,] “(t)he underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent, he may be found guilty.”⁶ (Emphasis and underscoring omitted)

The only exception to this so-called finality-of-acquittal rule is narrowly limited to a situation where the acquittal was rendered in violation of the prosecution’s right to due process, or where the trial was a sham. In *Raya v. People*,⁷ the Court illustrates what would constitute this limited exception:

The foremost example of this denial of due process was the case of *Galman v. Sandiganbayan* (*Galman*) where, despite the acquittal of the several accused in the assassination of former Senator Benigno “Ninoy” Aquino, Jr., the Court declared that double jeopardy could not be invoked because the whole trial was a sham. The Court found that the trial “was but a mock trial where the authoritarian president ordered respondents Sandiganbayan and Tanodbayan to rig the trial and closely monitored the entire proceedings to assure the predetermined final outcome of acquittal and total absolution as innocent of all the respondents-accused.”

Due to the influence that the Executive exerted over the independence of the court trying the case, the Court ruled that the decision acquitting the accused issued in that case was issued in violation of the prosecution’s due process. For instance, the Court found that in the trial in the Sandiganbayan, there were, among others, (1) suppression of evidence, (2) harassment of witnesses, (3) deviation from the regular raffle procedure in the assignment of the case, (4) close monitoring and supervision of the Executive and its officials over the case, and (5) there were even secret meetings held between and among the President, the Presiding Justice of the Sandiganbayan, and the Tanodbayan. From the foregoing, the Court saw the trial to be a sham.

From these observations, the Court ruled in *Galman* that the right against double jeopardy, absolute as it ordinarily is, may be invoked only when there was a valid judgment terminating the first jeopardy. The Court explained that no right attaches from a void judgment, and hence the right

⁴ *People v. Arcega*, G.R. No. 237489, August 27, 2020, p. 9.

⁵ *Mandagan v. Jose M. Valero Corporation*, G.R. No. 215118, June 19, 2019, 905 SCRA 152, 160.

⁶ *Raya v. People*, G.R. No. 237798, May 5, 2021, pp. 15-16, citing *People v. Court of Appeals and Francisco*, 468 Phil. 1, 12-13 (2004).

⁷ *Id.*

against double jeopardy may not be invoked when the decision that “terminated” the first jeopardy was invalid and issued without jurisdiction.

Another example where a judgment of acquittal was validly reversed by the Court was the case of *People v. Uy (Uy)*. In *Uy*, the two accused were acquitted by the trial court because one of them retracted his extrajudicial confession which was the main basis of the charge. After one of the accused retracted the extrajudicial confession for having been made involuntarily, they filed separate demurrers to evidence. The trial court subsequently granted the demurrers, concluding that the extrajudicial confession was not made voluntarily, and that, in any event, it was a fruit of the poisonous tree. The People then questioned the grant of the demurrers and the resulting acquittals by a petition for *certiorari* before the Court.

The Court granted the petition for *certiorari* and reversed the acquittals. It was clear from the decision, however, that the reason why the petition was granted was because the prosecution was effectively denied due process. The Court explained:

The trial court blindly accepted the claim of the defense that the confession was not made voluntarily on the basis of an affidavit executed by Panangin on July 1, 2002 or more than 5 months after his sworn statement-confession was given and after the prosecution rested its case, which affidavit Panangin was not even called to identify and affirm at the witness stand, hence, hearsay.

The decision of the trial court undoubtedly deprived the prosecution of due process as it was not given the opportunity to check the veracity of Panangin’s alleged retraction.

It bears emphasis that the State, just like the accused, is entitled to due process.

The unique facts surrounding *Galman* — and other similar situations like *Uy* where the denial of due process on the part of the prosecution was so gross and palpable — is the limited area where an acquittal may be revisited through a petition for *certiorari*. As reiterated by the Court in the case of *Velasco*, “the doctrine that ‘double jeopardy may not be invoked after trial’ may apply only when the Court finds that the ‘criminal trial was a sham’ because the prosecution representing the sovereign people in the criminal case was denied due process.”⁸ (Italics in the original)

In the instant case, there has clearly already been an acquittal of Eric Rioflorido y Potencio (petitioner) for both charges. This acquittal is immediately final and unappealable.

Respondent insists that petitioner’s acquittal may be reviewed and reversed since the RTC acted with grave abuse of discretion in effecting the

⁸ Id. at 17-18. Citations omitted.

