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Wilfredo V. Lapitan
 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

Republic of the Philippines
 Supreme Court
 Manila

MAR 07 2018

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-appellee,

G.R. No. 206965

Present:

VELASCO, JR., *J. Chairperson*,
 BERSAMIN,
 LEONEN,
 MARTIRES, and
 GISMUNDO,* *JJ.*

-versus-

EMMA BOFILL PANGAN,
 Accused-appellant.

Promulgated:
 November 29, 2017

X-----*Wilfredo V. Lapitan*-----X

DECISION

LEONEN, J.:

Section 21 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, cannot be utilized to frustrate legitimate efforts of law enforcers.¹ Minor deviations from the mandated procedure in handling the *corpus delicti* must not absolve a guilty defendant.²

This Court resolves this appeal³ filed by Emma Bofill Pangan

* On leave.

¹ *People v. Dimaano* G.R. No. 174481, February 10, 2016, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/february2016/174481.pdf>> 12 [Per J. Leonen, Second Division].

² Id.

³ *CA rollo*, p. 117.

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(Pangan) from the September 21, 2012 Decision⁴ of the Court of Appeals in CA-G.R. CR-H.C. No. 00747, which affirmed the Regional Trial Court ruling⁵ that she was guilty beyond reasonable doubt of illegal possession of dangerous drugs in violation of Section 11 of Republic Act No. 9165.⁶

On April 11, 2003, the Office of the City Prosecutor of Roxas City filed an Information⁷ against Pangan for violation of Section 11 of Republic Act No. 9165.⁸ The accusatory portion of this Information read:

That on or about the 10th day of April, 2003, in the City of Roxas, Philippines, and within the jurisdiction of this Honorable Court, said accused, did then and there willfully, unlawfully and feloniously have in her possession and control 14.16 grams of Methamphetamine Hydrochloride (shabu), a dangerous drug, without being authorized by law to possess the same.

CONTRARY TO LAW.⁹

On May 15, 2003, Pangan pleaded not guilty to the charge.¹⁰

Trial on the merits commenced.¹¹

The prosecution presented the following witnesses¹²: PO1 Eleno Carillo (PO1 Carillo), SPO4 Dionisio Revisa, Jr. (SPO4 Revisa),¹³ Forensic Chemist P/Chief Insp. Angela Baldevieso (P/Chief Insp. Baldevieso), Fastpak Global Express Corporation (Fastpak) employee Louie Culili (Culili), Barangay Kagawad Virginia Beluso (Barangay Kagawad Beluso), and P/S Insp¹⁴ Leo Batiles (P/S Insp Batiles).¹⁵

⁴ *Rollo*, pp. 3–17. The Decision was penned by Associate Justice Ramon Paul L. Hernando and concurred in by Associate Justices Carmelita Salandanan-Manahan and Zenaida T. Galapate-Laguilles of the Twentieth Division, Court of Appeals, Cebu City.

⁵ *CA rollo*, pp. 47–63. The Decision, dated April 18, 2007 and docketed as Crim. Case No. C-093-03, was penned by Judge Delano F. Villaruz of Branch 16, Regional Trial Court, Roxas City.

⁶ Rep. Act No. 9165, sec. 11 provide:

Section 11. *Possession of Dangerous Drugs*. — 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 possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

. . . .

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

(1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or “shabu” is ten (10) grams or more but less than fifty (50) grams[.]

⁷ See *CA rollo*, p. 47. The Information was filed by Assistant City Prosecutor Eduardo D. Delfin.

⁸ *Rollo*, p. 4.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 5.

¹³ *Id.* at 6.

¹⁴ See *CA rollo*, p. 48. The RTC Decision referred to him as Captain Batiles instead of P/SInsp Batiles.

¹⁵ *Rollo*, p. 5. He was a rebuttal-witness for the prosecution.

PO1 Carillo was an Intelligence Operative¹⁶ of the Capiz Police Provincial Office in Camp Teodoro Apil, Roxas City.¹⁷ At around 8:00 a.m. of April 10, 2003, he conducted a test-buy operation on Pangan at B&T Merchandising on Asis Street, Roxas City.¹⁸ A police asset had reported that the shop was owned by Pangan and her live-in partner, Mario Tupaz (Tupaz).¹⁹

After PO1 Carillo bought a sachet of *shabu* worth ₱1,000.00 from Pangan, he expressed his interest to buy more drugs.²⁰ Pangan instructed him to return in the afternoon of that day as more *shabu* would allegedly be delivered to her via Fastpak.²¹

PO1 Carillo went back to the Police Provincial Office to report the information to P/S Insp. Batiles. P/S Insp. Batiles and PO1 Carillo applied for a search warrant before Judge Charlito Fantilanan (Judge Fantilanan), who later issued Search Warrant No. 2003-26.²²

P/S Insp. Batiles conducted a briefing with the buy-bust team²³ comprised of PO1 Carillo, SPO4 Revisa, PO2 Escultero, PO1 Etalla,²⁴ PO1 Cordovero, PO1 Bernardez²⁵ and SPO3 Inocentes Liberia, together with the assigned investigator and recorder.²⁶ PO1 Carillo and PO1 Bernardez were tasked to ensure that Pangan was in her store and to give the needed pre-arranged signal when already warranted.²⁷

At around 4:20 p.m., PO1 Carillo and PO1 Bernardez²⁸ bought soft drinks at Pangan's store.²⁹ Thereafter, Pangan went out to get a delivery package from Culili.³⁰ Pangan acknowledged the receipt of the delivery by signing Waybill No. 200-000002352-2.³¹ She then returned to the store and placed the delivered Fastpak pouch on top of a table.³²

¹⁶ See CA rollo, p. 48. One of PO1 Carillo's functions includes the "surveillance, monitoring and gathering information about illegal drug operations in Roxas City."

