

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DEBORAH WOOLCOCK, GEORGE WILLIAMS, JACQUELINE ANN DAUGHTRY AND EVANS ASARE, ACCUSED-APPELLANTS.

G.R. No. 110658. May 22, 1995

Ponente: REGALADO, J.

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REGALADO, J.:

Escalating from the now familiar genre of drug cases elevated to this Court, consisting simply of local individual pushers and users of relatively less potent narcotics on a small scale, this appellate review involves the sophisticated operations of foreign nationals allegedly dispatching in transit or transporting in volume through the Philippines the highly dangerous drug of heroin on an extraterritorial spectrum. It was of course to be expected that in the international drug traffic this country could very well be used as a transshipment base of so-called narcotraficantes. The lesson to be drawn from the case at bar is that only continuing vigilance and persistent decisive action for the long term, and not sporadic vainglorious measures for a transient personal or political agenda, can stem the increasing surge of this menace to our hapless and vulnerable populace.

In an information dated November 11, 1992, herein accused-appellants Deborah Woolcock, George Williams, Jacqueline Ann Daughtry and Evans Asare were indicted for violating Section 4, Article II of Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended, before the Regional Trial Court of Pasay City, Branch 113, by allegedly conspiring with each other in delivering, giving away, distributing, dispatching in transit or transporting approximately 3,328.58 grams* of heroin in Pasay City and other parts of Metro Manila, on or about the third week of October, 1992, without authority of law.[1]

On December 1, 1992, appellants filed a motion to quash on the ground of duplicity of offenses charged,[2] namely, of delivering, giving away, distributing, dispatching in transit or transporting heroin under Section 4, and of conspiracy under Section 21 of the aforementioned law. The court a quo denied the motion in an order dated December 15, 1992, ruling that there is but one offense charged, but it nevertheless ordered the state prosecutors to amend the information.[3]

At the arraignment on December 17, 1992, appellants, duly assisted by counsel de parte, pleaded not guilty to the offense charged, hence trial on the merits proceeded.[4]

Subsequently, on February 26, 1993, appellants filed a motion to quash the search warrants before Judge Antonio J. Fineza of the Regional Trial Court of Kalookan City, Branch 131, who had issued the same, contending that said warrants were issued without probable cause and only for the purpose of fishing for evidence. In an order dated March 24, 1993, Judge Fineza denied the motion, holding that the same should be resolved by the Pasay court where the principal case was pending.[5] Under date of March 26, 1993, appellants filed another motion to quash the warrants before the latter court on the same grounds.[6]

On May 31, 1993, the court below, through Judge Baltazar Relativo Dizon, without categorically ruling on said motion rendered a judgment of conviction and sentenced each of the appellants to suffer imprisonment for life and

to pay a fine of P20,000.00. The trial court likewise ordered that the heroin be confiscated in favor of the Government and to be ultimately destroyed.[7]

The case for the People is basically forged from the confluent testimonies of members of the Narcotics Field Unit of the National Capital Region who were tasked to conduct the surveillance and apprehension of international drug traffickers. The defense, on the other hand, relied on the testimonies of the four accused-appellants and of one Cadena de Amor Yap who allegedly served as a tour guide for appellant Woolcock. All of their declarations, sometimes concordant and at times dissonant, have been scrutinized and assayed with scrupulous care and enduring patience. The Court is only too aware that the ultimate denouement in this judicial review will depend upon the credibility of the witnesses, the veracity of their theories and the respective weight of their contentions when calibrated upon the scales of doctrinal evidentiary tenets drawn from the jurisprudence and judicial experience of this Court.

For that purpose, the Court undertook an intensive and extensive review of the entire record and supplemented the data yielded by the cold, inanimate pages of the stenographic transcripts with the heat and vigor of the arguments of the parties in their respective briefs. In fact, even the additional albeit unauthorized brief of another putative counsel for appellants was taken into account, just for this turn, but which procedural importunity will not hereafter be tolerated. If the Court thus appears to have taken a liberal stance, it is because appellants are aliens being criminally prosecuted in a foreign country, with all the disadvantages that their plight and alienage entail. Whatever may be the criticisms of our judicial system, the Philippines is a civilized Christian country in the family of nations, wherein racial discrimination of all forms is penalized[8] and where solicitous and sensitive norms of justice are assured for foreigners within its jurisdiction regardless of their status in life.

The parties have made their respective presentations of the antecedent facts which they propose to serve as the groundwork upon which this appeal shall proceed. Expectedly, partisanship can be readily perceived, with overemphasis in some aspects and suppression in others. The Court, as already stated, has taken pains to virtually superimpose such submissions upon the total mosaic of the records and we find that the counter-statement of facts in the brief of plaintiff-appellee[9] expresses the more complete, succinct and objective narration of the operative facts on which this prosecution is based. It has the added virtues of substantial congruency with the findings of the trial court and corresponding documentation by page references to the transcripts and the records of this case.

For these reasons, we adopt the facts stated therein and hereunder reproduce in extenso the portions of which we approve:

On 15 October 1992, the Philippine National Police, Narcotics Command, National Capital Region, Narcotics Field Unit, gathered intelligence information that two (2) female subjects of American citizenship, by the names of Jacqueline Ann Daughtry and Deborah Woolcock, billeted at the Aloha Hotel and Holiday Inn Manila, respectively, were suspected drug traffickers who were due to receive delivery of prohibited drugs by a black male foreign national (pp. 4-7, TSN, 23 Dec. 1992; p. 3-4, TSN, 11 Jan. 1993; p. 20, TSN, 21 Jan. 1993).

Upon verification, Senior Inspector John Campos confirmed that a Jacqueline Ann Daughtry checked in at Room 619 of the Aloha Hotel and a Deborah Woolcock was staying at Room 1009 of the Holiday Inn Manila (pp. 5-6, TSN, 23 Dec. 1992).