Respondent insists that petitioner's acquittal may be reviewed and reversed since the RTC acted with grave abuse of discretion in effecting the same. It argues that the grant of petitioner's demurrer was done contrary to the Constitution, the law, and jurisprudence.

Respondent's arguments fail, as they are, in essence, critiques of the RTC judge's evaluation of the evidence presented by the prosecution. In respondent's view, the inconsistencies in the testimony of the poseur-buyer, Philippine Drug Enforcement Agency Agent Ed Bryan Echavaria, do not detract from his credibility. The RTC opines otherwise. While the RTC strictly applied the requirements of the law as regards the chain of custody, it did not do so unreasonably or illogically. If at all, this would merely constitute an error of judgment, not of jurisdiction. Such errors are not correctible by a petition for *certiorari* under Rule 65 of the Rules of Court and, in the same vein, do not constitute sufficient ground to apply the finality-of-acquittal rule. It is well to reiterate that "[n]o error, however flagrant, committed by the court against the state, can be reserved by it for decision by the [S]upreme [C]ourt when the defendant has once been placed in jeopardy and discharged, even though the discharge was the result of the error committed."⁹

Furthermore, and most importantly, the prosecution was not deprived of due process by the grant of petitioner's demurrer. It was given full opportunity to present and formally offer its evidence and rest its case in due time. In its Order granting petitioner's demurrer, the RTC duly considered all the testimonies of the prosecution's witnesses as well as its documentary and object evidence. Hence, the prosecution had its day in court, and there was no sham trial. The limited exception to the finality-of-acquittal rule cannot be applied in its favor.

WHEREFORE, premises considered, the petition is **GRANTED**. The Decision dated February 28, 2019 and Resolution dated July 29, 2019 of the Court of Appeals, Third Division and Special Former Third Division, respectively, in CA-G.R. SP No. 153215 are hereby **REVERSED** and **SET ASIDE**.

SO ORDERED." (INTING, J., no part; LOPEZ, M., J., designated additional Member per Raffle dated July 6, 2022.)

By authority of the Court:

Misael C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *nlsh*

⁹ *People v. Ang Cho Kio*, 95 Phil. 475, 480 (1954).

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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 16, 2022**, which reads as follows:*

“G.R. No. 253818 – (People of the Philippines v. Rosemarie Melon y Bagonbon). – The Court resolves to **NOTE:**

- (1) the Letter dated January 6, 2021 of CSSupt. Virginia S. Mangawit, Acting Superintendent of the Correctional Institution for Women, Mandaluyong City, confirming the confinement therein of accused-appellant since February 22, 2018;
- (2) the Office of the Solicitor General’s Manifestation (Re: Supplemental Brief) dated February 5, 2021, stating that it adopts its Appellee’s Brief dated February 7, 2019 and dispenses with the filing of a supplemental brief to expedite the disposition of this case and to avoid repetition of arguments;
- (3) accused-appellant’s Manifestation (in Lieu of Supplemental Brief) dated February 11, 2021, stating that she no longer intends to file her supplemental brief as it would only result to a reiteration of all arguments already exhaustively discussed in her Appellant’s Brief; and
- (4) undated Letter (in vernacular) of one Myrlin Melon, sister of accused-appellant, with address at Barangay Bagumpanda, Dumaguete City, Negros Oriental praying for the early resolution of this case.

The Case

This resolves the appeal,¹ assailing the Decision² dated November 29, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 02665 entitled “***People of the Philippines v. Rosemarie Melon y Bagonbon***” which affirmed the trial court’s verdict of conviction for violation of Section 11, Article II of Republic Act (RA) No. 9165.³

The Court of Appeals held that appellant was arrested *in flagrante delicto*. The arresting officers, Agent Ivy Claire Oledan (Agent Oledan) and Senior Police Officer 3 Tommy Tan (SPO3 Tan) had personal knowledge of the existence of dangerous drugs inside the bag and appellant’s possession of the same. This personal knowledge satisfied the requirement of knowledge of probable cause of the arresting officer in an *in flagrante* arrest. More, the elements of illegal possession of dangerous drugs under Section 11, Article II of RA 9165 were all proven by the prosecution. Lastly, the prosecution was able to comply with the chain of custody rule and prove that the integrity and evidentiary value of the seized illegal drugs were properly preserved.⁴

Appellant now prays anew for her acquittal.⁵ For the purpose of this appeal, the Office of the Solicitor General⁶ and appellant⁷ respectively manifested that in lieu of supplemental briefs, they were adopting their respective briefs in the Court of Appeals.

