



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 22, 2022** which reads as follows:*

“G.R. No. 264189 [Formerly UDK-16947] (Gamaliel Baje Jr. y Meñosa v. People of the Philippines) – The Court resolves to:

1. **GRANT** the motion of petitioner for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari* with prayer for exemption of payment of docket fees; with supporting documents of indigency; and
2. **NOTE and GRANT** the manifestation with prayer to admit rectified verification dated September 6, 2021 of counsel for petitioner, stating that the verification filed with the petition lacks the additional attestations required under Section 4, Rule 7 of the 2019 Amended Rules of Court, and praying that the attached rectified verification be admitted.

This petition assails the Decision¹ dated September 16, 2019 and Resolution² dated February 5, 2021 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01921-MIN. The Court of Appeals affirmed the Decision³ dated February 7, 2018 of the Regional Trial Court (RTC)-Branch 8, Dipolog City, Zamboanga del Norte in Criminal Case Nos. 17762 and 17763. The trial court found accused-petitioner Gamaliel Baje Jr. y Meñosa (petitioner) guilty of violation of Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165.

The Antecedents

Petitioner was charged with violations of Sections 5 and 11, Article II of R.A. No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 under the following Informations:

¹ *Rollo*, p. 40. Penned by Associate Justice Evalyn M. Arellano-Morales and concurred in by Associate Justices Florencio M. Mamauag, Jr. and Lily V. Biton.

² *Id.* at 75.

³ *Id.* at 47.

Criminal Case No. 17762

That on July 21, 2012 at about 8 o'clock in the evening at Yabo, Ilaya, Dapitan City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well that selling of a regulated drug is punishable by law, with the use of XRM motorcycle colored white and red with plate number 2161JR, did then and there willfully, unlawfully and feloniously sell and deliver one (1) sachet of Methamphetamine Hydrochloride, commonly known as "shabu", a regulated drug, to a poseur buyer without any legal authority to sell and deliver the same in gross violation of Section 5, Article II of Republic Act No. 9165.

CONTRARY TO LAW.⁴

Criminal Case No. 17763

That on July 21, 2012 at about 8 o'clock in the evening at Yabo, Ilaya, Dapitan City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, control and custody two (2) sachets of Methamphetamine hydrochloride commonly known as "shabu", weighing a total of 0.2475 gram without any legal authority to possess or use in gross violation of Section 11, Article II of Republic Act No. 9165.

CONTRARY TO LAW.⁵

The case got raffled to the RTC - Branch 8, Dipolog City, Zamboanga del Norte.⁶ On arraignment, petitioner pleaded not guilty to both charges.⁷

The prosecution offered the testimonies of Police Chief Inspector Anne Aimee T. Pilayre (*PCI Pilayre*), Philippine Drug Enforcement Agency (*PDEA*) Agent Don Gomer T. Juico (*Agent Juico*), Police Officer 1 Duenbarr S. Donayre (*PO1 Donayre*), Police Officer 3 Michael P. Angcon (*PO3 Angcon*), and PDEA Agent Eugene Daniel Z. Morcilla (*Agent Morcilla*).⁸

On the other hand, petitioner, Glycerio Tumanda Alagad (*Glycerio*), and Florentino M. Baje, Jr. (*Florentino*) testified for the defense.⁹

The Prosecution's Version

⁴ *Id.* at 41.

⁵ *Id.*

⁶ *Id.* at 40.

⁷ *Id.* at 85.

⁸ *Id.* at 41.

⁹ *Id.* at 44.

