



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 191263

Present:

CARPIO, J.,
Chairperson,
BRION,
PEREZ,
REYES,* and
PERLAS-BERNABE, JJ.

- versus -

HADJI SOCOR CADIDIA,
Accused-Appellant.

Promulgated:

OCT 16 2013

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DECISION

PEREZ, J.:

For review through this appeal¹ is the Decision² dated 28 August 2009 of the Court of Appeals in CA-G.R. CR.-H.C. No. 03316, which affirmed the conviction of herein accused-appellant Hadji Socor Cadidia (Cadidia) of violation of Section 5³ of Article II of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

* Per Special Order No. 1564 dated 11 October 2013.

¹ Via a notice of appeal, Rules of Court, Rule 122, Section 2(c). *Rollo*, p. 24.

² Penned by Associate Justice Vicente S.E. Veloso with Associate Justices Andres B. Reyes, Jr. and Marlene Gonzales-Sison, concurring. *Id.* at 2-23.

³ **Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.** - 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 sell, trade, administer, dispense, deliver, give away to another, distribute, **dispatch in transit or transport any dangerous drug**, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions. (Emphasis supplied).

The factual antecedents of the case are as follows:

The prosecution presented Marilyn Trayvilla (Trayvilla), a Non-Uniformed Personnel of the Philippine National Police, who testified that on 31 July 2002 at around 6:30 in the morning, while performing her duty as a female frisker assigned at the Manila Domestic Airport Terminal I (domestic airport) in Pasay City, she frisked the accused Cadidia upon her entry at the departure area⁴ and she noticed something unusual and thick in the area of Cadidia's buttocks. Upon inquiry, Cadidia answered that it was only her sanitary napkin which caused the unusual thickness.⁵ Not convinced with Cadidia's explanation, Trayvilla and her female co-employee Leilani M. Bagsican (Bagsican) brought the accused to the comfort room inside the domestic airport to check. When she and Bagsican asked Cadidia to remove her underwear, they discovered that inside were two sachets of *shabu*. The two sachets of *shabu* were turned over to their supervisor SPO3 Musalli I. Appang (SPO3 Appang).⁶ Trayvilla recalled that Cadidia denied that the two sachets of *shabu* were hers and said that she was only asked by an unidentified person to bring the same.⁷ The accused was identified and found to be bound for Butuan City on board Cebu Pacific Airline as evidenced by her confiscated airline ticket.⁸ In open court, Trayvilla identified the two sachets containing *shabu* previously marked as Exhibits "B-2" and "B-3." She also identified the signature placed by her co-employee, Bagsican, at the side of the items, as well as the picture of the sanitary napkin used by the accused to conceal the bags of *shabu*.⁹

The second prosecution witness, Bagsican, corroborated the testimony of Trayvilla. She testified that together with Trayvilla, she was also assigned as a frisker at the departure area of the domestic airport. While frisking the accused, Trayvilla noticed something bulky in her *maong* pants.¹⁰ As a result, Trayvilla asked for her help and with the accused, they proceeded to the comfort room inside the domestic airport. While inside the cubicle of the comfort room, Bagsican asked the accused to open her pants and pull down her underwear. Inside the accused's sanitary napkin were two plastic sachets of *shabu* which they confiscated. Thereafter, she reported the incident to their supervisor SPO3 Appang, to whom she endorsed the confiscated items. They then proceeded to their office to report to the

⁴ TSN, Testimony of Marilyn Trayvilla, 13 November 2002, pp. 2-4.

⁵ Id. at 5-6.

⁶ Id. at 6-7.

⁷ Id. at 8.

⁸ Id. at 9.

⁹ TSN, Re-Direct Examination of Marilyn Trayvilla, 16 January 2003, pp. 3 and 7.

¹⁰ TSN, Testimony of Leilani Bagsican, 10 February 2003, pp. 4-5.

