



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **12 May 2021** which reads as follows:*

**“G.R. No 233108 (*People of the Philippines v. Leo Lorenzo y Panopio*).** — A buy-bust operation is a form of entrapment employed by police officers as an effective way of apprehending a criminal in the act of the commission of an offense.<sup>1</sup> Entrapment has received judicial sanction when undertaken with due regard to constitutional and legal safeguards.<sup>2</sup> Such is the case here. The Special Operation Task Group-Station Anti-Illegal Drugs (SOTG-SAID) of Marikina City Police formed a buy-bust team to entrap Leo Lorenzo y Panopio (Leo) after receiving a report of his illegal drug activities. The team proceeded to Leo’s house in Horseshoe Subdivision, Bonanza, Barangay Fortune, Marikina City and PO3 Junar Olveda (PO3 Olveda) succeeded in buying *shabu* from Leo for ₱300.00. After consummating the sale, Leo was arrested and was informed of his constitutional rights. The buy-bust money was also recovered from him. Evidently, the prosecution established that there was a legitimate buy-bust operation where Leo sold and delivered *shabu* for value to PO3 Olveda, acting as *poseur-buyer*.<sup>3</sup>

The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of Republic Act (RA) No. 9165<sup>4</sup> are present here, namely: (a) the identity of the buyer and the seller, the object, and the consideration; and (b)

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<sup>1</sup> *People v. Doria*, 361 Phil. 595, 608 (1999).

<sup>2</sup> *Id.*

<sup>3</sup> *Rollo*, pp. 4-6.

<sup>4</sup> “Dangerous Drugs Act of 1972.”

SEC. 5. Sale, Trading Administration, Dispensation, Delivery and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential chemicals. — x x x [A]ny 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, x x x regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

the delivery of the thing sold and the payment.<sup>5</sup> The Court of Appeals (CA) correctly upheld the Regional Trial Court's (RTC) findings that Leo's identity cannot be doubted since PO3 Olveda, the *poseur-buyer*, positively identified him as the person who received the buy-bust money and gave him the plastic sachet containing *shabu*. As observed by the RTC during PO3 Olveda's testimony, he was able to present a complete picture of the buy-bust operation. PO3 Olveda gave a detailed narration of facts from the time he was introduced to Leo, his offer to purchase ₱300.00 worth of illegal drugs, and the exchange of illegal drugs for ₱300.00 between them.<sup>6</sup> Verily, the prosecution succeeded in establishing the elements of Illegal Sale of Dangerous Drugs.

PO3 Olveda's clear and positive testimony identifying Leo as the perpetrator prevails over Leo's uncorroborated and weak defense of denial. This Court accords respect to the trial court's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of any clear showing that the trial court overlooked or misconstrued cogent facts and circumstances that would justify altering or revising such findings and evaluation. The trial court's determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and attitude under grilling examination, thus, the trial court had the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor.<sup>7</sup>

Equally important, the prosecution has also established the buy-bust team's compliance with the chain of custody rule under Section 21, Article II of RA No. 9165, as amended by RA No. 10640.<sup>8</sup> To establish the identity of the dangerous drugs with moral certainty, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.<sup>9</sup> Particularly, the movement and custody of the seized drug must be established through the following links: (1) the confiscation and marking of the specimen seized from the accused by the apprehending officer; (2) the turnover of the seized item by the apprehending officer to the investigating officer; (3) the investigating officer's turnover of the specimen to the forensic chemist for examination; and, (4) the submission of the item by the forensic chemist to the court.<sup>10</sup>

<sup>5</sup> *People v. Dumangay*, 587 Phil. 730, 739 (2008).

<sup>6</sup> *CA rollo*, pp. 63-65.

<sup>7</sup> *Medina Jr. v. People*, 724 Phil. 226, 234-235 (2014).

<sup>8</sup> AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF [RA] NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002," approved on July 15, 2014, states that it shall "take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation." Verily, a copy of the law was published on July 23, 2013 in the respective issues of *The Philippine Star* (Vol. XXVIII, No. 359, Philippine Star Metro Section, p. 21) and the *Manila Bulletin* (Vol. 499, No. 23; World News Section, p.6); hence, RA No. 10640 became effective on August 7, 2014.

<sup>9</sup> *People v. Dela Cruz*, G.R. No. 238212, January 27, 2020.

<sup>10</sup> *People v. Bugtong*, 826 Phil. 628, 638-639 (2018).

