



**Republic of the Philippines**  
**Supreme Court**  
**Manila**

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 198318**

Present:

SERENO, *CJ.*,  
 Chairperson,  
 LEONARDO-DE CASTRO,  
 BERSAMIN,  
 VILLARAMA, JR., and  
 REYES, *JJ.*

- versus -

**ASIR GANI y ALIH and**  
**NORMINA GANI y GALOS,**  
 Accused-Appellants.

Promulgated:

**NOV 27 2013**

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**DECISION**

**LEONARDO-DE CASTRO, J.:**

On appeal is the Decision<sup>1</sup> dated April 1, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02625, which affirmed *in toto* the Decision<sup>2</sup> dated October 16, 2006 of the Regional Trial Court (RTC), Branch 70, City of Pasig, in Criminal Case No. 13491-D, finding accused-appellants Asir A. Gani and Normina G. Gani guilty beyond reasonable doubt of illegal sale of dangerous drugs defined and penalized under Article II, Section 5 of Republic Act No. 9165 otherwise known as the Dangerous Drugs Act of 2002, in relation to Paragraph 2, Article 62 of the Revised Penal Code.

Accused-appellants were charged in conspiracy with one another under the following criminal information:

The undersigned Assistant Provincial Prosecutor accuses PO2 ASIR GANI y Alih and NORMINA GANI y Galos @ ROHAIMA of the crime of Violation of Section 5, Art. II, R.A. 9165 in relation to Art. 62, Par. 2, of the Revised Penal Code, committed as follows:

<sup>1</sup> *Rollo*, pp. 2-14; penned by Associate Justice Manuel M. Barrios with Associate Justices Mario L. Guarina III and Apolinario D. Bruselas, Jr., concurring.  
<sup>2</sup> *Records*, pp. 166-172; penned by Judge Pablito M. Rojas.

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That on or about the 6<sup>th</sup> day of May 2004 in the Municipality of Taguig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above named accused, in conspiracy with one another, acting as an organized/syndicated crime group, without being authorized by law, did then and there willfully, unlawfully and knowingly sell, deliver and give away to a poseur buyer, SI Saul, 98.7249 grams of white crystalline substance contained in two (2) heat sealed transparent plastic bags, which substance was found positive to the test for Methamphetamine Hydrochloride also known as “shabu,” which is a dangerous drug, in consideration of the agreed amount of Php150,000.00 in violation of the above cited law.<sup>3</sup>

When arraigned on July 28, 2004, accused-appellants pleaded not guilty.<sup>4</sup> At the pre-trial conference held on September 15, 2004, the parties arrived at the following stipulation of facts:

#### STIPULATION OF FACTS

x x x x

- 1) The qualification as an expert Forensic Chemist, P/Insp. Rommel Patingo of the NBI Forensic Chemistry Division;
- 2) The due execution and genuineness of the Request for Laboratory Examination dated May 7, 2004, which was marked in evidence as Exhibit “A.” In addition, the entries therein under paragraph SPECIMENS SUBMITTED was marked as Exhibit “A-1” and the rubber stamp showing receipt thereof by the NBI Forensic Chemistry Division was marked as Exhibit “A-2;”
- 3) That the said Request for Laboratory Examination together with the specimen mentioned therein were delivered to, and received by, the NBI Forensic Chemistry Division, Taft Avenue, Manila, for chemical examination/analysis of the specimen;
- 4) The due execution and genuineness, as well as the truth of the contents, of Dangerous Drugs Report No. DE-04 dated May 7, 2004 issued by Forensic Chemist P/Insp. Rommel Patingo of the NBI Chemistry Division, Taft Avenue, Manila, who conducted the examination, which was marked as Exhibit “B.” In addition, the FINDINGS as appearing on the report was marked as Exhibit “B-1” and the signature of the forensic chemist over her typewritten name likewise as appearing on the report was marked as Exhibit “B-2;”
- 5) The existence of the four (4) plastic sachets, but not their source or origin, the contents of which were the subject of the Request for Laboratory Examination, which were marked in evidence as follows: as Exhibit “C” (the brown envelope), as Exhibits “C-1” (the plastic sachet containing white crystals with markings (“ES-1”)); as Exhibit “C-2” (the plastic sachet containing white crystals with markings “ES-2”); and as

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<sup>3</sup> Id. at 1-3.

<sup>4</sup> Id. at 43.

Exhibit “C-3” (the plastic sachet containing lesser crystals with markings “ES-1”).<sup>5</sup>

Thereafter, trial ensued.