Thereafter, two (2) surveillance teams were formed to closely monitor the activities of appellants Daughtry and Woolcock. One team, headed by Chief Inspector Edgardo Ladao, was stationed at the Aloha Hotel to keep a close watch on appellant Daughtry and the other team, headed by Senior Inspector John Campos, was tasked to observe appellant Woolcock at the Holiday Inn Manila. Chief Inspector Ladao acted as the advance post commander (p. 7, TSN, 23 Dec. 1992; p. 20, TSN, 21 Jan. 1993).

The surveillance operation started on 16 October 1992. It was not until the 19th of October, however, at approximately 6:30 o'clock in the evening when the surveillance teams, communicating through radios, were alerted by the arrival of the suspected black male foreign national at Room 619 of the Aloha Hotel. Subject black male foreigner, later identified as appellant George Williams, entered Room 619 and after about thirty (30) minutes went out carrying a gray travelling bag (pp. 7-8, TSN, 23 Dec. 1992; p. 6, TSN, 11 Jan. 1993; pp. 4-5, TSN, 26 Feb. 1993; pp. 6-9, TSN, 5 March 1993).

At such moment, Chief Inspector Ladao radioed Senior Inspector Campos to be on active lookout in case appellant Williams is sighted at the Holiday Inn Manila. Meanwhile, Senior Inspector Eric Reyes, SPO2 Mellie Melegrito, and SPO1 Luis Erica were tasked to tail behind appellant Williams who, as anticipated, directly proceeded to Holiday Inn Manila (p. 9, TSN, 23 Dec. 1992; p. 6, TSN, 11 Jan. 1993; p. 5, TSN, 26 Feb. 1993; pp. 8-9, TSN, 6 March 1993).

At the Holiday Inn Manila, Senior Inspector Campos forthwith dispatched SPO4 Nolasco Cortez to post himself at the hotel lobby and wait for appellant Williams' arrival. When spotted, appellant Williams was seen to have gone straight to Room 1601 where he was apparently registered. Later, at around 8:30 o'clock in the evening, appellant Williams came out of his room with a small black bag and took the elevator. Now followed by SPO3 Elmer Cabanlang disguising himself as a house detective of the hotel, appellant Williams stopped at the 10th floor and proceeded to Room 1009 where appellant Woolcock was billeted. After a few minutes, appellant Williams came out of Room 1009 but he was no longer carrying the black bag (p. 17, TSN, 23 Dec. 1992; pp. 20-22, TSN, 21 Jan. 1993; pp. 4-8, TSN, 18 Feb. 1993). Appellant Williams again took the elevator and went up to his own room (p. 9, TSN, 18 Feb. 1993).

At around 12:15 o'clock past midnight, Chief Inspector Ladao was radioed by Senior Inspector Campos that appellant Williams went out of his room again, boarded a taxi and proceeded to the Aloha Hotel (p. 20, TSN, 23 Dec. 1992).

At the Aloha Hotel, appellant Williams was observed to have stayed inside the room of appellant Daughtry for about four (4) hours. Subsequently, the two left and boarded a taxi towards the Royal Palm Hotel, Ermita, Manila. SPO2 Melegrito and SPO1 Erica tailed behind through a service vehicle. Thereafter, appellants Williams and Daughtry entered Room 421 and were met by another black male foreigner, later identified as appellant Evans Asare. After about thirty (30) minutes, appellant Daughtry went out of Room 421, this time carrying a brown leather bag. Apparently, she returned to her own room at the Aloha Hotel. Incidentally, subsequent verification by SPO2 Melegrito revealed that Room 421 of the Royal Palm Hotel was registered in the name of Cris Williams (pp. 20-23, TSN, 23 Dec. 1992; pp. 3-4, TSN, 26 Feb. 1993; pp. 10-12, TSN, 5 March 1993).

At this juncture, Senior Inspector Eric Reyes already received instructions from Chief Inspector Ladao that he was to temporarily replace Senior Inspector Campos at the Holiday Inn Manila. An intelligence information divulged that appellant Woolcock was scheduled to leave the country on 20 October 1992. Thus, Senior Inspector Campos and his team were designated to station themselves at the Ninoy Aquino International Airport (NAIA) in close coordination with the Customs Police, Philippine National Police-Narcotics Command (PNPNARCOM) and Philippine Air Force Security Command (PAFSECOM) (pp. 7-8, TSN, 11 Jan. 1993; p. 22, TSN, 21 Jan. 1993).

In the early morning of 20 October 1992, appellant Woolcock checked out of Holiday Inn Manila together with a small child and a female companion. Thereafter, she boarded a taxi which went straight to the NAIA (pp. 8-9, TSN, 11 Jan. 1993).

Upon her arrival at the NAIA, appellant Woolcock submitted her luggage and handbags for customs inspection. Initially, she was cleared. However, upon re-inspection of her luggage and handbags by the NARCOM,

PAFSECOM and Customs personnel, an unusually heavy black bag became the subject of rigid examination; once scrutinized, the black bag revealed a false bottom which concealed a packed powdery white substance. Initial findings of the Customs Police disclosed that the confiscated powdery white substance, weighing at, approximately one kilogram, was positive for heroin (p. 9, TSN, 11 Jan. 1993; pp. 22-23, TSN, 21 Jan. 1993).

Instantly, appellant Woolcock was arrested and placed under police custody. Her formal arrest was communicated, through radio, by Senior Inspector Reyes to Chief Inspector Ladao (p. 11, TSN, 28 Dec. 1992). In conjunction with the arrest of appellant Woolcock, Chief Inspector Ladao instructed his stationed team members to hold any departure attempt of any of their subjects (p. 13, TSN, 18 Feb. 1993). Without any delay, Chief Inspector Ladao also necessitated the application of search warrants against appellants Williams, Daughtry and Asare (p. 13, *Ibid.*). For such purpose, it was Senior Inspector Campos, acting under the authority of PNP Superintendent Geary L. Barias, Chief of NCR-NFU, who specifically applied for the search warrants before the Hon. Antonio Fineza, presiding judge of Branch 131 of the Regional Trial Court in Caloocan City (pp. 111-113, Rec.; p. 13, TSN, 28 Dec. 1992; p. 9-10, TSN, 5 Feb. 1993). SPO2 Melegrito assisted Senior Inspector Campos in securing the search warrants (p. 13, TSN, 5 March 1993).

