

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SAMUEL YU VALDEZ @ BEBOT, ACCUSED-APPELLANT.

G.R. No. 127801. March 03, 1999

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-127801/>

QUISUMBING, J.:

This is an appeal from the decision[1] rendered on November 4, 1996, by the Regional Trial Court of Lagawe, Ifugao, Branch 14, in Criminal Case No. 930, which found Samuel Valdez guilty of the crime of illegal transport of marijuana buds/leaves and sentencing him to reclusion perpetua and to pay a fine of P500,000.00.

In an information dated December 28, 1994, Provincial Prosecutor Jose Godofredo Naui charged herein accused-appellant with violation of Section 4 of Republic Act No. 6425, as amended, otherwise known as Dangerous Drugs Act of 1972, allegedly committed as follows:

"That on or about the 1[st] day of September, 1994, in the Municipality of Hingyon, Ifugao and within the jurisdiction of the Honorable Court, the above-named accused, while on board a Dangwa Tranco bus bound for Manila, did then and there, wilfully and unlawfully transport marijuana weighing more or less two kilos packed in two separate containers.

CONTRARY TO LAW."[2]

Upon arraignment, herein accused-appellant, assisted by counsel, entered a plea of "not guilty." Thereafter, trial on the merits ensued. Subsequently, the trial court rendered the assailed judgment, the dispositive portion of which reads:

"From the foregoing, the prosecution having proven the guilt of the accused beyond reasonable doubt, he is hereby sentenced to suffer the penalty of reclusion perpetua. He is fined the amount of Five Hundred Thousand (P500,000.00) Pesos. The drug in question is ordered forfeited in favor of the government.

SO ORDERED."[3]

The prosecution's evidence upon which the finding of guilt beyond reasonable doubt was based is summarized by the trial court as follows:

"In the morning of September 1, 1994, SPO1 Bernardo Mariano was in the Municipality of Banaue, Ifugao waiting for a ride to report for work in Lagawe, Ifugao. A civilian asset approached him and intimated that an Ilocano person was ready to transport marijuana. This asset described to him the physical appearance of the suspect as thin and possessing a green bag. Mr. Mariano invited the asset and together they proceeded to Barangay O-ong, Hingyon, Ifugao. There they alighted and stopped and ordinary Dangwa passenger bus bound for Baguio City. Aboard on this bus, they did not find the person concerned and reaching Barangay Pitawan, Hingyon, Ifugao, they stepped out of the vehicle and waited for the air conditioned Dangwa bus bound for Manila. When this bus arrived, Police Officer Mariano boarded the aircon bus and looked for that person from among the passengers and noticed him holding the green bag. He immediately ordered the person to get out of the bus. This fellow followed holding the bag. Once outside, he further ordered the suspect to open the bag and

saw a water jug colored red and white and a lunch box. He told this man to open the jug and the lunch box and when opened, he saw marijuana leaves as contents. At this time, suspect revealed his name to be Samuel Yu Valdez. With this discovery, the asset was left behind and Peace Officer Mariano escorted the accused to the Philippine National Police (PNP) Provincial Headquarters at Lagawe, Ifugao. He turned over the accused including the contents of the green bag to his superiors for further investigation." [4]

In open court, SPO1 Bernardo Mariano identified the water jug, the lunch box, both stuffed with dried marijuana leaves and the green bag. He further identified the accused as the same person from whom he seized the prohibited drug. Police Senior Inspector Alma Margarita Villaseñor, Forensic Chemist, PNP Crime Laboratory, Camp Dangwa, La Trinidad, Benguet averred that from her laboratory examination, the items or samples taken from the water jug and lunchbox gave positive results to the test for the presence of marijuana, a prohibited drug.

Only the accused testified in his defense. His testimony is narrated by the trial court as follows:

"Accused is a resident of Barangay Gumol, Guimba, Nueva Ecija and knows construction work and more often than not, his co-worker is a certain Edwin Andres from Cabanatuan City who married one from Banaue, Ifugao. Upon the invitation of Edwin Andres to attend the latter's birthday celebration slated on August 31, 1994, accused and Edwin Andres arrived in Banaue, Ifugao on August 30, 1994. The next day, August 31, 1994, accused partook of the birthday party and the following morning September 1, 1994, he was bound for Nueva Ecija taking the 7:00 o'clock in the morning Dangwa bus. Because of too much intake of liquor (hang-over), when he boarded the bus, he still felt groggy and sat alone on a seat near the window. While the bus was proceeding, he felt sleepy on that seat still alone. His bag was placed on the right side and the green bag was placed under the seat to the right. Feeling sleepy, he noticed somebody or a passenger seated beside him and later he also felt and noticed that his seatmate was gone and at this time he was awakened by a tap on his shoulder. He saw two persons standing and one of them mentioned as 'Mariano' who he thought at first was the bus inspector as he was in fatigue uniform. Then this 'Mariano' asked him whether or not he owns the green bag but he replied saying 'I do not know. I have a fellow seated with me here but he is no more.' He was made to step out of the bus and there he was forced to declare that he is the owner of the bag. The other policeman was nearby who pointed to the green bag. That the two policemen were the ones who opened that bag and its contents were marijuana. Thereafter, he was brought to the PNP Provincial Headquarters (termed by the accused as 'barracks') in Lagawe, Ifugao. When brought to said office, he saw many people possibly police or soldiers. He was later on investigated and showed them the bag. He was told to stay for a while in the jailhouse. He could remember that he was made to sign some papers or documents which he did not read. After an overnight stay at the barracks, he was brought to the hospital for medical examination about the pain on his breast but kept mum on the blow delivered by Bernardo Mariano at the waiting shed where he was first apprehended. That from the hospital, he was brought to the Municipal Jail and later to the Provincial Jail for further detention." [5]

