PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MATEO BALUDDA Y SUOY, DEFENDANT-APPELLANT.

G.R. No. 114198. November 19, 1999

Ponente: PURISIMA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-114198/

PURISIMA, J.:

This is an appeal from the Decision[1] dated January 13, 1994, of Branch 33 of the Regional Trial Court, Bauang, La Union, in Criminal Case No. 1217-BG finding Mateo Baludda y Suoy guilty of a violation of Section 4, Article II of Republic Act 6425, as amended,[2] and sentencing him thus:

> "WHEREFORE, judgment is hereby rendered finding the accused Mateo Baludda y Suoy guilty beyond reasonable doubt of the crime of Violation of Sec. 4, Art. II of R.A. 6425, as amended and hereby sentences him to suffer the penalty of life Imprisonment and to pay a fine of P20,000.00.
>
> The court hereby orders the confiscation and forfeiture of the 30 kilos and 400 grams of dried marijuana leaves and the Clerk of Court of this Court is likewise ordered to destroy by burning the said marijuana leaves without delay.
>
> SO ORDERED."[3]

Filed on January 7, 1991, by 2nd Assistant Provincial Prosecutor Joven F. Costales, the Information indicting appellant alleges:

> "That on or about the 25th day of September, 1990, in the Municipality of Bagulin, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause or authority by law, conspiring, confederating and mutually helping one another did then and there willfully, unlawfully and feloniously have in their possession, control and custody thirty two (32) kilos of dried marijuana leaves valued at FOURTEEN THOUSAND FOUR HUNDRED (P14,400.00) PESOS, Philippine Currency whom (sic) they are transporting and/or delivering to any drug manufacturers which is a violation hereof.
>
> CONTRARY TO SECTION 4, ART. II of R.A. No. 6425, as amended."[4]

With the appellant pleading not guilty upon arraignment on February 7, 1991, trial ensued.[5]

The version of the prosecution as summarized by the Solicitor General, runs thus:

> "In the morning of September 24, 1990, C1C Mauro Camat was at Sitio Dangdangla, Barangay Cardis, Bagulin, La Union together with other members of the Civilian Armed Forces Geographical Unit (CAFGU), a regular unit of the Philippine National Police composed of civilian volunteers, when they received information about people passing by the area carrying huge quantities of marijuana (tsn, Aug. 15, 1991, pp. 13-16). The CAFGU unit's Commanding Officer, First Lieutenant Manuel de Vera, immediately ordered Camat and his companions to patrol the area (Ibid., p. 17).
>
> The following day, September 25, 1990, Camat and his companions encountered appellant together with

Maximo Baludda, Domingo Atebew and Ben Baristo carrying sacks on their backs. The encounter with appellant and his companions took place in a forested area on the mountain of Sitio Dangdangla and it was noticed that the sacks they were carrying were bulging (Ibid., pp. 18-19).

About five (5) meters away from appellant and his companions, Camat halted them (appellant and his companions) and introduced themselves as CAFGUs. However, upon being told that the CAFGU unit merely wanted to see what was in the sacks they were carrying, appellant and his companions ran away except for Maximo Baludda who stayed behind (Ibid., p. 22).

Camat fired two (2) warning shots into the air with his Armalite rifle while another member of the CAFGU unit fired directly at appellant who was hit on his left shoulder and left foot (Ibid., p. 22-23).

Although Ben Baristo and Domingo Atebew were able to elude arrest, appellant and Maximo Baludda were apprehended (Ibid., pp. 31-32). The sacks carried by appellant and his companions were opened and found to contain marijuana leaves (Ibid., p. 34).

Sometime after the apprehension of appellant and Maximo Baludda, Ben Baristo surrendered to the police and was subsequently charged for violation of Republic Act 6425 (Ibid., p. 32).

Alberto Bancasen (sic), another member of the CAFGU unit that apprehended appellant and Maximo Baludda, corroborated the testimony of prosecution witness Mauro Camat in all its material points (tsn, Oct. 8, 1992, pp. 6-33).