The prosecution has sufficiently shown compliance with the chain of custody rule. As to the first link, after Leo's arrest, PO3 Olveda immediately marked the plastic sachet he bought from Leo as "LPL BUYBUST 9-6-14" and the two (2) other sachets they recovered from him as "LPL POSS-1 9-6-14" and "LPL POSS-2 9-6-14" at the place of arrest. Then, photographs were taken and an inventory of the seized items were made in the presence of an elected official, Barangay Kagawad Romeo Silva, and a media representative, Cesar Barquilla, at the place of arrest. Leo's attempt to cast doubt on the identity of the dangerous drug by arguing that there was no representative of the National Prosecution Service (NPS) or the Department of Justice is without merit. The crime in this case was committed after the enactment of the amendatory law, RA No. 10640, which relaxed the requirement on insulating witnesses. Section 21 of RA No. 9165, as amended, allows the conduct of physical inventory and photograph of the seized items to be in the presence of: (1) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel; (2) an elected public official; and (3) a representative of the NPS *or* the media who shall sign the copies of the inventory and be given a copy thereof. Since the illegal sale took place on September 6, 2014, or after the effectivity of RA No. 10640, the presence of an elected public official and a representative from the media during the physical inventory and photograph of the seized items is sufficient to ensure the integrity and evidentiary value of the seized items.

Regarding the second and third links, PO3 Olveda kept the three (3) plastic sachets before submitting them for laboratory examination. Thereafter, PO3 Olveda personally delivered the seized items to Police Chief Inspector Margarita Libres who marked the specimens as A, B, and C, performed the laboratory examination, and kept the seized items inside a bigger plastic sachet before they were turned over to the court. As to the fourth link, PO3 Olveda testified during trial that the three plastic sachets of *shabu* with his markings are the same items seized from Leo during the buy-bust operation, and they are the same ones that tested positive for methamphetamine hydrochloride before they were turned over to the trial court. Ergo, the integrity and evidentiary value of the seized items have been preserved in accordance with Section 21 of RA No. 9165, as amended by RA 10640.

It must be stressed that the purpose of Section 21 of RA No. 9165, as amended, is to protect the accused from malicious imputations of guilt by abusive police officers. However, the provision cannot be used to thwart the legitimate efforts of law enforcement agents. Slight infractions or nominal deviations by the police from the prescribed method of handling the *corpus delicti* should not exculpate an otherwise guilty accused-appellant. Substantial adherence to Section 21 will suffice as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officers.<sup>11</sup>

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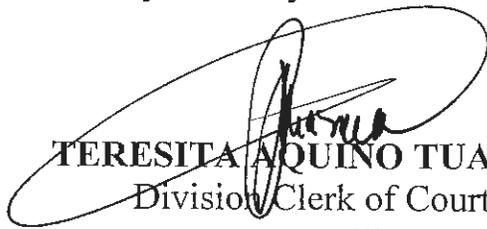
<sup>11</sup> *People v. Sahibil*, G.R. No. 228953, January 28, 2019; *People v. O'cochlain*, G.R. No. 229071, December 10, 2018.

All told, the Court finds no error in the CA's Decision finding Leo guilty of Illegal Sale of Dangerous Drugs. The facts, as supported by the evidence and testimonies of the prosecution's witnesses, sufficiently support Leo's conviction.

**FOR THESE REASONS**, the appeal is **DISMISSED**. The Court of Appeals' Decision<sup>12</sup> dated December 14, 2016 in CA-G.R. CR HC No. 07863 is hereby **AFFIRMED**. Leo Lorenzo y Panopio is found **GUILTY** beyond reasonable doubt of the crime of Illegal Sale of Dangerous Drugs defined and penalized under Section 5, Article II of Republic Act No. 9165, and is sentenced to suffer the penalty of life imprisonment and a fine of ₱500,000.00.

**SO ORDERED.**" (Lopez, J. Y., J., designated additional member *per* Special Order No. 2822 dated April 7, 2021.)

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
 Division Clerk of Court *by 7/21*  
 22 JUL 2021

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THE DIRECTOR (reg)  
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HON. PRESIDING JUDGE (reg)  
 Regional Trial Court, Branch 192  
 Marikina City  
 (Crim. Case No. 2014-4438-D-MK)

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*Please notify the Court of any change in your address.*  
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<sup>12</sup> *Rollo*, pp. 2-12; penned by Associate Justice Rodil V. Zalameda (now a Member of this Court), with the concurrence of Associate Justices Sesinando E. Villon and Ma. Luisa Quijano-Padilla.