



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated August 19, 2020 which reads as follows:*

**“G.R. No. 250758 - Gomer Climaco y Sapanghila v. People of the Philippines**

Before us is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court assailing the Decision<sup>2</sup> dated July 11, 2019 and the Resolution dated November 29, 2019 of the Court of Appeals (CA) in CA-G.R. CR No. 40761.

**Factual Antecedents**

In three separate Information, petitioner Gomer Climaco y Sapanghila (petitioner) was charged with violation of Sections 11 and 12, Article II of Republic Act (R.A.) No. 9165 (Comprehensive Dangerous Drugs Act) and R.A. No. 10591 (Comprehensive Firearms and Ammunition Regulation Act).<sup>3</sup>

When the cases were called for arraignment on July 14, 2014, petitioner pleaded “not guilty” to all three charges. Thereafter, pre-trial conference was conducted on October 21, 2014. After which, trial on the merits ensued.<sup>4</sup>

The evidence of the prosecution as summarized by the Office of the Solicitor General are as follows:

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<sup>1</sup> *Rollo*, pp. 11-31.

<sup>2</sup> Penned by Associate Justice Tita Marilyn Payoyo-Villordon, with Associate Justices Mario V. Lopez (now a Member of the Court) and Zenaida T. Galapate-Laguilles, concurring; *id.* at 33-46.

<sup>3</sup> *Id.* at 34.

<sup>4</sup> *Id.* at 35.

On June 1, 2014, at around 10 o'clock in the afternoon, the operatives of the Philippine National Police – Provincial Intelligence Branch (PNP-PIB) of Laguna led by Police Inspector Ismael Ricky Dalisay, together with SPO3 Efren Sales (SPO3 Sales), SPO1 Victor Ver and PO2 Jonielyn Tanael, conducted a briefing to implement Search Warrant No. 290 (14) issued by Hon. Judge Agripino G. Morga on May 28, 2014 against [petitioner]. SPO3 Sales and SPO1 Ver were designated as searchers, PO2 Tanael as investigator/recorder and the others were tasked as perimeter security. In preparation for the implementation of the search warrant, the search team also coordinated with the Philippine Drug Enforcement Agency (PDEA) and sent a Pre-Operation Report and Coordination under Control No. 0614-00005.

On the following day, June 2, 2014, at about 4 o'clock in the morning, the search team together with Brgy. Kagawad Miguel Patapat (Kag. Patapat) and Media Representative Ding Bermudez, proceeded to the house of [petitioner] in Barangay Bagong Silang, San Pedro City, Laguna. As the members of the search team were approaching the target area, [petitioner] tried to abscond by running away, but the police officers were able to apprehend him and brought him back to his house where the search warrant was read to him in the presence of the barangay officials and the media representative.

Thereafter, the search team started to conduct the search in the presence of [petitioner], Kag. Patapat, DOJ representative Maria Tatlonghari, and the Chief of the Tanod. During the search, SPO3 Sales, who conducted his search on the living room, found from the TV cabinet/divider two (2) plastic sachets containing suspected *shabu* which he marked as "GC-1" and "GC-2". Aside from the said plastic sachets, SPO3 Sales also found seven (7) caliber 9mm ammunitions and three (3) 12 gauge shotgun ammunitions which he collectively marked as "GC-11"; a plastic sachet with dried leaves suspected to be [*marijuana*] placed inside a glass bowl located in the middle part of the cabinet, marked as "GC-3"; a blue pouch on top of a DVD player which contains a small weighing scale marked as "GC-4"; used foil strip and plastic sachet marked as "GC-5"; one (1) aluminum foil marked as "GC-6"; one (1) improvised tooter marked as "GC-7"; one (1) lighter marked as "GC-8"; one pair of surgical scissors marked as "GC-9"; and one bottle/improvised burner marked as "GC-10".

The search proceeding was documented through the taking of photographs immediately upon discovery of the subject evidence in the place where they were found.

A conduct of inventory of the seized items followed at the house of [petitioner] and a Receipt/Inventory of Property Seized, including a Certification of Good Conduct/Lawful Search, was prepared and signed by all the witnesses.

