

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LI YIN CHU ALIAS ROBERT LI, APPELLANT.

G.R. No. 143793. February 17, 2004

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before this Court is an appeal from the 18 May 2000 Decision[1] of the Regional Trial Court of Quezon City, Branch 95 (“trial court”), in Criminal Case No. Q-99-84942, convicting appellant Li Yin Chu alias Robert Li (“appellant”) of violating Section 15 of Republic Act No. 6425,[2] as amended by Republic Act No. 7659. The trial court sentenced appellant to suffer the penalty of reclusion perpetua and to pay a fine of P5 million.

The Charge

The Information against appellant reads as follows:

That on or about July 4, 1999, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent and without authority of law, did then and there, willfully, unlawfully and feloniously sell, deliver, and transport with the use of a blue Honda Civic[3] vehicle with Plate No. WBY 852, to a poseur-buyer NINE THOUSAND EIGHT HUNDRED FORTY-NINE POINT ONE (9,849.1) grms. of methylamphetamine hydrochloride, a regulated drug.

CONTRARY TO LAW.[4]

Arraignment and Plea

Upon arraignment on 6 August 1999, appellant refused to enter his plea. Consequently, the trial court entered a plea of not guilty for appellant.[5] Thereafter, trial ensued.

The Trial

Version of the Prosecution

The prosecution presented the following witnesses: (1) Police Senior Inspector Sonia Sahagun-Ludovico, the forensic chemist; (2) SPO1 Ludem delos Santos, the poseur-buyer; and (3) Police Senior Inspector Romualdo Iglesia, Chief of the Support Services Office of the Narcotics Group.[6]

In the People’s Brief, the Solicitor General summarized the prosecution’s version of the incident as follows:

On July 4, 1999, around 10 o’clock in the morning, a man showed up at the Service Support Office (SSO) of the Philippine National Police based at Camp Crame, Quezon City, and reported that appellant Robert Li, a Chinese national residing in Binondo, Manila, was engaged in illegal drug activity in Metro Manila. Among those present at the SSO were Police Senior Inspector Romualdo Iglesia, Senior Police Officer 1 Ludem delos Santos and Police Inspector Romeo Arsenal. The informer was accompanied by a person who claimed to be his

long time friend.

The informer further revealed that being appellant's most trusted man, he could negotiate a deal with appellant for five to ten kilos of shabu.

Believing that the informer was telling the truth, P/Sr. Inspector Iglesia formed a team to conduct a buy-bust operation on appellant. P/Inspector Arsenal was designated as team leader, with SPO1 delos Santos as poseur-buyer and SPO1 Geronimo Pastrana as back-up or arresting officer. Upon P/Sr. Inspector Iglesia's instruction, the informer called up appellant and made arrangement for the purchase of five to ten kilos of shabu to be delivered between 4 to 5 p.m. that same day (July 4, 1999) in front of Iceberg Food House along Banawe Street, Quezon City. SPO1 delos Santos, who was instructed to assume the name "Mr. Nueva", was directed to buy ten kilos of shabu in the amount of Four Hundred Fifty Thousand Pesos (P450,000.00) per kilo or for a total price of Four Million Five Hundred Thousand Pesos (P4.5 Million). The team prepared the boodle money which was made of bundles of newspaper pieces shaped like real peso bills. The bundles were placed inside a bag. Genuine money was also bundled and placed inside a separate attache case. The team then proceeded in front of the Iceberg Foodhouse along Banawe St., Quezon City.

Around 5 o'clock in the afternoon, appellant arrived on board a blue Honda Civic car with plate number WBY 852. He was approached by the informer and both conversed in Chinese since appellant could not speak English or Tagalog. The informer then called SPO1 delos Santos, who was just about two meters away, to approach. The informer introduced SPO1 delos Santos as "Mr. Nueva" to appellant. The informer told appellant that Mr. Nueva wanted to buy shabu. After shaking hands with SPO1 delos Santos, appellant opened the left rear door of the car and showed the shabu to SPO1 delos Santos by pointing to the plastic bag on top of the back seat of the car. SPO1 delos Santos opened the plastic bag and saw a transparent self-sealing plastic bag inside. He removed the seal and felt the substance inside the bag with his fingers. Convinced that the substance inside the self-sealing bag was shabu, he gave a pre-arranged signal to SPO1 Pastrana, who immediately rushed to the scene. SPO1 Pastrana and SPO1 delos Santos identified themselves as police officers and placed appellant under arrest. With the informer doing the interpretation in Chinese language, appellant was informed of his constitutional rights. The police officers thereafter confiscated the shabu and the Honda Civic car.