The prosecution presented the testimonies of Special Investigator (SI) Elson Saul (Saul),<sup>6</sup> SI Joel Otic (Otic),<sup>7</sup> SI Salvador Arteche, Jr. (Arteche),<sup>8</sup> SI Melvin Escurel (Escurel),<sup>9</sup> and Atty. Ross Jonathan Galicia (Galicia),<sup>10</sup> all of the National Bureau of Investigation (NBI) assigned to the Special Enforcement Services of the Philippine Drug Enforcement Agency (PDEA). The prosecution dispensed with the presentation of the testimony of NBI Forensic Chemist II Rommel G. Patingo, who conducted the chemical analysis of the specimens submitted for his examination, since the subject matter of his testimony had already been stipulated during the pre-trial conference.

The documentary evidence for the prosecution consisted of the NBI-PDEA Pre-Operation Report<sup>11</sup> dated May 6, 2004; Coordination Letter<sup>12</sup> dated May 6, 2004 of NBI-PDEA to the Chief of Police of Taguig, City; Joint Affidavit of Arrest<sup>13</sup> dated May 7, 2004 signed by several members of the buy-bust team, namely, SI Saul, SI Otic, SI Arteche, Atty. Galicia, SI Antonio Erum, SI Garry I. Meñez, SI Bertrand Gamaliel A. Mendoza, and SI Junnel Malaluan; Booking Sheet and Arrest Report<sup>14</sup> of each accused-appellant; Inventory of Seized Properties<sup>15</sup> signed by SI Saul and two witnesses; buy-bust money consisting of two ₱1,000.00 bills and several pieces of ₱20.00 bills;<sup>16</sup> request dated May 7, 2004 for the laboratory examination of “two (2) transparent heat-sealed plastic sachets containing undetermined amount of white crystalline substance” recovered from accused-appellants and marked “ES-1 05-06-04” and “ES-2 05-06-04”;<sup>17</sup> Dangerous Drugs Report No. DD-04-161<sup>18</sup> dated May 13, 2004 prepared by NBI Forensic Chemist II Patingo and Forensic Chemist III Aida R. Viloriamagsipoc (Viloriamagsipoc); a brown envelope and four plastic sachets of *shabu*, including the two sachets marked “ES-1 05-06-04” and “ES-2 05-06-04”;<sup>19</sup> and the Toxicology Report Nos. TDD-04-1788 and TDD-04-1789<sup>20</sup> prepared by NBI Forensic Chemist II Patingo and Forensic Chemist III Viloriamagsipoc.

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<sup>5</sup> Id. at 56-57.

<sup>6</sup> TSN, October 13 and 27, 2004, and November 10, 2004.

<sup>7</sup> TSN, January 12, 2005.

<sup>8</sup> TSN, February 9, 2005.

<sup>9</sup> TSN, April 20, 2005.

<sup>10</sup> TSN, July 20, 2005.

<sup>11</sup> Records, p. 121.

<sup>12</sup> Id. at 122.

<sup>13</sup> Id. at 115-117.

<sup>14</sup> Id. at 119-120.

<sup>15</sup> Id. at 118.

<sup>16</sup> Id.

<sup>17</sup> Id. at 113.

<sup>18</sup> Id. at 114.

<sup>19</sup> Left in the custody of the RTC.

<sup>20</sup> Records, pp. 123-124.

Based on the totality of the evidence submitted, the prosecution presented the following version of the events which led to accused-appellants' arrest:

On May 5, 2004, SI Saul received information from a confidential informant that accused-appellant Normina Gani (Normina), alias Rohaima, was looking for a buyer of *shabu*. SI Saul agreed to meet the informant and accused-appellant Normina for negotiation at the Pearl Hotel in Manila, just in front of the NBI Headquarters. They eventually met at Jollibee restaurant beside the Pearl Hotel. SI Saul was introduced by the informant to accused-appellant Normina as an interested buyer of *shabu*. Accused-appellant Normina initially offered to sell 500 grams of *shabu* to SI Saul, but the two later on agreed on the sale of 100 grams of *shabu* for One Hundred Fifty Thousand Pesos (₱150,000.00) to be consummated in the afternoon of the following day, May 6, 2004, at FTI Complex corner Vishay Street, Taguig City.

