

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. JOSELITO SAAVEDRA Y BARCETA, ACCUSED-APPELLANT.

Ponente: CRUZ, S. C., J.

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CRUZ, S. C., J.:

Before Us is an appeal via Rule 122 of the Rules of Court from the July 22, 2010 Joint Judgment[1] of the Regional Trial Court (RTC) of Muntinlupa City, Branch 256 in Criminal Case Nos. 96-518 and 96- 519, entitled "People of the Philippines vs. Joselito Saavedra y Barceta", finding accused-appellant Joselito Saavedra y Barceta guilty beyond reasonable doubt on two counts, re: violation of Sections 4 (sale) and 8 (possession), Article II of Republic Act No. 6425 (RA 6425), as amended by P.D. 1675 (Dangerous Drugs Act). The fallo is quoted below, viz:

"WHEREFORE, premises considered, the prosecution having proven the guilt of the accused Joselito Saavedra y Barceta beyond reasonable doubt, in both cases (Crim. Cases Nos. 96- 518 and 96-519) he is hereby found GUILTY as charged. He is therefore sentenced to suffer the penalty of imprisonment of Reclusion Perpetua and a fine of Five Hundred Thousand Pesos (P500,000.00) Pesos plus the accessory penalties provided for by law, in Criminal Case No. 96-518 for Violation of Section 4, Article II of Republic Act No. 6425; and in Criminal Case No. 96-519 for Violation of Section 8, Article II of Republic Act 6425, he is hereby sentenced to suffer the penalty of imprisonment of Two (2) years, Two (2) months and One (1) day of prision correccional as minimum to Four (4) years and Two (2) months of prision correccional as maximum and a fine of Five Hundred Thousand (P500,000.00) Pesos plus the accessory penalties provided for by law. The marijuana consisting of 7.6360 grams and 1,034.1640 grams shall be forfeited in favor of the government and shall be disposed of according to law. The amount of Fifty (P50.00) Pesos used as a 'buy-bust' money should be returned to the Muntinlupa City Police through the Chief, Intelligence and Drug Enforcement Division.

With cost

SO ORDERED."[2]

THE CASE

Accused-appellant stands charged for violation of Sections 4 (sale) and 8 (possession), Article II of Republic Act No. 6425, as amended by P.D. 1675 (Dangerous Drugs Act) under two (2) Informations, the accusatory portions of which read:

(Sale)

"CRIMINAL CASE NO. 96-518

That on or about the 4[th] day of September, 1996, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized by law, did then and there willfully, unlawfully and feloniously sell, deliver and give away to another Dried Flowering Tops (Marijuana) containing 7.6360 grams, which is a prohibited drug.

CONTRARY TO LAW."[3]

(Possession)

"CRIMINAL CASE NO. 96-519

"That on or about the 4[th] day of September, 1996 in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without license or prescription, did then and there willfully, unlawfully and feloniously have in his possession, custody and control Dried Flowering Tops (marijuana), a prohibited drug weighing 1,034.1640 grams in violation of the above-cited law.

CONTRARY TO LAW.[4]"

Upon arraignment, on November 05, 1996, accused-appellant Saavedra, with the assistance of his counsel de oficio, pleaded "NOT GUILTY" to the charges; thereupon, a joint pre-trial and trial ensued.

THE FACTS

The prosecution presented three (3) witnesses: Marietta Bien[5], SPO2 Giovanni Martinez[6] and PO3 Avelino Luyon[7] to establish its case. The latter's testimony, however, was stricken-off the record, per Order[8] of the Court, due to the witness' failure to appear for cross-examination despite due notice.

