

THE PEOPLE OF PHILIPPINES, PLAINTIFF-APPELLEE, VS. SALIPADA MUSTAPA Y MUHAMMAD, ACCUSED-APPELLANT

G.R. No. 141244. February 19, 2001

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-141244/>

MENDOZA, J.:

This is an appeal from the decision,[1] dated November 11, 1999, of the Regional Trial Court, Branch 116, Pasay City, finding accused-appellant Salipada Mustapa y Muhammad guilty of violation of Section 16 of R.A. No. 6425 (Dangerous Drugs Act, as amended by R.A. No. 7659) and sentencing him to suffer the penalty of reclusion perpetua and to pay a fine of P500,000.00 and the costs of the suit.

The amended information against accused-appellant alleged:

That on or about the 7th day of May, 1998, in Pasay City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused SALIPADA MUSTAPA y MUHAMMAD, without authority of law, did then and there wilfully, unlawfully and feloniously have in his possession, custody and control 984.58 grams of Methamphetamine Hydrochloride (shabu), a regulated drug.

CONTRARY TO LAW.[2]

Upon being arraigned, accused-appellant pleaded not guilty,[3] whereupon trial was held.

The prosecution presented four witnesses, namely, PNP Crime Laboratory Forensic Chemist P/INSP Efren E. Fadriquela, Intel-Agent Aide Noel Lucas, SPO3 Dan Fabiana, and Intel-Agent Aide Amelia Palacay. The defense presented Alvin Mohammad and accused-appellant who testified in his own behalf.

The facts are as follows:

On May 7, 1998, at about 5:30 a.m., Noel Lucas and Amelia Palacay of the DILG's National Action Committee on Anti-Hijacking and Terrorism (NACAHT), who were assigned to the 2nd Regional Aviation and Security Group, were on duty as baggage inspector and x-ray machine operator, respectively, at the check-in section of the Departure Area, Terminal 1, of the Manila Domestic Airport.[4] A red and white plastic bag passed through the x-ray machine which Palacay was then operating. The x-ray monitor showed that the plastic bag contained a black box, which in turn contained a green kerosene stove.[5] The contents of the kerosene stove appeared blurred on the x-ray monitor and could not be identified by her. Palacay asked Lucas to open the plastic bag and check its contents.[6] Lucas asked who the owner of the plastic bag was, whereupon accused-appellant Salipada Mustapa, a passenger bound for Cotabato, answered: "Sa akin `yan." ("That's mine.") [7] Accused-appellant, at that point, was standing beside the x-ray machine right after the metal detector.[8] Lucas asked accused-appellant to open the plastic bag for inspection, but accused-appellant refused.[9] Lucas therefore reported the matter to their supervisor, SPO2 Dan Fabiana, who was then at the check-in inspection area supervising the work of civilian employees.[10] Accused-appellant approached Fabiana and the two discussed something which Lucas could not hear. According to Fabiana, accused-appellant approached him and said, "Sir, paki tulungan naman ako na huwag

ng buksan ang baggage ko." ("Sir, please help me so that my baggage would not have to be opened.")[11] Fabiana said he asked accused-appellant why he did not want his baggage opened and accused-appellant replied because it contained money.[12] Fabiana asked, "Bakit, ninakaw mo ba iyan at ayaw mong pabuksan? ("Why? Did you steal the money and that is why you don't want your bag opened?")"[13] He asked accused-then appellant to point to him where his baggage was. Accused-appellant accompanied him to the check-in inspection area and pointed to his baggage.[14] Fabiana then ordered Lucas to open the plastic bag which was on top of the inspection table.[15] Before the bag was opened, accused-appellant allegedly told Fabiana that he owned the plastic bag.[16] It was Lucas who actually inspected the plastic bag in the presence of Police Chief Inspector Moises Tuliao and Senior Inspector Mateo of the PNP Aviation Security Group.[17] Lucas opened the bag and found a box, which contained a green kerosene gas stove.[18] He unscrewed the stopper of the gas tank of the stove[19] and found a black plastic bag which contained 20 plastic sachets containing a white crystalline substance.[20] Fabiana wrote his initials on the plastic bag while both he and Lucas placed their initials on each of the 20 sachets to prevent substitution and to show that they came from accused-appellant.[21]

