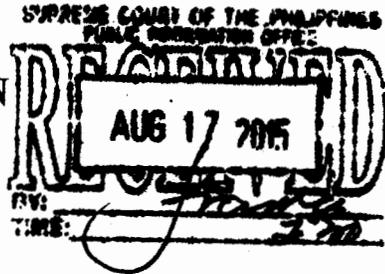




Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 6, 2015 which reads as follows:

“G.R. No. 216918 (Primo “Perry” Palomares y Ocampo v. People of the Philippines). - After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the November 12, 2014 Decision¹ and January 20, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. CR HC No. 06368 for failure of petitioner Primo “Perry” Palomares y Ocampo (petitioner) to show that the CA committed any reversible error in affirming his conviction for illegal sale of dangerous drugs, as defined and penalized under Section 5,³ Article II of Republic Act No. (RA) 9165,⁴ otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

As correctly ruled by the CA, petitioner was caught *in flagrante delicto* selling *shabu*, a dangerous drug, in a valid buy-bust operation. It is well-settled that a buy-bust operation is a recognized form of entrapment for arresting violators of RA 9165, and is not instigation.⁵ Further, the CA was also correct in holding that the prosecution established that the chain of custody over the seized drugs remained intact, and the integrity and evidentiary value of the seized items were preserved.⁶

- over – two (2) pages

308

¹ Rollo, pp. 22-35. Penned by Associate Justice Priscilla J. Baltazar-Padilla with Associate Justices Noel G. Tijam and Agnes Reyes Carpio concurring.

² Id. at 52-53.

³ 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 (P500,000.00) to Ten million pesos (P10,000,000.00) 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.

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

⁵ See *People v. Bartolome*, G.R. No. 191726, February 6, 2013, 690 SCRA 159, 172.

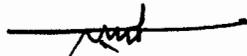
⁶ See *People v. Laba*, G.R. No. 199938, January 28, 2013, 689 SCRA 367, 375-376.

July 6, 2015

Finally, the petition remains dismissible for availing of the wrong mode of appeal, the proper remedy being an ordinary appeal via notice of appeal under Section 3⁷ (c) of Rule 122 of the Rules of Court.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
308

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The Hon. Presiding Judge
Regional Trial Court, Br. 27
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(Crim. Case No. 2011-0416)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR

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SEC. 3. How appeal taken. —

(a) The appeal to the Regional Trial Court, or to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction, shall be by notice of appeal filed with the court which rendered the judgment or final order appealed from and by serving a copy thereof upon the adverse party.

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(c) The appeal in cases where the penalty imposed by the Regional Trial Court is *reclusion perpetua* or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, *reclusion perpetua*, or life imprisonment is imposed, shall be by notice of appeal to the Court of Appeals in accordance with paragraph (a) of this Rule.

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