After the meeting, SI Saul reported back to the NBI Headquarters to tell his superior, Atty. Ruel Lasala (Lasala), about the transaction. Atty. Lasala instructed SI Saul to coordinate with the PDEA and formed a buy-bust team composed of, among other people, SI Saul, SI Otic, SI Arteche, SI Escurel, and Atty. Galicia. SI Saul was designated as the poseur-buyer and was given the marked money constituting of two ₱1,000.00 bills, with several ₱20.00 bills in between, to make it appear that the money was worth One Hundred Fifty Thousand Pesos (₱150,000.00), the purchase price agreed upon by SI Saul and accused-appellant Normina for the *shabu*.

At around 1:00 in the afternoon on May 6, 2004, the buy-bust team was dispatched to the vicinity of FTI Complex in Taguig City. Upon their arrival, the members of the buy-bust team strategically positioned themselves around the arranged meeting place. SI Saul arrived at around 2:00 in the afternoon; while accused-appellant got there at around 4:30 in the afternoon, riding in tandem on a motorcycle with a man, later on identified as accused-appellant Asir Gani (Asir). When SI Saul approached accused-appellants, the latter asked the former about the money. SI Saul then showed them the marked money wrapped in transparent plastic inside a clutch bag. SI Saul, in turn, asked accused-appellants about the *shabu*. Accused-appellants showed SI Saul the plastic packs of *shabu* inside a blue bag. SI Saul handed over the marked money to accused-appellant Gani. Accused-appellant Gani passed on the marked money to accused-appellant Normina and turned over the possession of the *shabu* to SI Saul.

After the exchange of money and *shabu*, SI Saul lighted a cigarette, which was the pre-arranged signal to the rest of the buy-bust team that the transaction had been consummated. When SI Saul already saw the buy-bust team members approaching, he grabbed accused-appellant Asir's hands and introduced himself as an NBI agent. Accused-appellants were arrested and

duly advised of their constitutional rights. During the search incidental to accused-appellants' arrest, the buy-bust team seized from accused-appellants' possession two other sachets of *shabu*, the marked money, accused-appellant Asir's .45 caliber pistol, and the motorcycle. The buy-bust team and accused-appellants then proceeded to the FTI Barangay Hall.

At the FTI Barangay Hall, SI Saul conducted an inventory of the items recovered from accused-appellants, including the two plastic sachets of *shabu* subject of the sale, which SI Saul marked "ES-1 05-06-04" and "ES-2 05-06-04," representing SI Saul's initials and the date of the buy-bust. All these were done in the presence of accused-appellants and two *barangay* officials. SI Saul's inventory report, however, did not include the two other sachets of *shabu* seized from accused-appellants' possession. Thereafter, the buy-bust team brought accused-appellants to the NBI Headquarters in Manila.

At the NBI Headquarters, accused-appellants were booked and further investigated. The following day, May 7, 2004, several members of the buy-bust team executed the Joint Affidavit of Arrest of accused-appellants. SI Saul also executed an incident report, requested for laboratory examination of the contents of the plastic sachets marked "ES-1 05-06-04" and "ES-2 05-06-04," and submitted the said specimens to the NBI Forensic Chemistry Division where they were received by NBI Forensic Chemist II Patingo.

The two plastic sachets submitted for laboratory examination had a combined weight of 98.7249 grams. Based on the forensic analysis by NBI Forensic Chemist II Patingo and Forensic Chemist III Vilorio-Magsipoc, the contents of said sachets tested positive for Methamphetamine Hydrochloride.

The evidence for the defense consisted of accused-appellants' testimonies.<sup>21</sup> Both denied the crime charged against them and claimed that they were the victims of extortion. They were charged only because they failed to produce the money demanded from them.

The sequence of events according to the combined testimonies of accused-appellants is as follows:

On May 6, 2004, accused-appellants were at their house located at Sitio Imelda, Upper Bicutan, Taguig City. At around 11:30 in the morning, Accused-appellant Normina informed her husband, accused-appellant Asir, that she will accompany accused-appellant Asir's cousin, a certain Rohaima Sulayman (Rohaima), who will meet someone at the Sunshine Mall in Taguig City. At about 12:00 noon, accused-appellant Normina and Rohaima arrived at Sunshine Mall. Rohaima borrowed accused-appellant Normina's cellphone several times to call up the person she was supposed to meet. At

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<sup>21</sup> TSN, November 16, 2005 and December 14, 2005.

around 3:30 in the afternoon, the person who Rohaima was waiting for arrived. Rohaima then instructed accused-appellant Normina to go to Signal Village to accept a package from another person and, thereafter, to deliver it to Rohaima at the Pepsi compound nearby. As instructed by Rohaima, accused-appellant Normina went to Signal Village and waited. A man, wearing a white shirt and jeans, later arrived and asked if she was Rohaima's sister-in-law. When accused-appellant Normina answered in the affirmative, the man handed her a bag and directed her to give the same to Rohaima.