Fabiana placed accused-appellant under arrest and turned him over to Inspector Tuliao for investigation.[22] The sachets containing the white crystalline substances were then sent to the PNP Crime Laboratory for examination.[23]

Each of the 20 sachets weighed a little over 49 grams and their total weight was 984.58 grams.[24] The sachets were placed inside a black plastic bag. After a qualitative examination, the forensic chemist, P/INSP Efren E. Fadriquela, found that the substance in each of the sachets was positive for the presence of methamphetamine hydrochloride or shabu.[25] He submitted an initial laboratory report and later a final laboratory report on the results of his examination.[26]

In his defense, accused-appellant alleged that in the early morning of May 7, 1998, he arrived at the Pasay City Domestic Airport accompanied by his cousin Alvin Muhammad. He was en route to Cotabato to attend the death anniversary of his grandfather.[27] When he entered Terminal 1 of the airport, he was carrying a black bag and a radio cassette.[28] He said he placed his baggage on the conveyor belt which would carry them through the x-ray machine. As he picked up his bags, Noel Lucas accosted him and asked to see his ticket. Lucas read accused-appellant's name written on the ticket. He then required accused-appellant to open a red and white plastic bag which was on top of the x-ray machine inspection table. Accused-appellant said he refused to open the plastic bag because it was not his. Accused-appellant was about to leave when SPO3 Dan Fabiana came and asked Lucas, "Ano yan?" ("What is that?"), whereupon Lucas informed him that accused-appellant refused to open the plastic bag. At that point, accused-appellant says, Fabiana drew his gun and poked it at him.[29] As accused-appellant again refused to open the plastic bag, he was handcuffed and taken to the office for investigation. The plastic bag was taken into the office by Lucas. He was shown the shabu which had allegedly been recovered from the plastic bag and some of the sachets containing the substance were put in his hands. Accused-appellant threw them away.[30] Then, Lucas, with gun drawn, asked him to give them P1 million, but accused-appellant said he had no money.[31] He was detained in a small cell. Early the next morning, Fabiana returned to the cell, apologized to the accused-appellant, and said: "Pasensiya ka na brother naiintindihan ko alam ko hindi sa'yo `yan, aksidente lang ang nangyari." [32] ("We're sorry, brother. We understand that it was not yours, what happened was merely an accident.")

Based on the evidence on record, the trial court rendered a decision on November 11, 1999, the dispositive portion of which reads:[33]

WHEREFORE, the Court finds accused SALIPADA MUSTAPA y MUHAMMAD, GUILTY beyond reasonable doubt of the crime of violation of Section 16, Article III, Republic Act No. 6425, as amended.

Accordingly, he is hereby sentenced to suffer an imprisonment of RECLUSION PERPETUA, to pay a fine of Five Hundred Thousand Pesos (P500,000.00) and the cost of the suit.

The OIC-Branch Clerk of Court of this Branch is hereby directed to turn over to the Dangerous Drugs Board the twenty (20) sachets of shabu weighing approximately 984.58 grams for the latter to dispose of said drugs in accordance with law.

SO ORDERED.

Accused-appellant made the following assignment of errors:[34]