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Thereupon, the confiscated items were brought to San Pedro City Police Station where SPO3 Sales prepared the Chain of Custody Form, Request for Laboratory Examination of the seized contraband and Request for Drug Test of [petitioner].

SPO3 Sales had custody of the confiscated items from the time they were seized and inventoried in the residence of [petitioner] up to the time they were brought to the PNP Crime Laboratory.

At 2 o'clock in the afternoon of the same day, SPO3 Sales brought [petitioner] and the seized marked items suspected to be *shabu* and [*marijuana*] to the PNP Crime Laboratory in Camp Vicente Lim, Calamba City, for drug testing and chemical analysis, respectively. The drug specimens were received at the crime laboratory by receiving clerk, PO1 Loreto Durwin, Jr., who subsequently turned over the same to the Forensic Chemist, Police Chief Inspector Donna Huelgas.

On her part, PC/Insp. Huelgas conducted quantitative and qualitative examination on the two (2) sachets suspected to contain *shabu*, marked as "GC-1" and "GC-2", as well as on the plastic sachet suspected to contain [*marijuana*], marked as "GC-3". The results of PC/Insp. Huelgas' examination show that the above specimens gave positive results to the tests of methamphetamine hydrochloride or *shabu*, and [*marijuana*], both of which are considered dangerous drugs, PC/Insp. Huelgas reduced her findings in a document denominated as Chemistry Report No. D-576-14.<sup>5</sup>

Petitioner, testifying on his behalf, denied all the charges. The trial court summarized petitioner's testimony in this wise:

[Petitioner] denied the charges. He testified that on June 2, 2014 at around 11:30 in the evening, he was sleeping in his house with his wife when his wife was awakened by sounds and saw persons, two of whom he later came to know as SPO Ver and SPO Sales, jumped over his fence and slowly entered his house. He thought they were thieves so he took out his [*bolo*] but the police fired their guns. He became afraid so he ran away but he slipped and fell and lost consciousness. When he regained consciousness, he was already in his other house twenty meters away but located in the same compound which he was renting out to @Bibo [sic]. He did not know the real name and surname of Bibo because he just started renting his other house to him two months prior to his arrest for P1,000.00 a month. The police officers searched his house occupied by Bibo and they found illegal drugs and ammunitions. Afterwards, they went to his house and also searched it but they did not find any illegal items. Thus, they brought the illegal items found in the house occupied by Bibo to his house and

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<sup>5</sup> Rollo, pp. 35-38.

took photographs of them. They also asked him to sign the search warrant. The evidence used against him was all found in the house he was renting out to Bibo and not in his house.<sup>6</sup>

On October 9, 2017, the Regional Trial Court (RTC) found petitioner guilty beyond reasonable doubt of the crime of violation of Section 11, Article II of R.A. No. 9165 and sentenced him to suffer imprisonment of 12 years and 1 day as minimum to 14 years and 8 months as maximum and to pay a fine of ₱300,000.00 without subsidiary imprisonment in case of insolvency. The RTC acquitted petitioner on the charge of violation of R.A. No. 10591 for illegal possession of ammunitions and also acquitted him on the charge of illegal possession of drug paraphernalia under Section 12, Article II of R.A. No. 9165, both on the ground of failure by the prosecution to prove the guilt of petitioner beyond reasonable doubt.<sup>7</sup>

Petitioner filed an appeal, which the CA denied. The CA ruled that the prosecution was able to prove that the two plastic sachets of *shabu* and one plastic sachet of *marijuana* were found inside petitioner's house and that said possession was not authorized by law. Petitioner freely and consciously possessed the seized drugs since they were found in a place where he exercised dominion and control.<sup>8</sup> The CA emphasized that the finding of illicit drugs and paraphernalia in a house or building owned or occupied by a particular person raises the presumption of knowledge and possession thereof, which standing alone is sufficient to convict. Petitioner failed to present any evidence to overcome such presumption.<sup>9</sup>

