

## SECOND DIVISION

[ G.R. No. 184054, October 19, 2011 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ARNEL ZAPATA Y  
CANILAO, APPELLANT.**

### D E C I S I O N

**BRION, J.:**

We decide the appeal, filed by Arnel Zapata y Canilao (*appellant*), from the decision<sup>[1]</sup> and the resolution<sup>[2]</sup> of the Court of Appeals (CA) dated November 28, 2007 and March 6, 2008, respectively, in CA-G.R. CR-H.C. No. 02136. The CA decision affirmed *in toto* the October 12, 2005 decision<sup>[3]</sup> of the Regional Trial Court (RTC), Branch 41, San Fernando City, finding the appellant guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

In its October 12, 2005 decision, the RTC found the appellant guilty of illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165. The RTC held that the witnesses for the prosecution were able to prove that a buy-bust operation indeed took place; and the *shabu* subject of the sale was brought to, and duly identified in, court. It found no improper motive on the part of the police officers to falsely testify against the appellant. The lower court likewise disregarded the appellant's claim of frame-up, as this defense can easily be concocted and is a common and standard defense ploy in prosecutions for violation of dangerous drugs. Accordingly, it ordered the appellant to suffer the penalty of life imprisonment, and to pay a P500,000.00 fine.

On appeal, the CA affirmed the RTC decision *in toto*. It held that the poseur-buyer positively identified the appellant as the person who gave him two (2) transparent plastic sachets containing white crystalline substances in exchange for P300.00. It added that the plastic sachets were submitted to the Philippine National Police (PNP) Crime Laboratory for examination, and were found to be positive for the presence of *shabu*. It likewise held that the defense failed to overcome the presumption that the police officers regularly performed their official duties. The CA further ruled that the chain of custody over the seized items was not shown to have been broken. It also took note of the admission of the appellant's wife that the appellant was a "financier of drugs," as well as the positive result of the drug test conducted on the appellant.

### **Our Ruling.**

The appellant's conviction stands.

For a successful prosecution of offenses involving the illegal sale of drugs under Section 5, Article II of R.A. No. 9165, the following elements must be proven: (1) the identity of the buyer and the seller, the object of the sale and the consideration;