The inculpatory facts, as unveiled by the prosecution in its evidence given during the trial, are synthesized by the Office of the Solicitor General (OSG)[9], as follows:

"On September 4, 1996, the Intelligence and Drug Enforcement Group of the Philippine National Police, Muntinlupa Station, created a team consisting of PO2 (sic) Giovanni Martinez, PO3 Avelino Luyon and PO3 Loresca that will conduct a buy bust operation against accused-appellant Joselito Saavedra (alias 'Lito') in Amparo St., Poblacion, Muntinlupa City. The operation was prompted by the report of their confidential informant that accused-appellant was selling 'marijuana' in the area; which report was verified after a week-long surveillance. After preparing the marked money, Sr. Inspector Soledad designated SPO2 Giovanni Martinez to act as the poseur buyer and PO3 Luyon and PO3 Loresca as back-ups.

Together with the informant, the team arrived at the target area at about 9:45 in the evening. They spotted accused-appellant standing along the street. SPO2 Martinez and the informant approached the accused-appellant, and SPO2 Martinez told him the (sic) he wants to buy Fifty Pesos (P50.00) worth of 'marijuana' then handed the latter the marked money. He uttered 'paiskor ng singkwenta pesos.' Accused-appellant then walked into an alley and after about five (5) minutes, returned with Three (3) pieces of transparent plastic sachets containing 'marijuana' leaves and a pink bag. Accused-appellant gave the Three (3) pieces of transparent plastic sachets to SPO2 Martinez. Immediately, SPO2 Martinez made the pre-arranged signal and PO3 Loresca and PO3 Luyon closed in and effected the arrest of accused-appellant.

Thereafter, PO3 Luyon asked accused-appellant to open the pink bag he was carrying. Inside the bag they recovered Two (2) bricks of 'marijuana' leaves, Five (5) transparent plastic sachets of 'marijuana', several empty transparent plastic sachets, a scissor and a yellow plastic bag.

Forensic Chemist Marietta Bien of the Forensic Chemistry Division, National Bureau of Investigation, Taft Avenue, Manila, who conducted a qualitative and quantitative examination of the specimens recovered from accused-appellant issued report No. DDM-96-350 certifying that the specimens tested positive for 'marijuana'."

After the presentation of its testimonial evidence, the prosecution formally offered its documentary evidence, to wit:

Exhibit "A"

-

Request for laboratory examination dated September 5, 1996;

Exhibit "B"

-

Packing paper containing the leathereth (sic) bag;

Exhibit "C"

-

Pink leather bag containing the specimen;

Exhibits "D", "D-1"

-

Small bricks containing dried flowering tops of Marijuana with a total weight of 1.022 grams;

Exhibits "E",

-

Improvised white envelope containing tea bags of Marijuana;

"E-1" to "E-3"

-

Transparent plastic bags containing dried flowering tops of Marijuana with a total weight of 7.6360 grams;

Exhibits "F", "F-1" to "F-4"

-

Tea bags containing dried flowering tops of Marijuana;

Exhibit "G"

-

Empty transparent plastic bag;

Exhibit "H"

-

Plastic bowl;

Exhibit "I"

-

Scissor;

Exhibits "J", "J-1" and "J-2"

-

Certificate issued by Mrs. Marietta Bien, NBI Forensic Chemist; her findings; signature therein;

Exhibits "K", "K-1" to "K-3"

-

Final report/Dangerous Drug Report No. DDM-96-350; and the signature appearing at the lower portion thereof;

Exhibits "L", "L-1" to "L-5"

-

The marked money in the total amount of P50.00 with serial nos. JF761924 (P10.00); JS639358 (P20.00) and LG226400 (P20.00); and its corresponding markings appearing on the face of each piece of evidence;

Exhibits "M", "M-1" to "M-4"

-

Pinagsamang Sinumpaang Salaysay of SPO1 Giovanni Martinez; PO3 Avelino Luyon and PO3 Efren Loresca and their signatures appearing in page 2 thereof marked as Exhibit "M-1." [10]

On the other hand, the defense presented four (4) witnesses, the accused-appellant Joselito Saavedra [11], Socorro Sandoval [12], Rosendo Barlaw [13] and Cisario Sandoval [14].