¹⁷ Rollo, p. 5.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id. at 5-6. "[C]omposed of members of Capiz PPO Intelligence Section, the First Mobile Group and the Military Intelligence, Group 6."

²⁴ See CA rollo, p. 49, RTC Decision. Name spelled as PO1 Italia.

²⁵ The complete names of PO2 Escultero, PO1 Etalla, PO1 Cordovero, and PO1 Bernardez are not mentioned.

²⁶ Rollo, p. 6.

²⁷ Id.

²⁸ See CA rollo, p. 82, Brief for the Plaintiff-Appellee. He was also pertained as PO1 Bernaldez.

²⁹ Rollo, p. 4.

³⁰ Id.

³¹ Id.

³² Id.

PO1 Carillo made the pre-arranged signal, prompting P/S Insp. Batiles to advance to the area where other members of the buy-bust team followed.³³ P/S Insp. Batiles read the contents of the search warrant to Pangan.³⁴ Barangay Captain Andrada,³⁵ Barangay Kagawad Beluso, Barangay Kagawad Cesar Lara (Lara),³⁶ Rey Casumpang of Radio Mindanao Network (RMN), Nimbe dela Cruz and Ricardo Bulana (Bulana) of RMN-DYVR also arrived.³⁷

While inside the store, PO1 Carillo and SPO4 Revisa inspected the Fastpak package on top of the table.³⁸ Pangan suddenly became unruly, trying to grab the package from PO1 Carillo.³⁹ The police officers brought Pangan out of the store to continue the search and to prevent Pangan from harming herself.⁴⁰

SPO4 Revisa opened the sealed package with a knife.⁴¹ He found a *Noli Me Tangere* book, the pages of which were intentionally cut⁴² to serve as “compartments” for the three (3) big sachets of suspected *shabu*.⁴³ PO1 Carillo searched the table’s drawer where he found another small pack of suspected illicit drugs, magazines of a 0.45 caliber pistol, ammunition, a magazine pouch, and a holster.⁴⁴ Members of the media and barangay officials were present during the entire course of the search and seizure.⁴⁵

The confiscated items were turned over to SPO1 Lebria⁴⁶ for marking.⁴⁷ He wrote “EBP-1,” “EBP-2,” “EBP-3,” and “EBP-4” on the four (4) plastic sachets, which stood for Emma Bofill Pangan.⁴⁸ He also prepared the inventory, which was signed by the third-party witnesses, who were present during the search.⁴⁹ PO1 Carillo took pictures of the premises and the seized items.⁵⁰

³³ Id.

³⁴ Id.

³⁵ Barangay Captain Andrada’s complete name is not mentioned.

³⁶ *CA rollo*, p. 51.

³⁷ *Rollo*, p. 6.

³⁸ Id.

³⁹ Id.

⁴⁰ Id. at 6–7.

⁴¹ Id. at 7.

⁴² See *CA rollo*, p. 62. “Cutting the tape, the police discovered inside the book between the cut portions of pages 45 to 119 [,] three sachets of suspected methamphetamine hydrochloride . . .”

⁴³ *Rollo*, p. 7.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ See *CA rollo*, p. 50, RTC Decision. Pertained to as “SPO3 Libria” and the complete name is not mentioned.

⁴⁷ *Rollo*, p. 7, CA Decision.

⁴⁸ Id.

⁴⁹ Id.

⁵⁰ Id.

The arresting team brought Pangan to the police station.⁵¹ The confiscated articles were recorded in the police blotter.⁵² P/S Insp. Batiles prepared and signed the return of service to be presented to the trial court which issued the search warrant.⁵³ The arresting team then brought the return of service of the search warrant and the seized items to the court.⁵⁴

Later, P/S Insp. Batiles wrote a letter to Judge Fantilanan, requesting to withdraw the four (4) sachets of suspected *shabu* for laboratory examination.⁵⁵ The trial court granted the request causing the items to be forwarded to the Philippine National Police Crime Laboratory, Camp Delgado, Iloilo City.⁵⁶ P/C Insp. Baldevieso issued Chemistry Report No. D-145, which verified that the seized items tested positive for methamphetamine hydrochloride or *shabu*.⁵⁷

On the other hand, the defense's witnesses were Pangan; her live-in partner, Tupaz; her 17-year-old nephew, Ronel Compa (Compa); a tricycle driver,⁵⁸ Wilson Villareal (Villareal); and Radio Mindanao Network reporter, Bulana.⁵⁹

The defense's narrative was as follows:

Pangan and Compa were operating the store when a tricycle driver named Nong Nelson came and bought a bottle of soft drink. Thereafter, two (2) men followed and similarly bought some drinks.⁶⁰

A delivery man from Fastpak suddenly came with a package for Pangan. After handing the package to Pangan, the delivery man directed her to sign the receipt.⁶¹ Upon checking the package, Pangan noticed that it was addressed to a certain "Gemma."⁶² It is at this point when the two (2) men allegedly approached Pangan and introduced themselves as police officers. One (1) of them struggled to possess the package while the other poked a gun at Compa, instructing him to stay still.⁶³

Pangan continuously struggled to free herself. In the process, she hit a

⁵¹ Id.

⁵² Id.

⁵³ Id.

⁵⁴ Id. at 7-8.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Id. See RTC Decision on p. 53 of CA *rollo* which refers to the same as Chemistry Report No. D-143-05. However on p. 52 of the same decision, it was referred as Chemistry Report No. D-145-03.

⁵⁸ CA *rollo*, p. 54.

⁵⁹ *Rollo*, p. 8.

⁶⁰ Id.

⁶¹ Id.

⁶² Id. at 8-9.