In the meantime, appellant Daughtry was invited for police questioning at her room at the Aloha Hotel (p. 15, TSN, Dec. 1992; pp. 5-6, TSN, 26 Feb. 1993).

Simultaneously, Chief Inspector Ladao verified that appellant Asare was staying at Room B-1 of the Manila Tourist Hotel, Ermita, Manila. On the other hand, Room 421 at the Royal Palm Hotel was registered in the name of a certain Cris Williams. At around 12:30 past noontime, it was reported that the person occupying Room 421 at the Royal Palm Hotel already checked out (pp. 13-14, TSN, 28 Dec. 1992; p. 12, TSN, 5 March 1993).

At around 2:00 o'clock in the afternoon of the same day, appellants Williams and Asare were about to board a taxi when SP03 Elmer Cabanglan held their departure (p. 20, TSN, 28 Dec. 1992; p. 13-14, TSN, 18 Feb. 1993). Appellants were then invited to proceed to Camp Crame (*Ibid.*; *Ibid.*). Later, they were brought back to their respective hotel rooms at which time the police searched the place (p. 17, TSN, 5 Feb. 1993).

At around 5:30 o'clock in the afternoon, Search Warrant No. 10-044-92 against appellant Daughtry was served. Immediately, the search in Room 619 of the Aloha Hotel began. Located beside the bed of appellant Daughtry was a brown leather bag which, when opened, revealed the suspected heroin concealed through several piles of clothes. The suspected heroin yielded approximately one (1) kilo and was properly inventoried and receipted. Thereafter, appellant Daughtry was arrested and brought to Camp Crame (pp. 14-19, 23-24, TSN, 5 March 1993; pp. 6-7, TSN, 26 Feb. 1993; pp. 16-19, TSN, 28 Dec. 1992; pp. 18-19, Rec.).

From the Aloha Hotel, Chief Inspector Ladao proceeded to Room 1601 of the Holiday Inn Manila to supervise the service of Search Warrant No. 10-043-92 against appellant Williams. Extensive search of Room 1601 yielded no heroin although a gray travelling bag was found. Nevertheless, Chief Inspector Edgardo Ladao confiscated the necklace and ring worn by appellant Williams, where the words "Cris" and "I love you" were notably imprinted, to establish the fact that appellant George Williams and Cris Williams are one and the same person (pp. 20-22, TSN, 28 Dec. 1992; pp. 24-25, TSN, 21 Jan. 1993; p. 12, TSN, 5 March 1993).

At around 7:00 o'clock in the evening, Search Warrant No. 10-045-92 against appellant Asare was served at Room B-1 of the Manila Tourist Hotel. A bright yellow, red and blue travelling bag on top of a cabinet was found to contain the suspected heroin, weighing approximately 1/4 kilo, a portion of which had been repacked into 68 egg-shaped capsules of one (1) gram each by using black electrical tape to wrap the same. These items were wrapped with a transparent "7-11" plastic bag which was in turn placed into a bigger "McDonald's" plastic bag (pp. 25-26, TSN, 21 Jan. 1993; pp. 6-9, TSN, 16 March 1993; p. 17, Rec.).

The Initial Laboratory Report prepared by Forensic Chemist Julita T. de Villa of the Crime Laboratory Service, General Headquarters-Philippine National Police, Camp Crame, Quezon City reads, to wit:

"Chemistry Report No. D-1157-92

23 October 1992

INITIAL LABORATORY REPORT

CASE: Alleged viol. of RA 6425

REQUESTING PARTY: Offr-on-Case, NCR,

NFU, PNP NARCOM, Cp

Crame, QC

SUSPECT/VICTIM: Evans Asare

TIME & DATE REC'D.: 1155H 21 Oct '92

SPECIMEN SUBMITTED:

One (1) blue, red and yellow colored bag containing the following specimens:

Exh. 'A' - One (1) plastic bag labeled 'MC DONALDS' containing sixty eight (68) black egg shape objects marked as Exhs 'A-1' through 'A-68' respectively, each with white powdery substance and having a total weight of 866.75 grams;

Exh. 'B' One (1) plastic bag labelled 'Seven 7 Eleven' with transparent plastic bag marked as Exh. B-1" containing 184.34 grams of white powdery substance. x x x

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of prohibited and/or regulated drug. x x x

F I N D I N G S :

Qualitative examinations conducted on the above-stated specimens gave POSITIVE result to the tests for Heroin, a prohibited drug. x x x"

(p. 28, Rec.).

"CHEMISTRY REPORT NO. D-1149-92

23 Oct. '92

INITIAL LABORATORY REPORT

CASE: Alleged viol of RA 6425

REQUESTING PARTY: Offr-on-Case, PNP,

NARCOM, NCRNFU,

Cp Crame, QC

SUSPECT/VICTIM: Deborah Woolcock

TIME & DATE REC'D: 1330H 20 Oct. '92

SPECIMEN SUBMITTED:

Exh. 'A' - One (1) black traveling bag containing brown bag marked as Exh. 'A-1' with 1217.03 grams of white powder substance, x x x

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of prohi-bited and/or regulated drug. x x x

F I N D I N G S :

Qualitative examinations conducted on the above-stated specimen gave POSITIVE result to the tests for Heroin, a prohibited drug. x x x"

(p. 29, Ibid.).

"CHEMISTRY REPORT NO. D-1159-92

23 Oct. '92

INITIAL LABORATORY REPORT

CASE: Alleged viol of RA 6425

REQUESTING PARTY: Offr-on-Case, PNP,

NARCOM, NCRNFU, CP

Crame, QC

SUSPECT/VICTIM: Jacqueline Ann Daughtry

TIME & DATE REC'D: 1715H 21 Oct. `92

SPECIMEN SUBMITTED:

Exh. 'A'-One (1) brown bag contain-ing two (2) rectangular shape object marked as Exhs. 'A-1` and 'A-2' respectively, each with white powdery substance and having a total weight of 1244.8 grams. x x x

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of prohibited and/or regulated drug. x x x

F I N D I N G S :

Qualitative examinations conducted on the above-stated specimen gave POSITIVE result to the tests for Heroin, a prohibited drug. x x x

(p. 30, Ibid.).