The defense version of facts [15] is synthesized by accused-appellant's counsel de oficio, as follows:

"x x x on the evening of September 4, 1996 at around 9:45 accused-appellant was in his house at Amparo St., Poblacion, Muntinlupa City, taking supper with his wife and two children;

That while thereat, there were around four (4) persons, ages sixteen (16) and seventeen (17), running to the alley and jumped over the fence being chased by policemen;

That when policemen failed to overcome the fleeing four (4) teenagers, these policemen barged into his house, searched his house and allegedly found the items including the 'marijuana' allegedly owned by him;

That the policemen has no search warrant and/or warrant of arrest; x x x"

The defense did not mark any documentary evidence. Hence, after the presentation of its four (4) witnesses, it rested its case.

On July 22, 2010, the RTC rendered its assailed joint judgment finding accused-appellant Joselito Saavedra GUILTY beyond reasonable doubt of the crimes charged.

Aggrieved with the RTC's joint judgment, accused-appellant Saavedra now comes before Us by way of an appeal interposing a single error:

THE ISSUE

"THE HONORABLE COURT A QUO ERRED IN FINDING THAT THE PROSECUTION HAVE PROVEN THE GUILT OF THE ACCUSED JOSELITO SAAVEDRA Y BARCETA BEYOND REASONABLE DOUBT." [16]

THE COURT'S RULING

We AFFIRM accused-appellants' conviction.

DISCUSSION

The factual issues raised by accused-appellant Saavedra in the instant appeal cannot exculpate him.

It is a time-honored rule that the assessment of the trial court as regards the credibility of witnesses deserves the utmost respect, if not finality, for the reason that the trial judge has the prerogative, denied to appellate judges, of observing the demeanor of the declarants in the course of their testimonies. The only exception is if there is a showing that the trial judge overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance that would have affected the case[17]. In the instant case, We find no basis to disregard the trial court's factual findings.

In his Brief[18], accused-appellant Joselito Saavedra interposes a defense of denial of having possessed and sold the marijuana and that he was merely framed up.

He further avers: (i) that the prosecution failed to establish beyond reasonable doubt that the sale of marijuana actually took place between accused-appellant and the poseur buyer; (ii) that the alleged surveillance conducted by the apprehending officer was merely fabricated; (iii) that the trial court should not have given credence to the testimonies of SPO2 Giovanni Martinez because of obvious inconsistencies and that of Marietta Bien, NBI Forensic Chemist because of her lack of personal knowledge on the alleged buy-bust operation; and (v) finally, that some of the prosecution's evidence should not be given probative value because the testimony of the prosecution's last witness, PO3 Luyon, where the pieces of evidence were identified, was stricken off the record.

These contentions are devoid of merit.

We elucidate.

With respect to illegal sale of marijuana, the essential elements thereof, as defined and punished under Section 4, Article II of Republic Act No. 6425 (RA 6425), as amended by P.D. 1675 (Dangerous Drugs Act) are: (1) identity of the buyer and the seller, the object of the sale and the consideration; and (2) delivery of the thing sold and the payment.[19]

In the instant case, the elements of illegal sale were established with moral certainty by the prosecution. Considering the following testimony of SPO2 Giovanni Martinez:

"x x x

FISCAL MACINAS"

Q:

Now, on September 4, 1996, do you recall if you reported for duty, Mr. Witness?

A:

Yes, sir.

x x x

Q:

Would you mind informing this Honorable Court what was that function you made on that particular date?

A:

When we conducted a buy bust operation, sir.

Q:

Where was this 'buy-bust' operation made?

A:

In Amparo St., Poblacion, Muntinlupa City, sir.

Q:

Under what circumstances did you conduct this particular 'buy bust' operation?

A:

After one (1) week of surveillance of operation, sir, then we decided to conduct the 'buy bust' operation on that night, sir.

