



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated June 23, 2021, which reads as follows:

“G.R. No. 246163 (*People of the Philippines v. Jeffrey Garais y Geocado*).- On appeal is the October 31, 2018 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 10015, which affirmed the Decision² of the Regional Trial Court (RTC), Branch 38, Dact, Camarines Norte in Crim. Case No. 16966, finding Jeffrey G. Garais (Garais) guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 (RA 9165) otherwise known as “Comprehensive Dangerous Drugs Act of 2002” and sentencing him to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00.

The Antecedents:

On October 7, 2015, Garais was charged with violation of Section 5, Article II of RA 9165 in an amended information³ which alleged:

That on or about 4:30 in the afternoon of June 17, 2015 within the premises of the Central Plaza Complex, Brgy. Lagon, Municipality of Dact, Province of Camarines Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and with intent to gain, did then and there, willfully, unlawfully and feloniously sell, trade, and deliver to a police officer, who acted as poseur Buyer and in exchange of ₱1,000.00 marked money, one (1) heat sealed transparent plastic sachet containing white crystalline substance with the making “JRA” and with a total weight of 0.1659 grams, whereat, after qualitative examination conducted on the above specimen per Chemistry Report No. D-118-15, the same gave positive results for the presence of *methamphetamine hydrochloride* or “shabu”, a dangerous drug, to the damage and prejudice of the public.

¹ *Rollo*, pp. 3-13; penned by Presiding Justice Romeo F. Barza and concurred in by Associate Justices Elinor A. Ybañes and Maria Elisa Scmpio Dy.

² *CA rollo*, pp. 47-53; penned by Presiding Judge Roberto A. Escaro.

³ *Records*, p. 54.

CONTRARY TO LAW.⁴

Upon arraignment, Garais pleaded not guilty to the crime charged.⁵ Thereafter, trial on the merits ensued.

The prosecution presented as witnesses Senior Police Officer 3 Joseph Antiporda (SPO3 Antiporda) and SPO4 Reynante Nacario (SPO4 Nacario) of the Criminal Investigation and Detection Group (CIDG), and Police Chief Inspector Grace Briñas (PCI Briñas), the expert witness of the Philippine National Police (PNP) Crime Laboratory and who examined the *corpus delicti*. On the other hand, the defense presented Garais himself.

Version of the Prosecution:

The version of the prosecution reads:

In the morning of June 17, 2015, a confidential informant approached the office of the Criminal Investigation and Detection Group (CIDG), Daet, Camarines Norte and disclosed that he made an agreement with the accused, Jeffrey Garais (Garais). Subsequently, the police offices coordinated with the Philippine Drug Enforcement Agency (PDEA) and prepared the marked money. At about 4:30 o'clock in the afternoon, they went to the agreed place, a bingo establishment at the Central Plaza Mall.

Garais appeared at about ten (10) minutes from the arrival of the police officers. The confidential informant introduced SPO3 Joseph Antiporda (SPO3 Antiporda) as the buyer. Garais demanded payment and in response, SPO3 Antiporda handed the marked money. After receiving payment, Garais secretly handed the sachet containing shabu. Upon confirming its contents, SPO3 Antiporda made the prearranged signal of hugging Garais and immediately arrested him. Thereafter, SPO1 Carlos R. Raymundo, Jr. (SPO1 Raymundo) and SPO[4] Reynante T. Nacario (SPO4 Nacario), who acted as backup, aided in Garais' arrest.

Garais insisted that he was merely a small fry dealer and that the police officers should, instead, arrest his aunt, Limmie Salamero (Salamero), who, is his source of supplies. The police officers decided to immediately conduct an operation against her, at her house, which eventually [led] to her arrest and the confiscation of several other sachets of shabu.

