PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. HILSON HUECAS,[]ACCUSED-APPELLANT.

Ponente: CONTRERAS, J.

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CONTRERAS, J.:

The Case

Before Us is an appeal from the Decision[1] of Branch 19 of the Regional Trial Court (hereafter RTC), Digos City, Davao del Sur, in finding Hilson Huecas (hereafter Huecas) guilty beyond reasonable doubt for violation of Republic Act No. 6425 (RA 6425), otherwise known as the Dangerous Drugs Act of 1972, in Criminal Case No. 572(99), specifically for unlawful possession of about 956.4 grams of marijuana leaves, seeds and stalks.

The RTC judge was not convinced by Huecas's defense of frame-up and denial and sentenced Huecas to Reclusion Perpetua with a fine of Five Hundred Thousand Pesos (P 500,000.00).

The Facts

The records of the case established the following facts:

On September 16, 1999, a criminal Complaint[2] was filed by the Chief of Police, accusing Huecas of violating RA 6425, as amended by RA 7659,[3] committed at approximately 12:00 noon on September 15, 1999, alleging that the subject marijuana leaves, seeds and stalks were placed inside a black bag, covered with a basin under the sink.

An Information dated November 23, 1999, charged Huecas for violating RA 6425 stating in particular:

> "That on or about 15 September 1999, in Matanao, Davao del Sur, and within the jurisdiction of this Honorable Court, the accused aforenamed, without authority of law, did, then and there willfully, unlawfully, and feloniously have in his possession, custody and control about 956.4 grams of Marijuana leaves, seeds and stalks, a prohibited drug, contained in a black bag, to the damage and prejudice of the public.
>
> Contrary to law."[4]

In a joint affidavit[5] made by several police officers and concurrently members of the civil security unit of Matanao, Davao del Sur, the prosecution's version of events was narrated in this guise:

> On September 15, 1999 at about 10:30 in the morning, the Chief of Police briefed the members of the raiding team regarding their roles in the raid. The team proceeded to the house of Huecas, a.k.a Sonny a.k.a. Toto at Barangay Tibongbong, Matanao, Davao del Sur.
>
> At around 12:00 noon, the raiding team arrived at the target place and the members took their agreed posts surrounding the vicinity of the house. The team saw that there were five (5) customers in the store of Huecas, and they were having a drinking session, at the same time singing with the videoke. Three (3) of them immediately ran out of the store when they noticed the arrival of the policemen.
>
> The raiding team showed their search warrant and informed Huecas of his constitutional rights. In the presence

> of the barangay officials, the raiding team started the search of the house. Inside the house, under the [sink], the raiding team found a black bag covered by a basin. The raiding team found dried marijuana leaves, seeds and stalks inside the black bag, which they inventoried witnessed by the barangay officials accompanying them.
>
> The team inside the house heard some gunshots. They later found out that one of the three persons who ran away earlier, Jerson Deniola (Deniola), attempted to disarm a member of the team, SPO Rivera, so he was forced to give warning shots and to avoid further assault, SPO Rivera shot Deniola on his right leg. Deniola was then transported to a hospital in Digos, Davao del Sur.
>
> While Deniola was transported, Hilson Huecas alias Toto, Ricardo Paglinawan (Paglinawan) and Maxquel Rabaño (Rabaño) were brought to the police station for further questioning.

The policemen also attested that Huecas had been under surveillance not only by the police officers but also by their assets in the barangay.

Upon questioning, Paglinawan and Rabaño stated that on September 15, 1999, at around 9:30 in the morning, they were both in the house of Huecas, which has a store in front. They consumed three bottles of Pilsen (a local beer) and then ordered a half gallon of tuba[6] wine while singing the videoke. While they were singing, three persons arrived, Jerson Deniola, Arman Quirante and Sonny Brasan. Knowing these people, they were offered some glasses for tuba wine. While they were drinking and singing, at around 12:00 noon, police operatives of Matanao arrived. The three ran away so Paglinawan and Rabaño were left behind. The police instructed them not to go out of the house. They found out that the police were there to search the vicinity and that the police located and confiscated dried marijuana leaves, seeds and stalks placed in a black bag. They both heard four gun shots and when they got out of the house, they saw that Deniola was already wounded on his right leg, allegedly caused by a gunshot.[7]

A preliminary investigation[8] was conducted by an MCTC Judge on September 16, 1999. On October 29, 1999, the MCTC issued a Resolution[9] finding probable cause for the case against Huecas. Upon arraignment, Huecas pleaded not guilty. Pre-trial proceedings were terminated.

