



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Appellee,

G.R. No. 176269

Present:

CARPIO, J.,
Chairperson,
 BRION,
 DEL CASTILLO,
 PEREZ, and
 PERLAS-BERNABE, JJ.

- versus -

Promulgated:

KENNETH MONCEDA y SY alias
“WILLIAM SY” and YU YUK LAI alias
“SZE YUK LAI,”
 Appellants.

NOV 13 2013 *HWT Cabalagayto*

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DECISION

BRION, J.:

We resolve the recourse to this Court by appellants Kenneth Monceda y Sy and Yu Yuk Lai in this dangerous drugs case. They assail their conviction before the Court of Appeals (CA)¹ and the Regional Trial Court (RTC)² of the charges of violating Section 15, Article III of Republic Act 6425,³ as amended by Republic Act No. 7659.⁴

¹ Decision dated May 30, 2005 and resolution dated September 13, 2006 in CA-G.R. CR-H.C. No. 00434; penned by Associate Justice Ruben T. Reyes, and concurred in by Associate Justices Josefina-Salonga and Fernanda Lampas Peralta. *Rollo*, pp. 4-34; and *CA rollo*, pp. 309-310, respectively.

² Decision dated September 20, 2001, Regional Trial Court, Branch 27, Manila; *CA rollo*, pp. 175-215. Penned by Judge Teresa P. Soriaso.

³ The Dangerous Drugs Act of 1972.

⁴ AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL LAWS, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES.

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The Antecedent Facts

The Information brought against the appellants and under which they were indicted, and subsequently convicted, reads:

That on or about November 7, 1998, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with deliberate intent and without authority of law, did then and there, willfully, unlawfully and feloniously sell and deliver to a poseur-buyer three (3) kilograms, more or less, of methylamphetamine hydrochloride (*shabu*), which is a regulated drug.⁵

The appellants were duly arraigned and they entered a plea of “not guilty” on April 14, 1999.⁶ Trial on the merits thereafter took place.

The Prosecution’s Version

The record of the case shows that on November 6, 1998, a female informant told P/Inspector Ramon Arsenal of the Special Operations Divisions, Narcotics Group, Philippine National Police (*PNP*) that a “contact” was looking for a buyer of huge quantities of *methamphetamine hydrochloride* (“*shabu*”). The informant also disclosed that the “contact” preferred to be paid in casino chips, not in cold cash.⁷

Based on this information, P/Inspector Arsenal immediately formed a team to conduct a buy-bust operation. The team was composed of Police Officer 3 (*PO3*) Geronimo Pastrana, who was designated as the *poseur-buyer*, P/Inspector Arsenal, and Senior Police Officer 3 (*SPO3*) Elpidio Anasta. The deal, as the subsequent agreement showed, was for ₱2,000,000.00 worth of *shabu*. The transaction was to be consummated at Hotel Sofitel’s parking lot between 3:00 and 11:00 p.m. the next day.⁸

Police Chief Superintendent (*P/C Supt.*) Emmanuel Licup, the Finance Officer of the *PNP* Narcotics Group, secured the casino chips to be used – ₱2,000,000.00 worth, consisting of four (4) casino chips (each worth ₱500,000.00) – from Casino Filipino at the Holiday Inn, Manila Pavilion Hotel.⁹

⁵ CA *rollo*, p. 19.

⁶ Id. at 47.

⁷ *Rollo*, p. 5.

⁸ Id. at 7.

⁹ Id. at 6.

On November 7, 1998, the female informant confirmed the transaction and the buy-bust team proceeded to Hotel Sofitel at around 1:30 p.m. PO3 Pastrana and the female informant were in a red Honda Civic hatchback with plate number TKT-461. They parked near the lobby of Hotel Sofitel. P/Inspector Arsenal and SPO3 Anasta rode on a separate vehicle and they parked about fifteen (15) meters behind PO3 Pastrana's vehicle. Twenty (20) other operatives of the team strategically positioned themselves throughout the area.¹⁰

At around 5:30 p.m., a blue Mitsubishi Lancer (plate number WEJ-310) arrived and parked in front of PO3 Pastrana's vehicle. After a few moments, a man – later identified as Monceda – alighted and approached the female informant. The latter introduced PO3 Pastrana as the buyer of *shabu*. Monceda first returned to his car, whispered something to his lady companion, before coming back to PO3 Pastrana's vehicle. Monceda insisted that he needed to see the casino chips, which PO3 Pastrana then showed him.¹¹