Criminal Investigation and Detection Group.¹¹ In open court, she identified the accused Cadidia as the one whom they apprehended. She also identified the two plastic sachets of *shabu* they confiscated from Cadidia and pointed to her initials “LMB” she placed on the items for marking as well as the picture of the napkin likewise marked with her initials.¹²

Finally, the prosecution presented domestic airport Police Supervisor SPO3 Appang who testified that on 31 July 2002 at around 6:40 in the morning, the accused passed the walk-thru machine manned by two domestic airport friskers, Trayvilla and Bagsican. When Trayvilla frisked the accused, she called his attention and informed him that something was kept inside the accused’s private area. Accordingly, he instructed Trayvilla and Bagsican to proceed to the comfort room to check what the thing was.¹³ Trayvilla and Bagsican recovered two plastic sachets containing *shabu* from the accused. The plastic sachets together with the sanitary napkin were turned over to him by the friskers Trayvilla and Bagsican. Subsequently, he turned over the two plastic sachets and sanitary napkin to the Intelligence and Investigation Office of the 2nd Regional Aviation Security Office (RASO), Domestic International Airport.¹⁴ The seized items were then turned over to SPO4 Rudy Villaceran of NAIA-DITG.¹⁵ SP03 Appang placed his initials on the confiscated items at the Philippine Drug Enforcement Agency Office (PDEA) located at the Ninoy Aquino International Airport.¹⁶

The specimens in turn were referred by PO2 Samuel B. Cobilla (PO2 Cobilla) of the NAIA-DITG to Forensic Chemist Elisa G. Reyes (Forensic Chemist Reyes) of the Crime Laboratory at Camp Crame, Quezon City for examination.¹⁷

Due to the loss of the stenographic notes regarding the latter part of the direct testimony of SPO3 Appang and of Forensic Chemist Reyes, the prosecution and the accused agreed to dispense with their testimonies and agreed on the following stipulation of facts:

¹¹ Id. at 6.

¹² Id. at 7-11.

¹³ TSN, Testimony of SPO3 Musalli T. Appang, 8 April 2003, pp. 2-6.

¹⁴ TSN, 25 September 2003, p. 5.

¹⁵ Id. at 8.

¹⁶ Id. at 7-8.

¹⁷ TSN, Testimony of Forensic Chemist Elisa G. Reyes, 18 October 2002, p. 11; As evidenced by Initial Laboratory Report. Records, p. 157.

- a. The prosecution will no longer recall SPO3 Appang to the witness stand in view of his retirement from service;¹⁸
- b. The parties agreed on Forensic Chemist Reyes' competence and expertise in her field;¹⁹
- c. That she was the one who examined the specimen in this case against Hadji Socor Cadidia, consisting of one (1) heat-sealed transparent plastic sachet, previously marked as Exhibit "1" containing 48.48 grams of white crystalline substance of *Shabu*, and, one (1) knot-tied transparent plastic bag with marking "Exhibit-2 LMB, RSA containing 98.29 grams white crystalline substance of *Shabu* or *Methamphetamine Hydrochloride*";²⁰
- d. That after conducting laboratory examination on the two (2) specimens, she prepared the document and reduced her findings into writing which is Chemistry Report No. D-364-02 which is the Initial Laboratory Report marked as Exhibit "C"²¹; and,
- e. That thereafter, Forensic Chemist Reyes likewise prepared the Final Chemistry Report marked as Exhibit "D."²²

The accused, of course, has a different story to tell.

Cadidia testified that on 31 July 2002, at around 8:15 in the morning, she proceeded to the departure area of the domestic airport at Pasay City to board a Cebu Pacific plane bound for Butuan City. When she passed-by the *x-ray* machine, two women, whom she later identified as Trayvilla and Bagsican, apprehended her.²³ Trayvilla and Bagsican held her arms and asked her if she was a Muslim. When she replied in the affirmative, the two women said that she might be carrying gold or jewelries.²⁴ Despite her denial, Trayvilla and Bagsican brought her to the comfort room and told her she might be carrying *shabu*. She again denied the allegation but the two women told her to undress.²⁵ When she asked why, they answered that her back was bulging. In reply, she told them that she was having her menstrual

¹⁸ TSN/Stipulation of Facts, 11 February 2008, p. 3.

