

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SALVACION AGRAMON @ SALVE, ACCUSED-APPELLANT.

Ponente: BARRIOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ad1e60741579/>

BARRIOS, J.:

The appellant Salvacion Agramon @ Salve (or Salvacion for brevity) is one of two (2) who were charged and found Guilty of the Violation of Section 16, Article III of Republic Act No. 6465, as amended, and sentenced to suffer the indeterminate penalty of 6 mos. of Arresto Mayor as minimum to 2 years and 4 mos. of Prison Correctional (Decision, p. 289, record).

The other convicted accused is her husband, Patricio Agramon (or Patricio). He has since thrown in the towel by applying for probation. But not Salvacion who asks that her conviction be reversed and set aside, questioning the ruling of the trial court because –

THE LOWER COURT ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF VIOLATION OF SECTION 16, ART. III OF R.A. 6425 (Appellant’s Brief, p. 45, rollo)

Salvacion and Patricio were charged that in Pulilan, Bulacan on November 11, 2000, without authority of law and legal justification, they had in their possession twenty-seven (27) small size heat sealed transparent plastic packs containing the regulated drug methamphetamine hydrochloride weighing 1.917 grams. To prove this the prosecution presented the apprehending officers PO3 Salvador Josen, Jr., PO2 Gerardo Navarro and PO1 Ma. Ritchie Gutierrez, and among others Exh. “A”, Search Warrant No. 28-M-2000; Exhs. “C” to “C-26”, the subject packets of drugs marked; and Exh. “H”, the Chemistry Report No. D-773-2000. The testimony of forensic chemist Amilyn Maclid was dispensed with after the pertinent admissions were made.

According to the evidence of the prosecution, Search Warrant No. 28-M-2000 (Exh. “A”) dated November 9, 2000 was issued by the Regional Trial Court of Malolos, Bulacan, against Salvacion and Patricio covering their house in sitio Tramo, Brgy. Longos, Pulilan, Bulacan. This was implemented on November 11, 2000 by a team of policemen which included PO3 Josen, PO2 Navarro and PO1 Gutierrez, and some barangay officials. When they reached the subject place, they knocked and showed the search warrant, and they were allowed entry by the spouses.

Entering the house they saw outright on top of a small table plastic sachets containing what were suspected as shabu. These were seized and marked in the presence of Salvacion and Patricio. Search of the house and the chicken coop was conducted, and after which the suspect substances found were seized, marked, recorded and photographed (Exhs. “E” to “E-2”), and the spouses made to sign a paper to prove that the items listed therein were indeed recovered from their house (Pagpatunay, Exh. “B”). The spouses and the substances seized were taken to the police station. A Request For Laboratory Examination was (Exh. “G”) sent and this was conducted by forensic chemist Amilyn Maclid on the subject packets of substances seized (Exhs. “C” to “C-26”) and these “gave POSITIVE result for METHAMPHETAMINE HYDROCHLORIDE, a regulated drug” and entered

accordingly in her Chemistry Report No. D-773-2000 (Exh. "H").

Salvacion as well as Patricio raised defenses and to prove which they themselves testified but presented no corroborating witness. According to the defense, the spouses had just awakened that morning and were taking their coffee when a group of policemen barged into their home, and among them were PO3 Joson, PO2 Navarro and PO1 Gutierrez. After Salvacion opened the door, a policeman immediately handcuffed her and they were told that there is a warrant for their arrest but none was shown to them. Thereafter PO3 Joson, PO2 Navarro and PO1 Gutierrez entered their room and searched it. They were instructed to sit while the policemen conducted the search which lasted for about fifteen (15) minutes. The policemen then showed them plastic sachets of shabu which were allegedly recovered from their house. Salvacion and Patricio denied ownership of these, and the policemen then called for the barangay officials. Brgy. Councilor Luis San Andres and chief tanod Arturo Javier arrived and helped in conducting the search in their yard. After the search the policemen asked Salvacion and Patricio to sign a document (Pagpatunay, Exh. "B") proving that they did not take anything from them. They were then taken to the police station at about 7:30 in the morning. Both denied that the shabu allegedly recovered from their premises were theirs, and that there was a search warrant shown to them prior or after the search was conducted.