⁶³ Id.

bottle, which broke into pieces. As the commotion continued, one (1) of the men instructed Compa to get the handcuffs inside the store. Pangan was eventually handcuffed and pulled towards the Radio Mindanao Network vehicle parked about 10 arms' length from the store. The two (2) men who struggled to detain her then returned to the store to continue the search.⁶⁴

After 15 minutes, more police arrived at the store to aid in the search. One (1) of the police officers approached Pangan and told her that her store was being searched. She was told that her handcuffs would be removed so that she could sign some papers, which Pangan refused to sign.⁶⁵

Pangan narrated that she and Compa were brought to the police station. In the evening of the same day, Tupaz came. Pangan instructed him to go to her store to check the money she had left in a bag on their bed. When Tupaz returned, he informed Pangan that her bag was "in disarray" without the money inside.⁶⁶ The next day, Pangan caused the incident to be entered in the police blotter.⁶⁷

Pangan claimed that the package was sealed when it was delivered. She asserted that she was already inside the vehicle when the search warrant was shown to her.⁶⁸ According to her, the search warrant had an inaccurate account of its subject as her true and right name was Emma Bofill, not⁶⁹ Emma Bofill Pangan,⁷⁰ and that the name of her store, Imar Marketing, was not there.⁷¹ Pangan insisted that she did not know Jaime Castro, the indicated sender of the package.⁷² She asserted that she was not expecting any delivery that day.⁷³

The Regional Trial Court⁷⁴ convicted Pangan.⁷⁵ It found that Pangan had *animus possidendi* as she appeared to know the contents of the Fastpak package she had received.⁷⁶

It also ruled that Pangan failed to rebut the claim that PO1 Carillo

⁶⁴ Id. at 8-9.

⁶⁵ Id.

⁶⁶ CA rollo, p. 55.

⁶⁷ Rollo, p. 8.

⁶⁸ Id. at 9.

⁶⁹ See CA rollo, p. 56.

Based on the testimony of Pangan, she disclosed that prior to her relationship with Tupaz, she had been living with one Noel Pangan (Noel) who was allegedly charged of illegal possession of drugs. In that case, Pangan executed an affidavit stating that she was the wife of Noel and her name appearing therein was "Emma Bofill Pangan."

⁷⁰ Rollo, p. 8.

⁷¹ Id.

⁷² See CA rollo, p. 55.

⁷³ Rollo, p. 9.

⁷⁴ CA rollo, pp. 47-63.

⁷⁵ Id. at 62.

⁷⁶ Id. at 59.

initially conducted a successful test-buy that led to the application for a search warrant.⁷⁷ Considering that Pangan directed PO1 Carillo to return in the afternoon as more supply would allegedly be delivered to her through Fastpak, PO1 Carillo knew precisely what to find during the conduct of the search.⁷⁸

Furthermore, when Pangan realized that she was dealing with police officers, she tried to grab the package. The trial court inferred that if she really knew nothing about its contents, she would not have been concerned with its possession.⁷⁹

Contrary to Pangan's assertion that the presumption of regularity could not work in favor of the arresting team,⁸⁰ the trial court ruled that the police officers properly carried out their duties during the search, there being no proof of any misdeed or irregularity.⁸¹ It also ruled that although none of the prosecution witnesses testified where the seized articles were marked, this does not automatically mean that the articles were marked elsewhere and not at the place where the items were confiscated.⁸² PO1 Carillo, SPO4 Revisa, and Barangay Kagawad Beluso identified the seized illicit drugs in court as the same ones recovered from Pangan during the implementation of the warrant. Considering that no evidence was presented to establish any improper motive on their part, their testimonies deserve full credit.⁸³

The dispositive portion of its Decision read:

WHEREFORE, accused EMMA BOFILL PANGAN is found guilty beyond reasonable doubt of possession of 14.16 grams⁸⁴ of methamphetamine hydrochloride, a dangerous drug, in the afternoon of April 10, 2003 at Roxas City, Philippines without being authorized by law to possess the same, defined and penalized by Section 11 sub paragraph (1), Article II of Republic Act No. 9165 and is sentenced to life imprisonment and to pay a fine of Four Hundred Thousand (P400,000.00) Pesos, Philippine Currency, and the costs of this suit.

She will be credited with the full term of her detention period.

The illegal drugs are ordered confiscated to be turned over to the Philippine Drug Enforcement Agency (PDEA) for proper disposal.

SO ORDERED.⁸⁵ (Emphasis in the original)

⁷⁷ Id. at 58.

⁷⁸ Id. at 58–59.

⁷⁹ Id. at 59.

⁸⁰ Id. at 60.

⁸¹ Id. at 61.

⁸² Id. at 60.

⁸³ Id.

⁸⁴ Id. at 62. "EBP-1," "EBP-2," "EBP-3," and "EBP-4" correspondingly weighed 5.03 grams, 4.09 grams, 5.02 grams, and 0.02 grams.

⁸⁵ Id. at 62.

Pangan appealed the conviction, attesting that the prosecution failed to prove the identity of the confiscated drugs. Allegedly, the police officers failed to observe the guidelines provided for under Section 21 of Republic Act No. 9165. Neither the marking of the confiscated drugs or the signing of the inventory receipt was made in her presence.⁸⁶

The Court of Appeals ruled against the accused.⁸⁷

It found that failure to strictly conform to the requirements of Section 21 of Republic Act No. 9165 does not immediately make the seized drugs inadmissible as evidence,⁸⁸ provided that the integrity and evidentiary worth of the seized articles were maintained.⁸⁹

Furthermore, the Court of Appeals ruled that Pangan's absence during the marking and inventory was justified as she became "hysterical" after the search warrant was read to her.⁹⁰ Hence, the arresting officers needed to pacify Pangan to prevent her from harming herself and other people.⁹¹

The dispositive portion of its Decision provided:

WHEREFORE, in view of the foregoing premises, the appeal filed in this case is hereby **DENIED**. The assailed Decision dated April 18, 2007 of the Regional Trial Court, Branch 16, of Roxas City in Criminal Case No. C-093-03 is **AFFIRMED**.