Monceda circled back to the car to pick up his lady companion, later identified as Lai. She was carrying a carton box. Monceda introduced Lai to PO3 Pastrana, at the same time that Lai was giving the carton box to Monceda who forthwith handed the package to PO3 Pastrana while saying: "*Pare, iyan na yung order mong bato, 3 kilo yan.*"¹²

PO3 Pastrana inspected the carton box, which he saw contained three (3) plastic bags. After confirming that the plastic bags contained *shabu*, he placed them at the rear seat of the red Honda Civic hatchback. He then handed the four casino chips to Monceda who immediately gave them to Lai. PO3 Pastrana, at that point, gave the pre-arranged signal to the buy-bust team, prompting them to converge on the transacting parties. When PO3 Pastrana identified himself as an agent of the PNP Narcotics Group, Monceda tried to run away but PO3 Pastrana caught him. P/Inspector Arsenal and SPO3 Anasta, on the other hand, apprehended Lai and, while doing this, took the chips away from her.¹³

The appellants were initially brought to Diamond Hotel where the high-ranking officers of the Narcotics Group had stationed themselves. PO3 Pastrana surrendered the keys of the red Honda Civic hatchback vehicle, together with the three plastic bags of *shabu*, to senior officer Colonel (*Col.*)

¹⁰ Id.

¹¹ Id.

¹² Id. at 8.

¹³ Id.

Arturo Castillo. The bags and their contents were later forwarded to the PNP Crime Laboratory for chemical analysis. The appellants were brought to the PNP Headquarters in Camp Crame, Quezon City, and were subjected to physical examination there.¹⁴

The prosecution and the defense agreed that the testimony of Forensic Analyst Edwin Zata was to be dispensed with. They further stipulated that:

1. The specimen of *shabu*, subject matter of this case, with a total weight of 2,992.4 grams was subjected to laboratory analysis at the PNP Crime Laboratory, Camp Crame, Quezon City;
2. The laboratory analysis was conducted by Edwin Zata in compliance with the memorandum of P/Supt. Arthur Maceda Castillo for the Director of the PNP Crime Laboratory to conduct laboratory examination of the specimen of *shabu*, Exhs. "F" and "F-1";
3. The authenticity of the Initial Laboratory Report of Forensic Analyst Zata, dated November 9, 1998 to the effect that the laboratory examination of the specimen in question gave positive results for methamphetamine hydrochloride, a regulated drug, Exhs. "G" and "G-1";
4. The authenticity of Physical Sciences Report No. D-3649-98 also issued by Forensic Chemist Zata dated November 9, 1998, to the effect that the qualitative examination of the specimen gave positive results for methamphetamine hydrochloride, Exhs. "H" and "H-1";
5. The existence of the three plastic bags of *shabu*, subject of this case, Exhs. "I", "J" and "K";
6. Forensic Chemist Zata has no personal knowledge as to the source of *shabu* in question;
7. The specimen of *shabu* was forwarded to the Crime Laboratory Service and received by the said office at 10:55 a.m. but the specimen was actually received by the Chemistry Division at 11:00 a.m.; and
8. Forensic Chemist Zata only conducted random of the specimen of *shabu*. No percentage purity test was conducted.¹⁵

¹⁴ Id. at 9.

¹⁵ Records II, pp. 16-17; italics ours.

The Version of the Defense

The defense presented a different version of events. The appellants denied selling the *shabu* and claimed that they were victims of a frame-up. Lai, together with five other witnesses, took the witness stand for the defense, but Monceda declined.

Lai asserted that Monceda was her nephew and that she has been engaged in various businesses: as a rice retailer, an importer, and a casino financier. She also claimed to be a member of a Taiwanese association engaged in lending money to casino players and that she arrived from China the night before her arrest. She cited this as the reason why she could not have possibly arranged the drug transaction.¹⁶

Lai further testified that on November 7, 1998, she was at Hotel Sofitel. She had with her the income of the association amounting to ₱2,000,000.00 and US\$30,000.00 in cash. She was about to convert the money to chip checks when she received a call from Monceda who told her that the police were arresting him at Diamond Hotel. She immediately tried to leave but Jimmy Uy, a regular borrower, stopped her to borrow money. She hurriedly gave him ₱100,000.00 and told Uy that she would be back after settling Monceda's problem. Lai's son and driver were then waiting at the Hotel Sofitel's lobby and all three left on board her car, a blue Mitsubishi Lancer, for Diamond Hotel.¹⁷

