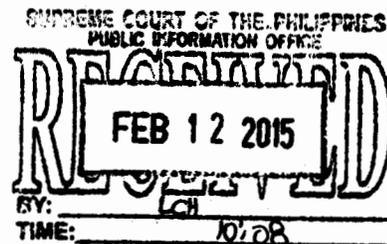




Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **January 28, 2015**, which reads as follows:

**“G.R. No. 209340 (People of the Philippines vs. Corazon Reyes y Lorena).** – This is an appeal from the Decision<sup>1</sup> dated March 11, 2013 of the Court of Appeals (CA) in CA-GR. CR-HC No. 05358 regarding the conviction of Corazon Reyes y Lorena a.k.a. “Cora” (accused-appellant) for illegal sale of *shabu*.

An information<sup>2</sup> was filed charging the accused-appellant for violation of Section 5, Article II of Republic Act (R.A.) No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, when she sold 0.03 gram of *shabu*, a dangerous drug.

When arraigned, the accused-appellant pleaded “not guilty”. During pre-trial, it was stipulated that: (1) Police Senior Inspector Abraham Verde Tecson (PS/Insp Tecson) is an expert Forensic Chemist; (2) PS/Insp Tecson conducted the laboratory examination of the 0.03 gram of white crystalline substance placed inside a heat-sealed plastic sachet bearing the marking “CR”; and (3) the chemical analysis yielded positive results for methamphetamine hydrochloride (*shabu*) as detailed in Physical Science Report No. D-471-08S.<sup>3</sup>

Trial on the merits ensued.

The evidence for the prosecution showed that on December 13, 2008, at about 10:00 a.m., a buy-bust team was organized by the police operatives of Muntinlupa City due to several reports confirming the peddling of *shabu* of a certain “Cora” at the PNR Site *Purok 7C*, Kalentong, *Barangay Alabang*, Muntinlupa City. The briefing was headed by Police Senior Superintendent Elmer Jamias. Senior Police Officer 1 Cirilo C. Zamora (SPO1 Zamora) was designated as poseur-buyer and Police Officer 3 Dennis

<sup>1</sup> Penned by Associate Justice Rebecca De Guia-Salvador, with Associate Justices Apolinario D. Bruselas, Jr. and Samuel H. Gaerlan concurring; CA *rollo*, pp. 107-121.

<sup>2</sup> Id. at 33.

<sup>3</sup> Id. at 33-33A, 108.

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G. Bornilla (PO3 Bornilla) as back-up. A 500-peso bill was marked "CZ" in its lower right portion to be used as buy-bust money during the operation. The team prepared a Pre-Operational Report and coordinated with the Philippine Drug Enforcement Agency. They also recorded the conduct of the operation in the police blotter where the pre-arranged signal was agreed to be a "dinging" by the poseur-buyer (SPO1 Zamora) of the mobile phone of the back-up (PO3 Bornilla). Afterwards, the buy-bust team headed to the target area.<sup>4</sup>

They arrived at the site at about 6:45 p.m. SPO1 Zamora and the informant went to a shanty. The informant knocked on the door while calling the name "Cora". A woman, later identified as "Cora", opened the door and greeted the informant. SPO1 Zamora was introduced to her as the informant's friend. After a few minutes of conversation, the accused-appellant asked SPO1 Zamora how much *shabu* he wanted to purchase. SPO1 Zamora answered 500 and he handed to her the marked 500-peso bill. Upon receipt of the money, the accused-appellant reached in her pocket and said, "*tamang-tama, limang daan na lang ang naiwan, naubusan na ako.*" Then she handed a transparent plastic sachet filled with white crystalline substance to SPO1 Zamora. The sale having been consummated, SPO1 Zamora immediately made the pre-arranged signal to PO3 Bornilla, who rushed to the scene and assisted in the arrest of the accused-appellant. The police operatives recovered the marked 500-peso bill from the possession of the accused-appellant. No more *shabu* was found when she was told to empty her pocket.<sup>5</sup>