Q:

What made you to conduct this particular surveillance?

A:

After we received some information from our confidential informant and from the neighborhood, sir.

Q:

As to what effect, Mr. Witness?

A:

Through information gathered, sir.

Q:

What was the result of your surveillance?

A:

It was found out that Joselito Saavedra was involved in the selling of 'marijuana', sir.

Q:

Now after finding that indeed Joselito Saavedra was engaged in the (sic) 'marijuana', what did you do if any?

A:

Sir, at first, we conducted a surveillance and after we found out, then we conducted a 'buy bust' operation.

Q:

Now, in conducting the 'buy bust' operation, what other things preparatory thereof did you do if any?

A:

We prepared our marked money to be used in the operation, sir.

Q:

How much if you know?

A:

P50.00, sir.

x x x

Q:

Now, thereafter, what did you do if any?

A:

Sr. Inspector Soledad tasked me as the pusher (sic) buyer on the said operation, sir.

Q:

Now, as pusher (sic) buyer, what did you do?

A:

Together with the informant, sir and PO3 Luyon and PO3 Loresca, we proceeded to the place, sir, in Amparo Street.

Q:

Where is this located?

A:

Amparo St., Poblacion, sir.

Q:

Poblacion?

A:

Muntinlupa City, sir.

Q:

Now, what time did you reach that particular place?

A:

At about 9:45, sir.

Q:

You were together with whom?

A:

With PO3 Loresca, PO3 Luyon and our confidential informant, sir.

Q:

Now thereafter, what happened, Mr. Witness?

A:

At that time, we saw Joselito Saavedra alias 'Lito', standing along the street, sir.

Q:

After seeing him standing along the street, what did you do if any?

A:

Me together with our confidential informant approached Lito and I told him that I will buy 'marijuana' for P50.00, and I gave the marked money to Lito, sir.

Q:

And what did Joselito Saavedra do after giving the marked money?

A:

Sir, upon receiving the marked money, he walked into an alley, sir and after some five (5) minutes, sir, he came back and then he handed to me the three (3) pieces of transparent plastic sachets containing suspected 'marijuana' leaves, sir and at that time, he was carrying a pink bag, sir.

Q:

Now you said that you handed to Mr. Saavedra this P50.00 bill two (2) pieces of P20.00 bill denomination and one (1) piece of P10.00 bill denomination. Now if shown to you this particular marked money, would you be able to identify the same?

A:

Yes, sir.

x x x

Q:

Now, you said Mr. Witness that after receiving this particular marked money in the amount of P50.00, the accused handed to you "marijuana"?

A:

Yes, sir, three (3) pieces of transparent plastic sachet, sir, containing suspected 'marijuana' leaves, sir.

x x x"[20]

The positive, candid, straightforward and detailed testimony of SPO2 Giovanni Martinez, which was corroborated by the other member of the buy bust team, satisfactorily proves that a lawful buybust operation was conducted and that accused-appellant is guilty of illegal sale of marijuana.

As to illegal possession of marijuana, *Abuan v. People*[21] enumerates its elements as follows:

- (a) the accused is in possession of the regulated drugs;
- (b) the accused is fully and consciously aware of being in possession of the regulated drug; and
- (c) the accused has no legal authority to possess the regulated drug.

The foregoing elements of illegal possession of marijuana were clearly established by the prosecution. SPO2 Giovanni Martinez testified that:

"Q:

After seeing him standing along the street, what did you do if any?

A:

Me together with our confidential informant approached Lito and I told him that I will buy 'marijuana' for P50.00, and I gave the marked money to Lito, sir.

Q:

And what did Joselito Saavedra do after giving the marked money?

A:

Sir, upon receiving the marked money, he walked into an alley, sir and after some five (5) minutes, sir, he came back and then he handed to me the three (3) pieces of transparent plastic sachets containing suspected 'marijuana' leaves, sir and at that time, he was carrying a pink bag, sir.

x x x

Q:

In the meantime, what did you do Mr. Witness?