Lai narrated that on reaching Diamond Hotel, about twenty to thirty policemen ordered them to alight from their vehicle. They quickly searched her vehicle for *shabu* but found the paper bag containing the money instead. Afterwards, they ordered her to board her car, but her son and her driver were told to stay. Four policemen boarded her car with her, seating her at the middle portion of the back seat. They drove around Metro Manila for several hours.¹⁸

While inside the car, she claimed that she was robbed. Her Rolex wristwatch, her other pieces of jewelry and the paper bag containing the money she brought with her were all taken. At around 11:00 p.m., after hours of driving around Metro Manila, they finally told her to get out of the vehicle. She refused as it was dangerous to alight at that place, and asked

¹⁶ TSN, February 23, 2001, pp. 11-19.

¹⁷ Id. at 22-27.

¹⁸ Id. at 28-30.

instead to be dropped-off at the nearest police station; she also pleaded for the return of her properties.¹⁹

Instead of taking her to the police station, they brought her to Camp Crame where a plastic bag was placed over her head and where she was repeatedly beaten while being asked where she had hidden the *shabu*. She could not give them any answer because she did not know what they were talking about. When the plastic bag was removed, she was told to accompany them to her house in Parañaque City. Her tormentors thought that the *shabu* was in her cabinet. She consented as she had no choice but to give in to their demands.²⁰

Policemen were at her house when they arrived. She also noticed that her housemaids had been badly beaten. She was forced to open her cabinets but only her other pieces of jewelry were there, not *shabu*. These were also taken from her before she was brought back to Camp Crame. It was only at that time that she saw Monceda again and she noted that he had also been badly beaten.²¹

On cross-examination, Lai admitted that she knew Monceda to be a drug user. She explained that Monceda, for a small consideration of ₱5,000.00, was hired by a certain “Mama Rosa” to deliver a package somewhere in Malate. He used the red Honda Civic hatchback vehicle, which Lai believed to belong to “Mama Rosa” and not to PO3 Pastrana. Monceda was not informed of the contents of the package which turned out to be the 3 plastic bags of *shabu* that were recovered from the vehicle. She insisted that the drugs were not recovered from her blue Mitsubishi Lancer vehicle.²²

Lai’s statements were corroborated by Uy, who admitted that he indeed borrowed ₱100,000.00 from her while she was talking to someone at the phone.²³ Lai’s housemaid and the other defense witnesses also testified about the incident at Diamond Hotel and at her house.²⁴

¹⁹ Id. at 31-33.

²⁰ Id. at 34-41.

²¹ Id. at 42-45.

²² TSN, March 30, 2001, pp. 16-18.

²³ Records II, pp. 32-33.

²⁴ Id. at 30-36.

The RTC Ruling

On September 20, 2001, the RTC convicted the appellants as charged. The RTC relied on the presumption of regularity in the buy-bust operation and rejected the appellants defenses of denial and frame-up. The RTC declared that the appellants were caught in *flagrante delicto* while selling *shabu* to a poseur-buyer in a buy-bust operation. The seizure of *shabu* was considered lawful since it was incident to a lawful arrest. The RTC sentenced them to suffer the penalty of *reclusion perpetua* and to pay a fine of ₱5,000,000.00 each.²⁵

The appellants appealed to the CA. During the pendency of the appeal, Monceda committed suicide.

The CA Ruling

The CA affirmed the RTC decision. The CA found that the collective testimonies of the prosecution witnesses were corroborated by the physical evidence on record. The CA also found Lai's defense to be weak, especially after she failed to present her son and her driver as witnesses. Her defense was further weakened when no single complaint was ever filed against the members of the buy-bust team for the abuses they allegedly committed.

The Issues

Lai raised the following assignment of errors:

I.

THE CA ERRED IN GIVING CREDENCE TO THE INCREDIBLE TESTIMONY OF THE PROSECUTION WITNESSES WHILE TOTALLY DISREGARDING THE EVIDENCE ADDUCED BY THE DEFENSE.

II.

THE CA ERRED IN RULING THAT THE NON-PRESENTATION OF THE CONFIDENTIAL INFORMANT DID NOT VIOLATE THE RIGHTS OF THE ACCUSED-APPELLANTS.

²⁵ Records II, p. 52.

III.

THE CA ERRED IN HOLDING THAT THERE WAS PROPER HANDLING AND TRANSFER OF THE CUSTODY OF THE CONFISCATED DRUGS.