SO ORDERED.⁹² (Emphasis in the original)

Hence, this appeal was filed before this Court.

On May 20, 2013,⁹³ the Court of Appeals elevated to this Court the records of this case pursuant to its January 23, 2013 Resolution,⁹⁴ which gave due course to Pangan's Notice of Appeal.⁹⁵

In its July 22, 2013 Resolution,⁹⁶ this Court noted the records of this

⁸⁶ *Rollo*, p. 12.

⁸⁷ *Id.* at 3–17.

⁸⁸ *Id.* at 10.

⁸⁹ *Id.* at 14.

⁹⁰ *Id.* at 13–14.

⁹¹ *Id.* at 14.

⁹² *Id.* at 16.

⁹³ *Id.* at 1.

⁹⁴ *Id.* at 19–20.

⁹⁵ *Id.* at 18.

⁹⁶ *Id.* at 22.



case forwarded by the Court of Appeals. The parties were ordered to file their respective supplemental briefs, should they have desired, within 30 days from notice. Both parties manifested that they would no longer file supplemental briefs.⁹⁷

For resolution before this Court is whether or not Emma Bofill Pangan's⁹⁸ guilt was proven beyond reasonable doubt. Specifically, the main issue presented is whether or not the prosecution established an unbroken chain of custody on the handling of the confiscated illicit drugs.

Pangan wonders how three (3) armed middle-aged police officers allegedly failed to pacify a 42-year-old woman like her, causing them to lock her up inside a vehicle during the entire course of the search.⁹⁹ She questions whether or not her enforced inability to witness the marking and inventory of the confiscated items has sufficient justification to allow a deviation from Section 21 of Republic Act No. 9165.¹⁰⁰

Furthermore, Pangan claims that the testimony of Culili cannot prove her guilt considering that the delivery man has no personal knowledge of the package's contents.¹⁰¹ She also insists that the trial court erred when it discredited her nephew's testimony on the ground that he was her relative.¹⁰² Relationship, in itself, does not give rise to assumption of bias or impair the credibility of witnesses or their statements.¹⁰³

Pangan underscores the arresting officers' failure to provide any acceptable reason to deviate from the requirements of Republic Act No. 9165 and its implementing rules.¹⁰⁴ She asserts that the presumption of regularity cannot work in their favor.¹⁰⁵

On the other hand, the Office of the Solicitor General¹⁰⁶ presents that all the elements of illegal possession of dangerous drugs were present.¹⁰⁷ The prosecution's testimonial, documentary and object evidence amply

⁹⁷ Id. at 24–28, Manifestation of the Office of the Solicitor General and *rollo*, pp. 30–32, Manifestation of the accused. See also *rollo*, p. 34 where this Court noted the Manifestations of the parties through a Resolution dated November 11, 2013.

⁹⁸ Id. at 37–48. Three indorsements with attachments were included as part of the *Rollo*, all pertaining to a request for regular hospital referral of Accused-Appellant Pangan to Rizal Medical Center for further examination and treatment of her T/C Myoma Uteri with A[bnormal] U[terine] B[leeding]. Through a Resolution dated March 9, 2016 (*Rollo*, pp. 49–51), this Court noted the indorsements. Similarly, this Court also approved (*Rollo*, pp. 52–57) the request for Pangan's outside medical referral subject to certain conditions.

⁹⁹ CA *rollo*, p. 42.

¹⁰⁰ Id. at 41–42.

¹⁰¹ Id. at 43.

¹⁰² Id.

¹⁰³ Id.

¹⁰⁴ Id. at 43–44.

¹⁰⁵ Id.

¹⁰⁶ Id. at 76–97.

¹⁰⁷ Id. at 87.

established that Pangan was guilty of the charge.¹⁰⁸

The Office of the Solicitor General reiterates that non-compliance with Section 21 of Republic Act No. 9165 is not fatal provided that there are justifiable grounds to deviate and the integrity of the chain of custody of the confiscated articles is maintained.¹⁰⁹ Pangan's absence in the marking and inventory was justifiable since the arresting officers needed to pacify her as she became frantic and disorderly after the search warrant was read to her.¹¹⁰

The Office of the Solicitor General further avers that Pangan's mere denial of the charge and claim of violation of the chain of custody rule cannot be the bases of her acquittal.¹¹¹ Pangan's defense of denial is innately weak and unless corroborated by clear and persuasive evidence, it remains self-serving and does not merit any credence in law.¹¹²

This Court dismisses the appeal and sustains the conviction.

I

The prosecution presented evidence beyond reasonable doubt to establish that all the elements of the offense were present and that the accused committed the offense.

Section 11 of Republic Act No. 9165 punishes illegal possession of dangerous drugs as follows:

Section 11. *Possession of Dangerous Drugs.* — 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 possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

....

(5) 50 grams or more of methamphetamine hydrochloride or "shabu";

....

Otherwise, if the quantity involved is *less than* the foregoing quantities, the penalties shall be graduated as follows:

(1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), *if the quantity of methamphetamine hydrochloride or*

¹⁰⁸ Id. at 89.

¹⁰⁹ Id. at 90.

¹¹⁰ Id.

¹¹¹ Id. at 93.

¹¹² Id.