On 23 October 1992, Superintendent Geary L. Barias referred the case to the Task Force Anti-Narcotics and Other Drugs of the Department of Justice (pp. 14-16, Rec.). On 11 November 1992, the Prosecution Staff of the Department of Justice issued a Resolution recommending the filing of an Information for Violation of Section 4, Article II of Republic Act No. 6425 against all four (4) appellants (pp. 9-13, Ibid.).

Appellants took the stand and vehemently denied the accusations proffered against and the acts imputed to them. On the charge of their being co-conspirators, they maintained that they did not know each other prior to their arrest and only saw each other when they were taken into custody and presented all together in a press conference called by the police authorities.

Appellant George Williams denied transporting the black and brown bags in question,[10] asserting that he

arrived in the Philippines on October 19, 1992 between 8:30 to 9:00 P.M., bringing with him one piece of luggage, a suit carrier and a portfolio. At around 10:00 P.M. of that day, he checked in at the Holiday Inn Manila. The next day, at approximately 1:30 P.M., he decided to go to the Nigerian Embassy and flagged down a taxicab for the purpose. He had a hard time communicating with the driver so he sought the help of a passerby, who turned out to be appellant Evans Asare. Suddenly, three men approached them, asked for their passports and asked him whether he is John Paul. He showed his passport saying that he is not John Paul. The officers got his passport and forced him to bring them to his room. His room was searched over his objection. Thereafter, the men brought him to the office of the Narcotics Command (NARCOM) at Camp Crame. After about half an hour, they returned to his hotel room and the men searched it for the second time, seizing several pieces of his jewelry, a Rolex watch worth P9,800.00 and cash in the amount of \$4,800.00. Later, he was again brought to Camp Crame where he saw Asare for the second time, as well as a man named John Paul and one Jane Muchiri.** He lodged a complaint in the Nigerian Embassy because of what was done to him in these incidents.[11]

Appellant Evans Asare, on the other hand, claimed that he arrived in the country on August 30, 1992 with a brief case and one black leather bag. At almost noon of the same day, he checked in at the Manila Tourist Hotel. On October 20, 1992, he went to Harrison Plaza to shop, after which he proceeded towards Roxas Boulevard. Williams approached him and asked him to accompany the former to the Embassy of Thailand. At this juncture, a police officer approached them and asked them if one of them is John Paul. When they answered in the negative, the police officers demanded the production of his passport. As the same was in his hotel room, he was ordered to accompany them to his hotel room. His room was thereafter searched, his passport was confiscated by the police officers, and he was escorted to the Holiday Inn Manila. After a while, he and Williams were brought to the NARCOM office. Later, at around 6:00 P.M., they were taken to the Royal Palm Hotel.[12]

They were then left in front of the Philippine National Bank while the police entered the hotel. Twenty minutes thereafter, the police came down from the hotel with one Jane Muchiri. Afterwards, they went back to his hotel room but the officers prevented him from entering the same. The next thing he knew was that the officers were already bringing out his luggage. He was likewise told to remove all his jewelry. Some of the policemen then went to the pension house and came out with John Paul. At 8:30 P.M., they were all brought back to the NARCOM office. He steadfastly denies having known Woolcock and Daughtry or having met them prior to his detention.[13]

On October 21, 1992, a press conference was held and it was at that time that he saw the bags in question for the first time. Thereafter, he and the other detainees were brought to the NARCOM office first and then before the inquest prosecutor where Campos, Barias and Reyes demanded money from him. John Paul and Jane Muchiri were later released and the two flew back to their country. Asare thereafter filed a complaint in the Nigerian Embassy.[14]

For her part, appellant Jacqueline Ann Daughtry denied that Williams met her on October 19, 1992 and that she went out of her hotel on the same day carrying a brown bag.[15] She further explained that she arrived in the country on October 11, 1992, bringing with her four pieces of luggage, one of which was lost. She checked in at the Aloha Hotel. On October 20, 1992, three men arrived at the hotel, pushed her inside her room, and placed her under arrest. One of them, Ladao, told her, "You'll find out ... here in the Philippines, you have no rights." Thereafter, Ladao and Erica searched her room. At about 6:30 in the evening, she was brought to the NARCOM and was shown a brown bag with heroin inside. Ladao told her to implicate the other foreigners, particularly John Paul and Jane Muchiri, but she refused. She likewise denied having been found in possession of a brown bag. She executed an oral and a written complaint against the NARCOM police officers with the U.S. Embassy.[16]

It was appellant Deborah Woolcock who took the witness stand last and, like her co-appellants, she denied

carrying a black bag on either the night of October 19 or in the early morning of October 20, 1992. She insisted that on the evening in question, she was sick and just stayed in the hotel.[17] She declared that she has had a common-law husband for fifteen years, with whom she has four children. She arrived in the country on October 13, 1992 with her three-year old daughter, and she brought three pieces of luggage with her. She checked in at the Holiday Inn Manila and occupied Room 1009. On October 20, 1992, at 6:00 A.M., she left the hotel for the airport with "Amor," her tour guide, and the latter's father, Dolsero Peña, who was their taxi driver. They arrived at the airport at 7:00 A.M. Her baggage passed through the X-ray machine, after which the customs officers thoroughly searched all her things.[18] The same had already been cleared when, suddenly, several policemen led by Campos followed her and invited her to go to Camp Crame. She insisted on her right to counsel but Campos said, "You don't need a lawyer, we just want you to identify these people," referring to the three other appellants. He then added, "We just like you to testify against them." She denied having been in possession of the heroin which the prosecution imputed to her.[19]

On October 21, 1992, State Prosecutor Ferdinand Abesamis asked her to testify against the other foreigners in exchange for her release and she was offered a lawyer, but she refused since the latter likewise suggested that she be a state witness. She denies owning the black bag in question and has filed an oral and a written complaint at the U.S. Embassy.[20]