¹⁹ Id.

²⁰ Id. at 2.

²¹ Id. at 3.

²² Id.

²³ TSN, Testimony of Hadji Socor Cadidia, 8 August 2005, pp. 4-7.

²⁴ Id. at 7.

²⁵ Id. at 8.

period. Trayvilla and Bagsican did not believe her and proceeded to ask her to remove her underwear. They later frisked her body but failed to recover anything.²⁶ Thereafter, the two women asked for money as they allegedly recovered two plastic sachets containing *shabu* from her.²⁷ At this moment, Cadidia became afraid and called her relatives for money, particularly her female relative Dam Bai.²⁸ Her relatives arrived at the airport at around 1 o'clock in the afternoon of the same day but she failed to talk to them because she has already been brought to Camp Crame for drug examination.²⁹ She called her relatives again to ask for ₱200,000.00 and to bring the amount at 7 o'clock in the morning of the next day. Her relatives arrived on the agreed day and time but managed to bring only ₱6,000.00 which the police officers found unacceptable.³⁰ As a consequence, Cadidia was subjected to inquest proceedings.³¹ In her re-direct, she testified that at that time, she was engaged in selling compact discs in Quiapo, Manila. She recalled that the names of the relatives she called for money were a certain Lani and Andy.³²

The defense presented its next witness Haaji Mohamad Domrang (Domrang) to corroborate the statement of accused Cadidia that she called up her relatives including him to bring money to the airport and give the same to the police officers.³³ Domrang testified that he knew Cadidia as a jeweller with a place of business in Greenhills. He recalled at around 9 o'clock in the morning of 31 July 2002, he was with his nephew when the latter received a call from Cadidia and was told by the accused that she needed money amounting to ₱200,000.00.³⁴ His nephew told him that he would go to the airport, so he accompanied him. They arrived there at around one o'clock in the afternoon but failed to see Cadidia. However, they were able to talk to the police officers at the airport and inquired about the accused. The police officers replied that she was brought to Camp Crame but will be brought back to the airport at 7:00 o'clock in the evening.³⁵ The police officers told Domrang and Andy that if they would not be able to raise the ₱200,000.00, they would file a case against Cadidia. Since they were able to raise ₱6,000.00 only, the police officers rejected the money.³⁶

²⁶ Id. at 8-9.

²⁷ Id. at 10-11.

²⁸ TSN, 1 September 2005, p. 9.

²⁹ TSN, 8 August 2005, pp. 12-13.

³⁰ Id. at 14-16.

³¹ TSN, 1 September 2005, p. 7.

³² Id. at 16 and 18.

³³ TSN, Testimony of Hadji Mohamad Domrang, 14 November 2005, p. 2.

³⁴ Id. at 3-4.

³⁵ Id. at 4.

³⁶ Id. at 5.

After the arrest, the following Information was filed in Criminal Case No. 02-1464 for violation of Sec. 5, Art. II of Republic Act No. 9165:

That on or about the 31st of July 2002, in Pasay City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there wilfully, unlawfully and feloniously transport 146.77 grams of *Methylamphetamine Hydrochloride*, a dangerous drug.³⁷

Upon arraignment on 12 August 2002, Cadidia entered a plea of “not guilty.”³⁸

On 7 April 2008, the trial court found the accused-appellant guilty as charged. The disposition reads:

WHEREFORE, this Court finds accused HADJI SOCOR CADIDIA guilty beyond reasonable doubt of violation of Section 5 of Republic Act [No.] 9165, she is hereby sentenced to suffer life imprisonment and to pay the fine of Five Hundred Thousand Pesos (₱500,000.00).