The accused-appellant was taken to the police station where SPO1 Zamora marked the seized contraband with "CR" in her presence and the members of the buy-bust team. The plastic sachet marked with "CR" and the 500-peso bill used during the operation were both photographed. Pictures of the accused-appellant and the buy-bust team were taken. An inventory of the confiscated *shabu*, spot report and booking sheet were also prepared. Such inventory of the drug confiscated was made in front of the accused-appellant and two local government employees.<sup>6</sup>

SPO1 Zamora prepared a letter formally requesting for the chemical examination of the contents of the plastic sachet. Afterwards, he and PO3 Bornilla personally brought the letter-request and the plastic sachet containing the subject substance to the Philippine National Police (PNP) Crime Laboratory. The qualitative examination conducted on the white crystalline substance in the plastic sachet resulted positive for methamphetamine hydrochloride, or *shabu*, a dangerous drug.<sup>7</sup>

<sup>4</sup> Id. at 33A-34, 109-110.

<sup>5</sup> Id. at 34, 110.

<sup>6</sup> Id.

<sup>7</sup> Id. at 34, 110-111.

The defense, on the other hand, presented the accused-appellant as its sole witness. She denied the allegations against her and claimed that she was a victim of frame-up. She narrated that she was an operator of trolleys used as a means of transportation along railroad tracks. At about 2:30 p.m. of December 13, 2008, she was with her trolleys when she spotted a group of police officers searching the area within the vicinity of her house. A man suddenly pointed at her and the police officers all converged on her, asking her about the identity and companions of a drunken man who earlier rode on her trolley. Then, SPO1 Zamora and PO3 Bornilla handcuffed her and hit her head while forcing her to admit knowing the person that they were looking for. She was dragged by the police officers out of the alley towards a van and was taken to a police station in Muntinlupa City where she was charged for drug pushing.<sup>8</sup>

On September 29, 2011, the Regional Trial Court (RTC) of Muntinlupa City, Branch 204, rendered its Judgment<sup>9</sup> convicting the accused-appellant and sentenced her to suffer life imprisonment and to pay a fine in the amount of ₱500,000.00. The RTC accorded full weight and credence to the testimonies of SPO1 Zamora and PO3 Bornilla as witnesses for the prosecution. According to the trial court, the police operatives enjoy the presumption of regularity in the performance of their official duty absent any scintilla of evidence that they were ill-motivated to testify against the accused-appellant. Accordingly, the accused-appellant's defenses of denial and frame-up were brushed aside.

On appeal, the CA affirmed the conviction. The CA upheld the trial court's findings that the prosecution clearly proved the essential elements of the crime charged through the credible testimony of SPO1 Zamora, the designated poseur-buyer. His recantation of the details of the buy-bust operation duly established the identities of the accused-appellant and SPO1 Zamora (as poseur-buyer) to the sale transaction of the subject sachet of *shabu* worth ₱500.00 and the consummation of the sale.<sup>10</sup> And, absent any clear and convincing evidence to substantiate the defenses of the accused-appellant, the same must be outrightly rejected.<sup>11</sup> The CA considered her inaction contrary to human conduct and behavior if she indeed feels truly aggrieved by the act complained of.<sup>12</sup>

The CA disregarded the procedural lapses argued by the accused-appellant and emphasized that SPO1 Zamora remained in possession of the sachet of *shabu* from confiscation and on their way back to the police station until its delivery to the PNP Crime Laboratory for qualitative examination. Thus, the chain of custody of the seized *shabu* was not broken.

<sup>8</sup> Id. at 35-37, 111.

<sup>9</sup> Issued by Presiding Judge Juanita T. Guerrero; id. at 33-40.

<sup>10</sup> Id. at 112.

<sup>11</sup> Id. at 114.

<sup>12</sup> Id.

The Court finds no cogent reason to depart from the findings of the RTC, as affirmed by the CA.

