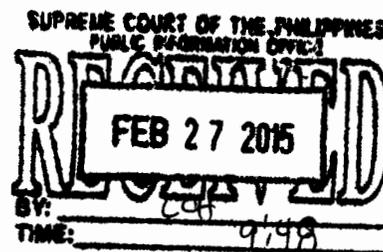




Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **February 9, 2015**, which reads as follows:

**“G.R. No. 208412 (*People of the Philippines vs. Analiza Francisco y Ceniadoza and Librado Mendoza y Raynon*). – This is an appeal of the Decision<sup>1</sup> dated January 31, 2013 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04252, affirming the Joint Decision<sup>2</sup> dated June 25, 2009 of the Regional Trial Court (RTC) of Pasig City, Branch 164, finding Analiza Francisco y Ceniadoza (Analiza) and Librado Mendoza y Raynon (Librado) (accused-appellants) guilty beyond reasonable doubt of violating Sections 5 and 11, respectively of Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, in Criminal Case No. 15119-D and Criminal Case No. 15120-D.**

Upon a tip that a certain “Nene” was selling drugs in *Barangay Caniogan*, Pasig City, a buy-bust operation was conducted on October 7, 2006. The police officers yielded one (1) transparent plastic sachet containing 0.03 gram of *shabu* from “Nene” who was later identified as Analiza; and one (1) transparent plastic sachet containing 0.10 gram of *shabu* from Librado, Analiza’s companion. The accused-appellants were charged with illegal sale and illegal possession, respectively. After due trial, the RTC rendered judgment, the dispositive portion of which reads as follows:

WHEREFORE:

1. In Criminal Case No. 15119-D, the court finds accused Analiza Francisco y Ceniadoza a.k.a. Nene GUILTY beyond reasonable doubt of the crime of selling shabu penalized under Section 5, Article II of R.A. 9165 and hereby imposes upon her the penalty of life imprisonment and fine of Five Hundred Thousand (P500,000.00) Pesos with all the accessory penalties under the law.

<sup>1</sup> Penned by Associate Justice Rosalinda Asuncion-Vicente, with Associate Justices Priscilla J. Baltazar-Padilla and Agnes Reyes-Carpio concurring; CA *rollo*, pp. 91-105.

<sup>2</sup> Rendered by Judge Librado S. Correa; id. at 18-25.

2. In Criminal Case No. 15120-D, the court finds accused Librado Mendoza y Raynon GUILTY beyond reasonable doubt of the crime of violation of Section 11, Article II of R.A. 9165 and hereby imposes upon him an indeterminate penalty of imprisonment from Twelve (12) years and One (1) day, as minimum, to Sixteen (16) years, as maximum, and a fine of Three Hundred Thousand (P300,000.00) Pesos with all the accessory penalties under the law.

The two (2) plastic sachets containing metham[p]hetamine hydrochloride (Exhibits "J" and "K") are hereby ordered confiscated in favor of the government and turned over to the Philippine Drug Enforcement Agency for destruction.

SO ORDERED.<sup>3</sup>

In the assailed decision, the CA affirmed *in toto* the RTC decision.

During the pendency of the appeal with this Court, the Office of the Superintendent of the New Bilibid Prison sent a letter<sup>4</sup> dated January 28, 2014 to the Court informing about the death of accused-appellant Librado on January 3, 2014 at the New Bilibid Prison Hospital. Attached thereto was a certified true copy of the death certificate<sup>5</sup> for ready reference.

As required by the Court to Comment on the aforesaid letter, the Office of the Solicitor-General saw no objection to the dismissal of the appeal with regard to Librado in view of the latter's death. Thus, the appeal of Librado was accordingly dismissed by the Court in the Resolution<sup>6</sup> dated June 23, 2014.

With respect to the appeal of Analiza, the Court has carefully considered the records of the case and finds no cogent reason or substantial arguments to reverse the decision of the RTC, as affirmed by the CA. The Court adopts the findings and the conclusions of the RTC and the CA which are very well in accord with the law and evidence. All the elements of the crime of illegal sale of *shabu* which Analiza has been charged with have been duly established. The poseur-buyer, Police Officer 1 Richard Peteza, positively identified Analiza as the person who sold to him the sachet containing the crystalline substance which was confirmed to be *shabu*.<sup>7</sup> The chain of custody requirement was likewise complied with by the prosecution witnesses to the satisfaction of the Court. In the absence of any evidence to the contrary, the police officers are presumed to have performed their duties regularly. As against the positive testimony of the prosecution witnesses, Analiza's mere denial can not stand.

<sup>3</sup> Id. at 25.

<sup>4</sup> *Rollo*, p. 28.

<sup>5</sup> Id. at 29.

<sup>6</sup> Id. at 41.

<sup>7</sup> *CA rollo*, p. 101.

**WHEREFORE**, the Decision dated January 31, 2013 of the Court of Appeals in CA-G.R. CR-H.C. No. 04252, affirming the Joint Decision dated June 25, 2009 of the Regional Trial Court with respect to accused-appellant Analiza Francisco y Ceniadoza in Criminal Case No. 15119-D, is **AFFIRMED.**" (*Jardeleza, J.*, no part in view of participation in the Office of the Solicitor General; *Sereno, C.J.*, designated additional member per Raffle dated November 19, 2014.)

Very truly yours,

(on leave)

**WILFREDO V. LAPITAN**  
*Division Clerk of Court*

*2/25/15*

*[Signature]*  
**ENRIQUETA ESGUERRA-VIDAL**  
Clerk of Court

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c/o The Superintendent  
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1550 Mandaluyong City

The Superintendent  
CORRECTIONAL INSTITUTION FOR WOMEN  
1550 Mandaluyong City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 164, 1600 Pasig City  
(Crim. Case Nos. 15119-D & 15120-D)

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