The methamphetamine hydrochloride recovered from the accused is considered confiscated in favor of the government and to be turned to the Philippine Drug Enforcement Agency for its disposal.³⁹

On appeal, the accused-appellant, contended that the trial court gravely erred when it failed to consider the conflicting testimonies of the prosecution witnesses’ Trayvilla and Bagsican as to who among them instructed the accused-appellant to bring out the contents of her underwear.⁴⁰ Another contradiction pressed on by the defense was the recollection of Bagsican that when she and Trayvilla found the illegal drugs, Bagsican placed it inside her blazer for safekeeping, in contrast with statement of SPO3 Appang that when Bagsican and Trayvilla went out of the comfort room, they immediately handed him the *shabu* allegedly taken from the accused-appellant.⁴¹ Appellant likewise argued against her conviction by the trial court despite the fact that the identity of the illegal drugs allegedly seized was not proven with moral certainty due to the broken chain of custody of evidence.⁴²

³⁷ Records, p. 1.

³⁸ Id. at 10.

³⁹ Penned by Judge Pedro De Leon Gutierrez. Id. at 330.

⁴⁰ Appellant’s Brief. CA *rollo*, p. 59.

⁴¹ Id. at 61.

⁴² Id. at 64.

The People, through the Office of the Solicitor General (OSG) countered that the inconsistencies of the prosecution's witnesses did not touch on material points. Hence, they can be disregarded for they failed to affect the credibility of the evidence as a whole. The alleged inconsistencies failed to diminish the fact that the accused-appellant was caught *in flagrante delicto* at the departure area of the domestic airport transporting *shabu*. The defenses of frame-up and alibi cannot stand against the positive testimonies of the witnesses absent any showing that they were impelled with any improper motive to implicate her of the offense charged.⁴³ Finally, the OSG posited that the integrity of evidence is presumed to be preserved unless there is any showing of bad faith, and accused-appellant failed to overcome this presumption.⁴⁴

In its decision, the Court of Appeals affirmed the ruling of the trial court. The appellate court ruled that the alleged contradictory statements of the prosecution's witnesses did not diminish their credibility as they pertained only to minor details and did not dwell on the principal elements of the crime. It emphasized that the more important matter was the positive identification of the accused-appellant as the perpetrator of the crime of illegal transportation of dangerous drug.⁴⁵ Further, it upheld the trial court's ruling that the prosecution satisfactorily preserved the chain of custody of evidence over the seized drugs as well as the integrity of the specimen confiscated from the accused-appellant.⁴⁶

In this instant appeal, the accused-appellant manifested that she would no longer file her Supplemental Brief as she had exhaustively discussed her assignment of errors in her Appellant's Brief.⁴⁷

Before this Court for resolution are the two assigned errors raised by the accused-appellant:

I.

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.

II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE

⁴³ Id. at 103-105.

⁴⁴ Id. at 107.

⁴⁵ *Rollo*, p. 17.

⁴⁶ Id. at 20.

⁴⁷ Id. at 33-34.

PROSECUTION'S FAILURE TO ESTABLISH THE CHAIN OF CUSTODY OF THE ALLEGED CONFISCATED DRUG.⁴⁸

We uphold the ruling of both the trial and the appellate courts.

At the outset, We find it unnecessary to discuss the propriety of the charge of violation of Section 5 of Republic Act No. 9165 against Cadidia for illegal transportation of 146.77 grams of *Methylamphetamine Hydrochloride* by the prosecution. As elucidated by the trial court, “[t]here is no doubt that the accused [had] the intention to board the flight bound for Butuan as per her plane ticket and had submitted herself to body frisking at the final check-in counter at the airport when she was found to be carrying prohibited drugs in her persons (*sic*). In like manner, considering the weight of the “shabu” and the intention of the accused to transport the same to another place or destination, she must be accordingly penalized under Section 5 of Republic Act No. 9165, x x x.”⁴⁹

Now to the issues presented before this Court.