We affirm.

To begin with, objection involving arrest or the procedure for acquiring jurisdiction over the person of the accused must be made before arraignment, otherwise, the objection is deemed waived.⁸ In any event, “the legality of an arrest affects only the jurisdiction of the court over the person of the accused, [and] any defect in the arrest may be deemed cured when [they] voluntarily [submit] to the jurisdiction of the trial court.”⁹ The accused’s voluntary submission to the jurisdiction of the court and their active participation during the trial cure any defect or irregularity that may have attended their arrest.¹⁰

¹ *Rollo*, pp. 17–18.

² Penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by Associate Justices Alfredo D. Ampuan and Edgardo L. Delos Santos. (Former member of the Court); *id.* at 5–16.

³ The Comprehensive Dangerous Drugs Act of 2002.

⁴ *Id.* at 11–15.

⁵ *Id.* at 17–18.

⁶ *Id.* at 29–30.

⁷ *Id.* at 30–31.

⁸ *Lapi v. People*, G.R. No. 210731, February 13, 2019.

⁹ *People v. Alunday*, 586 Phil. 120, 133 (2008).

¹⁰ See *People v. Lapitaje*, 445 Phil. 729, 748 (2003).

Here, appellant did not raise any objection to her warrantless arrest before she got arraigned. She, in fact, voluntarily submitted to the court's jurisdiction by entering a plea of not guilty, and thereafter, actively participated in the trial. Her present challenge against her warrantless arrest came too late in the day as she raised it only for the first time on appeal before the Court of Appeals. This belated stance certainly cannot undo her waiver and the consequent proceedings that took place below, as well as the proceedings before the Court of Appeals.

We now resolve whether the People was able to establish beyond reasonable doubt appellant's guilt for violation of Section 11, Article II of Republic Act (RA) No. 9165, as amended.

To sustain a conviction for illegal possession of dangerous drugs, the prosecution must establish the following elements: (a) the accused was in possession of dangerous drugs; (b) such possession was not authorized by law; and (c) the accused was freely and consciously aware of being in possession of dangerous drugs.¹¹

In *People v. Quijano*,¹² the Court decreed:

The crime is *malum prohibita*, as such, criminal intent is not an essential element. The prosecution, however, must prove that the accused had the intent to possess (*animus possidendi*). Possession, under the law, includes not only actual possession, but also constructive possession. Actual possession exists when the drug is in the immediate physical possession or control of the accused. Constructive possession, on the other hand, exists when the drug is under the dominion and control of the accused or when they have the right to exercise dominion and control over the place where it is found.

Ownership of the dangerous drugs is inconsequential. The burden of proof is upon the accused to prove that they have permits or clearance to possess the dangerous drugs."¹³

Here, the prosecution was able to establish beyond reasonable doubt the presence of these elements:

First. Agent Oledan saw appellant in possession of the bag containing the three (3) transparent heat-sealed plastic packs while trying to sneak out of

¹¹ *People v. Villojan*, G.R. No. 239635, July 22, 2019.

¹² G.R. No. 247558, February 19, 2020.

¹³ *Arcilla v. CA*, 463 Phil. 914, 926 (2003).

her house. Appellant laid the bag under a banana tree before returning back to the house.¹⁴ The substance contained in these plastic packs tested positive for *methamphetamine hydrochloride* or *shabu*, a dangerous drug.¹⁵

Second. Appellant's possession was clearly illegal because she could not present any proof or justification that she had lawful authority to possess the dangerous drugs in question.

Third. Appellant was freely and consciously aware of being in possession of the dangerous drugs since she laid the bag containing the packs of *shabu* under the banana tree herself. In *People v. Lagman*,¹⁶ the Court stressed that dangerous drugs and paraphernalia found in a house or building owned or occupied by a particular person raises the "presumption of knowledge and possession..., which, standing alone, is sufficient to convict [them]."

Consequently, the prosecution had adequately established the elements of violation of Section 11, Article II of RA 9165.

The chain of custody was unbroken

Appellant was indicted for illegal possession of dangerous drugs allegedly committed on August 31, 2015. Thus, the applicable law is RA 9165, as amended by RA 10640, which took effect on August 7, 2014.¹⁷ Section 21 of RA 9165, as amended, prescribes the standard in preserving the *corpus delicti* in illegal drugs cases, to wit:

x x x x

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 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

¹⁴ *Rollo*, p. 7.

