



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 June 2021** which reads as follows:*

“**G.R. No. 253856 (People of the Philippines v. Noralyn Sariol Luma)**. - The Court **NOTES** accused-appellant Noralyn Sariol Luma’s (accused-appellant) supplemental brief¹ dated March 17, 2021 in compliance with the Resolution² dated November 9, 2020.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal³ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in affirming the conviction of accused-appellant for the crimes of Illegal Sale and Illegal Possession of Dangerous Drugs, respectively defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165,⁴ otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002.’

As correctly ruled by the courts *a quo*, all the respective elements of the foregoing crimes are present in this case as the prosecution clearly established that, during a legitimate buy-bust operation conducted by law enforcement operatives of the San Pedro Police Station in Davao City, accused-appellant was caught *in flagrante delicto* selling a plastic sachet containing 0.1835 gram of *Methamphetamine Hydrochloride*, or *shabu*, to the designated poseur-buyer, Police Officer (PO) 3 Gerry R. Tudlasan (PO3 Tudlasan), and when searched upon arrest, thirteen (13) more plastic sachets containing a total of 6.8096 grams of the same substance were recovered from her possession.⁵

Furthermore, all the links of the chain of custody were likewise established, considering that: (a) PO3 Tudlasan had custody of the seized items from the moment of seizure, conducted the marking, inventory, and photography in the presence of accused-appellant herself, as well as the required witnesses, and finally, turned over the seized items to PO2 Perfecto Tuloy (PO2 Tuloy) at the police station for

¹ *Rollo*, pp. 32-44.

² *Id.* at 28A-28B.

³ *Id.* at 16-17.

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 on June 7, 2002.

⁵ *Rollo*, pp. 11-12.

1/27

recording purposes; (b) after recording, PO2 Tuloy gave the seized items back to PO3 Tudlasan, who then brought the same to the Philippine National Police Crime Laboratory, where they were received by PO2 Jeffrey Cabalon and then turned over to Police Senior Inspector April Dela Rosa Fabian (PSI Fabian), the expert forensic chemist; and (c) after examination, PSI Fabian turned over the seized items to PO3 Bernadine Magallanes, the evidence custodian, who stored them until they were duly presented in court for identification.⁶

WHEREFORE, the Court **ADOPTS** the findings of fact and the conclusions of law in the Decision⁷ dated October 30, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 01930-MIN and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Noralyn Sariol Luma **GUILTY** beyond reasonable doubt of the crimes of Illegal Sale and Illegal Possession of Dangerous Drugs, respectively defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002.’ Accordingly, she is sentenced to suffer the following penalties: (a) in Criminal Case No. 82,394-15, for the crime of Illegal Sale of Dangerous Drugs, the penalty of life imprisonment and a fine in the amount of ₱500,000.00; and (b) in Criminal Case No. 82,395-15, for the crime of Illegal Possession of Dangerous Drugs, the penalty of imprisonment for a period of twenty (20) years and one (1) day to thirty (30) years, and a fine in the amount of ₱400,000.00.

SO ORDERED.” (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021.)

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court

28 JUL 2021

EP 107

⁶ Id. at 10-11.

⁷ Id. at 4-15. Penned by Associate Justice Edgardo A. Camello with Associate Justices Oscar V. Badelles and Lily V. Biton, concurring.

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*NORALYN SARIOL LUMA (reg)
Accused-Appellant
c/o The Superintendent
Davao Prison and Penal Farm
B.E. Dujali Davao del Norte

THE SUPERINTENDENT (reg)
Davao Prison and Penal Farm
B.E. Dujali Davao del Norte

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 13
Davao City
(Crim. Case Nos. 82, 394-15 and 82, 395-15)

COURT OF APPEALS (reg)
Cagayan de Oro City
CA-G.R. CR-HC No. 01930-MIN

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Supreme Court, Manila

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Supreme Court, Manila

*with copy of CA Decision dated 30 October 2019
Please notify the Court of any change in your address.
GR253856. 6/28/2021(120)URES