Meanwhile, at around 2:30 in the afternoon of the same day, accused-appellant Asir decided to follow accused-appellant Normina to Sunshine Mall. When accused-appellant Asir did not find accused-appellant Normina at the mall, he decided to go back home. However, on his way home, accused-appellant Asir chanced upon accused-appellant Normina near the market. Accused-appellant Normina asked accused-appellant Asir to accompany her to the Pepsi compound where she would meet Rohaima to deliver the bag.

Upon reaching the parking lot of the Pepsi compound at around 4:30 in the afternoon, accused-appellant Normina alighted from the motorcycle with the bag in hand. As accused-appellant Normina was walking, a van suddenly arrived from which five police officers in civilian clothes alighted. The police officers poked their guns at accused-appellant Asir and restrained accused-appellant Normina, taking the bag away from her. The police officers then hit accused-appellant Asir on different parts of his body and slapped accused-appellant Normina. Accused-appellant Asir repudiated the police officers' accusation that he was selling drugs, and accused-appellant Normina denied the police officers' charge that she was Rohaima and that she had knowledge of the contents of the bag she was about to deliver. Thereafter, the police officers boarded accused-appellants on separate vehicles and brought them to the NBI Headquarters where accused-appellant Asir was further interrogated and mauled. After accused-appellants had spent several days in detention, a "*piyansadora*" from NBI approached accused-appellant Normina, who offered the dropping of the charges against accused-appellants in exchange for Two Hundred Thousand Pesos (₱200,000.00). Accused-appellant Normina declined because she did not have the money.

After trial, the RTC rendered its Decision on October 16, 2006. Weighed against the prosecution's testimonial and documentary evidence, including the *corpus delicti* of the crime, the RTC found accused-appellants' defenses of denial and alibi implausible and devoid of credence. In the end, the RTC found accused-appellants guilty of the crime charged and sentenced them, thus:

**WHEREFORE**, premises considered, judgment is hereby rendered finding accused PO2 ASIR GANI and NORMINA GANI **GUILTY** beyond reasonable doubt of the offense of violation of Section

5, Article II, of Republic Act 9165 (Illegal Sale of Dangerous Drugs), and are both hereby sentenced to **LIFE IMPRISONMENT** and each to pay a **FINE** of **FIVE HUNDRED THOUSAND PESOS (₱500,000.00)**.

Considering the penalty imposed by the Court on herein accused PO2 Asir Gani and Normina Gani, their immediate commitment to the New Bilibid Prisons, National Penitentiary, Muntinlupa City and the Correctional Institute for Women, Mandaluyong City, respectively, is hereby ordered.

Pursuant to Section 21 of Republic Act 9165, representatives from the Philippine Drug Enforcement Agency (PDEA) are hereby ordered to take charge and have custody of the sachets of shabu, subject matter of this case, for proper disposition.

Costs against the accused.<sup>22</sup>

Accused-appellants appealed the foregoing RTC judgment to the Court of Appeals,<sup>23</sup> based on a lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS WHOSE GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.<sup>24</sup>

On April 1, 2011, the Court of Appeals promulgated its Decision affirming accused-appellants' conviction. The appellate court accorded weight to the assessment by the RTC of the veracity of the witnesses' testimonies. The prosecution witnesses gave a clear and candid narration of the buy-bust operation against accused-appellants; while accused-appellants' denial and alibi fail in the absence of clear and convincing evidence of ill motive or bad faith on the part of the buy-bust team. The appellate court also declared that there was substantial compliance with the rule on the chain of custody of the seized drugs, thus, preserving the integrity and evidentiary value of the same. Hence, the Court of Appeals decreed:

**WHEREFORE**, premises considered, the appeal is hereby **DISMISSED**. The 16 October 2006 Decision of the Regional Trial Court of Pasig City, Branch 70 is hereby **AFFIRMED** *in toto*.<sup>25</sup>

Hence, the instant appeal.

Since the parties manifested that they would no longer submit any supplemental brief,<sup>26</sup> the Court considers the same arguments raised by the parties before the Court of Appeals.

In their Brief, accused-appellants assert that the prosecution failed to comply with the rules on the custody of seized drugs provided under Section

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<sup>22</sup> Records, pp. 171-172.

<sup>23</sup> Id. at 178.

<sup>24</sup> CA *rollo*, p. 55.