“shabu” is ten (10) grams or more but less than fifty (50) grams[.]
(Emphasis supplied)

Based on this provision, sufficient evidence to prove the following elements should be presented:

- (1) the actual possession of an item or object which is identified to be a prohibited drug;
- (2) such possession is not authorized by law; and
- (3) the accused freely or consciously possessed the said drug.¹¹³ (Citation omitted)

The prosecution presented evidence that in the morning of April 10, 2003, PO1 Carillo initially conducted a successful test-buy which served as basis for the application of a search warrant.¹¹⁴ In the test-buy, Pangan disclosed to PO1 Carillo that more drugs would be delivered to her via Fastpak in the afternoon that day.¹¹⁵ Her words were **confirmed** when indeed, Culili delivered a Fastpak package to Pangan, which prompted PO1 Carillo and other members of the buy-bust team to effect the search leading to the seizure of the illegal drugs.¹¹⁶

Pangan **admitted** the delivery of the Fastpak package where she signed a delivery receipt.¹¹⁷ Culili, in response to a subpoena issued against him, testified for the prosecution and confirmed that he delivered a package to Pangan.¹¹⁸

Culili added that the package was addressed to “Gemma Bofill.”¹¹⁹ He identified Pangan as a **regular customer**.¹²⁰ This claim was expressly acknowledged¹²¹ by the accused herself, when she admitted that prior to April 10, 2003, she had received other packages from Fastpak addressed to either her or Tupaz. Culili asserted that he already made prior deliveries to Pangan and Tupaz in their past residence at SANECRA Subdivision in Gabuan, Roxas City.¹²² Culili was definite that it was Pangan who received the package.¹²³ He personally handed it to her and saw her sign the corresponding waybill.¹²⁴ Moreover, Pangan admitted¹²⁵ that she was the owner of the store that was made subject of the search warrant.

¹¹³ *People v. Lagman*, 593 Phil. 617, 625 (2008) [Per J. Carpio- Morales, En Banc].

¹¹⁴ *CA rollo*, p. 58.

¹¹⁵ *Id.*

¹¹⁶ *Id.* at 58–59.

¹¹⁷ *Id.* at 55.

¹¹⁸ *Id.* at 51.

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.* at 56.

¹²² *Id.* at 51.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.* at 56.

PO1 Carillo testified that when the barangay officials and media representatives came, he and SPO4 Revisa had started the search.¹²⁶ When SPO4 Revisa opened the sealed package, they found a book containing three (3) sachets of suspected illicit drugs.¹²⁷ From the table's drawer, an additional sachet was also discovered along with other articles listed in the inventory duly signed by P/S Insp. Batiles and the third-party witnesses.¹²⁸ PO1 Carillo's testimony was *corroborated* by the statements of SPO4 Revisa in court.¹²⁹

Barangay Kagawad Beluso testified for the prosecution to confirm that she saw the search warrant, witnessed its implementation, and signed the inventory prepared after the search.¹³⁰ Finally, to prove that the contents of the four (4) sachets tested positive for methamphetamine hydrochloride or shabu, P/C Insp. Baldevieso testified to have conducted the qualitative and quantitative¹³¹ examination.¹³² The test result was embodied in Chemistry Report No. D-145-03, which she and the Regional Chief of the Crime Laboratory, Police Chief Inspector Rea Abastillas-Villavicencio, duly signed.¹³³

To evade liability, Pangan offered uncorroborated and self-serving assertions. She alleged that Culili's delivery of the package cannot prove her guilt considering that he had no personal knowledge of the package's contents.¹³⁴ She also assumes that the trial court discredited Compa's testimony as he was her relative.¹³⁵

This Court is not persuaded with Pangan's defense. She was found to have been in possession of the illicit drugs without authority to do so. Her mere possession establishes a *prima facie* proof of knowledge or *animus possidendi* enough to convict her as an accused in the absence of any acceptable reason for its custody.¹³⁶

The trial judge had the distinct opportunity to examine the witnesses and to gauge their credibility.¹³⁷ The trial court was persuaded with the evidence presented by the prosecution.¹³⁸ Pangan's culpability of the charge

¹²⁶ Id. at 49.

¹²⁷ Id.

¹²⁸ Id.

¹²⁹ Id. at 50.

¹³⁰ Id. at 51.

¹³¹ Id. She individually weighed the four (4) sachets which yield to the following: EBP-1 – 5.03 grams; EBP-2 – 4.09 grams, EBP-3 – 5.02 grams and EBP – 4 - 0.02 grams. The total weight of the confiscated illicit drugs is 14.16 grams.

¹³² Id. at 52.

¹³³ Id. at 53.

¹³⁴ Id. at 43.

¹³⁵ Id.

¹³⁶ *People v. Bontuyan*, 742 Phil. 788, 799 (2014) [Per J. Perez, First Division].

¹³⁷ *People v. Del Mundo*, 418 Phil. 740, 755 (2001) [Per J. Ynares-Santiago, First Division].

¹³⁸ CA rollo, p. 62.

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was sufficiently established.¹³⁹ This Court does not find either palpable error or grave abuse of discretion in the trial court's or Court of Appeals' evaluation of evidence.¹⁴⁰ Therefore, their findings will not be overturned on appeal.¹⁴¹

II

In crimes involving dangerous drugs, the State has the burden of proving not only the elements of the offense but also the *corpus delicti* of the charge.¹⁴²

Prosecutions involving illegal possession of dangerous drugs demand that the elemental act of possession be proven with moral certainty and not allowed by law.¹⁴³ The illicit drugs, itself, comprise the *corpus delicti* of the charge and its existence is necessary to obtain a judgment of conviction.¹⁴⁴ Therefore, it is important in these cases that the identity of the illegal drugs be proven beyond reasonable doubt.¹⁴⁵

The prosecution must establish the existence of the illicit drugs.¹⁴⁶ It must also prove that the integrity of the *corpus delicti* has been maintained because the confiscated drug, being the proof involved, is ***not promptly recognizable*** through sight and can be tampered or replaced.¹⁴⁷

To establish that the illicit drugs scrutinized and presented in court were the very same ones confiscated from the accused, the prosecution should offer testimonies relating to its chain of custody.¹⁴⁸ Chain of custody is defined as:

[T]he duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of

¹³⁹ Id.