Lai argues that the lower courts erred in evaluating the testimonial evidence by relying mainly on the presumption of regularity: they failed to give due weight to the possible motive that impelled the police officers to perpetuate the frame-up. Lai also faults the lower courts for disregarding the defense's evidence which pointed out the inconsistencies in the testimonies of the prosecution witnesses. She emphasizes that her testimony was sufficiently corroborated by the testimony of the other defense witnesses.

Lai also contends that her constitutional right was violated because the confidential informant was not presented as witness. Lastly, she argues that the identification of the *shabu* was not sufficiently proven since the seized items were not marked at the time she was apprehended and were improperly handled.

The Court's Ruling

We deny the petition for lack of merit.

In a charge of illegal sale of *shabu*, the prosecution must prove beyond reasonable doubt: (a) the identity of the buyer and the seller, (b) the identity of the object and the consideration of the sale; and (c) the delivery of the thing sold and of the payment made.²⁶ What assumes primary importance is the proof clearly showing that an illegal transaction actually took place, and the presentation in court of what was sold as evidence of the *corpus delicti*.²⁷

Prosecutions involving illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operations. We generally defer to the trial court's assessment of the evidence as it had the opportunity to directly observe the witnesses, their demeanor, and their credibility on the witness stand.²⁸

²⁶ *People v. Unisa*, G.R. No. 185721, September 28, 2011, 658 SCRA 305, 324.

²⁷ *The People of the Philippines v. Noel Bartolome y Bajo*, G.R. No. 191726, February 6, 2013.

²⁸ *People v. Alivio*, G.R. No. 177771, May 30, 2011, 649 SCRA 318, 328.

In this case, we find from the records sufficient evidence of the illegal sale with the accused as the sellers and see no compelling need to re-evaluate the trial court's assessments.

The testimonies of the prosecution witnesses, namely: PO3 Pastrana, P/Inspector Arsenal, SPO3 Anasta, P/C Supt. Licup, and Col. Castillo were positive and straightforward. While there existed some inconsistencies in their individual testimonies compared with one another, these testimonies – considered in their totality – leave no doubt in our minds that an illegal sale of *shabu* had actually taken place with the accused as the sellers.

We observe that Lai particularly challenges the testimony of P/Inspector Arsenal for its integrity and believability. At his cross-examination, P/Inspector Arsenal testified that it was Monceda who carried the box containing the *shabu* and who handed the box to Lai, while Monceda was at the same time introducing Lai to PO3 Pastrana. Lai then handed the box to PO3 Pastrana who placed it in the red Honda Civic hatchback.²⁹ But at the re-direct and re-cross examination, P/Inspector Arsenal was emphatic that it was Lai herself who carried the box and gave it to Monceda, who in turn handed it to PO3 Pastrana.³⁰

We are not persuaded that this inconsistency is sufficient to taint the prosecution's case to the point that it should fail. The rule is that inconsistencies in the testimony of witnesses, when referring only to minor details and collateral matters, do not affect either the substance of their declaration, their veracity, or the weight of their testimony. Such minor inconsistencies even enhance their veracity as the variances erase any suspicion of a rehearsed testimony.³¹ Besides, P/Inspector Arsenal was on a separate vehicle, at a some distance from the actual buy-bust transaction. It is possible that he might have been mixed up and confused on who was carrying the box containing *shabu*. But this uncertainty is a minor matter in the context of what had been sufficiently proven as a whole. What is material to consider is that the transacting parties were there, together with the red box that contained the *shabu*; the order by which the box was handled is not all that important and material given that it passed from the appellants and ultimately to PO3 Pastrana. In other words, the illegal transaction had indeed taken place. Significantly, PO3 Pastrana, the *poseur*-buyer and the one who directly received the drugs, was unwavering in his testimony that it was Lai who was carrying the box:

²⁹ Records II, p. 14.

³⁰ Id. at 15-16.

³¹ *People v. Khor*, 366 Phil. 762, 790.

Q: After you were introduced by your confidential agent, what transpired next?

A: He went back to his car and he whispered something to his lady companion and then came back to me. He insisted that he be shown the casino chips. And after I showed them to him, he went back to his car.

Q: After he return[ed] to his car, what happened next?

A: A woman alighted from the car and the two of them approached me. The lady was carrying a carton and she was introduced to me by William Sy mentioning her name as Yu Yuk Lai. After the introduction, Yu Yuk Lai handed the carton she was carrying to William Sy who in turn handed it to me saying "Pare, iyan na iyong order mong bato, 3 kilo iyan."