A:

I also assisted in the arrest, sir.

Q:

Thereafter, what happened?

A:

Then PO3 Luyon asked Joselito Saavedra to open this pink bag, sir and then we found out that it contained these two (2) bricks of suspected 'marijuana' leaves and four (4) other plastic sachets containing suspected 'marijuana' leaves and several empty transparent plastic sachets, a scissor and this yellow plastic bag, sir.

Q:

And when you said you were able to recover two (2) bricks of 'marijuana', you are referring to this one?

A:

Yes, sir.

x x x

Q:

And when you likewise said that you were able to recover another five (5) sachets of dried 'marijuana' leaves, you are referring to this one Mr. Witness?

A:

Yes, sir.

Q:

Now, how did you come to know Mr. Witness that all these particular items were those recovered by your group from the accused in this case, Joselito Saavedra?

A:

I was present, sir, when PO3 Luyon made the markings to (sic) the three (3) transparent plastic sachets containing suspected 'marijuana' leaves that I bought from Joselito Saavedra and the five (5) other transparent plastic sachets that were recovered from Joselito Saavedra.

x x x"[22]

After the confiscation of the pink bag, it was found to be containing two (2) bricks of dried flowering tops of marijuana[23]; improvised white envelope containing tea bags of marijuana[24]; three transparent plastic bags containing dried flowering tops of marijuana[25]; and five (5) small tea bags containing dried flowering tops of marijuana[26].

The contents of the three (3) plastic sachets and those inside the pink bag were later on confirmed to be marijuana by Marietta Bien, the forensic chemist, who conducted an examination on the confiscated items. She testified as follows:

"FISCAL MACINAS:

Q:

Now would you mind telling this Honorable Court your findings as far as these three (3) pieces of transparent plastic tea bags containing suspected dried marijuana leaves with flowering tops with marking "JBS-A"

A:

The three (3) bags, it is also marijuana sir.

Q:

What about the five (5) pieces of transparent tea bags containing suspected dried marijuana leaves with flowering tops each with markings "JBS-B"?

A:

It is also marijuana, sir.

Q:

What about these two (2) bricks of suspected dried marijuana leaves wrapped in a newspaper with round 8?

A:

It's also marijuana, sir."[27]

From the foregoing testimonies of the poseur buyer and the forensic chemist, it is evident that accused-appellant had actual possession of the marijuana. Consequently, he is presumed to be consciously and fully aware of his possession of an illegal drug.

In the case of *People vs. Sembrano*[28], the Honorable Supreme Court further explained this concept, to wit:

"(M)ere possession of a regulated drug per se constitutes prima facie evidence of knowledge or animus possidendi sufficient to convict an accused absent a satisfactory explanation of such possession — the onus probandi is shifted to the accused, to explain the absence of knowledge or animus possidendi."

Furthermore, accused-appellant Saavedra failed to justify his possession thereof. In fact, there is nothing on record to show that he had legal authority to possess the same.

Based from the foregoing discussion, We find no reason to disturb the trial court's joint judgment finding accused-appellant liable for illegal possession and sale of marijuana.

To further exculpate himself from criminal liability, accused-appellant made use of denial/alibi as defense. He alleged that he was merely a victim of a frame-up conducted by the police officers:

"ATTY. NAVARRO

Q:

On September 04, 1996 at around 9:45 in the evening, do you remember where were you?

A:

I was in my house eating, sir.

Q:

Where is that house of yours located?

A:

At Amparo St., Poblacion, Muntinlupa City.

Q:

You said that you were eating, who was with you at that time?

A:

My wife, sir.

Q:

Who else?

A:

My two (2) children, sir.

Q:

Were they also eating with you?

A:

Yes, sir.

Q:

Now, while you and the members of your family were eating on the said date and time, do you remember of any unusual incident that happened?