The Court accords high respect and conclusiveness on the trial court's calibration of the testimonies of the witnesses and the conclusions derived therefrom when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings. Trial courts are in a better position to decide the question of credibility, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial.<sup>13</sup> The rule finds an even more stringent application where the trial court's findings are sustained by the CA.<sup>14</sup>

As correctly found by the RTC, and affirmed by the CA, the prosecution competently and convincingly established the essential elements for illegal sale of *shabu*, to wit: (a) the identities of the buyer and the seller, the object and consideration of the sale; and (b) the delivery of the thing sold and the payment therefor. What is material in prosecutions for illegal sale of *shabu* is the proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* as evidence.<sup>15</sup>

Such elements were duly proved through the following: (1) SPO1 Zamora acted as poseur-buyer during a legitimate buy-bust operation; (2) SPO1 Zamora tendered a 500-peso bill to the accused-appellant as payment for the latter's sale of one sachet of *shabu*; and (3) the chemistry analysis on the contents of the sachet resulted in *shabu*.

Prosecutions for illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation.<sup>16</sup> In the case at bench, there was a dearth of evidence that members of the buy-bust team were ill motivated in testifying against the accused-appellant. Thus, they are entitled to the presumption of regularity in the performance of their official functions. Here, the testimonies of SPO1 Zamora and PO3 Bornilla are considered credible for being direct and consistent with each other as corroborated by the Chemical Report issued by the forensic chemist and the seized *shabu* itself.

On the contrary, the accused-appellant's defenses of denial and frame-up are considered self-serving and unsubstantiated, and must fail in light of the straightforward and positive testimonies of prosecution witnesses who caught her *in flagrante delicto* of selling *shabu*.

<sup>13</sup> *People v. Alberto*, 625 Phil. 545, 555 (2010).

<sup>14</sup> *People v. Veloso*, G.R. No. 188849, February 13, 2013, 690 SCRA 586, 595, citing *People v. Arpon*, G.R. No. 183563, December 14, 2011, 662 SCRA 506, 523.

<sup>15</sup> *People v. Bautista*, G.R. No. 177320, February 22, 2012, 666 SCRA 518, 529-530.

<sup>16</sup> *People of the Philippines v. Reynaldo Baturi*, G.R. No. 189812, September 1, 2014, citing *People v. Hajili*, 447 Phil. 283, 295-296 (2003).

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“It should also be noted that in prosecutions involving narcotics, the narcotic substance itself constitutes the *corpus delicti* of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt. The prosecution is duty-bound to establish with unwavering exactitude that the dangerous drug presented in court as evidence against the accused is the same prohibited substance seized from him.”<sup>17</sup>

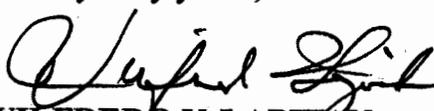
In this respect, the CA aptly discussed the handling of the seized item from the time it was confiscated until it was brought to the police station and taken to the crime laboratory for qualitative analysis.<sup>18</sup> During pre-trial, the subject sachet was submitted to the trial court for safekeeping. And, in the course of SPO1 Zamora’s direct testimony, he identified Exhibit “M” to be the same sachet which he confiscated from the accused-appellant which was marked with “CR”.<sup>19</sup>

The accused-appellant’s argument regarding the non-compliance with Section 21 of R.A. No. 9165 regarding the procedure in the custody and disposition of seized *shabu* cannot be countenanced because not even a strict compliance thereof would be fatal as long as the integrity and evidentiary value of the seized drug was properly preserved, as in the instant case.

Lastly, Section 5, Article II of R.A. No. 9165 prescribes a 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) for the sale of any dangerous drug, regardless of the quantity or purity involved. Therefore, this Court agrees with the imposition of life imprisonment and fine of P500,000.00 as it is within the range of the penalties provided for by law.

**WHEREFORE**, premises considered, the Decision dated March 11, 2013 of the Court of Appeals in CA-G.R. CR-HC No. 05358, is **AFFIRMED.** (Jardeleza, J., no part in view of participation in the Office of the Solicitor General; Estela M. Perlas-Bernabe, J., designated additional member per Raffle dated January 26, 2015.)

Very truly yours,

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

<sup>17</sup> *People of the Philippines v. Sherwin Bis y Avellaneda*, G.R. No. 191360, March 10, 2014.  
<sup>18</sup> CA rollo, pp. 116-117.  
<sup>19</sup> Id. at 117-118.

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