

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AURORA ESCALONA Y GIMPAYAN, ACCUSED-APPELLANT.

G.R. No. 103973. October 21, 1993

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

Appeal from the decision dated November 25, 1991 of the Regional Trial Court of Manila, Branch 16, con-victing the appellant, Aurora Escalona y Gimpayan, of having violated Section 15, Article III, in relation to Section 2 (c), (f), (m), (o), Article I of Republic Act No. 6425, as amended (otherwise known as The Dangerous Drugs Law) and sentencing her to suffer the penalty of life imprisonment.

The case for the prosecution stands on the lone testimony of Pfc. Eduardo Mabaet alleging that:

Upon receipt of confidential information that one alias "Maricar" of 584 Interior San Andres Street, Malate, Manila, is the source of dangerous drugs (shabu) in Ermita, Manila, a buy-bust team composed of Pfc. Eduardo Mabaet, Pfc. Francisco Maniquiz, Pat. Arnulfo Castañeda and the informant was allegedly organized by P/Capt. Felix B. Garcia of the Anti-Narcotics Unit, Police Station No. 5, Western Police District.

After a week of surveillance, the team allegedly decided to strike on July 9, 1991 at about 1:30 o'clock in the morning. Pfc. Mabaet, allegedly disguised as a drug addict, and the informer posted themselves in front of the house of the suspect. When the suspect appeared, the informant addressed her thus: "Bigyan mo ako ng P200.00" (p. 97, Rollo). Pfc. Mabaet forthwith handed to her two marked P100.00 bills. The suspect entered her house. After a while, she came out of the house and handed to Pfc. Mabaet a package supposed to contain shabu wrapped in aluminum foil.

After examining the contents of the package, Pfc. Mabaet gave the pre-arranged signal. Pfc. Maniquiz and Pat. Castañeda allegedly closed in and helped Pfc. Mabaet to arrest the suspect. Upon search of her per-son, Pfc. Maniquiz seized from her the two marked P100.00 bills and two small transparent plastic bags containing what was believed to be shabu residue.

Upon chemical analysis, the confiscated crystal--line substance wrapped in aluminum foil and in two small plastic packets was confirmed to be methamphetamine hydrochloride or shabu.

The following information was filed against the appellant charging her with violation of Section 15, Article III in relation to Section 2 (c), (f), (m), (o), Article I of the Dangerous Drugs Law (RA 6425):

"That on or about July 9, 1991, in the City of Manila, Philip-pines, the said accused, not having been authorized by law to sell, dispense, deliver, transport or distribute any regulated drug, did then and there wilfully and unlaw-fully sell or offer for sale two (2) decks of white crystalline substance wrapped with aluminum foil and placed in small transparent plastic bag with markings known as 'SHABU' containing methamphetamine hydrochloride, which is a regulated drug." (p. 16, Rollo.)

On arraignment, the accused pleaded "not guilty." After trial, the lower court rendered judgment convicting her as charged and sentencing her:

"I. To life imprisonment and to pay a fine of P20,000.00. She is to be accorded full benefits of her preventive imprisonment.

"II. To pay costs.

"The seized evidence shall be forfeited in favor of the Philippine Government." (p. 27, Rollo.)

The accused appealed to this Court in due time seeking reversal of the decision on the grounds that the trial court erred:

1. in convicting the accused on the lone testimony of a police poseur-buyer, despite its severe inadequacies and inconsistencies;
2. in completely disregarding the defense of the accused, thus, erroneously convicting the accused in the process; and
3. in convicting the accused despite insufficiency of evidence and absence of proof beyond reasonable doubt, hence, contrary to the facts and the law.

These assignments of error boil down to the issue of the credibility of the lone prosecution witness.

It is an ancient principle of our penal system that no one shall be found guilty of crime except upon proof beyond reasonable doubt (Perez vs. Sandiganbayan, et al., 180 SCRA 9).