¹⁴⁰ See *People v. Minanga*, 751 Phil. 240, 249 (2015) [Per J. Villarama, Jr., Third Division].

¹⁴¹ Id.

¹⁴² *People v. Bautista*, 682 Phil. 487, 499 (2012) [Per J. Bersamin, First Division].

¹⁴³ *Mallillin v. People*, 576 Phil. 576, 586 (2008) [Per J. Tinga, Second Division].

¹⁴⁴ Id.

¹⁴⁵ Id.

¹⁴⁶ *People v. Dimaano* G.R. No. 174481, February 10, 2016, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/february2016/174481.pdf>> [Per J. Leonen, Second Division].

¹⁴⁷ Id. at 10.

¹⁴⁸ Id.

custody were made in the course of safekeeping and use in court as evidence, and the final disposition.¹⁴⁹ (Citation omitted)

This is governed by Section 21 of Republic Act No. 9165:¹⁵⁰

Section 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, ***physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy*** thereof;
- (2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;
- (3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: *Provided*, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours;
- (4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, conduct an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter proceed with the destruction or burning of the same,

¹⁴⁹ Id.

¹⁵⁰ Id. This is the prevailing law then. Now amended by Republic Act No. 10640 (2014) or An Act to Further Strengthen the Anti-Drug Campaign of the Government, amending for the purpose Section 21 of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the DOJ, civil society groups and any elected public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: *Provided*, That those item/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes: *Provider, further*, That a representative sample, duly weighed and recorded is retained;

- (5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject item/s which, together with the representative sample/s in the custody of the PDEA, shall be submitted to the court having jurisdiction over the case. In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board;
- (6) The alleged offender or his/her representative or counsel shall be allowed to personally observe all of the above proceedings and his/her presence shall not constitute an admission of guilt. In case the said offender or accused refuses or fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the public attorney's office to represent the former;
- (7) After the promulgation and judgment in the criminal case wherein the representative sample/s was presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative sample/s to the PDEA for proper disposition and destruction within twenty-four (24) hours from receipt of the same[.] (Emphasis supplied)

Compliance with the preconditions provided for under Section 21 cannot be overstated.¹⁵¹ It excludes the chances that the evidence may be planted, contaminated, or tampered in any way.¹⁵² Thus, as signified by its mandatory terms, *strict* conformity to the procedures in handling the seized articles and drugs is important and the prosecution must prove their acquiescence in any case.¹⁵³

Non-conformity equates to failure in proving the identity of the *corpus delicti*, which is an important element of the charge involving illegal possession of illicit drugs.¹⁵⁴ Hence, even doing acts which apparently nears compliance but do *not* really conform to the requirements do not suffice.¹⁵⁵

¹⁵¹ *People v. Dela Cruz*, 744 Phil. 816, 827 (2014) [Per J. Leonen, Second Division].

¹⁵² *People v. Holgado*, 741 Phil. 78, 93 (2014) [Per J. Leonen, Third Division].

¹⁵³ *People v. Denoman*, 612 Phil. 1165, 1175 (2009) [Per J. Brion, Second Division].

¹⁵⁴ *People v. Dela Cruz*, 744 Phil. 816, 827 (2014) [Per J. Leonen, Second Division].

¹⁵⁵ *People v. Holgado*, 741 Phil. 78, 94 (2014) [Per J. Leonen, Third Division].

By failing to prove an element of the charge, non-conformity with the law will, therefore, cause the acquittal of the accused.¹⁵⁶

This Court had the occasion to discuss the consequences of the arresting team's failure to comply with Section 21(1) of Republic Act No. 9165 in this Court's recent cases.

In *People v. Jaafar*,¹⁵⁷ the accused was acquitted of the charge for the illegal sale of 0.0604 grams of *shabu*, which was seized from him through a buy-bust operation. While the police officers marked the confiscated items, the physical inventory was not done in the presence of the accused or any of the mandated third-party witnesses. Also, no photograph was taken. In closing, this Court held that non-compliance with the mandatory preconditions of Section 21 creates doubt on the integrity of the seized *shabu*.¹⁵⁸

In *People v. Saunar*,¹⁵⁹ accused Delia Saunar was acquitted of the charge for illegal sale of 0.0526 grams and 0.0509 grams of dangerous drugs. This Court held that the prosecution failed to strictly conform to the rigorous standards provided for under Republic Act No. 9165, as amended, causing serious doubt on the origin and identity of the seized drugs.

In *Saunar*, the marking and inventory were done only when the team already reached Camp Simeon Ola and not immediately after confiscation. This Court inferred that any of the arresting officers could have taken custody of the seized drugs during transit, thereby concluding that there was a high probability that the evidence was tampered with or altered. While the belated marking and inventory were done in the presence of third-party witnesses, there was no evidence showing that the acts were done in the presence of the accused or any of her representatives. More telling was the fact that none of the third-party witnesses was presented to testify in court. Furthermore, no photograph was taken.¹⁶⁰

In *People v. Sagana*,¹⁶¹ photos of the seized items were taken only when the accused was already in the police station. The belated photograph taking was not simultaneously done with the marking and inventory, which

¹⁵⁶ *People v. Dela Cruz*, 744 Phil. 816, 827 (2014) [Per J. Leonen, Second Division].

¹⁵⁷ G.R. No. 219829, January 18, 2017, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/january2017/219829.pdf>> [Per J. Leonen, Second Division].

¹⁵⁸ *Id.* at 7–9.

¹⁵⁹ G.R. No. 207396, August 9, 2017, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/august2017/207396.pdf>> [Per J. Leonen, Second Division].

¹⁶⁰ *Id.* at 9–11.