Agent Juico testified that on July 21, 2012, a walk-in confidential informant (CI) reported to PDEA Regional Office IX Intelligence Officer Jury Rocamora (*IO Rocamora*) that a certain Gamaliel Baje, Jr., alias “Jong-Jong,” was actively engaged in selling shabu worth ₱500.00 per sachet.¹⁰

Consequently, Agent Juico, Agent Morcilla, and the CI conducted a surveillance on petitioner. They were able to identify petitioner and locate his house at Sitio Yabo, Ilaya, Dapitan City.¹¹

IO Rocamora then coordinated with the Chief of Dapitan City Police Station for personnel augmentation. When the augmentation team arrived, IO Rocamora gave a short briefing. A joint buy-bust operation against petitioner was arranged with Agent Juico assigned as the poseur-buyer and Agent Morcilla as the arresting officer.¹²

Agent Juico was instructed to restrain the suspect and to announce “*Arestado ka!*” as a pre-arranged signal. This will also indicate that the transaction had already been consummated. Too, he received the ₱500.00 buy-bust money from IO Rocamora.¹³

Around 7:15 in the evening, Agent Juico, Agent Morcilla, and the CI boarded a single motorcycle and proceeded to petitioner’s residence at Sitio Yabo, Ilaya, Dapitan City. Other team members followed them on board their motorcycle.¹⁴

Agent Juico parked in front of petitioner’s house. He saw petitioner wearing a jacket with green stripes, on board an XRM motorcycle approaching the location. Petitioner saw the CI and called him. Agent Juico followed. The CI introduced Agent Juico to petitioner as the buyer of *shabu*. Petitioner then asked for the payment so Agent Juico handed him the ₱500.00 buy-bust money. In turn, petitioner took a matchbox from his pocket, opened it, and took out a heat-sealed transparent plastic sachet containing white crystalline granules, and handed it to Agent Juico.¹⁵

Agent Juico verified the contents of the sachet, put it in his pocket and announced, “*Arestado ka!*” He introduced himself to petitioner as a PDEA Agent, prompting petitioner to resist and run away.¹⁶

¹⁰ *Id.* at 42.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 43.

¹⁶ *Id.*

After being chased, petitioner was eventually restrained. Agent Morcilla apprised him of his rights in *Tagalog* while Agent Juico did the body search. From petitioner's right pocket, Agent Juico recovered: (a) one matchbox containing two rectangular heat-sealed plastic sachets containing white crystalline substance believed to be *shabu*, and (b) the ₱500.00 buy-bust money.

Thereafter, Agent Juico marked the lone plastic sachet he bought from petitioner as "DJ-GB-BB 7/21/12" and the two plastic sachets recovered from him during the body search as "DJ-GB-1" and "DJ-GB-2", respectively.¹⁷ He marked the seized specimens in the presence of petitioner and Agent Morcilla.¹⁸

IO Rocamora then instructed that the inventory be done at the PDEA Office, Bagting, Dapitan City. There, Agent Juico inventoried all the seized items in the presence of: (a) petitioner, (b) media representative, (c) Department of Justice (*DOJ*) representative, and (d) elected public official. Both the marking and inventory of the seized items were duly photographed.¹⁹

Subsequently, Agent Juico brought the three marked plastic sachets to the Zamboanga Del Norte Provincial Crime Laboratory Office. PO1 Donayre received the sachets with accompanying request for laboratory examination on July 21, 2012 at 11:27 in the evening.²⁰

PO1 Donayre weighed the sachets individually and placed them in a brown envelope. The lone plastic sachet marked as "DJ-GB-BB 7/21/12" bought from petitioner had a total weight of 0.1102 gram,²¹ while the two plastic sachets marked as "DJ-GB-1" and "DJ-GB-2" which were recovered from petitioner during the body search had a total weight of 0.2475 gram.²² Too, he (PO1 Donayre) wrote the control number and name of petitioner (D-49-2012, suspect: Gamaliel Baje y Meño[s]a) in the envelope and turned them over to the Forensic Chemist, PCI Pilayre, for further tests.²³

As requested, PCI Pilayre conducted laboratory examinations on the contents of the three heat-sealed transparent plastic sachets. She issued Chemistry Report No. D-49-2012 which confirmed that the specimens tested positive for *shabu*.²⁴

¹⁷ *Id.*

¹⁸ *Id.* at 56.

¹⁹ *Id.* at 43.

²⁰ *Id.*

²¹ *Id.* at 32.