The shabu was brought to Camp Crame for laboratory examination. In her Laboratory Report dated July 5, 1999, P/Sr. Insp. Sonia Sahagun-Ludovico, Forensic Chemist of the Crime Laboratory of Camp Crame, reported that the tests conducted on the specimen samples revealed that they are positive for Methamphetamine Hydrochloride, popularly known as shabu.

xxx.[7]

Version of the Defense

The defense presented the following witnesses: (1) Jose Co; (2) Police Senior Inspector Renato Verdote, Chief of the Legal and Investigation Division of the Narcotics Group; (3) SPO1 Geronimo Pastrana, the arresting police officer; and (4) appellant himself.

In his Brief, appellant summarized the version of the defense as follows:

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7.1 Jose Co, a sales agent, testified that about 11:00 in the morning of July 4, 1999, he was in Banawe, Quezon City. He was then in the company of a friend who was looking for second hand television sets.

7.2 While waiting between 1:00 and 2:00 in the afternoon of the same day for a taxi in front of the Iceberg Food House at the corner of Banawe and Roxas streets, Co and his friend saw a Honda car parking alongside the food house. As soon as the car stopped, an FX car coming from the other side of the street, arrived and

parked at the rear end of the Honda car. Co noticed that before the Chinese driver of the Honda car could alight, two men in civilian clothes immediately accosted the driver and handcuffed him. (TSN, October 21, 1999, pp. 3-5)

7.3 The incident drew the attention of a security guard of the building housing the food house. As he approached the trio, he was stopped [i]n his tracks by the captors who shouted at him they were “Narcom agents” and for him not to interfere (Ibid., p. 30). They then boarded the Chinese they arrested in their FX van and sped away. A third member of the group took the wheels of the car of the arrested Chinese and followed the vehicle of his companions (Ibid., p. 7).

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8. Accused-appellant testifying in his own behalf, stated on the witness stand that:

8.1 Before noon of July 4, 1999, he received a call through cellphone from a Chinese who had a message for him. The caller did not identify himself but insisted he knows the accused personally and intimated a business prospect. The caller then asked that they meet in the restaurant along Banawe street, which he is familiar with. Suspecting that the Chinese caller could be an acquaintance, and being typically clannish, accused-appellant drove to Banawe in a borrowed car. The car, a Honda City with plate No. WBY 852, was loaned to him two days before by the registered car owner, his business associate in a T-shirt factory in China (Ibid., pp. 5-6).

8.2 Upon his arrival at the food house, [later, established as the Iceberg Foodhouse], accused-appellant was aghast and angered when he found himself being unceremoniously arrested and handcuffed by men in civilian clothes. As he could not speak or understand Tagalog or English, he asked his captors in Chinese who they were. He received no answer; instead, he was slapped at the back of his head by one of his captors, whom he described as a man with a big mole on his face, and then wearing a big gold necklace and gold bracelet. He was then boarded by his captors on a red vehicle and taken to what appeared to him as a big iron-grilled taxi repair shop (Ibid., pp. 7-10).

8.3 Inside a room at the repair shop, accused-appellant recalled being very hungry. Thereafter, he was beaten up by his captors who threatened him with the muzzle of the gun poked inside his mouth. They demanded money from him. On that occasion, he was also divested of his wallet containing 1,000 Chinese yuan, equivalent to 4,000.00 pesos and of his wristwatch (Ibid., pp. 13-15).

8.4 Accused-appellant further declared that his arresting officers were repeatedly demanding money from him in sign language, “P5 million, P5 million”, and uttering “China”, accompanied with hand motions which signified that he will be allowed to leave for China after paying (Ibid., p. 16).

8.5 Frustrated in their attempt to extort money from him, the tormentors of accused-appellant brought him to their office where he was booked for the present charge.

8.6 Accused-appellant recalled that after a few days, he was presented to a group of people. There, he saw plastic packs, similar to Exhibits “C” to “L”, placed on a table. He was then forced by his captors to point with his fingers, as he did, to the pile of plastic bags while photographs were taken of him (Ibid., p. 12).

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14. Police Senior Inspector Verdote testified on the following matters:

14.1 That as Chief of the Legal and Investigation Division of the PNP Narcotics Group, he is familiar with the Standard Operating Procedure No. 97-02 dated September 7, 1997 entitled “Anti-Drugs Operation Procedures” respecting the enforcement of anti-drugs operations like buy-bust operations;

14.2 That a pre-operation order is a requisite in all narcotics operations including buy-bust operations;

14.3 That in a buy-bust operation, the buy-bust money should be receipted with corresponding serial numbers

to be included in the pre-operation order and that this is a mandatory requirement in all buy-bust operations.