The CA also found untenable the petitioner's contention that the apprehending team failed to observe the proper procedure in handling seized drugs because the inventory was not witnessed by a representative of the National Prosecution Service. A scrutiny of the Receipt/Inventory of Property Seized and the Certification of Good Conduct of Lawful Search clearly shows Marita Tatlonghari<sup>10</sup> (Tatlonghari), a representative from the Department of Justice (DOJ), witnessed the same and Senior Police Officer 3 Efren Sales (SPO3 Sales) identified her signature in the said documents.<sup>11</sup>

The CA further ruled that the body of evidence adduced by the prosecution supports the conclusion that the integrity and evidentiary

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<sup>6</sup> Id. at 38.

<sup>7</sup> Id. at 77.

<sup>8</sup> Id. at 40-41.

<sup>9</sup> Id. at 41-42.

<sup>10</sup> Also referred to as "Maria Tatlonghari" in some parts of the *rollo*.

<sup>11</sup> *Rollo*, pp. 43-44.

value of the seized evidence were preserved and safeguarded through an unbroken chain of custody.<sup>12</sup> Petitioner filed a Motion for Reconsideration, which was denied by the CA in its Resolution dated November 29, 2019.

### **The Court's Ruling**

The Petition lacks merit.

Prevailing jurisprudence uniformly holds that findings of facts of the trial court, particularly when affirmed by the CA, are binding upon this Court. It is not the function of the Court to analyze or weigh such evidence all over again. It is only in exceptional cases where the Court may review findings of fact of the CA.<sup>13</sup> The Court finds that the findings of facts of both the RTC and the CA are well supported by the evidence on record.

Petitioner argues that the search warrant was irregularly executed because the two houses were searched by the police officers instead of that only occupied by petitioner. Petitioner claims that the house where the illegal items were confiscated was being rented by a certain Bibo.

We agree with the RTC and the CA and find the same to be incredible and unbelievable. Petitioner admitted that he does not even know the family name of Bibo. This uncorroborated and self-serving statement cannot outweigh the positive assertions of the prosecution.

Petitioner further claims that the Receipt of the Property Seized is deficient because it was not signed by him. Petitioner also claims that nowhere in the testimony of SPO3 Sales would show that a copy of the inventory was given to the petitioner. We find this to be a question of fact and raised for the first time on appeal. Hence, it is not within the province of this Court to review the same. Again, we find no circumstances which would warrant an exception to the rule.

Petitioner next questions the ruling by the RTC and the CA in giving credence to the uncorroborated testimony of SPO3 Sales. Settled is the rule that in criminal prosecutions on the matter of credibility of witnesses, the findings of the trial court are given weight and the highest degree of respect by appellate courts because the

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<sup>12</sup> Id. at 44.

<sup>13</sup> *Castillo v. Court of Appeals*, 329 Phil. 150, 159 (1996); *NGEI Multi-Purpose Cooperative, Inc. v. Filipinas Palmoil Plantation, Inc.*, 697 Phil. 433, 443-444 (2012); *Quintos v. Nicolas*, 736 Phil. 438, 451 (2014).

former is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial.<sup>14</sup>

We reiterate the well-entrenched rule that “the testimony of a lone eyewitness, if found positive and credible by the trial court, is sufficient to support a conviction especially when the testimony bears the earmarks of truth and sincerity and had been delivered spontaneously, naturally and in a straightforward manner.” It has been held that “[w]itnesses are to be weighed, not numbered[;] hence, it is not at all uncommon to reach a conclusion of guilt on the basis of the testimony of a single witness. For although the number of witnesses may be considered a factor in the appreciation of evidence, preponderance is not necessarily with the greatest number and conviction can still be had on the basis of the credible and positive testimony of a single witness.” Corroborative evidence is deemed necessary “only when there are reasons to warrant the suspicion that the witness falsified the truth or that his observation had been inaccurate.”<sup>15</sup>

In the instant case, both the RTC and the CA found the testimony of SPO3 Sales to be credible and trustworthy. We find no cogent reason to disturb the same.