²² *Id.*

²³ *Id.* at 43.

²⁴ *Rollo*, p. 44.

PCI Pilayre submitted the tested specimens inside the same marked brown envelope to PO3 Angcon, who kept them inside a secure evidence room. On April 4, 2014, PO3 Angcon turned over the same specimens to PCI Pilayre, who personally presented them before the trial court on the same day.²⁵

PCI Pilayre, PO1 Donayre, PO3 Angcon, and Agent Morcilla essentially corroborated the testimony of Agent Juico.

Version of the Defense

Petitioner interposed alibi and denial.²⁶

He testified that during the time of the incident, he was at his grandmother's house waiting for his basketball teammates. Meanwhile, Cathy Jaralve (Cathy), his ex-girlfriend, suddenly called him on his cellphone and asked for his whereabouts. He replied that he was in his residence. Ten minutes later, Cathy arrived accompanied by two persons on board a motorcycle. She waved and called him to approach. Cathy invited him to go to Daka to watch her gig. He refused because of a scheduled basketball game that evening.²⁷

When he was about to return home, Cathy's companions held his hands and asked him to go with them. They also asked petitioner the whereabouts of a certain Bo Sason (*Sason*). They insisted that they would not let him go if he would not cooperate. He replied that it was not his responsibility to find Sason.²⁸

Due to his reluctance to cooperate, they held his hands tightly. Thereafter, one of Cathy's companions drew a firearm which impelled petitioner to run away towards Yabo bridge. They fired shots and chased him. Afraid, he stopped near the bridge and asked them, "*Unsa man ni sir? Unsa man akong sala sa inyo?*" (What is this, sir? What have I done wrong?). They tried to handcuff him but he resisted. He was eventually subdued.²⁹

Subsequently, IO Rocamora arrived on board a motorcycle. Petitioner then realized that the incident which had just happened could either be connected to drugs or to Cathy. He knew IO Rocamora as (a) his teacher at St. Vincent's College, (b) a PDEA agent, and (c) boyfriend of his ex-girlfriend Cathy.³⁰

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 46.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

He was then dragged toward his house. IO Rocamora asked him where his room was and he replied that it was at the second floor of his grandmother's house. IO Rocamora and another person searched the house without permission, but they found no illegal items.³¹

At that time Cathy was by the road, crying. She uttered "*sorry, Wa ko kabalo ani*" (I'm sorry, I did not know about this). He was bodily searched but they got nothing from him. He was brought to the PDEA Office and then to the Dapitan Police Station.³²

Glecerio testified that on the night of July 21, 2012, he heard gunshots from a distance. He looked outside and saw petitioner being handcuffed by two men and restrained by two other men. He was about 20 meters away from the place of the arrest.³³

Minutes later, the said men walked towards petitioner's house. One of them approached petitioner's grandmother and told her that *shabu* was taken from the custody of his grandson. Thereafter, three men searched the house of petitioner. He also did not see the witnesses from DOJ, media, and barangay during the inventory. Too, petitioner was brought to the barangay hall then to Dapitan Police Station, together with Florentino.³⁴

Florentino testified that he was present when petitioner got arrested. His house was adjacent to his mother's house where petitioner resides. He heard gunshots so he went out and saw two persons (one female and one male in police uniform) standing by the road, fronting his mother's house.³⁵

Fifty meters away from the Yabo bridge, he noticed petitioner being subdued by three persons wearing jackets. He recognized one of them as IO Rocamora because of his nameplate. IO Rocamora showed him a sachet of *shabu*, a cellphone, and ₱1,500.00 worth of cash allegedly coming from petitioner. IO Rocamora then asked him the location of petitioner's room. Without permission, IO Rocamora and another person went to the house and searched it but they found nothing. Thereafter, they took pictures without the presence of a *barangay* official nor a DOJ or media personnel. He was not even requested to be a representative on petitioner's behalf. Worse, he was prevented to even approach him. He believed that the *shabu* came from IO Rocamora and not from petitioner.³⁶

³¹ *Id.* at 47.