15. SPO1 Pastrana testified on the following matters:

15.1 That as arresting officer, he was connected with the Special Support Services. He did not know accused-appellant previously before he arrested him and he never conducted any surveillance on accused-appellant's alleged illicit activities prior to his arrest. Likewise, he did not know personally the confidential informer.

15.2 That at any time prior to the arrest, accused-appellant and confidential informer were total strangers to him.

15.3 That Capt. Iglesia formed the buy-bust operation for the first time at around 11:00 in the morning of July 4, 1999 when they were summoned and he was designated as back up to Ludem delos Santos, the poseur-buyer.

15.4 That he, Lt. Arsenal, SPO1 delos Santos and the alleged informer proceeded to target area at 3:00 p.m. and arrived at the place before 4:00 p.m.; he had no occasion to talk with the confidential informer.

15.5 That he did not see the approved operation order in connection with the buy-bust operation; but under any circumstances, he would effect the arrest for as long as he saw the pre-arranged signal of the poseur-buyer.

15.6 That at the time that he effected the arrest of the accused, he did not know whether there were any prohibited drugs inside the car of the accused-appellant; nevertheless, he arrested the accused on the basis of a pre-arranged signal given to him by the poseur-buyer, despite his knowledge that he was effecting the arrest in violation of the Dangerous Drug Act.

15.7 That he did not arrest accused-appellant for any traffic violation and he did not see the poseur-buyer tender any buy-bust money to accused-appellant.

15.8 That after the arrest, he came to know that accused-appellant does not speak Tagalog or English. He did not conduct a background check on accused-appellant after the arrest to determine if the latter was ever arrested for drug violation.

15.9 That he did not know with certainty whether what he confiscated was indeed shabu.[8]

The Trial Court's Ruling

The trial court accorded full faith and credence to the testimony of prosecution witness SPO1 Ludem delos Santos ("Delos Santos") who acted as poseur-buyer in the buy-bust operation. The trial court found the testimony of Delos Santos credible, candid, straightforward and consistent on all material matters.

The trial court further ruled that the failure of Delos Santos, as poseur-buyer, to hand the buy-bust money to appellant is not sufficient to impair the credibility of Delos Santos. The trial court further held that even if the poseur-buyer did not deliver the buy-bust money to appellant after the latter had shown and given the regulated drug to the poseur-buyer, appellant's culpability is not diminished or obliterated. The trial court reasoned that appellant could be convicted of any of the acts specified in Section 15 of Republic Act No. 6425 ("RA 6425"), as amended by Republic Act No. 7659 ("RA 7659").

The trial court rejected the defense of appellant that it was highly improbable for appellant to have sold a big quantity of shabu to a stranger along a public street. The trial court was also not convinced that the police officers violated the standard operating procedure in buy-bust operations. Lastly, it found appellant's frame-up defense uncorroborated by any evidence.

The trial court pronounced judgment thus:

WHEREFORE, judgment is hereby rendered finding the accused Li Yin Chu @ Robert Li, GUILTY beyond reasonable doubt of the offense of the violation of Section 15, RA 6425, as amended by RA 7659, and is hereby sentenced to suffer the penalty of reclusion perpetua and to pay a FINE of Five Million Pesos.

The period within which the accused was detained at the City Jail of Quezon City shall be credited to him in full as long as he agrees in writing to abide by and follow strictly the rules and regulations of the said institution.

The plastic bags containing the regulated drug (Exhibits “C” to “L”, inclusive of the sub-markings) are hereby ordered and confiscated in favor of the government and the Branch Clerk of Court is hereby ordered to safely deliver or cause the safe delivery of the said items to the Dangerous Drugs Board for safekeeping until the final disposition of the case.

IT IS SO ORDERED.

Hence, this appeal.

The Issues

Appellant seeks the reversal of his conviction by contending that:

I

THE COURT A QUO ERRED IN NOT ACQUITTING APPELLANT IN VIEW OF THE FACT THAT THE EVIDENCE ADDUCED BY THE PROSECUTION IS INSUFFICIENT TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II

THE LOWER COURT ERRED IN COMPLETELY IGNORING THE UNLAWFUL ARREST OF APPELLANT.

III

THE TRIAL COURT ERRED IN DISREGARDING THE POLICE OFFICERS’ VIOLATIONS OF STANDARD OPERATING PROCEDURES IN BUY-BUST OPERATIONS.

