

****Title: People vs. Elizabeth Ganguso y Decena, G.R. No. 120201 (1996)****

****Facts:****

On November 26, 1992, Major Juvenile Sulapas, Officer-in-charge of the Dangerous Drugs Enforcement Section in Pasay City, received a tip about “Beth Tomboy” selling drugs. A buy-bust operation was conducted the same evening. PO3 Dennis Vermug posed as a buyer, backed up by fellow officers. The serial number of a P500 bill used in the operation was recorded in the police blotter.

PO3 Vermug met Elizabeth Ganguso (Beth Tomboy) at her residence at 2445 Celedonia Street and offered to buy P500 worth of shabu. Ganguso took the money, went into an alley, and returned with an aluminum packet which she handed to Vermug. Upon receiving this packet, Vermug signaled his team, which arrested Ganguso and found a .38 caliber Paltik revolver on her during a frisk.

Ganguso was charged with violating Section 15, Article III of R.A. No. 6425 (Dangerous Drugs Act of 1972) and illegal possession of firearms. She claimed the police barged into her house without a warrant, found nothing, and that the accusations were baseless.

The trial court found Ganguso guilty of both charges but later granted a new trial based on newly discovered evidence. The defense presented witnesses claiming no buy-bust operation occurred and no firearm was found. However, the trial court found the police’s version more credible and convicted Ganguso.

****Procedural Posture:****

Ganguso appealed to the Supreme Court, arguing that the trial court erred in finding her guilty beyond reasonable doubt for both charges and contested the warrantless search and seizure. The Office of the Solicitor General argued for modifying the penalties based on recent legal amendments.

****Issues:****

1. Whether the prosecution met the threshold of proving Ganguso’s guilt beyond reasonable doubt for selling shabu.
2. Whether the warrantless arrest and subsequent search and seizure were valid and if the trial court erred in admitting the illegal possession of the firearm as evidence.

****Court's Decision:****

****Issue 1:****

The Supreme Court affirmed the conviction for selling shabu. The detailed testimony of PO3 Dennis Vermug and corroborative evidence, such as the laboratory result confirming the substance as shabu, met the burden of proof beyond reasonable doubt. The Court found no merit in Ganguso's defense and considered her participation in the buy-bust operation sufficient to convict her of selling a regulated drug.

****Issue 2:****

The Court acquitted Ganguso of illegal possession of the firearm based on reasonable doubt. Credibility issues arose from conflicting testimonies concerning the discovery of the firearm. The lack of investigation and receipt for the firearm from Lumapat further weakened the prosecution's case regarding illegal possession of a weapon.

****Doctrine:****

The Supreme Court reiterated that a conviction requires proof beyond reasonable doubt, and the prosecution must establish every fact necessary to constitute the crime charged. In drug-related cases, evidence from accurate entrapment operations and laboratory results is critical. Additionally, the Court emphasized adherence to lawful procedures in arrests and searches to ensure any evidence is admissible.

****Class Notes:****

- ****Elements of Selling Drug Offenses (R.A. No. 6425):****

1. Unauthorized selling or offering to sell.
2. Substance must be a regulated or prohibited drug.
3. Entrapment and effective communication between buyer and seller.

- ****Warrantless Arrest (Section 5, Rule 113, Rules of Court):****

1. In flagrante delicto (caught in the act of committing a crime).
2. Hot pursuit, or escape from custody or place where a criminal act was committed.

- ****Illegal Possession of Firearms:****

1. Possession or control of a firearm.
2. Lack of proper authorization or license.

****Historical Background:****

The case occurred in the early 1990s, a period marked by intensified efforts against illegal drugs in the Philippines under the Dangerous Drugs Act of 1972. It was also a time when the judicial system was grappling with balancing effective law enforcement against safeguarding individual constitutional rights. This decision emphasized proper law enforcement procedures and reinforced legal standards in criminal prosecution within the context of heightened anti-drug campaigns.