Appellant, through his counsel, Public Attorney's Office, raised the following assignment of errors in his appeal:

I

"THE COURT A QUO ERRED IN ADMITTING THE SEIZED DRUGS IN EVIDENCE.

II

THE COURT A QUO ERRED IN CONVICTING THE ACCUSED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT OF THE CRIME CHARGED BEYOND REASONABLE DOUBT." [6]

Appellant contends that the marijuana allegedly seized from him was a product of an unlawful search, hence, inadmissible in evidence.

The resolution of this case hinges on the pivotal question of the constitutionality and legality of the arrest and search of herein appellant effected by the police officer.

Settled is the rule that no arrest, search and seizure can be made without a valid warrant issued by a competent judicial authority. The Constitution guarantees the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures.[7] It further decrees that any evidence obtained in violation of said rights shall be inadmissible for any purpose in any proceeding.[8]

The abovementioned constitutional provisions serve as safeguards against wanton and unreasonable invasion of the privacy and liberty of a citizen as to his person, papers and effects. The right of a person to be secure against any unreasonable seizure of his body and any deprivation of his liberty is a most basic and fundamental one. A statute, rule or situation which allows exceptions to the requirement of a warrant of arrest or search warrant must be strictly construed. We cannot liberally consider arrests or seizures without warrant or extend their application beyond the cases specifically provided or allowed by law. To do so would infringe upon personal liberty and set back a basic right so often violated and yet, so deserving of full protection and vindication.[9]

Nevertheless, the constitutional proscription against warrantless searches and seizures admits of certain legal and judicial exceptions, as follows: (1) warrantless search incidental to a lawful arrest recognized under Section 12, Rule 126 of the Rules of Court and by prevailing jurisprudence; (2) seizure of evidence in plain view; (3) search of a moving vehicle; (4) consented warrantless search; (5) customs search; (6) stop and frisk; and (7) exigent and emergency circumstances.[10]

On the other hand, a lawful arrest without a warrant may be made by a peace officer or a private person under the following circumstances:

"(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another." [11]

In this case, appellant was caught in flagrante since he was carrying marijuana at the time of his arrest. A crime was actually being committed by the appellant, thus, the search made upon his personal effects falls squarely under paragraph (a) of the foregoing provisions of law, which allow a warrantless search incident to lawful arrest. While it is true that SPO1 Mariano was not armed with a search warrant when the search was conducted over the personal effects of appellant, nevertheless, under the circumstances of the case, there was sufficient probable cause for said police officer to believe that appellant was then and there committing a crime.

Although the term eludes exact definition, probable cause signifies a reasonable ground of suspicion supported by circumstances sufficiently strong in themselves to warrant a cautious man's belief that the person accused is guilty of the offense with which he is charged; or the existence of such facts and circumstances which could lead a reasonably discreet and prudent man to believe that an offense has been committed and that the items, articles or objects sought in connection with said offense or subject to seizure and destruction by law is in the place to be searched.[12] The required probable cause that will justify a warrantless search and seizure is not determined by a fixed formula but is resolved according to the facts of each case.[13]

Our jurisprudence is replete with instances where tipped information has become a sufficient probable cause to

effect a warrantless search and seizure.[14]

In *People v. Tangliben*,^[15] two police officers and a barangay tanod were conducting surveillance mission at the Victory Liner terminal compound in San Fernando, Pampanga against persons who may commit misdemeanors and also on those who may be engaging in the traffic of dangerous drugs based on information supplied by informers. At 9:30 in the evening, the policemen noticed a person carrying a red travelling bag who was acting suspiciously. An informer pointed to the accused-appellant as carrying marijuana. They confronted him and requested him to open his bag but he refused. He acceded later on when the policemen identified themselves. Inside the bag were marijuana leaves wrapped in a plastic wrapper. The police officers only knew of the activities of Tangliben on the night of his arrest. Hence, faced with such on-the-spot tip, the police officers acted quickly as there was not enough time to secure a search warrant.