Prosecution witness Teresa Ann Cid, a Forensic Chemist connected with the Philippine National Police Crime Laboratory Service, Region I, testified that on September 27, 1990, she conducted a laboratory examination on samples taken from the alleged marijuana leaves contained in the three (3) sacks recovered from appellant and his companions (Exhibits `A', `B' and `C') and found them positive for marijuana (Exhibit `H'; tsn, July 16, 1992, pp. 13-16).[6]

The defense theorized as follows:

"1. That on September 25, 1990, the accused-appellant, Mateo Baludda, Maximo Baludda, Ben Baristo and Domingo Atebew were walking on a mountainous pathway at Ay-ayasakin, Dangdangla, Bagulin, La Union carrying sacks containing undetermined items. While walking on a single file thereat two shots rang out from the opposite direction hitting Mateo Baludda (Appellant) and felled (sic) him to the ground. Domingo Atebew was able to escape and withdrew to where they came from (sic). Maximo Baludda and Ben Baristo were left with Mateo lying wounded on the place of incident. After the shooting, the gunwielders surfaced and searched the sacks the four were carrying moments before. The gunwielders turned out to be Alberto Bacasen, CAFGU members. Ben Baristo was allowed to go home to inform the fate of Mateo that same evening while Maximo was left to attend to the wounded Mateo. At around 9:00 a.m. the following day September 26, Mateo's neighbors arrived to where Mateo and Maximo stayed waiting for help. At about the same hour, Mauro Camat and some CAFGUs also arrived. They helped the civilian neighbors of Mateo who carried him and along with Maximo and the sacks containing marijuanas to the PC Headquarters in the afternoon of the same day to Bagulin, La Union then brought to the PC Provincial Headquarters for disposition and investigation.

2. That on January 7, 1991, the four accused were charged under SECTION 4 of R.A. 6425 as amended on the strength of the complaint of the PC arresting team.

3. Meanwhile, also, Mateo Baludda filed a complaint of frustrated murder and robbery against Alberto Bacasen and Camilo Bacasen who shot him on that same incidence before the Provincial Fiscal of La Union."[7]

On January 13, 1994, after trial, the lower court upheld the People's version, on the basis of which it handed down the judgment of conviction appealed from. Appellant contends that the trial court erred:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

I

IN HOLDING THAT THE ACCUSED-APPELLANT, MATEO BALUDDA TOOK PART IN THE ALLEGED SALE OR TRANSPORT OF THE SUBJECT MARIJUANA;

II

IN FINDING THAT THE ARREST WAS LAWFUL AND THAT THE SEARCH WAS A MERE INCIDENT TO A LAWFUL ARREST;

III

IN NOT HOLDING THE GUILT OF THE ACCUSED-APPELLANT, MATEO BALUDDA WAS NOT PROVEN BEYOND REASONABLE DOUBT.[8]

Under the Rules of Evidence, it is disputably presumed that things which a person possesses or over which he exercises acts of ownership, are owned by him.[9] In U.S. vs. Bandoc,[10] the Court ruled that the finding of a dangerous drug in the house or within the premises of the house of the accused is prima facie evidence of knowledge or animus possidendi and is enough to convict in the absence of a satisfactory explanation.[11] The constitutional presumption of innocence will not apply as long as there is some logical connection between the fact proved and the ultimate fact presumed, and the inference of one fact from proof of another shall not be so unreasonable as to be a purely arbitrary mandate. The burden of evidence is thus shifted on the possessor of the dangerous drug to explain absence of animus possidendi.[12]

In the case under consideration, it is not disputed that appellant was apprehended while carrying a sack containing marijuana. Consequently, to warrant his acquittal, he must show that his act was innocent and done without intent to possess, i.e. without knowledge that what he possessed was a prohibited drug.[13]