Cadena de Amor Yap, hereinbefore referred to as "Amor," is a hotel representative of Jet Set Executive Mansion who served as Woolcock's tour guide as well. Corroborating said appellant's testimony, Yap alleged having met Woolcock at the airport at the time of her arrival on October 13, 1992 and had been her companion to several places in the country. On October 20, 1992, she and her father, Dolsero, picked up Woolcock at her hotel at 6:15 in the morning using Dolsero's taxicab.[21]

She and her father checked in Woolcock's luggage at the airport and the same were cleared by the customs personnel after a rigid examination. Later, she was surprised to see Woolcock crying after being accosted by the NARCOM agents. She accompanied Woolcock to Camp Crame where they were interrogated. She denied having seen the black bag in Woolcock's possession from the time of the latter's arrival up to her aborted departure from the country.[22]

After duly winnowing the aforesated contending claims, the trial court, as stated at the outset, conferred its imprimatur on the government's case and convicted all the herein appellants. They are now before the Court with their respective assignments of errors aimed at securing the reversal of the judgment of the court below. Thus, appellant Woolcock imputes error to the lower court -

- x x x IN FINDING THAT (SHE) IS THE OWNER OF THE BLACK BAG (EXHIBIT "J") ALLEGEDLY CONTAINING SUSPECTED HEROIN (EXHIBIT "J-1").

- x x x IN FINDING THAT (SHE) IS GUILTY IN CONS-PIRACY WITH (THE) OTHER ACCUSED.

- x x x IN NOT FINDING (HER) ARREST ILLEGAL.

- x x x IN GIVING CREDENCE TO THE TESTIMONY OF (THE) PROSECUTION WITNESSES.

- x x x IN NOT ACQUITTING (HER) ON REASONABLE DOUBT.[23]

On their part, appellants Williams, Daughtry and Asare contend that the trial court erred -

- x x x IN NOT RESOLVING THE PENDING MOTION TO QUASH THE SEARCH WARRANTS #10-043-92, #10-044-92 AND #10-045-92.

- x x x IN FINDING CONSPIRACY AMONG THE ACCUSED DESPITE INSUFFICIENCY OF EVIDENCE.

- x x x IN EXERCISING JURISDICTION OVER THE PERSONS AND THE CASE OF THE ACCUSED-APPELLANTS JACQUELINE DAUGHTRY AND EVANS ASARE.

- x x x IN WHOLLY GIVING CREDENCE TO THE ORAL TESTIMONIES OF THE PROSECUTION WITNESSES AND COMPLETELY DISREGARD(ING) THE CREDIBLE AND CONVINCING EVIDENCE PRESENTED BY THE DEFENSE.[24]

We agree with the Solicitor General who, by consolidating and rearranging in simplified form the respective assignments of error raised by appellants, restated the fundamental and principal issues to be resolved by the Court in this wise:

Whether or not the trial court erred -

1. In not resolving appellants' motion to quash the search warrants;
2. In finding the existence of conspiracy among all appellants;
3. In exercising jurisdiction over the persons of appellants Daughtry and Asare although the confiscated heroin was found in their respective hotel rooms at the Aloha Hotel and Manila Tourist Hotel both located in Manila;
4. In not concluding that appellant Woolcock was subjected to an illegal arrest when the ownership of the black bag which allegedly contained the confiscated heroin was not established to be hers; and
5. In according credence to the testimonies of the police officers.[25]

Indeed the essence of appellants' grievances and the thrust of their arguments before this Court revolve around or are directed at the foregoing questions as the materia in exitu, the resolution whereof shall be the determinants of the primordial dispute on their guilt or innocence. We shall accordingly resolve said issues seriatim and in the foregoing order of their presentation.

I

Appellants Williams, Daughtry and Asare fault the trial court, Branch 113 of the Regional Trial Court of Pasay City, for not resolving their motion to quash the search warrants in question which, it should be noted, were issued by another court, Branch 131 of the Regional Trial Court of Kalookan City. They admit, however, that they had initially filed said quashal motion with the latter court, as the issuing court, which denied the same on the authority of *Nolasco, et al. vs. Pano etc., et al.*[26] Thereafter, when the criminal case was filed against them in the trial court in Pasay City, they renewed their attack against the validity of said warrants this time in said trial court which, however, in effect declined to pass upon that issue for the second time.

What appellants seem to have overlooked, or just deliberately ignored, is that both trial courts are of equal and concurrent original jurisdiction. Both in accepted procedure and in traditional practice, courts of equal rank and jurisdiction are proscribed from interfering with or passing upon the orders or processes of its coordinate counterpart, except in extreme situations authorized by law. It would have been clearly supererogatory for the Pasay court to virtually act as a higher appellate court by reviewing, much less reversing, the denial order of the Kalookan court. Besides, appellants had other available remedies against that denial order of the Kalookan court but assuredly they could take recourse thereto only through the proper remedy in the appropriate forum.

The Solicitor General correctly invokes our holding on this point in *Templo, etc., et al. vs. Dela Cruz etc., et al.*,[27] which pertinently declares and is worth reiterating:

The remedy for questioning the validity of a search warrant can only be sought in the court that issued it, not in

the sala of another judge of concurrent jurisdiction. x x x Inasmuch as the City Court which issued said warrants was then acting in a concurrent jurisdiction with respondent court, whatever remedy the respondent would like to take as a consequence of the issuance of the search warrants should not be brought before the court with which it has concurrent jurisdiction but to the court that issued it. x x x

Nor should what we say here be confused with the doctrines we laid down in *Malalanan, et al. vs. Court of Appeals, et al.*, [28] which involved a different factual situation and resolved discrete issues arising therefrom. What was posed there was whether a court other than that wherein a criminal case was already pending could also issue a search warrant for evidentiary purposes in the criminal case, which court had primary jurisdiction to issue the warrant, the permissible range of enforcement of the warrant thus issued, and the policy guidelines to be observed to avoid possible conflicts in the exercise of jurisdiction by either or both courts.