In *People v. Maspil*,^[16] a checkpoint was set up by elements of the First Narcotics Regional Unit of the Narcotics Command at Sayangan, Atok, Benguet, to monitor, inspect and scrutinize vehicles on the highway going towards Baguio City. This was done because of a confidential report by informers that Maspil and Bagking, would be transporting a large quantity of marijuana to Baguio City. In fact, the informers were with the policemen manning the checkpoint. As expected, at about 2 o'clock in the early morning of November 1, 1986, a jeepney approached the checkpoint, driven by Maspil, with Bagking as passenger. The officers stopped the vehicle and saw that on it were loaded 2 plastic sacks, a jute sack, and 3 big round tin cans. When opened, the sacks and cans were seen to contain what appeared to be marijuana leaves. The policemen thereupon placed Maspil and Bagking under arrest, and confiscated the leaves which, upon scientific examination, were verified to be marijuana leaves. The Court upheld the validity of the search thus conducted, as being incidental to lawful warrantless arrest and declared that Maspil and Bagking had been caught in flagrante delicto transporting prohibited drugs.

In *People v. Malmstedt*,^[17] Narcom agents set up checkpoint at Acop, Tublay, Mountain Province in view of reports that vehicles coming from Sagada were transporting marijuana. They likewise received information that a Caucasian coming from Sagada had in his possession prohibited drugs. There was no reasonable time to obtain a search warrant, especially since the identity of the suspect could not be readily ascertained. Accused's actuations also aroused the suspicion of the officers conducting the inspection aboard the bus. The Court held that in light of such circumstances, to deprive the agents of the ability and facility to act promptly, including a search without a warrant, would be to sanction impotence and ineffectiveness in law enforcement, to the detriment of society.

In *People v. Bagista*,^[18] the NARCOM officers had probable cause to stop and search all vehicles coming from the north to Acop, Tublay, Benguet in view of the confidential information they received from their regular informant that a woman having the same appearance as that of accused-appellant would be bringing marijuana from up north. They likewise had probable cause to search accused-appellant's belongings since she fitted the description given by the NARCOM informant.

In *Manalili v. Court of Appeals*,^[19] the policemen conducted a surveillance in an area of the Kalookan Cemetery based on information that drug addicts were roaming therein. Upon reaching the place, they chanced upon a man in front of the cemetery who appeared to be "high" on drugs. He was observed to have reddish eyes and to be walking in a swaying manner. Moreover, he appeared to be trying to avoid the policemen. When approached and asked what he was holding in his hands, he tried to resist. When he showed his wallet, it contained marijuana. The Court held that the policemen had sufficient reason to accost accused-appellant to determine if he was actually "high" on drugs due to his suspicious actuations, coupled with the fact that based on information, this area was a haven for drug addicts.

As in the instant case, police officer Mariano was tipped off by a civilian "asset" that a thin Ilocano person with a

green bag was about to transport marijuana from Banaue, Ifugao. Said information was received by SPO1 Mariano the very same morning he was waiting for a ride in Banaue to report for work in Lagawe, the capital town of Ifugao province. Thus, face with such on-the-spot information, the law enforcer had to respond quickly to the call of duty. Obviously, there was not enough time to secure a search warrant considering the time involved in the process. In fact, in view of the urgency of the case, SPO1 Mariano together with the civilian "asset" proceeded immediately to Hingyon, Ifugao to pursue the drug trafficker. In Hingyon, he flagged down buses bound for Baguio City and Manila, and looked for the person described by the informant. It must be noted that the target of the pursuit was just the "thin Ilocano person with a green bag" and no other. And so, when SPO1 Mariano inspected the bus bound for Manila, he just singled out the passenger with the green bag. Evidently, there was definite information of the identity of the person engaged in transporting prohibited drugs at a particular time and place. SPO1 Mariano had already an inkling of the identity of the person he was looking for. As a matter of fact, no search at all was conducted on the baggages of other passengers. Hence, appellant's claim that the arresting officer was only fishing for evidence of a crime has no factual basis.

Clearly, SPO1 Mariano had probable cause to stop and search the buses coming from Banaue in view of the information he got from the civilian "asset" that somebody having the same appearance as that of appellant and with a green bag would be transporting marijuana from Banaue. He likewise had probable cause to search appellant's belongings since he fits the description given by the civilian "asset". Since there was a valid warrantless search by the police officer, any evidence obtained during the course of said search is admissible against appellant.

Appellant likewise asserts that the prosecution failed to prove his guilt beyond reasonable doubt. He claims that when SPO1 Mariano apprehended him, he was not in possession of the green bag as the same was under the seat before him.

The assertion is incredulous.