Q: When that carton box was handed to you by William Sy, what did you do?

A: I examined the contents of the carton to ascertain if it is *shabu*. Then I placed the carton inside our car and I got the 4 casino chips and gave them to William Sy. After that, I executed the pre-arranged signal and I introduced myself as Narcom Agent. At this point, William Sy tried to escape but I got hold of him. (interrupted).

x x x x

Q: During the last hearing, you identified the carton box containing 3 plastic bags containing *shabu*, could you tell us what is the relation of that box that you mentioned and the *shabu* inside it to that you identified during the last hearing?

A: Those were the items handed to me by William Sy during the buy-bust operation.³²

In *People v. Zheng Bai Hui*,³³ we held that like the defense of alibi, frame-up is an allegation that can easily be concocted. For this claim to prosper, the defense must adduce clear and convincing evidence to overcome the presumption of regularity of official acts of government officials.

Lai, unfortunately for her, failed to corroborate her statements regarding the alleged arrest which occurred at Diamond Hotel. Her presented witnesses all testified on the events before or after her arrest. Lai's lone testimony regarding the circumstances of arrest at Diamond Hotel, on the other hand, failed to overcome the positive and credible testimony showing

³² TSN, September 15, 1999, pp. 16-18; italics ours.

³³ 393 Phil. 68, 135 (2000).

the existence of the buy-bust operation at Sofitel Hotel. Worse, the two persons, her son and her driver, who accompanied her during the alleged arrest at Diamond Hotel, and who could have possibly shed light to her version of the events – both refused to testify. We find this development perplexing and is a matter which greatly weakened Lai's frame-up allegations.

No prior surveillance and non-presentation of the informant

Lai next argues that the absence of any prior surveillance casts doubt on the veracity of the buy-bust operation. This argument, in our view, suffers from obvious lack of merit.

We have held that prior surveillance is not necessary to render a buy-bust operation legitimate, especially when the buy-bust team is accompanied at the target area by the informant.³⁴ Similarly, the presentation of an informant as a witness is not regarded as indispensable to the success in prosecuting drug-related cases.³⁵ It is only when the testimony of the informant is considered absolutely essential in obtaining the conviction of the culprit should the need to protect his identity be disregarded.³⁶ In this case, the informant had actively participated in the buy-bust operation and her testimony, if presented, would merely corroborate the testimonies of the members of the buy-bust team.

Neither can Lai question the authenticity of the casino chips. The testimonies of P/C Supt. Licup and the treasury head of Casino Filipino clearly explained how P/C Supt. Licup procured the chips the day before the buy-bust operation.³⁷ These casino chips were photocopied, marked, and properly presented in court during the trial.³⁸

The chain of custody

The existence of the drug is the *corpus delicti* of the crime of illegal possession of dangerous drugs and is an essential element to secure a conviction. It is on this point that all doubts on the identity of the evidence should be removed through the monitoring and tracking of the movement of

³⁴ *People v. Abedin*, G.R. No. 179936, April 11, 2012, 669 SCRA 322, 336.

³⁵ *People v. Naquita*, G.R. No. 180511, July 28, 2008, 560 SCRA 430, 445-446.

³⁶ *Supra* note 27.

³⁷ TSN, January 10, 2000, pp. 1-33.

³⁸ Records, p. 27.

the seized drugs from the accused, to the police, to the forensic chemist, and finally to the court.³⁹

Lai's argument relies heavily on a photograph⁴⁰ taken by the buy-bust operatives, which shows that the carton box was actually wrapped in a red and white plastic bag. Lai quoted the testimony of PO3 Pastrana:

Q: Before you placed the carton box inside your Hunchback Honda Civic, did you wrap it?

x x x x

A: No, sir.

Q: Are you aware that pictures were taken of the stuff that was placed in the rear seat of your Honda Civic Hunchback?

A: I do not know about that, sir.

Court: You show him the picture if there is a picture.

Atty. Mejia: Yes, Your Honor.

Q: I am showing to you a picture which purports to have been taken on November 7, 1998, are you familiar with the items and personalities depicted in that picture?

A: Yes, I am familiar, sir.⁴¹

x x x x

Q: Now, are you aware, Mr. Witness that the red plastic box which Major Suan and Col. Ruiz are shown in this picture as in the process of urbaning allegedly contained the cartoon box which you placed at the rear seat of your car?

A: ***What was handed to me was a cartoon box and it was not contained in a plastic bag as shown in the picture.***

COURT: Are you sure about that?