Petitioner then argues that the inventory was not witnessed by a representative of the National Prosecution Service; that while the name of Tatlonghari, an alleged DOJ representative appears in the inventory, the same was not mentioned in the *Sinumpaang Salaysay* of the police officers.

We also find the same to be untenable. The law requires that the said inventory and photography be done in the presence of the accused or the person from whom the items were seized, or his representative or counsel, as well as certain required witnesses, namely: (a) if **prior** to the amendment of R.A. No. 9165 by R.A. No. 10640, “a representative from the media AND the DOJ, and any elected public official”; or (b) if **after** the amendment of R.A. No. 9165 by R.A. No. 10640, “[a]n elected public official and a representative of the National Prosecution Service OR the media.” The law requires the presence of these witnesses primarily “to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence.”<sup>16</sup>

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<sup>14</sup> *Añana v. People*, G.R. No. 232521, November 20, 2017 (Minute Resolution).

<sup>15</sup> *People v. Tulop*, 352 Phil.130 (1998).

<sup>16</sup> *People v. Bangalan*, G.R. No. 232249, September 3, 2018.

In this case, as noted by the CA, although the *Pinagsamang Sinumpaang Salaysay* of the apprehending officers did not indicate Tatlonghari as one of the witnesses, a scrutiny of the Receipt/Inventory of Property Seized and the Certification of Good Conduct of Lawful Search clearly shows Tatlonghari, a representative from the DOJ, witnessed the same. Further, SPO3 Sales testified in open court identifying Tatlonghari's signature as appearing in the aforementioned documents.<sup>17</sup>

Petitioner further argues that the prosecution failed to adequately establish every link in the chain of custody. Petitioner raised that the police officers failed to file a Motion to Take Custody of the Seized Items, which constitute a break in the chain of custody and that Police Officer 1 Loreto Durwin, Jr., the receiving clerk, was not presented in court to explain the condition of the specimens at the time the same was received.

We find such argument to be bereft of any merit. First, the assertion by the petitioner that failure to file a Motion to Take Custody of the Seized Items would already constitute a break in the chain of custody clearly lacks legal basis. Nowhere in the law, rules or applicable jurisprudence would support such claim. In addition, we find that the integrity and evidentiary value of the seized items were preserved and safeguarded through an unbroken chain of custody.

The Court has, in many cases, held that while the chain of custody should ideally be perfect, in reality it is not, "as it is almost always impossible to obtain an unbroken chain." The most important factor is the preservation of the integrity and the evidentiary value of the seized items as they will be used to determine the guilt or innocence of the accused.<sup>18</sup>

The non-presentation as witnesses of other persons such as the investigator and the **receiving clerk** of the Philippine National Police Regional Crime Laboratory is not a crucial point against the prosecution. The matter of presentation of witnesses by the prosecution is not for the court to decide. The prosecution has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses. Further, there is nothing in R.A. No. 9165 or in its implementing rules, which requires each and every one who came into contact with the seized drugs to testify in court. "As long as the chain of custody of the seized drug was clearly

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<sup>17</sup> Supra note 11.

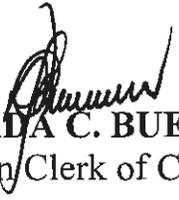
<sup>18</sup> *People v. Mendoza*, 683 Phil. 339, 350 (2012).

established to have not been broken and the prosecution did not fail to identify properly the drugs seized, it is not indispensable that each and every person who came into possession of the drugs should take the witness stand.”<sup>19</sup>

**WHEREFORE**, the Petition is **DENIED**. The Decision dated July 11, 2019 and the Resolution dated November 29, 2019 of the Court of Appeals in CA-G.R. CR No. 40761 are **AFFIRMED**.

**SO ORDERED.**” *Inting, J., designated as additional Member in lieu of Lopez, J., per Raffle dated June 22, 2020.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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The Hon. Presiding Judge  
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(Crim. Case Nos. 14-9751-SPL, 14-9752-SPL  
& 14-9753-SPL)

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<sup>19</sup> *People v. Alejandro*, 731 Phil. 662, 683 (2014).