¹⁶¹ G.R. No. 208471, August 2, 2017, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/august2017/208471.pdf>> [Per J. Leonen, Second Division].

was conducted immediately after the items were seized.¹⁶² Also, there was no third-party witness present when the items were seized and inventoried.¹⁶³

Accused Sagana was acquitted of the charge for illegal sale of *shabu* due to the evident lapses in the chain of custody that cast doubt on the integrity and identity of the *corpus delicti* and the arresting team's lack of justifiable reason to deviate from the mandated procedures.¹⁶⁴

While the chain of custody has been a *crucial* issue which led to acquittals in drugs cases, this Court has still ruled that non-conformity with the mandated procedure in handling the seized drugs does *not* automatically mean that the seized items' identity was compromised, which necessarily leads to an acquittal.¹⁶⁵ The Implementing Rules and Regulations of Republic Act No. 9165 provide some flexibility¹⁶⁶ with the addition of a proviso which reads:

Section 21: *Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment . . .*

- (a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: *Provided*, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; ***Provided, further***, that *non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items[.](Emphasis supplied)*

The saving mechanism included in the implementing rules guarantees that *not* every case of non-observance will irreversibly prejudice the prosecution's cause. However, to merit the application of the saving clause, the prosecution should acknowledge and explain the deviations they committed. Moreover, the prosecution should also prove that the integrity

¹⁶² Id.

¹⁶³ Id. at 14–16.

¹⁶⁴ Id.

¹⁶⁵ *People v. Denoman*, 612 Phil. 1165, 1178 (2009) [Per J. Brion, Second Division].

¹⁶⁶ *People v. Capuno*, 655 Phil. 226, 240 (2011) [Per J. Brion, Third Division].

and evidentiary worth of the confiscated evidence was maintained.¹⁶⁷

In other words, the arresting officers' non-compliance with Section 21 is *not fatal*, provided that there is a *justifiable* reason for their deviation and that the *evidentiary* worth of the seized drugs or articles was preserved. Non-conformity with the mandated procedures will not make the arrest of the accused illegal or the items seized inadmissible as evidence. What *matters* most is that the integrity and evidentiary worth of the seized articles were maintained since these will be used in resolving the guilt or innocence of the accused.¹⁶⁸

Pangan's main point of contention rests on her absence during the inventory and marking of the confiscated articles.¹⁶⁹

This Court underscores that from the start, Pangan already insisted that she did *not* know the contents of the delivery.¹⁷⁰ Surprisingly, when she testified in her defense, she disclosed that when the two (2) men allegedly "grabbed the package from her,"¹⁷¹ they grappled for its possession for about two (2) to three (3) minutes.¹⁷² Hence, the way she violently reacted belied her claim of innocence. As emphasized by the trial court, "She fought tooth and nail for [the] possession of the Fastpak pouch . . . with the police officer because a revelation of its contents would surely incriminate her."¹⁷³

The police officers acknowledged their breach, offering a justifiable reason why they had to dispense with Pangan's presence during the search, inventory, and photographing. The police narrated how Pangan became "uncontrollable."¹⁷⁴ This is a fact corroborated by the accused herself when she testified that she "*struggled* to free herself [and] she accidentally swiped a bottle in front of her store that fell and broke into pieces."¹⁷⁵ Therefore, Pangan's aggressive actuations urged the police officers to lock her up in the vehicle for the search to smoothly proceed.

The attendance of third-party witnesses during buy-bust operations and during time of seizures is to prevent the planting of evidence or frame-up.¹⁷⁶ Even though neither Pangan nor any of her representatives was present during the marking, inventory, and photographing, the police officers

¹⁶⁷ *People v. Denoman*, 612 Phil. 1165, 1178 (2009) [Per J. Brion, Second Division].

¹⁶⁸ *People v. Pringas*, 558 Phil. 579, 593 (2007) [Per J. Chico-Nazario, Third Division].

¹⁶⁹ *CA rollo*, p. 42.

¹⁷⁰ *Id.* at 58.

¹⁷¹ *Id.* at 55.

¹⁷² *Id.* at 56.

¹⁷³ *Id.* at 59.

¹⁷⁴ *Id.* at 90.

¹⁷⁵ *Id.* at 55.

¹⁷⁶ See *People v. Reyes*, G.R. No. 199271, October 19, 2016, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/october2016/199271.pdf>> [Per Justice Bersamin, First Division].

substantially complied with the rules as media representatives and barangay officials were present during the search.¹⁷⁷

Barangay Kagawad Beluso, who appeared as one (1) of the witnesses for the prosecution, confirmed that she was *with* Barangay Kagawad Lara and Barangay Captain Andrada during the search. She testified that the police officers found the sealed Fastpak package on top of Pangan's table, which was inside the store. She corroborated the testimonies of other prosecution witnesses narrating that when the *Noli Me Tangere* book was opened, three (3) sachets of suspected shabu were concealed between its pages. She added that the police officers found another sachet of illicit drugs in Pangan's drawer.¹⁷⁸

Barangay Kagawad Beluso also identified in court the Fastpak package, the *Noli Me Tangere* book, and the additional small sachet as the articles she was referring to in her statements. She verified that an inventory of the items was prepared by the police which she and the other witnesses signed.¹⁷⁹

Even radio reporter Bulana, who testified for the defense, mentioned that he was *one* (1) of the witnesses.¹⁸⁰ He disclosed that at around 4:00 p.m. of April 10, 2003, they gathered with the arresting team at Dinggoy Roxas Civic Center.¹⁸¹ He attested that after seeing the pre-arranged signal from one (1) of the police officers, *they* went to Asis Street where he saw PO1 Carillo and PO1 Bernardez enter Pangan's store, trying to grab a "bundle" from the accused.¹⁸² Thereafter, Pangan was "forcefully" brought outside the store and was eventually handcuffed inside a Radio Mindanao Network vehicle.¹⁸³

Furthermore, even assuming that the police officers failed to strictly conform to the procedures provided for under Section 21, the accused may still be adjudged guilty of the charge provided that the chain of custody remains uninterrupted.¹⁸⁴

In this case, the prosecution was able to establish the necessary links in the chain of custody from the time the sachets of illicit drugs were confiscated until they were forwarded to the laboratory for examination and presented as evidence in court.