A: ***Itong pinapakita sa akin, sigurado ako dahil hindi ko nakita 'yan.***

COURT: So, it's only now that you saw this plastic bag colored red and white which is supposed to contain the [carton], this is the first time you saw this plastic bag?

A: [It's] only now, sir.⁴²

³⁹ *People v. Garcia*, G.R. No. 173480, February 25, 2009, 580 SCRA 259, 274.

⁴⁰ Records, pp. 531-533.

⁴¹ TSN, October 6, 1999, p. 23.

⁴² Id. at 23-25; italics and emphases ours.

Lai, however, fails to consider that at the time the photographs were taken at Diamond Hotel, PO3 Pastrana was no longer around to witness the events. He had already turned over the seized items to Col. Castillo at Diamond Hotel before he left; thus, he cannot possibly testify on the condition of the seized items when the photographs were taken.⁴³ During the cross-examination of PO3 Pastrana, he said:

Q: Are you telling the Honorable Court, that immediately after the confidential agent parked the car at the parking area in front of the Diamond Hotel, she left the premises?

A: Yes, sir.
x x x x

Q: Who turned over the key, you or the confidential informant?

A: I was the one, sir.

Q: But you did not remove the [carton] box at the rear seat of the Honda Hunchback?

A: No more, sir.

Q: And you were no longer around when pictures were taken of the stuff that you allegedly confiscated?

A: *I was not anymore present, sir.*⁴⁴

After the incidents at Diamond Hotel, the seized goods were taken to Camp Crame where PO3 Pastrana identified the carton box and the three plastic bags containing *shabu*, before marking his initials over them.⁴⁵ These were then turned over to the project officer for submission to laboratory examination. The testimony of Col. Castillo is substantial if only to prove that there was proper handling and transfer of the seized goods after the specimens were surrendered to him:

Q: And you were the one [who] personally brought the [carton] box containing plastic bags?

A: Yes, sir, because it was under my direct custody already, sir.

Q: At your office, what did you do [to] them in connection with this case?

⁴³ TSN, January 12, 2000, pp. 36-40.

⁴⁴ TSN, October 13, 1999, p. 5.

⁴⁵ Records II, p. 19.

A: I waited for the operating elements and when Major Suan arrived, I called for him and turned over these evidences to him as much as he is the project officer on case, sir.

Q: Now, in connection with this case, Mr. Witness, do you recall whether you requested for laboratory examination?

A: Yes, sir, I did.

x x x x

Q: After this request, what else did you do in connection with this case?

A: I went to my office and routine procedure having turned over to the group of Major Suan already all these evidences for whatever follow-up they want to undertake.⁴⁶

Based on these considerations, we conclude that there was proper handling and transfer of the confiscated items. To recapitulate, it has been clearly established that after SPO1 Pastrana seized the carton box and the three packs of *shabu* from the appellants, they were endorsed to Col. Castillo, who, in turn, personally delivered them to Camp Crame where they were properly marked. The Initial Laboratory Report of Forensic Analyst Zata also shows that the specimens that were analyzed were the same specimens that PO3 Pastrana had marked and that the prosecution subsequently presented in court.⁴⁷

In convicting an accused for drug-related offenses, it is essential that the identity of the drugs must be established with the same unwavering exactitude as that requisite to make a finding of guilt.⁴⁸ In this case, we see no irregularity on the part of the buy-bust operatives as to break the required chain of custody which could warrant the acquittal of Lai.

WHEREFORE, based on the foregoing premises, we hereby **DISMISS** the appeal for lack of merit, and accordingly **AFFIRM** the decision dated May 30, 2005 and the resolution dated September 13, 2006 of the Court of Appeals in CA-G.R. CR-H.C. No. 00434. Costs against Yu Yuk Lai.

SO ORDERED.


ARTURO D. BRION
Associate Justice

⁴⁶ TSN, January 12, 2000, pp. 29-32.

⁴⁷ Records I, p. 25.

⁴⁸ *Sales v. People*, G.R. No. 182296, April 7, 2009, 584 SCRA 680, 688-689.

WE CONCUR:



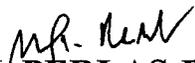
ANTONIO T. CARPIO
Associate Justice
Chairperson



MARIANO C. DEL CASTILLO
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice

A T T E S T A T I O N

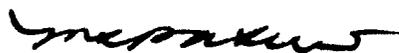
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

C E R T I F I C A T I O N

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