As to the first assignment of error, the accused casts doubt on the set of facts presented by the prosecution particularly the narration of Trayvilla, Bagsican and SPO3 Appang. She alleges that since the testimonies given by the witnesses were conflicting, the same should not be given credit and should result in her acquittal. She cited two instances as examples of inconsistencies. *First*, Trayvilla in her testimony recalled that she was the one who asked the accused to bring out the contents of her underwear. However, in her re-direct, she clarified that it was Bagsican who asked the accused. Bagsican, in turn testified that she was the one who asked the accused while Trayvilla was beside her.⁵⁰ *Second*, Bagsican in her testimony recalled that after confiscation of the alleged illegal drugs, she placed the items inside her blazer for safekeeping. However, SPO3 Appang testified that when the two female friskers came out from the comfort room, they immediately handed to him the seized illegal drugs allegedly taken from Cadidia.⁵¹

In cases involving violations of Dangerous Drugs Act, credence should be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have

⁴⁸ CA rollo, p. 54.

⁴⁹ Records, p. 328.

⁵⁰ CA rollo, pp. 59-60.

⁵¹ Id. at 61.

performed their duties in a regular manner, unless there is evidence to the contrary.⁵² Further, the evaluation of the credibility of witnesses is addressed to the sound discretion of the trial judge, whose conclusion thereon deserves much weight and respect because the judge has the direct opportunity to observe said witnesses on the stand and ascertain if they are telling the truth or not. Applying the foregoing, we affirm the findings of the lower court in the appreciation of facts and credibility of the witnesses.⁵³

Upon review of the records, we find no conflict in the narration of events of the prosecution witnesses. In her direct testimony, Trayvilla testified that both of them asked Cadidia to remove what was inside her underwear when she and Bagsican brought the accused to the comfort room to check what was hidden inside.⁵⁴ However, in her re-direct, she clarified that it was really Bagsican who particularly made the request but she was then also inside the cubicle with the accused.⁵⁵ This clarification is sufficient for the Court to conclude that the two of them were inside the cubicle when the request to bring out the contents of the underwear was made and the concealed illegal drug was discovered.

The other inconsistency alleged by the accused pertains to what happened during the confiscation of the illegal drug at the cubicle. The accused alleges that Bagsican and SPO3 Appang differed in their statements. Upon review, We find no such inconsistency. Bagsican testified that after confiscation, she put the two plastic sachets of *shabu* in her blazer for safekeeping. She further narrated that afterwards, she turned over the accused and the plastic sachets to SPO3 Appang.⁵⁶ SPO3 Appang, in turn, testified that when the two female friskers went out of the comfort room, they handed to him what was taken from the accused. The statements can be harmonized as a continuous and unbroken recollection of events.

Even assuming that the said set of facts provided conflicting statements, We have consistently held time and again that minor inconsistencies do not negate the eyewitnesses' positive identification of the appellant as the perpetrator of the crime. As long as the testimonies as a whole presented a coherent and believable recollection, the credibility would still be

⁵² *People v. Sembrano*, G.R. No. 185848, 16 August 2010, 628 SCRA 328, 342 citing *People v. Llamado*, G.R. No. 185278, 13 March 2009, 581 SCRA 544, 552; *People v. Remerata*, 449 Phil. 813, 822 (2003).

⁵³ *People v. Gustafsson*, G.R. No. 179265, 30 July 2012, 677 SCRA 612, 621 citing *People v. Sy*, 438 Phil. 383, 397-398 (2002).

⁵⁴ TSN, 12 November 2002, p. 6.

⁵⁵ TSN, 16 January 2003, pp. 6-7.

⁵⁶ TSN, 10 February 2003, p. 6-A.

upheld. What is essential is that the witnesses' testimonies corroborate one another on material details surrounding the commission of the crime.⁵⁷

The accused also assails the application of presumption of regularity in the performance of duties of the witnesses. She claimed that the self-serving testimonies of Trayvilla and Bagsican failed to overcome her presumption of innocence guaranteed by the Constitution.⁵⁸

Again, we disagree.

