

SECOND DIVISION

[G.R. No. 232619, August 29, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOMAR
QUILANG Y BANGAYAN, ACCUSED-APPELLANT.**

DECISION

PERLAS-BERNABE, J.:

Assailed in this ordinary appeal^[1] is the Decision^[2] dated June 22, 2016 of the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 06116, which affirmed the Judgment^[3] dated April 26, 2013 of the Regional Trial Court of Tuguegarao City, Branch 3 (RTC) in Criminal Case No. 14123, finding accused-appellant Jomar Quilang y Bangayan (Quilang) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165,^[4] otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."

The Facts

This case stemmed from an Information^[5] filed before the RTC accusing Quilang of violating Section 5, Article II of RA 9165. The prosecution alleged that at around 12:30 in the afternoon of March 28, 2011, operatives of the Philippine Drug Enforcement Agency (PDEA) Region 2 Office conducted a buy-bust operation against Quilang, during which a plastic sachet containing 0.06 gram of suspected methamphetamine hydrochloride, or *shabu*, was recovered from him. The team, together with Quilang, then proceeded to the PDEA Region 2 Office where the seized item was marked, photographed, and inventoried in the presence of Barangay Captain Marcelo Narag, Department of Justice (DOJ) representative Ferdinand Gangan, and media representative Edmund Pancha. Thereafter, the seized sachet was brought to the crime laboratory where, after examination, it was confirmed to be containing *shabu*.^[6]

In defense, Quilang denied the charge against him. He narrated that at around two (2) o'clock in the afternoon of March 28, 2011, he was watching television with his son inside the house of his grandmother when suddenly, armed men, who identified themselves as PDEA agents, alighted from a van and accused him of selling drugs. When Quilang denied the accusation, one of the armed men reached inside the front pocket of Quilang's shirt and took out three (3) P500.00 bills and a cellphone. Thereafter, the armed men dragged him into the van and brought him to the police station, where he first saw the sachet allegedly seized from him.^[7]

In a Judgment^[8] dated April 26, 2013, the RTC found Quilang guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs, and accordingly, sentenced him to suffer the penalty of life imprisonment and to pay a fine in the amount of P500,000.00.^[9] The RTC held that the prosecution sufficiently established all the

elements of the said crime, and further ruled that the integrity and evidentiary value of the *corpus delicti* were preserved. In light of the positive testimonies of the prosecution witnesses, the RTC rejected Quilang's defense of denial, further pointing out that if he and his family were truly aggrieved by the PDEA agents' actions, they could have easily filed a complaint against them.^[10] Aggrieved, Quilang appealed the RTC ruling to the CA.^[11]

In a Decision^[12] dated June 22, 2016, the CA affirmed the RTC ruling,^[13] holding, among others, that the marking of the seized item at the nearest office of the apprehending team constitutes sufficient compliance with the chain of custody rule.^[14]

Hence, this appeal seeking that Quilang's conviction be overturned.

The Court's Ruling

The appeal is without merit.

For the conviction of an accused charged with Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165, the prosecution must prove: (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.^[15] Here, the courts *a quo* correctly found that all the elements of the crime charged are present, as the records clearly show that Quilang was caught *in flagrante delicto* selling *shabu* to the poseur-buyer during a legitimate buy-bust operation conducted by the operatives of PDEA Region 2. Since there is no indication that the said courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties.^[16]

In an attempt to absolve himself from criminal liability, Quilang argues, *inter alia*, that the PDEA agents failed to comply with the chain of custody rule as the marking and inventory of the seized items were not done immediately at the place of the alleged buy-bust operation but at the PDEA Region 2 Office, and that such failure had created doubt as to the integrity and evidentiary value of the seized item.^[17]

Quilang's contention is untenable.

In cases for Illegal Sale and/or Possession^[18] of Dangerous Drugs under RA 9165, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime.^[19] Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and hence, warrants an acquittal.^[20]

To establish the identity of the dangerous drug with moral certainty, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.^[21] As part of the chain of custody procedure, the law requires, *inter alia*, that the marking,