Appellant theorized that he merely acceded to the request of Maximo Baludda, his uncle, to carry the sack without knowing that it contained marijuana. As ratiocinated below, it is contrary to human experience that a man, 32 years of age, would readily agree to carry the load of his uncle, without even knowing the place where to deliver such load, and without asking, while negotiating a forested area, how far is their destination and how long it would take them to reach the place, especially so because when they were apprehended at around 5:00 in the afternoon, they had already been walking for around three (3) hours. Indeed, the tale of appellant, too trite and hackneyed to be believed, does not suffice to overcome the prima facie evidence of appellant's awareness of his possession of prohibited drugs.[14] Worse still for appellant is the undeniable fact that he and his companions, except Maximo Baludda, fled towards different directions after the police authorities announced their presence. If appellant had nothing to do with the transporting of subject prohibited drugs, or if he really had no knowledge that the sack he carried contained marijuana, there would have been no cause for him to flee. If he had to run at all, it would have been more consistent with his protestation of innocence if he ran towards, and not away from, the police officers.[15] Obviously, what appellant did removed any shred of doubt over his guilt; exemplifying the biblical adage: "The wicked flee when no man pursueth: but the righteous are as bold as a lion."

Well-settled is the rule that the trial court, which has the distinct advantage of observing closely the demeanor and deportment of witnesses on the stand as well as the manner they testify, can better determine than anyone else if the witness is telling the truth or not. It is in an ideal position to weigh conflicting testimonies and unless, as so repeatedly said, it has obviously discarded or missed certain facts of substance and significance that would have altered the judgment or result, an assessment of credibility made by the trial court should deserve approbation by the appellate court.[16]

After scrutinizing the records on hand, the Court discerns no ground for disregarding what the lower court found.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

So also, appellant berates the trustworthiness of witnesses Mauro Camat and Alberto Bacasen, branding their testimonies as inconsistent. Appellant points to the alleged inconsistencies, to wit: (1) Mauro Camat testified that a sack of marijuana was recovered from the person of appellant, while Alberto Bacasen declared that the same sack was recovered three and a half (3 1/2) meters away from appellant;[17] (2) Mauro Camat on direct examination, said that the sack carried by appellant was a pink sack, but on cross-examination, he declared that he could not remember the color of the said sack;[18] (3) Alberto Bacasen testified that on the night of the incident, the CAFGU unit slept at Sitio Dangsangla but Camat testified that they proceeded to their detachment at Cardis, Bagulin, La Union;[19] (4) Alberto Bacasen claimed to have shot appellant because he (appellant) tried to attack him with a knife while Camat testified that they shot appellant because he tried to run away despite warning shots.[20] The Court is not impressed with appellant's submission. Tenable is the stance of the Solicitor General that the contradictions and inconsistencies imputed on the testimonies of the prosecution witnesses refer to minor details and do not impair the main thrust of their testimonies that they caught appellant, together with several others, carrying a sack which turned out to contain marijuana. Verily, these inconsistencies are not of a nature that would impair the credibility of subject witnesses as they do not in actuality, touch upon the basic aspects of "the who, the how and the when" of the crime committed. On the contrary, the minor discrepancies in the testimonies of the said witnesses are but natural and would even enhance their credibility, being indicative of unrehearsed and honest responses.[21]

Appellant argues that he cannot be convicted under Section 4 of Republic Act No. 6425 because he was neither selling, delivering nor transporting prohibited drugs at the time he was apprehended.

In People vs. Jones,[22] the Court defined "transport" as used under the Dangerous Drugs Act to mean: "to carry or convey from one place to another."[23] Thus, in People vs. Leangsiri,[24] it was held that the appellants who were on their way out of the hotel carrying a suitcase containing heroine, were in the act of conveying the heroine to an unknown destination - their act was part of the process of transporting a dangerous drug.[25]

Clearly, therefore, the appellant who was then, together with three others, negotiating the forested area of Sitio Bangdangla, La Union, carrying a sack containing marijuana, was at that point transporting a prohibited drug in violation of Section 4, Article II of R.A. No. 6425, as amended.