As SPO1 Mariano declared in his testimony, the appellant was alone in his seat and the green bag was placed under the seat just in front of appellant. SPO1 Mariano testified as follows:

"Q:

How about this travelling bag, the green bag, is it not that this bag was placed considerably far from the accused?

A:

The green bag was placed just in front of him.

Q:

But he was not holding the bag, is it not?

A:

No.

Q:

So he was not in possession of this bag when you apprehended him?

A:

No.

Q:

And of course there were other passengers aside from the accused?

A:

There were other passengers but he was alone on that seat.

Q:

How about the seat fronting this accused, is it not that there was a person seated in front?

A:

Yes, there were.

Q:

And upon seeing the accused you ordered him to get that bag?

A:

Yes.

Q:

And you told him to get the bag and alight from the bus?

A:

I told him, you get off the bus, and I told him to carry his bag."[20]

From the foregoing testimony, it can be gleamed that when appellant was asked to get off the bus and bring "his" bag, appellant brought with him said bag. If, indeed, the bag was not his, he should not have taken it with him in alighting from the bus. Besides, denial, like alibi, if not substantiated by clear and convincing evidence, is

negative and self-serving evidence bearing no weight in law.[21]

Appellant further avers that the civilian "asset" should have been presented in court to shed light on how he managed to get his information. This argument is not tenable. The settled rule is that the presentation of an informant in illegal drugs case is not essential for conviction nor is it indispensable for a successful prosecution because his testimony would be merely corroborative and cumulative.[22]

Based on the foregoing, this Court is convinced that the guilt of appellant has been proven beyond reasonable doubt by the evidence on record.

With the enactment and effectivity of R.A. No. 7659,[23] the penalty imposable upon violators of Section 4 of Dangerous Drugs Act is reclusion perpetua to death and a fine ranging from five hundred thousand pesos (P500,000.00) to ten million pesos (P10,000,000.00) if the marijuana involved weighs 750 grams or more. In this case, the quantity of marijuana involved weighs more or less two kilograms, hence, the applicable penalty is reclusion perpetua to death. Since the imposable penalty is composed of two indivisible penalties, the rules for the application of indivisible penalties under Article 63 of the Revised Penal Code should be applied. This is pursuant to our pronouncement in *People vs. Simon*[24] where we recognized the suppletory application of the rules on penalties in the Revised Penal Code as well as the Indeterminate Sentence Law to the Dangerous Drugs Act after the amendment of the latter by R.A. No. 7659.[25] Thus, as there is neither mitigating nor aggravating circumstances in the commission of the crime, the trial court correctly imposed the lesser penalty of reclusion perpetua. Finally, considering that the penalty imposed is the indivisible penalty of reclusion perpetua, the Indeterminate Sentence Law could not be applied.[26]

WHEREFORE, the instant appeal is DENIED. The judgment of the lower court finding appellant guilty of the crime illegal transport of marijuana and sentencing him to reclusion perpetua and to pay fine of P500,000.00 is hereby AFFIRMED. Costs against appellant.

SO ORDERED.

Bellosillo, (Chairman), Puno, Mendoza, and Buena, JJ., concur.

[1] Penned by Judge Anastacio D. Anghad.

[2] Rollo, p. 4.

[3] RTC Decision, p. 12; Rollo, p. 21.

[4] RTC Decision, p. 2; Rollo, p. 11.

[5] RTC Decision, pp. 4-5; Rollo, pp. 13-14.

[6] Appellant `s Brief, p. 1; Rollo, p. 38.

[7] 1987 Constitution, Article III, Section 2.

[8] 1987 Constitution, Article III, Section 3 (2).

[9] *People vs. Argawanon*, 215 SCRA 652, 667 (1992).

[10] *People vs. Aruta*, G.R. No. 120915, April 3, 1998.

[11] Rules of Court, Rule 113, Section 5.

[12] People vs. Encinada, 280 SCRA 72, 85-86 (1997).

[13] People vs. Malmstedt, 198 SCRA 401, 408 (1991).

[14] People vs. Aruta, supra, note 10.

[15] 184 SCRA 220 (1990).

[16] 188 SCRA 751 (1990).

[17] 198 SCRA 401 (1991).

[18] 214 SCRA 63 (1992).

[19] 280 SCRA 400 (1997).

[20] TSN, January 9, 1996, pp. 9-10.

[21] People vs. Apongan, 270 SCRA 713, 727 (1997).

[22] People vs. Salazar, 266 SCRA 607, 621 (1997).

[23] RA 7659 took effect on December 31, 1993.

[24] 234 SCRA 555 (1994).

[25] People vs. Medina, GR-127157, July 10, 1998; People vs. Doroja, 235 SCRA 238, 246 (1994).

[26] Serrano vs. CA, 247 SCRA 203, 211 (1995).

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.