The police officers brought Garais and Salamero to the police station where inventory and photographing of all the seized items were made in the presence of media representative and a barangay chairman. Thereafter, SPO3 Antiporda brought the sachets with the Request for Laboratory Examination to the crime laboratory where testing conducted by PCI Grace Gorospe (PCI Gorospe) yielded the result of positive for *methamphetamine hydrochloride*.⁶

⁴⁵ *Id.* at 62.⁶ *CA rollo*, pp. 30-31.

Version of the Defense:

Accused-appellant Garais, on the other hand, interposed the defense of denial and claim of frame-up in his Brief,⁷ which reads:

Jeffrey Garais vehemently denied the charge against him. At around 4:30 o'clock in the afternoon of June 17, 2015, he was about to go home from the B-bingo establishment at Central Plaza Mall, with his winnings worth Eleven Thousand Pesos (P11,000.00) when four (4) men approached him and arrested him. The police officers then arrested Emmie Salamero after searching her house, although the police officers found nothing illegal. They were then brought to the police station.

Ruling of the Regional Trial Court:

The trial court, in its Decision⁸ dated September 29, 2017, found Garais guilty beyond reasonable doubt of violation of Section 5, Article II of RA 9165. The dispositive portion of the RTC Decision reads:

WHEREFORE, judgment is hereby rendered finding the accused Jeffrey Garais guilty beyond reasonable doubt of the crime of Violation of section 5, Article II of R.A. No. 9165, he is sentenced to life imprisonment and pay the fine of P500,000.00.

The plastic sachet of shabu weighing 0.1659 gram (Exhibit "D") being illegal per se is ordered confiscated in favor of the Government.

SO ORDERED.⁹

The RTC held that in the prosecution for illegal sale of dangerous drugs, it must be proved that that the transaction or sale actually took place coupled with the presentation in court of the *corpus delicti*. In this case, the prosecution has sufficiently established the sale of the dangerous drugs at the time of the incident as testified to by SPO3 Antiporda.

The trial court further held that non-compliance with Section 21 of RA 9165 is not fatal to the prosecution's case provided the police officers' offer justifiable grounds and the integrity and evidentiary value of the evidence seized have been preserved. In this case, the trial court found that the prosecution was able to establish that the subject sachet sold by Garais bearing the marking "JRA" contained shabu.

The trial court disregarded Garais' defense of denial considering the positive and consistent testimonies of the prosecution witnesses. It also rebuffed Garais' claim of frame up.

Aggrieved, Garais appealed his conviction before the CA.

⁷ Id. at 31.

⁸ CA rollo, pp. 47-53.

⁹ Id. at 53.

Ruling of the Court of Appeals:

In its Decision¹⁰ dated October 31, 2018, the appellate court denied Garais' appeal and affirmed the Decision of the RTC. It similarly found that the prosecution sufficiently established all the elements of the crime of illegal sale of dangerous drugs.

The appellate court upheld the ruling of the trial court that there was no break in the chain of custody. It declared that Section 21 of RA 9165 need not be strictly followed since what is essential is the preservation of the integrity and evidentiary value of the seized items as the same would be essential in the determination of the guilt or innocence of the accused.

Lastly, the appellate court likewise rejected Garais' defense of denial and claim of frame-up. It held that such defense cannot prevail over the positive and consistent testimonics of the prosecution witness.

The dispositive portion of the CA Decision reads:

WHEREFORE, the instant appeal is hereby **DISMISSED**. The appealed decision is hereby **AFFIRMED**. (Emphasis supplied)

Hence, the instant appeal.

Issue

Whether the prosecution sufficiently established Garais' guilt beyond reasonable doubt for the crime charged.

Our Ruling

The Court finds the appeal bereft of merit.

For the prosecution of illegal sale of dangerous drugs, the following elements must concur, to wit: (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.¹¹

In this case, Garais contended that the prosecution witnesses failed to prove the existence of the illegal drug transaction and that no illegal drugs were found in his possession.

We are not convinced.

We find that the prosecution has sufficiently established all the aforementioned elements. SPO3 Antiporda categorically testified that the sale of the dangerous drug actually took place between him and Garais. Likewise,

¹⁰ *Rollo*, pp. 3-13.

