

Irish nurse nabbed for marijuana loses SC appeal

MANILA – The Supreme Court (SC) on Thursday bared the decision of the tribunal last December upholding the conviction of a 55-year-old Irish nurse arrested six years ago for possession of two marijuana sticks at the Laoag City International Airport.

In a 36-page decision promulgated last December 10 and penned by Justice Diosdado M. Peralta, the Court’s 3rd Division dismissed the appeal filed by Eanna O’Cochlain, who was caught with two sticks of marijuana weighing less than a gram during a final security checkpoint at the Laoag City International Airport, Ilocos Norte in 2013.

The decision affirmed the Feb. 9, 2016 decision and the July 21, 2016 resolution of the Court of Appeals (CA), which in turn affirmed the Nov. 22, 2013 decision of the Regional Trial Court (RTC), Branch 13, Laoag City, finding O’Cochlain guilty of violation of Section 11, Article II of RA

9165 or the Comprehensive Dangerous Drugs Act of 2002.

The Laoag court sentenced O’Cochlain to 14 years imprisonment for the drug charge.

The Court ruled that failure to strictly comply with Section 21 (1) of RA 9165 on the chain of custody of evidence does not necessarily render an accused person’s arrest illegal or the items seized or confiscated from him inadmissible or render void and invalid such seizure. The most important factor is the preservation of the integrity and evidentiary value of the seized item.

In this case, the Court held that there was substantial compliance with the chain of custody rule, noting that the prosecution was able to prove, through documentary and testimonial evidence, that the integrity and evidentiary value of the seized items were properly preserved in every step of the way.

The Court also said the

chain of custody rule is a matter of evidence and a rule of procedure, it being ultimately anchored on the weight and admissibility of evidence which the courts have the exclusive prerogative to decide.

Any missing link, gap, doubt, challenge, break, problem, defect or deficiency in the chain of custody goes to the weight of the evidence, not in its admissibility, it said.

The Court added that it need not rule out every possibility that the evidence underwent alteration; it needs only to find that the reasonable probability is that the evidence has not been altered in any material aspect.

The Court, however, held that there was a valid consented warrantless search in the case of O’Cochlain, who readily agreed when the security screening officer requested to conduct a pat down search on him.

It noted that there is no evidence that O’Cochlain objected to the body search. (PNA)

PALACE RELEASES EO ALLOWING GOV’T. WORKERS SALARY HIKE

MANILA -- Government workers will soon be receiving the fourth and last tranche of their salary hike despite the delay in the passage of the proposed 2019 budget.

This, after Malacañang released an executive order (EO) modifying the salary schedule for civilian government personnel and authorizing the grant of additional benefits for both civilian and military and uniformed personnel.

Executive Order 76 was signed by Executive Secretary Salvador Medialdea, by authority of the President on March 15, but a copy of which was released to media only on Wednesday (March 20).

“Considering that by the end of FY 2018, the FY 2019 General Appropriations Act (GAA) is still pending with Congress, Republic Act

(RA) 10964 or the ‘FY 2018 GAA’ has been deemed reenacted beginning O1 January 2019,” the order reads.

“Due to the reenacted of the FY 2018 GAA, there is a need to identify an appropriate funding source to cover the requirements for the implementation of the fourth tranche compensation adjustment for civilian government personnel scheduled in 2019 under EO 201,” it added.

Under EO 201, civilian government personnel should have received the fourth tranche salary in the beginning of January 2019.

The Department of Budget and Management (DBM) will be authorized to implement or adjust the compensation corresponding to auditing rules and regulations.

EO 76 shall take effect

immediately upon its publication in a newspaper of general circulation.

Congress has failed to reach a consensus on the proposed 2019 national budget despite meeting with the President to resolve the budget impasse last week.

Since January 1, 2019 the government has been operating on a reenacted budget after Congress failed to pass the bill last year due to allegations of pork "insertions".

The passage of the proposed 2019 budget was further stalled due to allegations of realignments made by the House after both chambers of Congress ratified the bicameral conference committee report.

Malacañang has repeatedly urged Congress to "settle their differences" to allow the signing and enactment of the 2019 budget. (PNA)

REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
REGIONAL TRIAL COURT
OFFICIAL OF THE CLERK OF COURT
City of Bacoor

PHILIPPINE SAVINGS BANK,
Mortgagee,

-versus-

SPS. JOHN A. CALDERON and
ERLINDA G. CALDERON,
Mortgagors.
x ----- x

Foreclosure No. 2019-03
For: Extra-judicial Foreclosure of
Real Estate Mortgage

NOTICE OF EXTRAJUDICIAL FORECLOSURE

Upon extra-judicial petition for sale under Act 3135 as amended by Act 4118 filed by the mortgagee, **PHILIPPINE SAVINGS BANK**, of PSBank Center, 777 Paseo de Roxas cornder Seden Street, Makati City and against the mortgagors, **SPS. JOHN A. CALDERON and ERLINDA G. CALDERON**, of No. 2210 Sto. Niño, Palauag, Zambales, to satisfy the mortgage indebtedness which as of December 20, 2018 amounts to **TWO MILLION FOUR HUNDRED THIRTY EIGHT THOUSAND EIGHT HUNDRED THIRTY ONE PESOS & 16/100 (P2,438,831.16)** Philippine Currency, inclusive of penalties and other charges, the undersigned or her duly authorized representative will sell at the public auction on **APRIL 23, 2019 at 10:00 o'clock** in the morning or soon thereafter at the main entrance of the Hall of Justice of Bacoor City, Cavite, to the highest bidder, for **CASH** and in Philippine Currency, the following properties with all the improvements therein, to wit:

TRANSFER CERTIFICATE OF TITLE NO. (057-2012035530) 167-2016011102
“A parcel of land (Lot 16, Block 2, of the subdivision plan, Psd-04-202494, being a portion of Lot 1, Psu-252768, LRC Rec. No. N-53128), situated in the Barangay of Habay, Municipality of Bacoor, Prov. of Cavite, Island of Luzon x x x containing an area of FIFTY (50) SQUARE METERS.”

“All sealed bids must be submitted to the undersigned on the above stated time and date.”
“In the event, the public auction should not take place on the said date, it shall be held on **APRIL 30, 2019** without further notice.”

Prospective bidders/buyers are hereby enjoined to investigate for themselves the title to the said properties and encumbrances thereon if any there be.

City of Bacoor, **MARCH 11, 2019.**

(Sgd.) **LIZA D. VICTA**
Clerk of Court VI

Copy Furnished:
PHILIPPINE SAVINGS BANK
PSBank Center, 777 Paseo de Roxas cornder Seden Street, Makati City

Mr. & Mrs. JOHN A. CALDERON and ERLINDA G. CALDERON
-No. 2210 Sto. Niño, Palauag, Zambales

WARNING: It is absolutely prohibited to remove, deface or destroy this notice of Extra-judicial Sale on or before the date of sale.

Publication: NORTH SOUTH JOURNAL March 18, 25, April 1, 2019