<sup>25</sup> *Rollo*, p. 14.

<sup>26</sup> Id. at 22-24 and 27-30.

21 of Republic Act No. 9165. According to accused-appellants, there is no showing that the inventory and picture-taking of the *shabu* were conducted in their presence, as well as in the presence of a representative from the media, the Department of Justice (DOJ), and any elected public official, immediately after accused-appellants' arrest and seizure of the *shabu* purportedly sold by them. When accused-appellants were brought by the buy-bust team to the *barangay* hall following their arrest, there was already a typewritten inventory report for signature by the *barangay* officials, which, accused-appellants surmise, was already prepared at the NBI Office. It is likewise not clearly established where and when the markings on the plastic sachets of *shabu* were made. Accused-appellants reason that the suspicions regarding the actual conduct of an inventory of the *shabu* allegedly sold by them could have been avoided had the prosecution presented the testimonies of the *barangay* officials who signed the inventory report.

Accused-appellants further point out that the prosecution's evidence conflicted as to the number of sachets of *shabu* seized from them. It was stipulated during the pre-trial that there were four plastic sachets of *shabu* but prosecution witness SI Saul testified that as poseur-buyer, he bought and received only two sachets of *shabu* from accused-appellants. No details were provided about the seizure of the other two sachets of *shabu*.

Plaintiff-appellee, in its Brief, maintains that the rule on the chain of custody of the seized *shabu* had been substantially complied with and the issues raised by accused-appellants are trivial and unfounded.

The Court finds the appeal bereft of merit.

The combined testimonial, documentary, and object evidence of the prosecution produced a detailed account of the buy-bust operation against accused-appellants and proved all the essential elements of the crime charged against them.

In the prosecution for the crime of illegal sale of prohibited drugs, the following elements must concur: (1) the identities of the buyer and seller, object, and consideration; and (2) the delivery of the thing sold and the payment thereof. What is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually occurred, coupled with the presentation in court of the substance seized as evidence.<sup>27</sup>

It has been clearly established herein that a buy-bust operation took place on May 6, 2004 conducted by a team of NBI agents. SI Saul, as the poseur-buyer, and accused-appellants, as the sellers, agreed on the price of One Hundred Fifty Thousand Pesos (₱150,000.00) for One Hundred (100) grams of *shabu*. After SI Saul handed over the buy-bust money to accused-appellants, the latter gave him, in exchange, two plastic sachets containing

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<sup>27</sup> *People v. Castro*, G.R. No. 194836, June 15, 2011, 652 SCRA 393, 408.

white crystalline substance. Thereafter, accused-appellants were immediately arrested by the buy-bust team. During the search incidental to accused-appellants' arrest, a .45 caliber handgun, the buy-bust money, and two more sachets of suspected *shabu* were recovered from their possession. Chemical examination confirmed that the contents of the two plastic sachets sold to SI Saul were indeed *shabu*. These two sachets of *shabu*, marked "ES-1 05-06-04" and "ES-2 05-06-04" and with a total weight of 98.7249 grams, together with two other sachets, were duly presented as evidence by the prosecution before the RTC.

Contrary to accused-appellants' averment, prosecution witness, SI Saul, was able to explain why there were a total of four sachets of *shabu* presented during trial, when SI Saul only bought two sachets during the buy-bust operation. SI Saul testified that in addition to the two plastic sachets of *shabu* sold to him by accused-appellants, there were two more sachets of *shabu* recovered from accused-appellants' possession by the buy-bust team during the body search conducted incidental to accused-appellants' lawful arrest.<sup>28</sup>

The Court further finds that the arresting officers had substantially complied with the rule on the chain of custody of the dangerous drugs as provided under Section 21 of Republic Act No. 9165.

Jurisprudence has decreed that, in dangerous drugs cases, the failure of the police officers to make a physical inventory and to photograph the sachets of *shabu*, as well as to mark the sachets at the place of arrest, do not render the seized drugs inadmissible in evidence or automatically impair the integrity of the chain of custody of the said drugs.<sup>29</sup> What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as these would be utilized in the determination of the guilt or innocence of the accused.<sup>30</sup>

In this case, testimonial and documentary evidence for the prosecution proved that immediately after accused-appellants' arrest, they were brought to the FTI Barangay Hall. It was there, in the presence of two *barangay* officials, that SI Saul conducted an inventory of the two plastic sachets of *shabu* subject of the buy-bust operation, plus the other items seized from accused-appellants' possession during the search conducted incidental to accused-appellants' arrest. It was also at the *barangay* hall where SI Saul marked the two plastic sachets of *shabu* sold to him by accused-appellants as "ES-1 05-06-04" and "ES-2 05-06-04," representing SI Saul's initials and the date of the buy-bust operation. Thereafter, the buy-bust team, with accused-appellants, proceeded to the NBI Headquarters. At the NBI Headquarters, SI Saul made a request for examination of the two plastic sachets of *shabu*, marked "ES-1 05-06-04" and "ES-2 05-06-04," and

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<sup>28</sup> TSN, October 27, 2004, pp. 18-20.