³² *Id.*

³³ *Id.* at 45.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

Ruling of the Regional Trial Court

By Decision³⁷ dated February 7, 2018, the trial court rendered a verdict of conviction, thus:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered as follows:

1. In Criminal Case No. 17762, the Court finds the accused GAMALIEL BAJE[,] Jr.[y] Meño[s]a, GUILTY beyond reasonable doubt of the charge for (sic) violation of Sec. 5 Art. II, RA 9165, and sentences him to suffer LIFE imprisonment and to pay a fine of FIVE Hundred Thousand (P500,000.00) pesos;
2. In Criminal Case No. 17763, the Court finds the same accused, GUILTY beyond reasonable doubt of the charge for (sic) violation of Sec. 11 Art. II, RA 9165, and sentences him to suffer the penalty of imprisonment of Twelve (12) years and one (1) day as minimum to fifteen (15) years as maximum and to pay a fine of Three Hundred Thousand (P300,000.00) pesos;

Furthermore, the accused is not eligible for parole pursuant to Section 2 of the Indeterminate Sentence Law.

Finally, all the sachets of shabu, the cash money used in the commission of the offense and the cellphones are hereby forfeited in favor of the state to be disposed in accordance with the rules.

SO ORDERED.³⁸

It held that petitioner's denial cannot prevail over the direct and straightforward testimonies of the two agents.³⁹ Especially, since they are officers of the law who enjoy the presumption of regularity in the performance of their official functions.⁴⁰

Too, the integrity of the specimens was sufficiently preserved from their seizure until their presentation in court.⁴¹

Ruling of the Court of Appeals

By Decision⁴² dated September 16, 2019, the CA in CA-G.R. CR-HC No. 01921-MIN affirmed. It essentially accorded great weight and credit to the testimonies of the law enforcement officers involved in this case, such as

³⁷ *Id.* at 47.

³⁸ *Id.* at 47-48.

³⁹ *Id.* at 92.

⁴⁰ *Id.*

⁴¹ *Id.* at 95.

⁴² *Id.* at 40-61.

Agent Juico and Agent Morcilla.⁴³ Against the categorical testimonies of the prosecution witnesses, the unsubstantiated defenses of the petitioner such as: (a) denial, (b) ill motive,⁴⁴ and (c) frame-up,⁴⁵ should crumble.

Also, petitioner was validly arrested in *flagrante delicto* incidental to the buy-bust operation. Thus, the search concomitant to his arrest was also valid.⁴⁶

In any event, it ruled that the officers sufficiently complied with the rule on chain of custody and amply preserved the integrity and evidentiary value of the illegal drugs with moral certainty.⁴⁷

Appellant's motion for reconsideration was denied under Resolution dated February 5, 2021.⁴⁸

The Present Petition

Petitioner now seeks affirmative relief from the Court and prays anew for his acquittal. He avers:

First. Agent Juico and IO Morcilla failed to satisfactorily explain why they completed the marking and inventory at the PDEA Office in Dapitan City, which is more or less 20 kilometers from Yabo, Ilaya, Dapitan City.⁴⁹

Second. IO Rocamora was not presented in Court to explain the failure of the law enforcers to comply with the procedural safeguards of the law.⁵⁰

Finally. The ill motive of IO Rocamora is unrebutted, and therefore, the defense of denial and frame-up is substantiated.⁵¹

Ruling

We affirm.⁵²

⁴³ *Id.* at 52.

⁴⁴ *Id.* at 51.

⁴⁵ *Id.* at 52.

⁴⁶ *Id.* at 53–54.

⁴⁷ *Id.* at 55.

⁴⁸ *Id.* at 75.

⁴⁹ *Id.* at 31.

⁵⁰ *Id.*

⁵¹ *Id.* at 34.

⁵² Petitioner was charged with violations of Sections 5 and 11 of RA 9165 allegedly committed on July 21, 2012. The governing law, therefore, is RA 9165 prior to its amendment by RA 10640 on August 7, 2014.