IV

THE TRIAL COURT ERRED IN NOT APPRECIATING THE DEFENSE OF FRAME UP RAISED BY APPELLANT.[9]

The Court’s Ruling

The appeal lacks merit.

Appellant mainly questions the credibility of prosecution witness Delos Santos and insists that there was no buy-bust operation conducted against him.

The Court accords the trial court’s findings on the credibility of witnesses the highest degree of respect. The Court will not disturb on appeal such findings unless the trial court overlooked substantial facts which could have affected the result of the case.[10] After a careful review of the entire records, we do not find any such oversight by the trial court.

Appellant contends that the arresting officers merely framed him up. The Court is aware that in drug-related cases, frame-up and “hulidap” are common and standard line of defenses. However, like alibi, frame-up is easy to

concoct but difficult to prove. For this defense to prosper, the evidence adduced must be clear and convincing.[11] In this case, appellant has gravely failed to substantiate his allegations of a frame-up. Appellant's claim that the police merely planted the shabu deserves scant consideration. It is incredible that the police officers would plant a very large quantity of shabu when a few sticks of marijuana could have been used, with great ease, to frame-up appellant. Records also show that appellant and the police officers are strangers to each other. Nothing in the records explains why the prosecution witnesses would fabricate their testimonies and implicate appellant in such a serious crime.[12]

Appellant's claim that the police officers arrested him to extort P5 million from him is not worthy of belief. Other than his bare assertions, appellant did not present any evidence to establish such claim. If the arresting officers indeed tried to extort money from him, appellant could have filed the proper charges against the erring police officers. The fact that appellant did not file any criminal or administrative charges against the arresting officers bolsters our conclusion that the alleged frame-up merely exists as a figment of appellant's imagination.[13] Likewise, appellant's claim that the police officers beat him up in their attempt to extort money from him is belied by the absence of any proof to such effect. Appellant did not offer any satisfactory explanation why the police officers would single him out among the many people driving vehicles that passed via Banawe Street on that particular day.[14]

Appellant harps on the various criminal charges filed against Delos Santos to establish his frame-up defense. This Court has rejected the defense of frame-up solely on the basis of the police officers' alleged corrupt reputation.[15]

Appellant also denies that a buy-bust operation ever took place. According to appellant, the alleged buy-bust operation is improbable because appellant and the poseur-buyer are total strangers to each other. This Court has stated that the sale of prohibited drugs to complete strangers, openly and in public places, has become a common occurrence.[16] Drug peddlers have become exceedingly daring and openly defiant of the law.[17] Moreover, large drug transactions, such as in this case, do take place under the cover of common places.[18]

Bare denials, without clear and convincing evidence to support them, cannot sway judgment. There is no dispute that appellant did go to the Iceberg's Food House in Banawe Street in the afternoon of 4 July 1999. Appellant, however, explains that he was there to meet an unknown and unidentified Chinese caller. Appellant questions the sale of shabu between strangers, but insists that he was at the place and time in question precisely to meet a stranger. Appellant's story taxes one's credulity.

As between the positive declaration of prosecution witnesses and the negative statements of appellant, the former deserves more credence and weight.[19] In this case, prosecution witness Delos Santos positively identified appellant as the person who transported, sold and delivered the shabu. Furthermore, the records are bereft of any proof showing that the police officers were maliciously motivated in arresting appellant.

Appellant further contends that even assuming that the police officers arrested him by virtue of a buy-bust operation, the arrest was illegal and irregular. Appellant points out as "irregularities" the following: (a) the buy-bust money was not covered by a receipt indicating the serial number of the bills used; and (b) the operational coordinating sheet did not conform to the prescribed requirements for a buy-bust operation.[20] Appellant believes that these alleged procedural lapses destroyed the presumption of regularity in the performance of official functions by the police officers.

Appellant's arguments do not persuade us. These minor discrepancies in the documents supporting the buy-bust operation will not exculpate appellant from criminal liability. These are clearly immaterial and insufficient to reverse appellant's conviction.