Although not specifically stated in the formulation of this particular error assigned by appellants, but obviously to lend some semblance of cogency thereto, appellants expound on the supposed lack of probable cause in the issuance of the warrants of arrest concerned. It is their theory that the police officers had no personal knowledge that a crime was being committed by appellants, hence they and the issuing magistrate merely relied on hearsay information.

What appellants would downgrade but could not suppress is the fact that the local police authorities acted not only on the information of the Royal Thai Police, obviously through Interpol*** arrangements whose intelligence network is not to be so lightly regarded, but by the fact that three teams of investigating agents headed by one field grade and two company grade officers conducted a thorough and extended surveillance over their movements during the operations involved. That such police mission proceeded with commendable precision and resulted in total success shows that the police acted upon verified personal knowledge and not on unreliable hearsay information.

Besides, even if we disregard the search warrants *ex concessis*, a warrantless search could be justified here in light of similar considerations which obtained in *People vs. Malmstedt*, [29] viz.: There were reports received therein by NARCOM that vehicles coming from Sagada were transporting marijuana; the NARCOM agents received information that a Caucasian coming from Sagada had prohibited drugs in his possession; there was no reasonable time to obtain a search warrant, especially since the identity of the suspect could not be readily ascertained; and his actuations aroused the suspicion of the officers conducting the operation. The Court held that in light of such circumstances, to deprive the agents of the ability and facility to promptly act accordingly, including to search without a warrant, would be to sanction impotence and ineffectiveness in law enforcement, to the detriment of society.

II

Appellants argue in unison that they were never conspirators in the offense charged since they did not know one another until after they were brought to Camp Crame after having been separately arrested. This is a claim that can very easily be contrived and, in fact, is the usual refuge of the accused whenever the government's case is grounded on a theory of confabulation. Their protestations that they were not in close personal association, probably capitalizing on the fact that they were staying in different hotels, is too transparent a ruse since separate quarters are often deliberately adopted as an integral part of a syndicated operation to avoid suspicion and render surveillance difficult. Significantly, appellant George Williams, while occupying a different room at the Holiday Inn Manila where appellant Woolcock was likewise staying, also maintained another room at the Royal Palm Hotel wherein he registered under the name of Cris Williams to mislead the authorities.

We have merely to review the detailed report of the surveillance teams, as incorporated in the prosecution's

narration of the facts, which reveals the coordinated clandestine acts respectively performed by each of the dramatis personae in the criminal design, which first consisted of the transfer of possession of the heroin among themselves until its apprehension in the ultimate possession of appellant Woolcock as the courier assigned to take it out of the Philippines.

Their varnished disavowals of participation are just as easily demolished. Appellant Williams posits his alibi on the theory that he could not have participated as claimed by the prosecution since he arrived in the Philippines "on the evening of 19 October 1992, between 8:30 to 9:30" as supposedly shown by "the passport and travel documents of Williams which are still in the possession of the prosecution." [30] Assuming that said travel papers really showed the alleged date with the time of his arrival in the country, and considering the evidentiary value thereof which would have been patent to any advocate, why were the same not produced in court by compulsory process at the instance of said appellant? Besides, such data could have been readily obtained from the records in the offices of the airlines or of the airport regarding the flight in question.

Along the same vein is the disclaimer of appellant Woolcock of having ever been in possession of the black bag which contained the heroin subject of this prosecution. It is asserted that the only baggage she had when she checked out of her hotel on her way to the airport were the same which she brought with her when she arrived here, that is, "the carry-on (sic) was on her shoulder, while the porters of the hotel carried her luggage--two big ones, that is, "a big one cream colored and the other is light brown." [31]

Just like appellant Williams, she sought to buttress her aforesaid contention by lamenting the alleged failure of the State to present in the trial court her baggage declaration and the confiscation receipt involving these pieces of her baggage. In the first place, it was not the duty of the prosecution to present these alleged documents on which she relies for her defense. And, just as in the case of appellant Williams, it is a source of puzzlement why she never sought to compel either the prosecutors to produce the aforesaid documents which were allegedly in the possession of the latter or the customs office where such declarations are on file. Contrary to her argument hereon, since such pieces of evidence were equally available to both parties if sought by subpoena duces tecum no presumption of suppression of evidence can be drawn, [32] and these considerations likewise apply to the thesis of appellant Williams.

Significantly, the "Turn-Over Receipt" [33] prepared by the Bureau of Customs District III at the Ninoy Aquino International Airport, dated October 20, 1992 and certified to by eight responsible officers thereof, reads as follows:

Turned over to the National Capital Region Narcotics Field Unit, Camp Crame, Quezon City, Philippine National Police Narcotics Command one (1) Black Traveller's Bag with Trade Mark "WEBA" said to contain suspected (1 1/4) one and one fourth kilos of Asian Heroin (powder form) carried by a certain passenger by the name of DEBORAH WOOLCOCK with PASSPORT NO. 1105626 via San Francisco dated October 20, 1992 at about 6:45 AM under Flight UA 808.

A full picture of said bag [34] was admitted in evidence, and the bag and its contents were acknowledged by PNP Senior Inspector Eric Serafin G. Reyes "for laboratory analysis." The seizure proceedings thereon and the documents executed in connection therewith enjoy the unrebutted presumption of regularity in the performance of official duties by the aforesaid authorities.

In diametrical contrast to the feeble pretensions of appellants is the weighty exposition of the Solicitor General on the antecedents which eventuated in the apprehension of appellant Woolcock with that black bag at the airport. He points out that this was the same black bag which appellant Williams delivered to her room at the Holiday Inn Manila on the evening of October 19, 1992. Also, appellant Daughtry was arrested in her room at the Aloha Hotel

with the brown leather bag containing the heroin, which was the same brown leather bag which she was seen carrying after she left appellants Williams and Asare at Room 421 of the Royal Palm Hotel.