- THE TRIAL COURT GRAVELY ERRED IN PRINCIPALLY RELYING ON THE SUPPOSED ADMISSION MADE BY ACCUSED-APPELLANT THAT THE LATTER IS THE OWNER OF THE RED AND WHITE PLASTIC BAG WHICH LATER YIELDED A KEROSENE GAS STOVE CONTAINING 20 SACHETS OF METHAMPHETAMINE HYDROCHLORIDE IN ITS GAS TANK, AND ON PRESUMPTION O[F] REGULARITY IN THE PERFORMANCE OF DUTY OF THE ARRESTING POLICE OFFICERS, DESPITE CATEGORICAL, INSISTENT, FIRM AND VEHEMENT DENIAL BY APPELLANT THAT HE EVER MADE THIS STATEMENT "SA AKIN YAN" AND DESPITE HIS VEHEMENT DENIAL HE EVER PLEADED FOR THE OFFICERS NOT TO OPEN THE RED AND WHITE PLASTIC BAG, AND DESPITE UNREBUTTED STATEMENT MADE TO ACCUSED-APPELLANT BY ONE OF THE ARRESTING OFFICERS, THAT "PASENSIYA KA NA BROTHER, NAIINTINDIHAN KO, ALAM KO HINDI SA `YO `YAN, AKSIDENTE LANG ANG NANGYARI."
- THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED DESPITE SO MUCH DOUBT ON HIS CULPABILITY.

First. Accused-appellant contends that the trial court, in convicting him, erred in relying on the testimonies of the prosecution witnesses that the red and white plastic bag, which was found to contain shabu, belonged to him.[35] He claims that the only belongings he had with him at the airport were a black bag which contained a prayer book, a rosary, and a radio cassette player. According to accused-appellant, even granting that Intel-Agent Aid Lucas did ask the passengers present around the x-ray machine who the owner of the plastic bag was, there was no specific reference to the red and white plastic bag. Accused-appellant denies having said "Akin `yan" to Lucas when the latter asked who owned the bag in question.

Accused-appellant's denial must be rejected. It is well-settled that denials, if unsubstantiated, are negative self-serving evidence and, therefore, deserve no weight in law and cannot be given greater evidentiary weight over the testimony of credible witnesses who testify on affirmative matters.[36] As between positive declarations of the prosecution witnesses and the negative statements of the accused, the former deserves more credence.[37]

The prosecution witnesses testified positively and categorically that accused-appellant had admitted that he owned the red and white plastic bag in question;[38] that accused-appellant asked for help so that his baggage would not be opened;[39] that accused-appellant was the one carrying the red and white plastic bag when it was being checked;[40] and that upon inspection, the bag in question was found to contain a white crystalline substance which was later positively identified as shabu.[41] Accused-appellant merely denied these allegations without presenting any clear and convincing evidence to support such denials. It is axiomatic, under the rules of evidence, that the defense of denial cannot prevail when arrayed against the positive testimonies of prosecution witnesses.[42]

It is noteworthy that, aside from the denial of accused-appellant, only his cousin, Alvin Mohammad, was presented in his behalf. This witness merely parroted accused-appellant's unsubstantiated denials.[43] Therefore,

his testimony, at best, can only be given the same evidentiary weight accorded to accused-appellant's denials. This does little to further accused-appellant's cause. In one case, this Court held:

[D]enial is a weak form of defense, particularly when it is not substantiated by clear and convincing evidence. The defense of denial or frame-up, like alibi, has been invariably viewed by the courts with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecutions for violation of the Dangerous Drugs Act.[44]

Accused-appellant claims that he was framed and that the arresting officers' motive in framing him is to extort P1 million from him.[45] This defense requires strong and convincing evidence because of the presumption that the law enforcement agents acted in the regular performance of their official duties.[46] Appellant failed to rebut this presumption. He did not even attempt to prove that the airport and police officers who conducted the search and recovered the drugs had motives other than to enforce the law and stem the menace of drug addiction and trafficking which continues to plague our society. It must be stressed here that the claim of frame-up can be easily made and the accused in drug cases almost always take refuge in such a defense.[47]

It is evident that the issues raised in the case at bar are factual and involve the credibility of witnesses, a matter addressed to the trial court because it is in a better position to decide such questions, having observed the witnesses and observed their deportment and manner of testifying during the trial.[48] It is a well-entrenched doctrine that the trial court's findings on the credibility of witnesses are entitled to the highest degree of respect and will not be disturbed on appeal in the absence of any clear showing that the trial court overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance which would have affected the result of the case.[49] That absence is evident in this case.