The elements of illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165 are, as follows: (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. Too, there should be proof that the transaction or sale took place coupled with the presentation in court of the *corpus delicti* as evidence.⁵³

It was sufficiently proven that a transaction between petitioner and Agent Juico took place. Incidental to the buy-bust operation, Agent Juico bought one sachet of *shabu* from petitioner in exchange for ₱500.00. Clearly, this established the identities of Agent Juico and petitioner as buyer and seller in the illegal drug transaction, respectively. More, the contents of the sachet seized from petitioner were later confirmed to be positive for *shabu*, a dangerous drug. The ₱500.00 buy-bust money was also recovered from him.

Going now to illegal possession of dangerous drugs under Section 11, Article II of R.A. No. 9165, the prosecution must establish the following elements: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.⁵⁴

Agent Juico recovered two more plastic sachets from petitioner when a body search was conducted onto him incidental to his arrest. The specimens of both sachets were later confirmed to be positive for *shabu*, an illegal drug.

Indubitably, all the elements of illegal sale and illegal possession of dangerous drugs are present in this case. However, the Court should further determine whether the integrity of the *corpus delicti* was indeed preserved from seizure until presentation in court.

In illegal drugs cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution is, therefore, tasked to prove that the dangerous drug seized from the accused is the same substance eventually offered in court.⁵⁵

Section 21 of R.A. No. 9165 prescribes the standard in preserving the *corpus delicti* in illegal drug cases, viz:

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

⁵³ *People v. Querijero*, G.R. No. 252564 (Notice), June 21, 2021.

⁵⁴ *People v. Acalain*, G.R. No. 251654 (Notice), June 21, 2021.

⁵⁵ See *People v. Barte*, 806 Phil. 533 (2017).

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 supplied)

x x x

The Implementing Rules and Regulations of R.A. No. 9165 further commands:

Section 21. (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 supplied)

To ensure the integrity of the seized drug, the prosecution must also account for each link in its chain of custody: **first**, the seizure and marking 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.⁵⁶

⁵⁶ *People v. Dela Torre*, G.R. No. 225789, July 29, 2019.

This is the chain of custody rule. It came to fore due to the unique characteristics of illegal drugs which render them indistinct, not readily identifiable, and easily open to tampering, alteration, or substitution either by accident or otherwise.⁵⁷

Here, the chain of custody was preserved.

The **first link** in the chain of custody includes marking, physical inventory, and photographing of the seized items.

Section 21 of R.A. No. 9165 and its implementing rules require that the inventory and photograph be done in the presence of the accused or their representative or counsel and three insulating witnesses, *i.e.* a representative from the media and the Department of Justice, and any elected public official⁵⁸ to ensure that they are the same items which entered the chain of custody.⁵⁹

Meantime, petitioner claimed that Agent Juico and Agent Morcilla failed to satisfactorily explain why they completed the marking and inventory at the PDEA Office in Dapitan City, which is more or less 20 kilometers from Yabo, Ilaya, Dapitan City.

To reiterate, Agent Juico immediately marked the seized items **at the place of arrest** in the presence of petitioner and Agent Morcilla. He wrote the markings: (a) “DJ-GB-BB 7/21/12” on the lone plastic sachet he bought from petitioner, and (b) “DJ-GB-1” and “DJ-GB-2” on the two plastic sachets recovered from the body search.⁶⁰ Thereafter, IO Rocamora decided to continue the inventory at the PDEA Office in Bagting, Dapitan City.⁶¹

In the PDEA Office, Agent Juico inventoried all the seized items in the presence of: (a) petitioner, (b) media representative, (c) DOJ representative, and (d) elected public official. The marking and inventory of the seized items were all duly photographed.⁶²

It cannot be denied, therefore, that the prosecution sufficiently proved that the integrity of the *corpus delicti* was preserved in the first link in the chain. Indeed, the marking of the seized items was made at the place of arrest in the presence of petitioner. The inventory, on the other hand, was made at the PDEA Office in Dapitan City in the presence of petitioner and the insulating witnesses. Thus, we sustain the dispositions of the courts below.