Trial ensued thereafter.

The prosecution presented the leader of the raiding team, the barangay captain who witnessed the raid, and documentary evidence[10] on the forensic laboratory examination conducted on the confiscated 956.4 grams of specimen, which were confirmed to be marijuana.

To prove his innocence, Huecas narrated his version[11] as to how the events unfolded, as follows:

In the morning of September 15, 1999, Huecas was tending his sari-sari store. Suddenly, policemen arrived and they surrounded his house. He was made to sit in his store, and they showed him a bundle of marijuana, placing it on top of his table. His father and his neighbors were there when this marijuana was shown to him. Then, the policemen immediately handcuffed him and brought him to jail. Huecas also presented his father to corroborate his version.

After trial, the court a quo rendered its Decision[12] finding Huecas guilty beyond reasonable doubt. It did not give credence to the denial of Huecas and his allegations of a frame-up, upholding the entrapment operations conducted by the arresting officers.

The dispositive portion of the judgment is as follows:

> “WHEREFORE, by the evidence presented by the prosecution, this court finds accused HILSON HUECAS,

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> guilty beyond reasonable doubt of the above-cited offense and hereby sentences him to suffer the penalty of RECLUSION PERPETUA and pay the fine of Five Hundred Thousand Pesos (PHP 500,000.00). The 956.4 grams of marijuana leaves seized from the accused is hereby ordered confiscated to be destroyed in accordance with law."[13]

Hence, this appeal.

The Issue

Huecas alleged that the court a quo gravely erred in convicting him of the offense charged notwithstanding the failure of the prosecution to prove his guilt beyond reasonable doubt.

Our Ruling

The appeal is bereft of merit.

Compliance with the Requisites for
Illegal Possession of a Dangerous Drug

"For a prosecution for illegal possession of a dangerous drug to prosper, it must be shown that (a) the accused was in possession of an item or an object identified to be a prohibited or regulated drug; (b) such possession is not authorized by law and (c) the accused was freely and consciously aware of being in possession of the drug."[14]

This case complied with all the foregoing requisites.

Prior to the search conducted in the house of Huecas, a search warrant was validly obtained by the members of the raiding team. The basis for the issuance of the warrant was the alleged presence of marijuana in the house of Huecas, as reported by a civilian to the police.

Upon implementation of the search warrant, the seized items were found in the house of Huecas, as alleged, covered by an upside down pail. It was under his kitchen sink so it was in his possession and control. The seized matter was confirmed by the laboratory analysis to be marijuana. The forensic officer's testimony was dispensed with since Huecas admitted the contents of the report.

Huecas was not in any position to have custody of the marijuana to cloth him with the authority required by law, nor did he present any justified reason for the presence of the marijuana in his house. The fact that the prohibited item was inside a black bag, hidden under an upside down pail under the kitchen sink proves that he was aware of his prohibited possession.

Clearly, the foregoing would show that the illegal possession of a dangerous drug was committed absent any valid or justifiable defense. The concurrence of all the requisites brings out no other conclusion except that Huecas had illegal possession of the marijuana.

Sufficient Evidence Presented to
Determine Guilt Beyond Reasonable Doubt

The supported testimonial, object, and documentary evidence presented by the prosecution established what is necessary to discharge the burden of proof required by law. The corroborated positive identification of the leader of the raiding team, supported by the testimony of the barangay captain, as opposed to the unsubstantiated denial of Huecas, presents a more credible basis for the findings of the court a quo. "In cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary."[15] There was no other evidence proffered by Huecas, except his bare and self-serving denial and the testimony of his father, who would

naturally corroborate his version out of paternal concern.

“In the absence of proof of motive to impute falsely a crime as serious as violation of the Comprehensive Dangerous Drugs Act, the presumption of regularity in the performance of official duty, as well as the findings of the trial court on the credibility of the prosecution witnesses, shall prevail over petitioner’s self-serving and uncorroborated denial.”[16] “Denial as a rule is a weak form of defense, particularly when it is not substantiated by clear and convincing evidence. The 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 it is a common and standard defense ploy in most prosecutions for violations of the Dangerous Drugs Act.”[17]

Taken altogether, there is no other conclusion that can be gleaned from the records, except that the finding of the court a quo was in accordance with the law and current jurisprudence, with properly supported evidence.