A:

Yes, the Police Officer Bunny (sic) Martinez entered our house, sir.

Q:

Where did Police Officer Martinez come from?

A:

He suddenly entered our house, sir.

Q:

Who was with him when he entered your house?

A:

PO3 Efren Loresca and PO3 Avelino Luyon, sir.

Q:

Who else?

A:

They were the only ones I remember, and also Levy Soledad, Efren Loresca and PO3 Avelino Luyon.

Q:

Why did they enter your house, if you know?

A:

They were chasing children, sir.

Q:

How many children were they chasing?

A:

Four (4) children, sir.

Q:

You said 'bata', how old were they, if you know?

A:

Ages 16 to 17, sir.

Q:

So they are teenagers, not children?

A:

Yes, sir.

Q:

Where did these four (4) teenagers proceed while they were being chased by the Police Officers that you mentioned?

A:

They proceeded to the alley and jumped over the fence.

x x x

Q:

Now after they proceeded to the alley and jumped over the fence, what did the police officers do if there was any?

A:

They proceeded in (sic) our house.

Q:

What did they do in your house?

A:

They searched my house.

Q:

Were they armed with search warrant?

A:

None, sir.

Q:

Were they armed with a Warrant of Arrest?

A:

None, sir.

Q:

What particular place or places in your house were searched by the policemen?

A:

They just searched inside, sir.

Q:

What did they found out if there was any?

A:

They found out marijuana patch, sir.

Q:

Where did this marijuana patch come from?

A:

I don't know, sir.

Q:

Were they left by the teenagers while they were running?

A:

Yes, sir.

Q:

What happened next if there was any?

A:

They immediately apprehended me and handcuffed me, sir.

x x x"[29]

Such contention, however, deserves scant consideration specially in this case where no proof of any intent on the part of the police officers to falsely impute accused-appellant in the commission of the crime was presented.

In the case of *People vs. Solon*[30], the Honorable Supreme Court enunciated the weakness of the defense of denial or frame-up. It ruled that:

"Their defense of denial or frame-up, like alibi, has been invariably viewed by the courts with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecutions for violation of the Dangerous Drugs Act. Such denial cannot prevail over their positive identification as peddlers of marijuana, as well as over the detailed and unshaken testimonies of the apprehending officers who caught them redhanded. Besides, it has not been shown that the government agents had any ulterior motive to testify falsely against appellants."

This pronouncement was later on reiterated in the 2003 case of *People vs. Libnao*[31], where the Honorable Supreme Court explained further:

"Against the credible positive testimonies of the prosecution witnesses, appellant's defense of denial and alibi cannot stand. The defense of denial and alibi has been invariably viewed by the courts with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most cases involving violation of the Dangerous Drugs Act. It has to be substantiated by clear and convincing evidence."

To establish his defense of frame-up, accused-appellant merely relied on his own testimony, the testimony of his sister-in-law, brother-in-law and a friend-neighbor, which We find to be self-serving for being baseless and unfounded.

Furthermore, although, accused-appellant Saavedra presented three (3) other witnesses, said testimonial evidence are not to be given probative value for being unsubstantiated. The Honorable Supreme Court, in the case of

Felicitas Tan, et. al., vs Public Service Commission, et. al.,[32] emphasized that:

"(T)he criteria or yardstick used by the Commission in weighing the oral testimony is not the quantity of witnesses produced but by the quality of the statements adduced. "

Moreover, during his cross-examination, accused-appellant Saavedra testified as follows:

"PUBLIC PROSECUTOR:

Q:

Knowing that there is no case as you alleged you were just arrested Mr. Witness, did you file a case against these people?

A:

No sir but during that second time, this PO3 Luyon was demanding for me a Php50,000.00.

Q:

Did you ever cause this request of PO3 Luyon to blotter, if only to prove your allegations that you were being asked for some consideration?