Although no heroin was actually found on the person or in the two different hotel rooms of appellant Williams, this is explained by the fact that he was engaged in successively bringing and transferring the possession thereof to his confederates as hereinbefore described. Moreover, his aforesaid actuations were definitely established by positive and unrefuted testimonies of several police officers who were precisely assigned to conduct the surveillance and had no motive to falsely incriminate anyone. That same unbiased and official compulsion was the basis for their definite identification of appellant Williams whom they had not seen or known before then, and this confutes his easily contrived pretense of having arrived in the Philippines at a much later time.

The criminal participation of appellant Asare in this catena of conspiratorial acts has likewise been demonstrated by the same circumstances and the reliable evidence thereof. Thus, the Solicitor General's reliance on our holding in *People vs. Simbulan, et al.*,^[35] which synthesized the ruling case law on the issue of conspiracy, was not misplaced but was accurately taken:

The aforementioned acts show concerted action and unity of purpose towards the attainment of a common criminal objective and which ineluctably signify and warrant a conclusion on the existence of a conspiracy.

Conspiracy may be inferred from the coordinated movements of the co-conspirators. There need not be direct evidence of the existence and details of the conspiracy. Like the guilt of the individual offender, the existence of a conspiracy and a conspirator's participation may be established through circumstantial evidence.

In fact, we have even theretofore gone a little further by clarifying that to prove conspiracy, it is not necessary for the prosecution to establish that all the parties thereto agreed to every detail in the execution of the crime or that they were actually together at all the stages of the conspiracy. It is enough that from the individual acts of each accused, it may reasonably be deduced that they had a common plan to commit the felony.^[36] Thus, conspiracy may and generally must be proved by a number of indefinite acts, conditions and circumstances which vary according to the purpose to be accomplished. If it be proved that two or more persons aimed by their acts toward the accomplishment of the same unlawful object, each doing a part so that their acts, though apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and a concurrence of sentiment, a conspiracy may be inferred though no actual meeting among them for concerted means is proved.^[37]

III

The indisputable conspiracy among appellants, which has been assiduously explained in the preceding discussion, readily disposes of the contentions of appellants Daughtry and Asare that since the heroin in their respective possession were found in their separate hotel rooms in Manila, the trial court in Pasay City did not have jurisdiction over their persons hence it could not try them for the offense charged. They have thereby confused the legal concepts of jurisdiction over the person of the accused vis-a-vis that over the offense or, for that matter, the territorial jurisdiction of the trial court which corresponds to the venue of the case. This resort to another technicality which, however, is misconceived need not give us pause in rejecting this assigned error.

We sustain the traversing argument of the People that since all four appellants were specifically charged as conspirators in the same information and the evidence sustains that particular allegation, it is elementary that the act of one is the act of all. Since the arrest of appellant Woolcock in *flagrante delicto* with the heroin in her luggage took place at the international airport, necessarily the criminal case had to be lodged in the Regional Trial Court of Pasay City which had jurisdiction thereof. That apprehension of appellant Woolcock, which triggered the

immediately succeeding arrest of appellants Daughtry and Asare who were in red-handed illegal possession of their respective bags of heroin cached in their hotel rooms, were all consequences of and in connection with the integral parts of one and the same offense. Appellant Williams provided the necessary criminal liaison work spanning the cities of Manila and Pasay, hence he was amenable to the jurisdiction of the appropriate courts in either city. For that matter, the same rule would apply to appellant Daughtry who was established to have transported heroin from Asare's hotel room in Manila to her hotel room in Pasay City.

IV

Appellant Woolcock, on the other hand, inveighs against her supposed illegal arrest on the ground that the prosecution had failed to prove her ownership of the black bag which contained the heroin discovered at the airport. Her sketchy explanation consists of a mere denial of ownership thereof and that "(i)t was only after she was invited to the NARCOM office that she suddenly became a suspect (in) a crime and was subjected to arrest." [38] She, therefore, assails her warrantless arrest and tangentially adverts to what we said in part in *People vs. Aminnudin*. [39]

Aside from what has earlier been narrated about appellant Williams having brought that black bag from his room to appellant Woolcock's room, both in the Holiday Inn Manila, the evidence further shows that appellant Woolcock was prominently seen carrying the black bag when she checked out of that hotel in the early morning of October 20, 1992. [40] She retained control over the same until it was submitted for the standard customs operational inspection. Consequently, the prosecution justifies the warrantless search under the authority of Section 5(a), Rule 113 of the Rules of Court, and we sustain the same.

On appellant's intimation of a possible frame-up, we are felicitously reminded that in cases involving persons accused of being drug pushers or sellers, almost always the defense is that they were just implicated by the apprehending officers, a defense which can be so easily concocted. Indeed, we find it as a source of wonderment and disbelief why, for no apparent motive and no reason has been adduced otherwise, out of the thousands of visitors to this country which even seeks to further stimulate the tourist industry, appellant Woolcock should be singled out for apprehension on such a serious charge despite her professed innocence and lack of any prior brush with our laws.

Her invocation of *People vs. Aminnudin* is unavailing as said case is easily distinguishable in factual features from the case at bar and from *Malmstedt and Tangliben*, ante. In *Aminnudin*, the Constabulary officers had earlier received a tip from a mere informer that the accused was carrying marijuana on board a vessel bound for Iloilo City. They arrested him as he descended from the gangplank and seized from him a bag containing marijuana. The Court held that the marijuana could not be admitted in evidence since it was illegally seized because the police officers had at least two days within which to obtain a search warrant, the name of the accused was known, the vehicle was identified and the date of arrival was certain. From the complete information they had received, which rendered unnecessary any further surveillance, they could have persuaded a judge that there was probable cause to justify the issuance of a search warrant. Yet they did nothing and no effort was made to comply with the law, hence our ruling therein.

V

From the foregoing disquisitions on appellants' preceding attributions of error, which are intended as the premises for their defense, it follows as an irresistible consequence that their last assigned error, which is sought to be drawn as a conclusion on their innocence, has likewise to be rejected.