¹⁵ *Id.* at 8–9.

¹⁶ 593 Phil. 617, 626 (2008).

¹⁷ RA No. 10640 took effect on August 7, 2014. See: *Quiap v. People*, G.R. No. 229183, February 17, 2021.

items and photograph the same in the presence of the accused or the persons 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 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. (Emphasis supplied)

x x x x

The Implementing Rules and Regulations of RA 9165 further mandates:

Section 1. Implementing Guidelines. 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. Marking, Inventory and Photograph; Chain of Custody Implementing Paragraph "a" of the IRR.

A.1. The apprehending or seizing officer having initial custody and control of the seized or confiscated dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/ paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, mark, inventory and photograph the same in the following manner:

A.1.1. The marking, physical inventory and photograph of the seized/ confiscated items shall be conducted where the search warrant is served.

A.1.2. The marking is the placing by the apprehending officer or the poseur-buyer of his/her initials and signature on the item/s seized.

A.1.3. In warrantless seizures, the marking of the seized items in the presence of the violator shall be done immediately at the place where the drugs were seized or at the nearest police station or nearest office of the apprehending officer/team, whichever is practicable. The physical inventory and photograph shall be conducted in the same nearest police station or nearest office of the apprehending officer/team, whichever is practicable.

A.1.5. The physical inventory and photograph of the seized/ confiscated items shall be done in the presence of the suspect or his representative or counsel, with elected public official and a representative of the National Prosecution Service (NPS) or the media, who shall be required to sign the copies of the inventory of the seized or confiscated items and be given copy thereof. In case of their refusal to sign, it shall be stated "refused to sign" above their names in the certificate of inventory of the apprehending or seizing officer.

X X X X

A.1.9. Noncompliance, under justifiable grounds, with the requirements of Section 21(1) of RA No. 9165, as amended, shall not render void and invalid such seizures and custody over the items provided the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team.

"In illegal drugs cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution, therefore, is tasked to establish that the substance illegally possessed by appellant is the same substance presented before the court."¹⁸ It is the prosecution's onus to prove every link in the chain of custody – from the time the drug is seized from the accused, until the time it is presented in court as evidence.¹⁹ "The saving clause under Section 21 (a), Article II of RA 9165 IRR commands that non-compliance with the prescribed requirement shall not invalidate the seizure and custody of the items provided such non-compliance is justified and the integrity and evidentiary value of the seized items are properly preserved by the apprehending officers."²⁰

The Court, in *People v. De Leon*,²¹ ruled:

Generally, there are four links in the chain of custody of the seized illegal drug: (i) its seizure and marking, if practicable, from the accused, by the apprehending officer; (ii) its turnover by the apprehending officer to the investigating officer; (iii) its turnover by the investigating officer to the forensic chemist for examination; and, (iv) its turnover by the forensic chemist to the court.

The **first link** refers to the seizure and marking, which must be done immediately at the place of the arrest. It, too, includes the physical inventory and taking of photograph of the seized items, which should be done in the presence of the accused or their representative or counsel, together with an

¹⁸ *People v. Miranda*, G.R. No. 218126, July 10, 2019.

¹⁹ *People v. Dumagay*, 825 Phil. 726, 741 (2018).

²⁰ *People v. Frias*, G.R. No. 234686, June 10, 2019.

²¹ *People v. De Leon*, G.R. No. 227867, June 26, 2019.

elected public official **and** a representative of the Department of Justice (DOJ) **or** the media.²²

Here, Senior Police Officer 1 Rowino Bayuna (SPO1 Bayuna), at the place of arrest, marked the three (3) heat-sealed transparent plastic packs containing white crystalline substance with “RMBM-SW#30-2015-01-8/31/15,” “RMBM-SW#30-2015-03-8/31/15,” and “RMBM-SW#30-2015-06-8/31/15,” respectively. He also marked the other seized items: one (1) big needle, one (1) black box that contained the needle, one (1) pink purse, one (1) sack bag, and one (1) digital weighing scale. SPO1 Bayuna conducted the inventory in the presence of appellant, Barangay Kagawad Rolando Egera, media representative Juancho Gallarde, and DOJ Representative Anthony Chilius Benlot. Simultaneously, Senior Police Officer 3 Tommy Tan took photographs during the inventory.²³

Anent the **second link**, *People v. Del Rosario*²⁴ dictates:

... in the chain of custody is the transfer of the seized drugs by the apprehending officer to the investigating officer. The investigating officer shall conduct the proper investigation and prepare the necessary documents for the proper transfer of the evidence to the police crime laboratory for testing. Thus, the investigating officer’s possession of the seized drugs must be documented and established.