In *People v. Unisa*,⁵⁹ this Court held that "in cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary suggesting ill-motive on the part of the police officers."

In this case, the prosecution witnesses were unable to show ill-motive for the police to impute the crime against Cadidia. Trayvilla was doing her regular duty as an airport frisker when she handled the accused who entered the *x-ray* machine of the departure area. There was no pre-determined notice to particularly search the accused especially in her private area. The unusual thickness of the buttocks of the accused upon frisking prompted Trayvilla to notify her supervisor SPO3 Appang of the incident. The subsequent search of the accused would only show that the two female friskers were just doing their usual task when they found the illegal drugs inside accused's underwear. This is bolstered by the fact that the accused on the one hand and the two friskers on the other were unfamiliar to each other. Neither could they harbour any ill-will against each other. The allegation of frame-up and denial of the accused cannot prevail over the positive testimonies of three prosecution witnesses who corroborated on circumstances surrounding the apprehension.

As final attempt at acquittal, the accused harps on the alleged broken chain of custody of the confiscated drugs. She casts doubt on the identity of the drugs allegedly taken from her and the one presented in open court to prove her guilt.⁶⁰ She also questions the lack of physical inventory of the

⁵⁷ *People v. Langcua*, G.R. No. 190343, 6 February 2013, 690 SCRA 123, 134 citing *People v. Gonzaga*, G.R. No. 184952, 11 October 2010, 632 SCRA 551, 570 further citing *People v. Daen, Jr.*, 314 Phil. 280, 292 (1995); *People v. Cruz*, G.R. No. 185381, 16 December 2009, 608 SCRA 350, 364; *People v. Alas*, G.R. No. 118335-36, 19 June 1997, 274 SCRA 310, 320-321.

⁵⁸ CA rollo, p. 63.

⁵⁹ G.R. No. 185721, 28 September 2011, 658 SCRA 305, 336.

⁶⁰ CA rollo, pp. 64-65.

confiscated items at the crime scene, the absence of photographs taken on the alleged illegal drugs and the failure to mark the seized items upon confiscation.⁶¹

The duty of seeing to the integrity of the dangerous drugs and substances is discharged when the arresting law enforcer ensures that the chain of custody is unbroken. Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002, defines the chain of custody as:

b. "Chain of Custody" means the 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 [was] of the seized item, the date and time when such transfer of custody made in the course of safekeeping and use in court as evidence, and the final disposition.⁶²

In *Mallillin v. People*,⁶³ the requirements to establish chain of custody were laid down by this Court. *First*, testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence. *Second*, witnesses should describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the item.

The prosecution in this case was able to prove, through the testimonies of its witnesses, that the integrity of the seized item was preserved every step of the process.

As to the first link, Trayvilla and Bagsican testified that upon confiscation of the two plastic sachets of illegal drug from the accused, the seized items were transferred to SPO3 Appang, who himself confirmed such transfer. The second link pertains to the point when SPO3 Appang turned over the two plastic sachets and sanitary napkin to the RASO of the Domestic International Airport.⁶⁴ As to the marking, Bagsican testified that she put her initials and signature on the plastic sachet and the sanitary napkin at the Investigation Office. Afterwards, the seized items were turned over to

⁶¹ Id.

⁶² *People v. Angkob*, G.R. No. 191062, 19 September 2012, 681 SCRA 414, 425-426.

⁶³ 576 Phil. 576, 587-588 (2008).

⁶⁴ TSN, 25 September 2003, p. 5.