¹⁷⁷ *Rollo*, p. 14.

¹⁷⁸ *CA rollo*, pp. 51-52.

¹⁷⁹ *Id.* at 52.

¹⁸⁰ *Id.* at 56.

¹⁸¹ *Id.*

¹⁸² *Id.* at 56-57.

¹⁸³ *Id.* at 57.

¹⁸⁴ *People v. Amarillo*, 692 Phil. 698, 711 (2012) [Per J. Perez, Second Division].

After its seizure, the four (4) plastic sachets were immediately given to SPO1 Liberia for marking. SPO1 Liberia also prepared the inventory, which was duly signed by the third-party witnesses present during the search.¹⁸⁵

PO1 Carillo took photographs of the search and the confiscated articles. Thereafter, the seized items were forwarded to the trial court which issued the warrant. Upon P/S Insp. Batiles' request, the trial court released the seized items for laboratory testing. The articles were received by SPO1 Alberto Espura of the Philippine National Police Crime Laboratory in Camp Claudio, Iloilo City. P/C Insp. Baldevieso confirmed through a chemical analysis that the contents of the sachets yielded positive for methamphetamine hydrochloride or *shabu* as evinced by Chemistry Report No. D-145.¹⁸⁶

The confiscated drugs which were examined in the laboratory were offered as evidence in the trial court and were identified by PO1 Carillo, Barangay Kagawad Beluso, and SPO4 Revisa as the same ones seized from Pangan during the lawful search.¹⁸⁷

Apart from Pangan's unsupported claims, no cogent proof was shown to attest that the seized items were tampered in any way. Based on the totality of the prosecution's evidence, the integrity and evidentiary value of the seized items were never compromised.

The rationale behind Section 21 is to shield the accused from malicious assertions of guilt from abusive police officers. However, this provision cannot be utilized to frustrate legitimate efforts of law enforcers. Minor deviations from the mandated procedure in handling the *corpus delicti* must **not** absolve a guilty defendant.¹⁸⁸

III

In a further attempt to evade liability, accused Pangan denies the presence of the additional sachet of *shabu* found hidden in her drawer, asserting that "PO1 Carillo **could** have planted it there because he has a bad record."¹⁸⁹

¹⁸⁵ *Rollo*, p. 14.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *People v. Dimaano*, G.R. No. 174481, February 10, 2016, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/february2016/174481.pdf>> 12 [Per J. Leonen, Second Division].

¹⁸⁹ See *CA rollo*, p. 40.

It is settled that in proceedings involving violations of the Dangerous Drugs Act, the testimonies of police officers as prosecution witnesses are given weight for it is assumed that they have performed their functions in a regular manner. Thus, this presumption stands except in cases when there is evidence to the contrary or proof imputing ill-motive on their part, which is wanting in this case. Pangan failed to adduce any evidence which could overturn the well-entrenched presumption in favor of the police officers.¹⁹⁰

Pangan's denial was essentially weak and cannot overcome the prosecution witnesses' positive identification of her as the perpetrator of the charge. Considering that a denial is self-serving, it merits no credence in law when uncorroborated by any clear and persuasive proof.¹⁹¹

Therefore, this Court upholds Pangan's guilt for possession of a considerable amount of 14.16 grams of methamphetamine hydrochloride or *shabu*. As correctly imposed by the Regional Trial Court and affirmed by the Court of Appeals, the penalty of life imprisonment and a fine of ₱400,000.00 are warranted and are in accordance with law.¹⁹²

WHEREFORE, the appeal is **DISMISSED**. The Court of Appeals September 21, 2012 Decision in CA-G.R. CR-H.C. No. 00747 affirming the Regional Trial Court's conviction of accused-appellant Emma Bofill Pangan of illegal possession of dangerous drugs in violation of Section 11 of Republic Act No. 9165 is **AFFIRMED**.

SO ORDERED.



MARVIC M.V.F. LEONEN

Associate Justice

WE CONCUR:



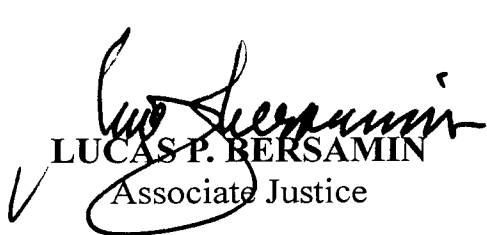
PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson

¹⁹⁰ *People v. Dulay*, 468 Phil. 56, 65 (2004) [Per J. Azcuna, First Division].

¹⁹¹ *Id.*

¹⁹² See Rep. Act No. 9165, art. II, sec. 11 which provides that the penalty of "Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams."

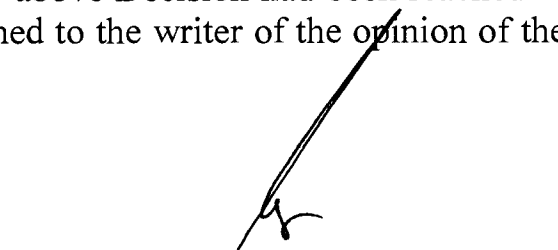

LUCAS P. BERSAMIN
 Associate Justice


SAMUEL R. MARTIRES
 Associate Justice

On leave
ALEXANDER G. GESMUNDO
 Associate Justice


ATTESTATION

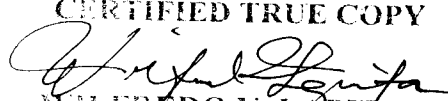
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
 Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

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