Clearly, credence was rightfully accorded to the testimonies of the prosecution witnesses who are law enforcers. When police officers have no motive to testify falsely against the accused, courts are inclined to uphold this presumption.[50] In the case at bar, save for accused-appellant's bare and self-serving allegation that he was framed because he refused to pay P1 million, no evidence has been presented to suggest any improper motive on the part of the arresting officers in arresting accused-appellant. This Court accords great respect to the findings of the trial court on the matter of credibility of the witnesses in the absence of any palpable error or arbitrariness in its findings.[51]

Second. Accused-appellant points out numerous inconsistencies in the testimonies of prosecution witnesses. He says that the prosecution witnesses disagreed as to (1) whether two x-ray machines or only one was in operation on May 7, 1998;[52] (2) whether there were many or only a few passengers at 5:30 a.m. on May 7, 1998;[53] (3) whether it was Intel-Agent Aid Lucas or accused-appellant who called SPO3 Fabiana to approach the red and white plastic bag;[54] and (4) SPO3 Fabiana's exact tour of duty on the date in question.[55] Accused-appellant points out other alleged inconsistencies in the testimonies of the prosecution witnesses.[56] He contends that these inconsistencies undermine the prosecution witnesses' credibility.

We disagree. These discrepancies and inconsistencies of the witnesses refer merely to minor details and not to the basic aspects of the crime imputed to the accused-appellant. Such inconsistencies do not impair the credibility of the prosecution witnesses.[57] Contradictions on minor or trivial details are not unnatural and are normally considered as enhancing, rather than debilitating, the testimony of a witness.[58]

On the other hand, the prosecution witnesses testified clearly and positively that accused-appellant admitted ownership of the red and white plastic bag on May 7, 1998; that the bag contained a black box containing a green kerosene stove; that the stove contained a black plastic bag which contained 20 sachets containing a white crystalline substance which, upon examination, was found to be methamphetamine hydrochloride or shabu.[59] It

was not shown that accused-appellant had authority to carry or possess shabu. The testimonies of the prosecution witnesses prove the existence of the elements of the crime charged, i.e., possession, without legal authority, of a regulated drug. This evidence has not been controverted, save for accused-appellant's self-serving claim to the contrary.

The events the prosecution witnesses testified to occurred nine to 12 months prior to their testimonies in court. It is unreasonable to expect that the witnesses would retain memory of trivial details of the incident after 12 months. Some allowance must be given for the frailties of human memory. As long as testimonies of the prosecution witnesses are consistent on the important facts which tend to prove the elements of the crime charged, their credibility is not affected by minor inconsistencies. As this Court has held in one case:

And where the prosecution witnesses were able to positively identify the appellants as the authors of the crime charged and the testimonies were, on the whole, consistent on material points, the contradictions become insignificant.[60] The inconsistencies pointed out by appellant are too minor to affect the credibility of the prosecution witnesses, who are all lawmen presumed to have regularly performed their duties in the absence of convincing proof to the contrary.[61]

WHEREFORE, the decision of the Regional Trial Court of Pasay City, Branch 116, finding the accused-appellant guilty of violation of §16, Art. III of R.A. No. 6425, as amended, and imposing upon him the penalty of reclusion perpetua and to pay a fine of P500,000.00, is hereby AFFIRMED. Costs against the appellant.

The airline ticket, baggage, and other personal effects not yet returned to the accused-appellant are hereby ordered returned to him.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena, and De Leon, Jr., JJ., concur.

[1] Per Judge Henrick F. Gingoyon.

[2] Records, p. 25.

[3] Id., p. 13.

[4] TSN, pp. 3, 6-13, March 12, 1999; TSN, pp. 3, 7-9, May 12, 1999.

[5] Id., pp. 12-13; Id., p. 9; TSN, pp. 7-9, June 18, 1999.

[6] TSN, p. 12, March 12, 1999; TSN, pp. 10-11, May 12, 1999.