SPO4 Rudy Villaceran of the NAIA-DITG.⁶⁵ SP03 Appang signed the confiscated items at the PDEA Office which is also located at the airport.⁶⁶

As evidenced by the Initial Laboratory Report,⁶⁷ the specimens were referred by PO2 Cobilla of the NAIA-DITG to Forensic Chemist Reyes of the Crime Laboratory at Camp Crame, Quezon City for examination. Finally, based on the Chemistry Report⁶⁸ of Forensic Chemist Reyes and stipulation⁶⁹ of facts agreed upon by both parties, the specimen submitted by PO2 Cobilla tested positive for *Methylamphetamine Hydrochloride* after qualitative testing. The same specimens contained in the two plastic sachets previously marked were identified by two female friskers Trayvilla and Bagsican in open court as the same ones confiscated from the accused.⁷⁰

As to non-compliance of all the requirements laid down by Section 21, paragraph 1, Article II of Republic Act No. 9165 regarding the custody and disposition of confiscated, seized, and/or surrendered dangerous drugs,⁷¹ the Implementing Rules and Regulations of Republic Act No. 9165 states that non-compliance with these requirements under justifiable grounds shall not render void and invalid such seizure of and custody over said items as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team. What is important is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.⁷² The successful presentation of the prosecution of every link of chain of custody as discussed above is sufficient to hold the accused liable for the offense charged.

⁶⁵ Id. at 8.

⁶⁶ Id. at 7-8.

⁶⁷ TSN, 18 October 2002, p. 11.

⁶⁸ Records, p. 158.

⁶⁹ TSN/Stipulation of Facts, 11 February 2008, p. 3.

⁷⁰ TSN, 12 November 2002, pp. 10-11; TSN, 10 February 2003, pp. 8-9.

⁷¹ **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.

⁷² *People v. Torres*, G.R. No. 191730, 5 June 2013.

On a final note, we held that airport frisking is an authorized form of search and seizure. As held in similar cases of *People v. Johnson*⁷³ and *People v. Canton*,⁷⁴ this Court affirmed the conviction of the accused Leila Reyes Johnson and Susan Canton for violation of drugs law when they were found to be in hiding in their body illegal drugs upon airport frisking. The Court in both cases explained the rationale for the validity of airport frisking thus:

Persons may lose the protection of the search and seizure clause by exposure of their persons or property to the public in a manner reflecting a lack of subjective expectation of privacy, which expectation society is prepared to recognize as reasonable. Such recognition is implicit in airport security procedures. With increased concern over airplane hijacking and terrorism has come increased security at the nation's airports. Passengers attempting to board an aircraft routinely pass through metal detectors; their carry-on baggage as well as checked luggage are routinely subjected to x-ray scans. Should these procedures suggest the presence of suspicious objects, physical searches are conducted to determine what the objects are. There is little question that such searches are reasonable, given their minimal intrusiveness, the gravity of the safety interests involved, and the reduced privacy expectations associated with airline travel. Indeed, travellers are often notified through airport public address systems, signs, and notices in their airline tickets that they are subject to search and, if any prohibited materials or substances are found, such would be subject to seizure. These announcements place passengers on notice that ordinary constitutional protections against warrantless searches and seizures do not apply to routine airport procedures.⁷⁵

WHEREFORE, the instant appeal is **DENIED**. Accordingly, the Decision of the Court of Appeals dated 28 August 2009 in CA-G.R. CR.-11. C. No. 03316 is hereby **AFFIRMED**.

SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

⁷³ 401 Phil. 734 (2000).

⁷⁴ 442 Phil. 743 (2002).

⁷⁵ *People v. Johnson*, supra note 73 at 743; *Id.* at 758-759.

WE CONCUR:



ANTONIO T. CARPIO

Associate Justice
Chairperson



ARTURO D. BRION

Associate Justice



BIENVENIDO L. REYES

Associate Justice

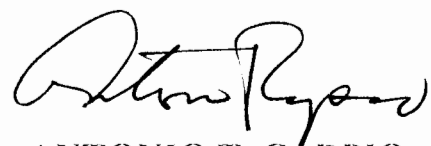


ESTELA M. PERLAS-BERNABE

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
Second Division, Chairperson

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