Finally, the legality of the warrantless search and arrest in the case under scrutiny is beyond question. It bears stressing that appellant was caught transporting a prohibited drug in flagrante delicto. Consequently, a peace officer or any private person, for that matter, may, without warrant, arrest a person when in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense; and the person lawfully arrested may be searched for dangerous weapons or anything which may be used as proof of the commission of an offense, without a search warrant. Hence, the warrantless search in this case, being an incident to a lawful arrest, is in itself lawful.[26]

Republic Act No. 7659, amending the Dangerous Drugs Law, now provides that if the quantity of drugs involved in any of the punishable acts is more than any of the amounts specified in the law, the penalty of reclusion perpetua to death must be imposed. Considering that the marijuana sued upon weighed more than 750 grams, the maximum specified quantity for marijuana, appellant would ordinarily be meted that penalty. An amendatory law, however, may only be applied retroactively if beneficial or favorable to appellant. In this case, it would not be favorable to him so that the Court has to impose the lesser penalty of reclusion perpetua. But appellant has to suffer the accessories of such penalty, as well as the fine prescribed therefor by R.A. No. 7659. Thus, appellant must still suffer the penalty imposed on him below.[27]

WHEREFORE, the Decision appealed from is hereby AFFIRMED. Costs against the appellant.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

---

[1] Penned by Judge Fortunato V. Panganiban.

[2] Otherwise known as the Dangerous Drugs Act; Section 4, thereof reads: SEC. 4. Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs. - The penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, administer, deliver, give away to another, distribute, dispatch in transit or transport any prohibited drug, or shall act as broker in any of such transactions. If the victim of the offense is a minor, or should a prohibited drug involved in any offense under this Section be the proximate cause of the death of a victim thereof, the minimum penalty herein provided shall be imposed. (As amended by P.D. No. 1675 which took effect on February 17, 1980)

[3] Decision, Rollo, pp. 38-39.

[4] O.R. p. 24.

[5] Accused Maximo Baludda and Ben Baristo pleaded guilty to and were convicted for a lesser offense of possession of prohibited drugs under Section 8, Article 11 of R.A. No. 6425 as amended; while accused Domingo Atebew is still at large (O.R. pp. 91-92).

[6] Pages 4-7 of Appelle's Brief (Rollo, p. 66).

[7] Pages 3-4 of Appellant's Brief (Rollo, p.52).

[8] Appellant's Brief, Rollo, p. 52.

[9] Section 3 (j), Rule 131, Revised Rules of Court.

[10] 23 Phil. 14.

[11] Id. p. 15.

[12] People vs. Burton, 268 SCRA 531, p. 551, citing Dizon-Pamintuan vs. People, 234 SCRA 63, 74.

[13] Reyes, Luis B., Revised Penal Code, 1993 Edition, p. 280, citing People vs. Say Guat. C.A., 52 O.G. 5913, based on Article 190, p. 1 of the Revised Penal Code.

[14] People vs. Tang Wai Lan, 276 SCRA 24, p. 34; citing People vs. Burton, 268 SCRA 531.

[15] People vs. Pirreras, 179 SCRA 33, p. 38.

[16] People vs. Enriquez, 281 SCRA 103, p. 114, citing People vs. Gabris, 258 SCRA 663.

[17] Appellant's Brief, pp. 11-12.

[18] Id., pp. 12-13.

[19] Id., p. 14.

[20] Id., p. 15.

[21] People vs. Detuya, 154 SCRA 41, p. 423; citing People vs. Cabeltes, 91 SCRA 208 and People vs. Agudo,

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

137 SCRA 516.

[22] 278 SCRA 355.

[23] Ibid, citing People vs. Lo Ho Wing 193 SCRA 122 and Black's Law Dictionary, 1979 ed.

[24] 252 SCRA 213.

[25] Id., pp. 227-228.

[26] People vs. Hoble, 211 SCRA 675, pp. 683-684; citing Sec. 5 (a), Rule 113; Sec. 12, Rule 126, of the Rules of Court; People vs. Claudio 160 SCRA 646 and Nolasco vs. Pano, 147 SCRA 509.

[27] People vs. Enriquez, 281 SCRA 103, pp. 121-122; citing Sections 4 and 20 of Republic Act No. 6425 as amended by Republic Act No. 7659; and People vs. Ballagan, 247 SCRA 535.

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.