[7] TSN, pp. 13-14, 25, March 12, 1999.

[8] Id., p. 15.

[9] Id.

[10] Id.

[11] TSN, pp. 6-7, 8-9, May 6, 1999; TSN, pp. 16-33, May 21, 1999.

[12] TSN, p. 33, May 21, 1989.

[13] Id.

[14] Id., pp. 22, 33.

- [15] TSN, p. 16, March 12, 1999; TSN, p. 26, May 21, 1999.
- [16] TSN, pp. 22, 28, May 21, 1999.
- [17] TSN, p. 12, May 6, 1999.
- [18] TSN, pp. 16, 18-19, March 12, 1999; TSN, pp. 20-22, April 22, 1999; TSN, pp. 11,13,14, May 6, 1999; TSN, pp. 26-27, May 21, 1999.
- [19] TSN, pp. 21-23, March 12, 1999.
- [20] TSN, pp. 23-24, April 22, 1999; TSN, pp. 14, 16-18, May 6, 1999; TSN, pp. 27-29, May 21, 1999.
- [21] TSN, pp. 13-16, May 6, 1999; TSN, pp. 28-29, April 22, 1999.
- [22] TSN, p. 27, March 12, 1999; TSN, pp. 18-19, May 6, 1999.
- [23] TSN, p. 19, May 6, 1999.
- [24] Id.
- [25] Id., pp. 11-17.
- [26] Id.
- [27] TSN, pp. 4-6, Aug. 19, 1999.
- [28] Brief for the Appellant, p. 4; Rollo, p. 40.
- [29] Id.; TSN, p. 28, Aug. 11, 1999.
- [30] Brief for the Appellant, p. 5; Rollo, p. 41.
- [31] TSN, p. 40, Aug. 11, 1999.
- [32] Brief for the Appellant, supra note 32.
- [33] Rollo, p. 30.
- [34] Brief for the Appellant, p. 1; Rollo, p. 37.
- [35] Id., p. 8; Id., p. 44.
- [36] *People v. Salamat*, 225 SCRA 499 (1993).
- [37] Id.
- [38] TSN, p. 14, March 12, 1999.
- [39] TSN, p. 8, May 6, 1999.
- [40] TSN, p. 17, June 18, 1999.
- [41] TSN, p. 22, March 12, 1999; TSN, pp. 12-17, May 6, 1999; TSN, p. 12, Feb. 19, 1999.
- [42] *Salamat*, supra note 28, at 507.
- [43] See TSN, p. 8, Sept. 15, 1999.
- [44] *People v. Johnson*, G.R. No. 138881, Dec. 18, 2000 citing *People v. Bing Yok*, 309 SCRA 28 (1999).

[45] TSN, pp. 547-549, Aug. 19, 1999.

[46] *People v. Dichoso*, 223 SCRA 174 (1993).

[47] *Id.* citing *People v. Agapito*, 154 SCRA 694 (1987).

[48] See *Salamat*, *supra* note 28, at 506.

[49] *Id.*

[50] *People v. Johnson*, *supra*.

[51] *Id.* citing *People v. Khor*, 307 SCRA 295 (1999).

[52] Brief for the Appellant, p. 16; Rollo, p. 52.

[53] *Id.*

[54] Brief for the Appellant, p. 17; Rollo, p. 53.

[55] *Id.*, p. 18; *Id.*, p. 54.

[56] *Id.*, pp. 19-27; *Id.*, pp. 55-63.

[57] *Salamat*, *supra* note 28, at 507.

[58] *Id.*

[59] TSN, pp. 12, 17, Feb. 19, 1999.

[60] *People v. Reyes*, 236 SCRA 264 (1994) citing *People v. Doctolero*, 193 SCRA 632 (1991).

[61] *Id.* citing Revised Rules of Court, Rule 131, §5(m); *People v. Mauyao*, 207 SCRA 732 (1992); *People v. Mariano*, 191 SCRA 136 (1990); *People v. Yap*, 185 SCRA 222 (1990).

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.