¹¹ *Belmonte y Goromeo v. People*, 811 Phil. 844, 856 (2017).

PCI Briñas testified that the subject sachet contained *methamphetamine hydrochloride* or “shabu”.

We are not persuaded with Garais’ contention that the prosecution failed to establish the identity and integrity of the *corpus delicti* and that the chain of custody appeared to be broken.¹²

The Court disagrees.

As a general rule, strict compliance with the chain of custody procedure laid down under Section 21 of RA 9165 is required in order to preserve the integrity of the *corpus delicti*. However, due to varying complexities during police operations, strict compliance with the chain of custody rule under Section 21 may be relaxed provided the apprehending team offer justifiable grounds and as long as the integrity and the evidentiary value of the seized items are properly preserved.

We declared in *People v. Nandi*¹³ the four links that should be established in the chain of custody in order to preserve the integrity of the seized drug, to wit: first, the seizure and marking, if practicable, 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 from the forensic chemist to the court.

SPO3 Antiporda testified that the buy-bust operation resulted in a commotion prompting them to conduct the marking and inventory of the seized item at the CIDG Canarines Norte for security reasons. Thereafter, the preparation of the Certificate of Inventory was witnessed by a media representative and an elected official and in the presence of Garais. Moreover, the Certificate clearly mentioned that the item subject of sale is the very same item seized from Garais.¹⁴ SPO3 Antiporda testified that the same item was brought to the crime laboratory and personally received by PCI Briñas for examination. Thereafter, PCI Briñas attested that she placed a masking tape with a red marking on top of the specimen in order to identify the same and prevent any tampering on it.¹⁵ PCI Briñas also affirmed that she recorded the retrieval of the said specimen and the time she conducted the examination.¹⁶

Thus, We find no cogent reason to depart from the findings of the trial court that there was no break in the chain of custody and that the integrity and evidentiary value of the seized drug was preserved. Moreover, presumption

¹² *Rollo*, p. 9.

¹³ 639 Phil. 118, 133 (2010).

¹⁴ Records, p. 168.

¹⁵ TSN, May 24, 2016, p.6.

¹⁶ *Id.* at p.7

of regularity in the performance of duty can be applied in the instant case. “The presumption applies when nothing in the record suggests that the law enforcers deviated from the standard conduct of official duty required by law.”¹⁷ It is likewise clear from the foregoing that the item marked, tested and offered in evidence was the very same item seized by SPO3 Antiporda from Garais in the said buy-bust operation.

The Court likewise rejects the defense of denial and claim of frame-up by Garais. Jurisprudence dictates that such denial cannot prevail over the straightforward and consistent testimonies of the prosecution witness. “This Court has ruled that the defense of denial or frame-up, like alibi, has been invariably viewed by the courts with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecution for violation of the Dangerous Drugs Act.”¹⁸

Moreover, well settled is the rule that the Court is bound by the findings of the trial court especially when upheld by the appellate court, as in this case, in the absence of any misapprehension of facts that would warrant the reversal of the trial court’s decision.

Section 5, Article II of RA 9165 provides for the penalty for illegal sale of dangerous drugs, viz.:

Section 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.

In view of the foregoing, We sustain the penalty imposed on Garais for the crime of Illegal Sale of Dangerous Drugs.

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 10015 affirming the Decision of the Regional Trial Court finding Jeffrey G. Garais guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 otherwise known as “Comprehensive Dangerous Drugs Act of 2002” and sentencing him to suffer the penalty of life imprisonment and to pay a fine of P500,000.00 is hereby **AFFIRMED**.

¹⁷ *People v. Kamad*, 624 Phil. 289, 311 (2010).

¹⁸ *People v. Domingo*, 792 Phil. 117, 128 (2016).

SO ORDERED."

By authority of the Court:

Mis D C Batt
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Division Clerk of Court *Jay*
7/14/21

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