The Court, for the reasons earlier stated, has taken it upon itself to review this case with as much meticulousity as

judicial circumspection and objectivity allows and requires, and it is reasonably convinced that the evidence for the People has unquestionably succeeded in overthrowing the presumption of appellants' innocence by evidence of their guilt beyond reasonable doubt. All factual asseverations and legal submissions of the parties have been respectively verified and evaluated before arriving at this verdict of guilt. All applicable doctrinal rules, such as the credit to be given to factual findings of the trial court, the duty of the prosecution to rely only on the strength of its own evidence, the various tests for credibility of witnesses, the weight of denials in relation to alibi and negative testimony -- all these were involved in the search for a just and fair judgment.

One more thing, however, calls for our comment and requires the necessary caveat. Counsel for appellants Williams, Daughtry and Asare, in what we hope was an improvidence dictated only by overzealousness and a desire to justify his services, challenges the credibility of some of the police officers on the bases of newspaper reports that they themselves were suspects in drug cases, supposedly as protectors, users or pushers. Counsel should have been aware that suspects are not convicts and newspaper reports are hearsay evidence twice removed. For that matter, he has not even ventured to inform the Court what ultimately happened to those alleged cases.

Furthermore, even the trial judge was not spared the opprobrium of his decision in this case being denigrated by the fact that, at a much later date, he was dismissed by this Court for ignorance of the law in his judgment in another and completely unrelated case. In both of the foregoing instances, counsel should be reminded that unwarranted diatribes are not chivalrous weapons for the defense of a case and that avilment of argumenti ad hominem is looked upon with extreme disfavor in the science of legal dialectics.

The flame of said defense counsel's enthusiasm is understandably and easily doused by a mere sprinkling of this realistic appraisal:

Essentially, the over-all testimony of the police officers clearly established the guilt of appellants for the offense charged. The cross-examination conducted by appellants to filter (the) prosecution's evidence failed to even punctuate any degree of unreliability and incredulity. All police officers who testified during such time had remarkably shown all indications of regularity in their respective functions. Moreover, even if the testimonies of police officers Eric Reyes, John Campos and Mellie Meligrito were disregarded for their alleged unreliability and unworth, the same would not cause any serious dent on the prosecution evidence. The testimonies of the remaining police officers would still sufficiently stand to convict, the appellants. Besides, the testimonies of police officers Reyes, Campos and Meligrito are merely corroborative evidence.

With regard to the trial judge's alleged gross incompetence and ignorance of the law, suffice it to state that whatever judgment he has rendered which caused such attribution to him is totally unconnected with the present case. Appellants cannot visibly gain an advantage in this instance.[41]

WHEREFORE, the appealed judgment of the Regional Trial Court, Branch 113, Pasay City in Criminal Case No. 92-1912 is hereby AFFIRMED in toto, with costs against accused-appellants.

SO ORDERED.

Narvasa , C.J., (Chairman), Puno, and Mendoza, JJ., concur.

[*] Although it will not affect the disposition of this case, actually the trial court held that the heroin consisted of 3,327.86 grams (Decision, 27), while the final chemistry reports of the PNP Crime Laboratory resulted in a total volume of 3,327.83 grams (Exhibits O, S and V).

[1] Original Record, 1-2.

[2] Ibid., 36.

[3] Ibid., 75.

[4] Ibid., 77.

[5] Ibid., 727.

[6] Ibid., 442.

[7] Ibid., 814.

[8] Presidential Decree No. 966, July 20, 1976.

[9] Brief for the Appellee, 3-16; Rollo, 292-305.

[10] TSN, January 11, 1993, 11-12.

[**] Her surname is stated in other parts of the records and in the testimonies of some witnesses as "Buchiri."

[11] Ibid., id., 2-22.

[12] Ibid., April 19, 1993, 2-5.

[13] Ibid., id., 6-7.

[14] Ibid., id., 8-11.

[15] Ibid., April 6, 1993, 7-8.

[16] Ibid., id., 2-8.

[17] Ibid., March 29, 1993, 17.

[18] Ibid., April 1, 1993, 8.

[19] Ibid., March 29, 1993, 3-11.

[20] Ibid., id., 14-22.

[21] Ibid., April 1, 1993, 2-6.

[22] Ibid., id., 7-15.

[23] Brief for Accused-Appellant Deborah Woolcock, 22; Rollo, 155.

[24] Brief for Accused-Appellants George Williams Jacqueline Ann Daughtry, and Evans Asare, 4; Rollo, 76.

[25] Brief for the Appellee, 19; Rollo, 308.

[26] G.R. No. 69803, January 30, 1987, 147 SCRA 513.

[27] L-37393-94, October 23, 1974, 60 SCRA 295; see also *Pagkalinawan, etc. vs. Gomez, etc., et al.*, L-22585, December 18, 1967, 21 SCRA 1275.

[28] G.R. No. 104879, May 6, 1994, 232 SCRA 249.

*** Contracted identifying name for International Criminal Police Organization.

[29] G.R. No. 91107, June 19, 1991, 198 SCRA 401; see also *People vs. Tangliben*, G.R. No. 63630, April 6,

1990, 184 SCRA 220.

[30] Brief for Accused-Appellants George Willams, Jacqueline Ann Daughtry and Evans Asare, 15-16; Rollo, 87-89.

[31] Brief for Accused-Appellant Deborah Woolcock, 23-24; Rollo, 156-158.

[32] People vs. Realon, et al., L-30832, August 29, 1980, 99 SCRA 423; People vs. Araja, L-24780, June 29, 1981, 105 SCRA 133.

[33] Exhibits Y and 13, Original Record, Vol. II, 000432.

[34] Exhibit X, Ibid., 000431.

[35] G.R. No. 100754, October 13, 1992, 214 SCRA 537.

[36] People vs. Caitor, et al, G.R. No. 66615, July 26, 1985, 137 SCRA 761.

[37] People vs. Colman, et al., 103 Phil. 6 (1958).

[38] Brief for Accused Appellant Deborah Woolcock, 28; Rollo, 162.

[39] G.R. No. 74869, July 6, 1988, 163 SCRA 402.

[40] TSN, February 18, 1993, 11.

[41] Brief for the Appellee, 32-33; Rollo, 321-322.

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