Findings of Facts of the Lower Courts
Usually Accorded Respect

It is an established principle in our jurisdiction that “the trial court’s findings are accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood, or misappreciated and which, if properly considered, would alter the results of the case.”[18] There is no factual or legal basis that would compel this Court to overturn the decision of the RTC. A careful perusal of the records of the case would support the determination of guilt.

The argument of Huecas that the chain of custody has not been clearly established must also fail. “The totality of the prosecution’s evidence sufficiently proved the identity of the seized prohibited items despite the intervening changes in their custody and possession.”[19] The seized items were immediately inventoried and photographed in the presence of the barangay officials who witnessed the raid. The seized items were deposited with the court and were taken for laboratory examination with proper documentation. It has been recently reiterated that “what is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be used in the determination of the guilt or the innocence of the accused.”[20]

The evidence presented by the prosecution established with moral certainty the guilt of Huecas. The prosecution was able to provide the quantum of proof necessary to reach the conclusion of guilt. “In all criminal prosecutions, without regard to the nature of the defense which the accused may raise, the burden of proof remains at all times upon the prosecution to establish the guilt of the accused beyond doubt.”[21] The fundamental essence of any criminal proceedings is that the suspect was afforded the opportunity to be heard and to present his side to defend his innocence. In the absence of any fact or circumstance that would show that his rights were disregarded, or that the outlined criminal procedure was not followed, the findings of the lower court is usually accorded respect, even to the point of finality.

Thus, absent any factual or legal basis that would controvert the findings of the lower court, there is no reason to disturb its decision. The case falls squarely within the definition of illegal possession, and the self-serving denial and insinuation of frame-up fail in light of the positive identification and documented evidence of the police and the barangay officials.

WHEREFORE, premises considered, the appeal is DENIED. The Decision of Branch 19 of the Regional Trial Court, Digos City, Davao del Sur, in Criminal Case No. 572 (99) is hereby AFFIRMED in toto.

SO ORDERED.

Lloren, J., Ch., and Perez, JJ., concur.

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[*] Name appearing in the information and police affidavit is Hilson Hecas

[1] Rollo, pages 45-53. Regional Trial Court, Branch 19 of Cagayan de Oro City dated October 26, 2009.

[2] Records, page 3.

[3] Otherwise known as the death penalty law, which increased the penalty of possession of prohibited drugs to Reclusion Perpetua

[4] Records, page 1.

[5] Records, page 4. Joint Affidavit of SPO1 Eduardo Aquino, SPO1 Irenio Rosales, SPO1 Fredimindo Villar, SPO1 Reynaldo Rivera, PO3 Roland J. Cadorna, PO1 Elimar Alerta, CSU Noli Villar, PO2 Renato Uy.

[6] Tuba is an alcoholic beverage made from fermented coconut sap

[7] Records, page 6.

[8] Records, pages 9-16.

[9] Records, 22-23.

[10] Records, pages 109-110.

[11] TSN, pages 5-17. Testimony dated May 24, 2005.

[12] Records, pages 202-210.

[13] Records, page 210.

[14] Dolera vs. People of the Philippines, G.R. No. 180693, September 4, 2009, as cited in David vs. People of the Philippines, G.R. No. 181861, October 17, 2011; recently cited in People vs. Hong Yen E G.R. No. 181826, January 9, 2013

[15] People vs. Bongalon, 425 Phil 96,114 (2002) as cited in People vs. Velasquez, G.R. No. 177224, April 11, 2012.

[16] People vs. Fabian, 615 SCRA 432 as cited in David vs. People of the Philippines, G.R. No. 181861, October 17, 2011.

[17] People vs. Johnson, 401 Phil 473,750 (2000) as cited in People vs. Velasquez, G.R. No. 177224, April 11, 2012

[18] People vs. Aspuria, G.R. Nos. 139240-43, November 12, 2002 as cited in People vs. Sorongon, G.R. No. 142416, February 11, 2003.

[19] People vs. Fernandex G.R. 18881, March 6, 2013.

[20] People vs. Soriaga, G.R. No. 191392, March 14, 2011 as cited in People vs. Hong Yen E, G.R. No. 181826, January 9, 2013.

[21] People vs. Caiñgat, G.R. No. 137963, February 6, 2002 and several other cases as cited in People of the

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Philippine vs. Garry de la Cruz, G.R. No. 185717, June 8, 2011.

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