A:

I was not able to do it sir, because afraid at that time (sic).

Q:

From the time since 1996 up to the present did you ever request your lawyer to ever file a case particularly that of extorting from you the amount of Php50,000.00 by PO3 Luyon?

A:

No, sir."[33]

Accused-appellant should have filed criminal charges against the involved police officers for planting of evidence and/or extortion. His failure to do so only leads to the conclusion that the alleged frame-up was merely concocted.

As to the alleged inconsistency in the testimony of SPO2 Giovanni Martinez, We find the same to be baseless.

There is nothing inconsistent in the testimony of SPO2 Martinez. "Paiskor" is the street term for "pabili" or to buy. Thus, his testimonies during direct and cross examinations mean the same thing, that is, to buy marijuana.

Moreover, the lack of personal knowledge of the actual incident on the part of the forensic chemist, Marietta Bien, is not necessary. She merely testified on, based on personal knowledge, the conduct of her laboratory examination on the confiscated items and the results thereof. She never testified on the conduct of the buy-bust operation and the surrounding circumstances therein.

Accused-appellant even alleged that the surveillance conducted for a week prior to the entrapment operation was a mere fabrication for failure of the prosecution to prove the same.

Such contention, however, is misplaced.

Police officers enjoy the presumption of regularity in the performance of duties especially in the conduct of buy-bust operation. This presumption is overturned only if there is clear and convincing evidence that they were not properly performing their duty or that they were inspired by improper motive.[34] In the case at bar, however, no such evidence was presented by accused-appellant to overturn the presumption.

Moreover, whether or not a surveillance was conducted prior to the entrapment operation is immaterial to the prosecution for illegal sale and possession of dangerous drugs. In fact, absence thereof does not affect the legality of a buy-bust operation.

This was the ruling of the Honorable Supreme Court in the case of *People vs. Nicolas*[35], where it clarified:

"Settled is the rule that the absence of a prior surveillance or test-buy does not affect the legality of the buy-bust operation. There is no textbook method of conducting buy-bust operations. The Court has left to the discretion of police authorities the selection of effective means to apprehend drug dealers. A prior surveillance, much less a lengthy one, is not necessary especially where the police operatives are accompanied by their informant during the entrapment. Flexibility is a trait of good police work."

Hence, assuming arguendo that the conducted surveillance was a mere fabrication, its absence does not affect the legality of the buy-bust/entrapment operation.

Finally, the contention of accused-appellant Saavedra that the striking off the record of PO3 Luyon's testimony warrants his acquittal, is of no moment.

PO3 Luyon's testimony was merely corroborative or cumulative to the testimonies of SPO2 Giovanni Martinez and Forensic Chemist Marietta Bien and to the documentary and object evidence offered by the prosecution. Even without his testimony, the prosecution had established, with sufficient clarity, the details of the crimes charged. Therefore, it is not indispensable in proving the same.

The Supreme Court, in the case of *People vs. Correa*[36], has further explained that:

"There is no law requiring that a testimony of a witness be corroborated in order to be believed. The testimony of a single witness, if credible and positive, is sufficient to produce a conviction. The failure to present all the eyewitnesses to an act does not necessarily give rise to an unfavorable presumption, especially when the testimony of the witness sought to be presented is merely corroborative. A corroborative testimony is not necessary where the details of the crime have clearly been testified to with sufficient clarity." (Emphasis Ours).

Furthermore, the pieces of evidence identified by PO3 Luyon during his direct-examination were already identified and marked during the examination of the prosecution's two (2) other witnesses.