In the prosecution of possession of dangerous drugs, the following elements or facts must be proven beyond reasonable doubt: (1) that the accused is in possession of the object identified as a prohibited or a regulated drug; (2) that such possession is not authorized by law; and (3) that the accused freely and consciously possessed the said drug (People vs. Bongcarawan, G. R. No. 143944, July 11, 2002).

These essential ingredients were duly proved in the case at bar. Three (3) policemen who were part of the team that conducted the successful search operation, testified on the chain of events starting from the issuance of the search warrant to the search, the finding and seizure of the shabu in their house and the arrest of Salvacion and Patricio. The suspect recovered substances were then subjected to the accepted forensic tests, and determined to be dangerous drugs. These substances and the tests report were presented in court and identified by the witnesses.

In short, the appealed case of the prosecution was proven beyond reasonable doubt.

These accused set up the common defenses of inadmissibility of the shabu being illegally obtained evidence, denial, and frame-up.

Suffice it to say that the arresting officers were authorized to conduct the search under Search Warrant No. 28-M-2000 issued earlier on November 9, 2000, some of the shabu recovered were in plain view on top of a table, and policemen were voluntarily let in the house. Undoubtedly these were correctly admitted in evidence.

Going to denial, this is essentially the weakest form of defense (People vs. Mendoza, G. R. Nos. 152589 & 152758, Jan. 31, 2005), one which is a self-serving negative evidence that cannot be given greater weight than the declaration of credible witnesses who testified on affirmative matters (Roque vs. People, G. R. No. 138954, Nov. 25, 2004). On the other hand the testimonies of the arresting officers deserve full faith and credit, given that police officers involved in such operations are presumed to have performed their duties regularly. This presumption can only be overcome through clear and convincing evidence that show either of two things: 1) that they were not properly performing their duty, or 2) that they were inspired by any improper motive (Lapuz vs. People, G. R. No. 150050, June 17, 2004). Nothing was presented to defeat or attenuate the testimonies of said witnesses, except the bare and uncorroborated denial of the accused spouses. This defense of denial wilts and withers in the face of the positive and unbiased testimonies of police officers who enjoy in their favor the presumption of regularity in the performance of their job.

As for frame-up, it is a usual defense of those accused in drug-related cases but viewed with disfavor since it is an

allegation that can be made with ease. For this claim to prosper, the defense must adduce clear and convincing evidence to overcome the presumption that the arresting policemen performed their duties in a regular and proper manner (*Teodosio vs. Court of Appeals*, G. R. No. 124346, June 8, 2004). The defense presented none, and both Salvacion and Patricio even said that these policemen were strangers to them and on the other hand they knew the barangay officials who were present at the search.

Salvacion, for herself, also defended that it was not shown that the shabu found was in her possession or control. Possession, under the law, includes not only actual possession, but also constructive possession. Actual possession exists when the drug is in the immediate physical possession or control of the accused. On the other hand, constructive possession exists when the drug is under the dominion and control of the accused or when he has the right to exercise dominion and control over the place where it is found. Exclusive possession or control is not necessary (*People vs. Castillo*, G. R. No. 153254, Sept 30, 2004). The ruling is that possession of a prohibited drug per se constitutes prima facie evidence of knowledge or animus possidendi sufficient to convict an accused absent a satisfactory explanation of such possession. In effect, the onus probandi is shifted to accused to explain the absence of knowledge or animus possidendi (*People vs. Tee*, G. R. Nos. 140546-47, Jan. 20, 2003). This she failed to do. Salvacion admittedly has been living for some time in the house where the shabu were recovered, and she cannot wiggle out her criminal liability by claiming that she was not in actual physical possession of these.

Finding no reversible error –

WHEREFORE, the appeal is DENIED and the appealed Decision is AFFIRMED.

SO ORDERED.

Guariña III and Romilla-Lontok, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.