The trial court's reliance on the lone testimony of Pfc. Mabaet in convicting the appellant does not satisfy the quantum of evidence required in criminal cases, that is, proof beyond reasonable doubt.

The lone testimony of a policeman may not be relied upon in imposing the capital penalty of life imprisonment upon the accused when there is serious doubt concerning his motive, in view of the appellant's testimony that bad blood exists between her husband and Pfc. Mabaet.

The prosecution's failure to present the other members of the alleged buy-bust team casts serious doubts on the appellant's guilt. Considering the gravity of the penalty for the offense charged, courts should be careful in receiving and weighing the probative value of the testimony of an alleged poseur-buyer especially when it is not corroborated by any of his teammates in the alleged buy-bust operation (People vs. Honrada, 204 SCRA 858). The prosecution must rely on the strength of its own evidence and not on the weakness of the defense (People vs. Santillan, 157 SCRA 534).

The final blow to the prosecution's case was dealt by the sworn statement dated December 2, 1991 of the confidential informant named Fernando Maronia who was supposedly with the buy-bust group and the one who allegedly introduced Pfc. Mabaet to the appellant. He denied Pfc. Mabaet's allegation that he (Maronia) posed as buyer of marijuana cigarettes from the appellant. The relevant portions of his statement are quoted here under as follows:

"SINUMPAANG SALAYSAY"

"xxx xxx xxx.

"4. Subalit hindi po totoo na ako ay bumili ng 'methamphetamine hydrochloride' o ang tinatawag na 'shabu' mula kay Gng. Escalona na sinasabi ni Pat. Mabaet;

"5. Na ako nga po ay naroroon upang iabot kay Gng. ESCALONA o kung tawagin sa amin ay 'Baby' ang isang hose ng tubig sapagkat sila ay kumukuha ng tubig sa gripo na malapit sa aming bahay;

"6. Ngunit wala po akong binibiling 'shabu' kay Baby at wala namang 'shabu' na ipinagbibili sa akin si Pat. Mabaet;

"7. Na wala pong iniabot si Gng. ESCALONA na sinasabing two (2) decks ng 'shabu' raw kay Pat. Mabaet, sa akin daw pong harapan. Ito po ay isang malaking pagkakamali;

"8. Kalungkut-lungkot pong pangyayari na ang pangalan ko ay nasangkot sa pangyayaring ito ng hindi ko nalalaman na ayon daw po sa testimonya ni Pat. Mabaet, subalit hindi po ito totoo;

"9. Na ginawa ko ang salaysay na ito upang ipabatid sa mga kinauu-kulan ang mga tunay na pangyayari at buong katotohanan sapagkat hindi maatim ng aking kalooban na may mga taong magdanas ng hirap sa pangya-yaring ito na marahil ay ako lamang ang makapagpapatunay o makapagbibigay liwanag;

"10. Na ginawa ko po ang salaysay na ito nang kusang-loob at walang nanakot, nagbayad, nagbigay ng gantimpala or anupa mang pangako para sa aking sarili at tahasang sinasabi ko na ang aking layunin lamang ay maituwid ang tunay na nangyari at bigyan ng linaw ang nangyari noong ika-9 ng Hulyo, 1991;

"11. Na handa po akong huma-rap sa hukuman at tumestigo upang liwanagin at bigyang katotohanan ang aking nabanggit dito sa anumang oras na ako ay kailanganin.

"Bilang patotoo, ako ay lumagda ngayong ika-2 ng Disyembre, 1991 sa Maynila, Pilipinas." (pp. 49-50, Rollo.)

As the prosecution's evidence in this case is insufficient to prove the appellant's guilt beyond a reasonable doubt, the judgment of conviction must yield to the constitutional presumption of her innocence (*Aguirre vs. People*, 155 SCRA 337).

WHEREFORE, the Court ACQUITS the accused, Aurora Escalona, of the charge against her and orders that she be immediately released from custody unless she is being held to answer for another offense. Costs de oficio.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., Bellosillo, and Quiason, JJ., concur.

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