WHEREFORE, the instant appeal is hereby DENIED. The July 22, 2010 Joint Judgment of the Regional Trial Court (RTC) of Muntinlupa City, Branch 256 in Criminal Case Nos. 96-518 and 96-519, finding accused-appellant Joselito Saavedra y Barceta GUILTY beyond reasonable doubt on two counts, re: violation of Sections 4 (sale) and 8 (possession), Article II of Republic Act No. 6425 (RA 6425), as amended by P.D. 1675 (Dangerous Drugs Act), sentencing him to suffer the penalty of Reclusion Perpetua and a fine of Five Hundred Thousand Pesos (P500,000.00) in Criminal Case No. 96-518 (sale), and sentencing him to suffer the penalty of imprisonment of Two (2) Years, Two (2) Months and One (1) Day of prision correccional as minimum to Four (4) Years and Two (2) Months of prision correccional as maximum and a fine of Five Hundred Thousand (P500,000.00) Pesos in Criminal Case No. 96-519 (possession), respectively, is hereby AFFIRMED in toto.

SO ORDERED.

De Leon (Chairperson) and Peralta, Jr., JJ., concur.

[1] Penned by Judge Romulo SG. Villanueva; Rollo, pp. 14-20.

[2] Id., p. 20.

[3] Records (Folder of Crim. Case No. 96-518), p. 1.

[4] Records (Folder of Crim. Case No. 96-519), p. 1.

[5] 37 years old, single, Forensic Chemist with forwarding address at c/o Forensic Chemistry Division, NBI Taft Avenue, Manila.

[6] 30 years old, married, police officer, residing at No. 4 Fabian Compound, Alabang, Muntinlupa.

[7] 40 years old, married, police officer, residing at 404 Daang Bakal, Mandaluyong City.

[8] Records (Folder of Crim. Case No. 96-518), p. 229.

[9] As culled from the Appellee's Brief, pp. 3-4; Rollo, pp. 94-95.

[10] Records (Folder of Crim. Case No. 96-518), pp. 148-152.

[11] Accused-appellant, 37 years old, painter and a resident of No. 1145 Amparo St., Poblacion, Muntinlupa City.

[12] 49 years old, married and a resident of Phase 2, Blk. 45, Lot 30, Southville III Subd., Muntinlupa City.

[13] 46 years old, married, house painter and a resident of No. 1136 Amparo St., Poblacion, Muntinlupa City.

[14] 50 years old, married, a tricycle painter and a resident of 1142 Amparo St., Sto. Niño, Muntinlupa City.

[15] As culled from the Appellant's Brief, pp. 2-3, Rollo, pp. 57-58.

[16] As culled from the Appellant's Brief, Rollo, p. 59.

[17] PP vs. Binad Sy Chu, G.R. Nos. 136066-67, February 4, 2003 citing People vs. Alvarado, G.R. No. 145730, March 19, 2002.

[18] As culled from the Appellant's Brief, Rollo, pp. 61-65.

[19] Buenaventura vs. People, G.R. No. 171578, 08 August 2007.

[20] TSN dated 18 August 1998, pp. 6-15.

[21] G.R. No. 168773, 27 October 2006.

[22] TSN dated 18 August 1998, p.11-22.

[23] Rollo, p. 33, (Picture of Exhibits "D" and "D-1" for plaintiff)

[24] Id., p. 34 (Picture of Exhibit "E" for plaintiff).

[25] Id., p. 34 (Picture of Exhibits "E-1", "E-2" and "E-3" for plaintiff).

[26] Id., p. 34 (Picture of Exhibits "F" to "F-4" for plaintiff)

[27] TSN dated 04 November 1997, pp. 12-13.

- [28] G.R. No. 185848, 16 August 2010.
- [29] TSN dated 04 August 2003, pp. 3-6.
- [30] G.R. No. 106639, 31 May 1995.
- [31] G.R. No. 136860, 20 January 2003.
- [32] G.R. No. L-22306, 18 March 1967.
- [33] TSN dated 01 June 2009, p. 8.
- [34] People vs. Zaspas, G.R. No. 136396, 21 September 2000.
- [35] G.R. No. 170234, 08 February 2007.
- [36] G.R. No. 119246, 30 January 1998.

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