



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 February 2021** which reads as follows:*

“G.R. No. 252494 (People of the Philippines *v.* Arnulfo Chan *y* Mirabueno a.k.a. ‘Anong,’ Manuel Pingol *y* Solangon a.k.a. ‘Negro/Mawi,’ and Edwin Verzo *y* Dames, accused; Manuel Pingol *y* Solangon a.k.a. ‘Negro/Mawi,’ accused-appellant). – The Court resolves to:

1. **GRANT** the motions of the Public Attorney’s Office for extension totalling fifty (50) days from November 27, 2020 within which to file supplemental brief, and **NOTE** said brief dated January 18, 2021 in compliance with the Resolution dated September 16, 2020;

2. **NOTE** the letter dated November 10, 2020 of CTC Insp. Albert C. Manalo, Officer-In-Charge, Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, confirming the confinement of accused-appellant Manuel Pingol *y* Solangon a.k.a. ‘Negro/Mawi’ (accused-appellant) at the said institution since December 16, 2016; and

3. **NOTE** the manifestation (in lieu of supplemental brief) dated December 23, 2020 of the Office of the Solicitor General in compliance with the Resolution dated September 16, 2020, adopting its brief filed before the Court of Appeals (CA) as plaintiff-appellee’s supplemental brief since the same has exhaustively discussed and passed upon the errors raised by accused-appellant.

After a judicious study of the case, the Court further resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the CA committed any reversible error in affirming the conviction of accused-appellant for the crime of Illegal Sale of Dangerous Drugs, as defined and penalized under Section 5, Article II of Republic Act No. 9165,² otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002.’

¹ *Rollo*, pp. 14-16.

² Entitled ‘AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS

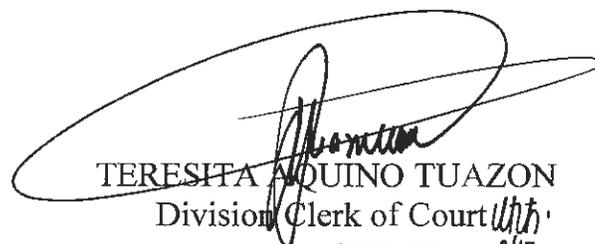
As correctly ruled by the courts *a quo*, all the elements of the aforesaid crime³ are present as the prosecution clearly established that accused-appellant was caught *in flagrante delicto* selling 53.1359 grams of white crystalline substance to the poseur buyer, IO1 Manuel David (IO1 David), for ₱500.00 worth of marked money during a legitimate buy bust operation. During qualitative examination, the seized item tested positive for methamphetamine hydrochloride, a dangerous drug.

Furthermore, all the links⁴ of the chain of custody had been established, considering that IO1 David had sole custody of the drugs when it was seized, marked, inventoried, and photographed in the presence of accused-appellant and the required witnesses, and until the time he turned over possession thereof to PCI Grace Gorospe (PCI Gorospe) at the crime laboratory for qualitative examination. After said examination, PCI Gorospe took possession and kept the confiscated drugs until the same were delivered and presented to the court for identification.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision⁵ dated November 25, 2019 of the Court of Appeals in CA G.R. CR-HC No. 10265 and **AFFIRMS** said Decision finding accused-appellant Manuel Pingol y Solangon a.k.a. 'Negro/Mawi' **GUILTY** beyond reasonable doubt of Illegal Sale of Dangerous Drugs, defined and penalized under Section 5, Article II of Republic Act No. 9165, otherwise known as the 'Comprehensive Dangerous Drugs Act of 2002.' Accordingly, he is sentenced to suffer the penalty of life imprisonment and a fine in the amount of ₱500,000.00.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *Wjh*
17 FEB 2021 2/17

ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES,' approved on June 7, 2002.

³ "The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment." (See *People v. Piñero*, G.R. No. 242407, April 1, 2019)

⁴ "Thus, the following links should be established in the chain of custody of the confiscated item: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court." (*People v. Que*, G.R. No. 212994, January 31, 2018, citing *People v. Nandi*, 639 Phil. 134 [2010]).

⁵ *Rollo*, pp. 3-13. Penned by Associate Justice Germano Francisco D. Legaspi with Associate Justices Remedios A. Salazar-Fernando and Samuel H. Gaerlan (now a member of the Court), concurring.

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THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 39
Daet, Camarines Sur
(Crim. Case No. 15933)

*CTCINSP ALBERT C. MANALO (reg)
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*For this resolution only

Please notify the Court of any change in your address.
GR252494. 02/01/2021(85,140&189)URES *12/17*