Here, SPO1 Bayuna had sole custody of the plastic packs from the place of arrest until he brought them to the Negros Oriental Office of the Criminal Investigation and Detection Group (CIDG) for booking and proper documentation. SPO1 Bayuna, together with Police Chief Inspector Aladdin Esplago Dingal, prepared the memorandum request for laboratory examination. On that same day, at 5:27 in the afternoon, he continued to have custody and personally delivered the seized items to Police Officer 3 Edilmar Manaban (PO3 Manaban) of the Negros Oriental Provincial Crime Laboratory. Thus, even in the absence of an investigating officer here, the chain of custody was not necessarily broken. *People v. Dayag*²⁵ teaches:

Here, though the *corpus delicti* was not turned over to an investigating officer, PO2 Osio was able to account for the condition of the specimen since he held on to it from the time he recovered it from accused-appellant at 12:55 in the afternoon on

²² See *Limbo v. People*, G.R. No. 238299, July 1, 2019.

²³ CA rollo, pp. 11–12.

²⁴ G.R. No. 235658, June 22, 2020.

²⁵ G.R. No. 251648, February 17, 2021.

May 19, 2014 until he turned it over, together with the letter-request for laboratory examination, to the Regional Crime Laboratory Office at 5:30 in the afternoon the same day. Indeed, the absence of the investigating officer, *per se*, does not affect the integrity and identity of the *corpus delicti* so long as the transfer of custody is accounted for.

So must it be.

The **third link** is the delivery of the illegal drugs to the forensic chemist. Once the seized drugs arrive at the forensic laboratory, it will be the forensic chemist who will test and verify the nature of the substance. Additionally, the **fourth link** involves the “submission of the seized drugs by the forensic chemist to the court when presented as evidence in the criminal case.”²⁶

Both the third and fourth links were duly established by the prosecution here. At six o’clock in the evening of August 31, 2015, the day of arrest, PO3 Manaban submitted the three (3) transparent heat-sealed plastic packs to Forensic Chemist PCI Josephine Llana. The latter then marked the items respectively as Specimen “A-1,” Specimen “B-1,” and “Specimen “C-1.” She conducted forensic examinations thereon, the result of which tested positive for *methamphetamine hydrochloride*, a dangerous drug. The results were reflected in her Chemistry Report No. D-333-15. She thereafter secured the specimens in the evidence vault of the crime laboratory. On November 9, 2015, she submitted the specimens together with the chemistry report to the trial court.²⁷

In sum, the prosecution succeeded in proving all the links in the chain of custody, including the proper handling and preservation at every stage of the seized drugs. Consequently, the Court of Appeals did not err when it affirmed the verdict of conviction for violation of Section 11, Article II of RA 9165, as amended.

Penalty

Under Section 11, Article II of RA 9165,²⁸ the penalty for illegal possession of dangerous drugs, such as *methamphetamine hydrochloride* or

²⁶ *People v. Bangcola*, G.R. No. 237802, March 18, 2019.

²⁷ *CA rollo*, pp. 13–14.

²⁸ Section 11. *Possession of Dangerous Drugs*. — The penalty of **life imprisonment to death** and a **fine ranging from five hundred thousand pesos (P500,000.00) to ten million pesos (P10,000,000.00)** shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof: x x x (5) **50 grams or more of methamphetamine hydrochloride or “shabu;”** x x x (Emphasis supplied)

shabu, weighing fifty (50) grams or more, is **life imprisonment** and a fine ranging from **₱500,000.00** to **₱10,000,000.00**. Thus, the courts below correctly sentenced appellant to life imprisonment and ordered her to pay a fine of ₱1,000,000.00.

WHEREFORE, the appeal is **DISMISSED**. The Decision dated November 29, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 02665 is **AFFIRMED**. Appellant Rosemarie Melon y Bagonbon is found **GUILTY** of **illegal possession of dangerous drugs** under Section 11, Article II of Republic Act No. 9165, as amended, and sentenced to **life imprisonment**. She is further ordered to **pay** a **FINE** of ₱1,000,000.00.

SO ORDERED.”

By authority of the Court:

Misael C. Batt
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Division Clerk of Court
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