<sup>29</sup> *Imson v. People*, G.R. No. 193003, July 13, 2011, 653 SCRA 827, 834.

<sup>30</sup> *People v. Resurreccion*, G.R. No. 186380, October 12, 2009, 603 SCRA 510, 519.

personally handed the same to NBI Forensic Chemist II Patingo. NBI Forensic Chemist II Patingo, together with NBI Forensic Chemist III Vilorio-Magsipoc, conducted the laboratory examination of the contents of the two sachets marked “ES-1 05-06-04” and “ES-2 05-06-04” and kept said sachets in his custody until the same were submitted to the RTC as evidence during trial.

Thus, the Court of Appeals was correct in its observation that the failure of the buy-bust team to take pictures of the seized drugs immediately upon seizure and at the site of accused-appellants’ apprehension, and to mark and make an inventory of the same in the presence of all the persons named in Section 21 of Republic Act No. 9165, are not fatal and did not render the seized drugs inadmissible in evidence given that the prosecution was able to trace and establish each and every link in the chain of custody of the seized drugs and, hence, the identity and integrity of the said drugs had been duly preserved. For the same reasons, it was not imperative for the prosecution to present as witnesses before the RTC the two *barangay* officials who witnessed the conduct of the inventory. At best, the testimonies of these two *barangay* officials will only be corroborative, and would have no significant impact on the identity and integrity of the seized drugs.

Moreover, accused-appellants’ uncorroborated defenses of denial and frame-up cannot prevail over the prosecution witnesses’ positive testimonies, coupled with the presentation in court by the prosecution of the *corpus delicti*. Prosecutions involving illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation. Oft-repeated is the rule that in cases involving violations of Republic Act No. 9165, credence is given to prosecution witnesses who are police officers (or in this case, NBI agents) for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary. Absent any indication that the NBI agents herein were ill motivated in testifying against accused-appellants, their testimonies deserve full credence.<sup>31</sup> In contrast, the defenses of denial and frame-up have been invariably viewed by this Court with disfavor for it can easily be concocted and is a common and standard defense ploy in prosecutions for violation of Republic Act No. 9165. In order to prosper, the defenses of denial and frame-up must be proved with strong and convincing evidence.<sup>32</sup> Accused-appellants presented no such evidence in this case.

The penalty for illegal sale of *shabu*, regardless of the quantity and purity involved, under Article II, Section 5 of Republic Act No. 9165, shall be life imprisonment to death and a fine ranging from Five Hundred Thousand Pesos (₱500,000.00) to Ten Million Pesos (₱10,000,000.00). Hence, the imposition of the penalty of life imprisonment upon accused-

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<sup>31</sup> *People v. Vicente, Jr.*, G.R. No. 188847, January 31, 2011, 641 SCRA 186, 197-198.

<sup>32</sup> *People v. Lazaro, Jr.*, G.R. No. 186418, October 16, 2009, 604 SCRA 250, 269.

appellants and an order for each of them to pay a fine of Five Hundred Thousand Pesos (₱500,000.00) are correct.

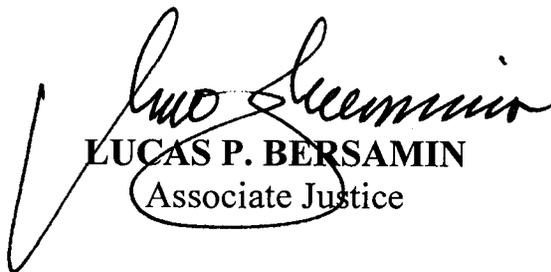
**WHEREFORE**, in view of the foregoing, the Decision dated April 1, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02625, which affirmed *in toto* the Decision dated October 16, 2006 of the RTC, Branch 70, of the City of Pasig, in Criminal Case No. 13491-D, is hereby **AFFIRMED**.

**SO ORDERED.**

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

WE CONCUR:

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice

  
**BIENVENIDO L. REYES**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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