⁵⁷ *Jocson v. People*, G.R. No. 199644, June 19, 2019.

⁵⁸ *People v. Roales*, G.R. No. 233656, October 2, 2019.

⁵⁹ *People v. Ramirez*, 823 Phil. 1215, 1225 (2018) citing *People v. Sanchez*, 590 Phil. 214, 241 (2008).

⁶⁰ *Rollo*, p. 43.

⁶¹ *Id.* at 56.

⁶² *Id.* at 43.

In *People v. Montialbucio*,⁶³ the seized items were immediately marked at the place of arrest after the accused was arrested. Thereafter, the conduct of inventory and photographing was made in the presence of an elected public official, a representative from the media, and a representative from the DOJ. Notably, though, the inventory was done not in the place of arrest at Pattau Street, Tuguegarao City, but at the PDEA Office of the same city. The Court ruled that this is well in conformity with the requirements accorded under Section 21, Article II of R.A. No. 9165. The conviction of the accused was eventually affirmed.

More, the **second link** 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.⁶⁴

The **third link**, on the other hand, is the delivery by the investigating officer of the seized items to the forensic chemist. Once the seized drugs arrived at the forensic laboratory, it will be the laboratory technician who will test and verify the nature of the substance.

Finally, 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.⁶⁵

Here, consequent to the marking, photograph, and inventory, Agent Juico brought the three marked plastic sachets containing suspected the illegal drugs to the Zamboanga Del Norte Provincial Crime Laboratory Office. PO1 Donayre then received the said sachets with the accompanying request for laboratory examination.⁶⁶

Consequently, PO1 Donayre weighed the sachets individually and secured the same in a brown envelope. He wrote the control number and the name of petitioner (D-49-2012, suspect: Gamaliel Baje y Meno[s]a) on the envelope and turned them over to PCI Pilayre for further tests.⁶⁷

PCI Pilayre conducted laboratory examinations of the contents of the three heat-sealed transparent plastic sachets. She later on confirmed through a Chemistry Report that the specimens tested positive for *shabu*.⁶⁸⁺

⁶³ G.R. No. 251021 (Notice), October 13, 2021.

⁶⁴ *People v. Del Rosario*, G.R. No. 235658, June 22, 2020.

⁶⁵ *People v. Bangcola*, G.R. No. 237802, March 18, 2019.

⁶⁶ *Rollo*, p. 43.

⁶⁷ *Id.*

⁶⁸ *Id.* at 44.

Thereafter, PCI Pilayre returned the tested specimens inside the same marked brown envelope and turned them over to PO3 Angcon. PO3 Angcon kept them inside a secure evidence room. On April 4, 2014, he turned over the same specimens to PCI Pilayre. She then personally presented them before the trial court on the same day.⁶⁹

Certainly, the prosecution was able to present an unbroken chain of custody of the *corpus delicti* beyond reasonable doubt. To be sure, all the custodians who handled the specimen in the chain were presented in Court to confirm that the integrity of the specimens were preserved. Indeed, it is from the testimony of every witness who handles the evidence from which assurance can be derived, that the evidence presented in court is one and the same as that seized from accused, as here.⁷⁰

Petitioner nevertheless averred that IO Rocamora was not presented in Court to explain the failure of the law enforcers to comply with the procedural safeguards of the law. Too, petitioner claims that his ill motive is un rebutted, and therefore, his defenses of denial and frame-up are substantiated.

It bears stress, though, that IO Rocamora was merely a PDEA Regional Office IX Intelligence Officer who was not part of the team who personally conducted the operation. He was, at best, the one who initiated the coordination outside the actual buy-bust. If anything, the testimonies of Agent Juico, as the poseur buyer, and Agent Morcilla, as the arresting officer, would suffice to establish that the sale with petitioner was credible and complete.⁷¹

Too, petitioner blatantly failed to present any evidence to justify a finding that IO Rocamora had ill motive against him. He (petitioner) merely interposed self-serving allegations that were never even substantiated. In fact, petitioner did not even mention the basis of these alleged ill-intent averments. The only alleged connection between petitioner and the PDEA is that Cathy was petitioner's ex-girlfriend and the current partner of IO Rocamora. In any event, petitioner did not even reinforce this connection as the actual reason for the purported ill motive against him.

In *People v. Lumangka*,⁷² this Court held that in the absence of proof of the officers' ill intent to falsely impute a crime on the accused, the defense of denial and frame up must yield to the presumption of regularity in the performance of the officers' duty.

⁶⁹ *Id.*

⁷⁰ *People v. Martin*, G.R. No. 233750, June 10, 2019.

⁷¹ See *People v. Amin*, 803 Phil. 557 (2017), citing *People v. Andaya*, 745 Phil. 237 (2014).

⁷² G.R. No. 230234, August 4, 2021.

Finally, the Court finds that the penalties and fines imposed by the courts below for violations of Sections 5,⁷³ and 11,⁷⁴ Article II of R.A. No. 9165 are in order.

All told, we affirm the dispositions of the CA and sustain the verdict of conviction.

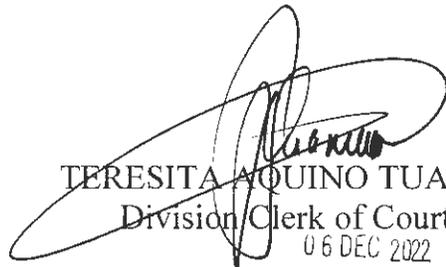
FOR THESE REASONS, the petition is **DENIED**. The assailed Decision dated September 16, 2019 and Resolution dated February 5, 2021 of the Court of Appeals in CA- G.R. CR-HC No. 01921-MIN are **AFFIRMED**.

1. In Criminal Case No. 17762, petitioner Gamaliel Baje, Jr. y Meñosa is found **GUILTY** of violation of Section 5, Article II of Republic Act No. 9165 and sentenced to suffer **LIFE IMPRISONMENT**. He is ordered to pay a fine of Five Hundred Thousand (₱500,000.00) pesos; and

2. In Criminal Case No. 17763, petitioner Gamaliel Baje, Jr. y Meñosa is found **GUILTY** of violation of Section 11, Article II of Republic Act No. 9165 and sentenced to suffer the penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to fifteen (15) years, as maximum. He is ordered to pay a fine of Three Hundred Thousand (₱300,000.00) pesos.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
06 DEC 2022

⁷³ Section 5, Article II of RA 9165 provides:

SEC. 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (₱500,000.00) to Ten million pesos (₱10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

x x x

⁷⁴ Section 11, Article II of RA 9165 provides:

SEC. 11. xxx

3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (₱300,000.00) to Four hundred thousand pesos (₱400,000.00), if the quantities of dangerous drugs are **less than five (5) grams** of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or “shabu”, or other dangerous drugs such as, but not limited to, MDMA or “ecstasy”, PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana. (Emphasis supplied)

ANGELES & ASSOCIATES LAW OFFICE (reg)
Counsel for Petitioner
Gen. Luna corner Gonzales Streets
Dipolog City

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

GAMALIEL BAJE, JR. y MEÑOSA (reg)
Accused-Appellant
c/o The Superintendent
San Ramon Prison and Penal Farm
Zamboanga City
Zamboanga del Norte

THE SUPERINTENDENT (reg)
San Ramon Prison and Penal Farm
Zamboanga City
Zamboanga del Norte

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 8
Dipolog City, Zamboanga del Norte
(Crim. Case Nos. 17762 & 17763)

COURT OF APPEALS (reg)
Mindanao Station
Cagayan de Oro City
CA-G.R. CR-HC No. 01921-MIN

JUDGMENT DIVISION (x)
Supreme Court, Manila

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

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