Likewise, the absence of a prior surveillance or test buy does not affect the legality of the buy-bust operation.[21] There is no textbook method of conducting buy-bust operations. The Court has left to the discretion of police authorities the selection of effective means to apprehend drug dealers.[22] Furthermore, if a police operation requires immediate implementation, time is of the essence and only hasty preparations are sometimes possible.[23] What is important is whether the speed of preparation compromised the rights of the accused.[24] The appellant has not satisfactorily shown how the speed of preparation endangered his rights.[25]

Appellant also argues that the non-presentation of the informer is fatal to the prosecution's case. As a rule, the prosecution does not present informers in court because of the need to preserve their cover so they can continue their invaluable service to the police.[26] Before disclosure of the informer's identity may be allowed, the defense must request, before or during the trial, the identification or production of the confidential informer. In this case, while appellant's former counsel[27] asked Delos Santos to identify the confidential informer, he failed to show at the time of the request how the identity of the informer or his production was essential to their defense.[28] Moreover, an informer's testimony or identity may be dispensed with since his narration is merely corroborative if the poseur-buyer himself testifies on the sale of the illegal drug, as in this case.[29]

Appellant then harps on the poseur-buyer's failure to present to appellant the buy-bust money in exchange for the shabu. No law or rule of evidence requires the simultaneous exchange of the buy-bust money and the shabu. The well-entrenched principle is that the accused commits the crime of illegal sale of drugs as soon as he consummates the sale transaction, whether payment precedes or follows delivery of the drug sold.[30]

True, Delos Santos, as poseur buyer, failed to show appellant the buy-bust money. However, Delos Santos satisfactorily explained that he was unable to give appellant the buy-bust money because he immediately signaled Pastrana, his back-up, to arrest appellant so as "to evade any commotion or any armed back-up." [31] Delos Santos also testified that the buy-bust money, consisting of genuine and boodle money, existed and was at the car which he and the other police operatives boarded en route to Banawe Street.[32] Therefore, while the payment for the shabu sold was not simultaneous with the delivery of the shabu, there was definitely money, both genuine and boodle, to pay for the sale of the shabu.

Significantly, in a prosecution for illegal sale of dangerous drugs, what is material is proof that the accused peddled prohibited drugs, coupled with the presentation in court of the corpus delicti.[33] The testimonies of the prosecution witnesses as well as the "hostile witness" (Pastrana) established that the police officers legitimately and successfully carried out on 4 July 1999 a buy-bust operation to entrap appellant. The positive identification of appellant by poseur-buyer Delos Santos as the one who peddled the shabu clearly established the illicit sale, as the poseur-buyer is the best witness to the transaction. Moreover, Pastrana who participated in the buy-bust operation corroborated Delos Santos' testimony in every material detail.[34]

Furthermore, the prosecution also charges appellant with transporting and delivering shabu which is consummated by the mere act of transporting or passing to another the illicit drug with or without consideration.[35]

That the police officers arrested appellant in flagrante delicto is also clear. Appellant has committed the offense charged in the presence of the police officers. Delos Santos inspected the shabu inside the back seat of appellant's borrowed car immediately before appellant's arrest. Pastrana confiscated the shabu immediately after arresting appellant. Appellant's arrest without a warrant is therefore authorized under Rule 113 of the Revised Rules of Criminal Procedure which provides in pertinent part as follows:

SEC. 5. Arrest without warrant; when lawful. A peace officer or a private person may, without a warrant, arrest a person:

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

commit an offense;

xxx

Appellant finally raises as an additional issue[36] that the trial court denied him his right to be informed of the acts constituting the offense for which he was charged and convicted. Appellant claims that the trial court's denial of his motion for bill of particulars violated his constitutional right because he went to trial without being fully apprised of the acts complained of as stated in the Information.[37]

We disagree. The Information in this case is clear. The acts with which appellant was charged are quite plainly set out in the operative portion of the Information: that appellant "did then and there, willfully, unlawfully and feloniously sell, deliver and transport" illegal drugs. Appellant is correct in having the impression that he indeed went to trial for the acts stated in the Information.[38] Appellant's argument that there was no sale of shabu because there was no meeting of the minds between the seller and poseur-buyer deserves scant consideration because the prosecution had clearly established that appellant peddled shabu on the date and at the place in question. Contrary to appellant's stand, the prosecution clearly established not only the sale but also delivery and transport of shabu. Consequently, appellant's contentions must fail.

In sum, the prosecution sufficiently established that the police officers arrested appellant by virtue of a valid entrapment. The police officers caught appellant red-handed unlawfully transporting, selling and delivering shabu on the date and at the place testified to by the prosecution witnesses. Based on the records, in the morning of 4 July 1999, the confidential informant contacted appellant for the sale of ten kilos of shabu for P4.5 million. Appellant agreed to sell the shabu to Delos Santos who posed as "Mr. Nueva". On board a Honda City car, appellant proceeded to the pre-arranged meeting place at the Iceberg's Food House along Banawe Street in the afternoon of the same day.

Upon appellant's arrival, he approached the confidential informant who was then standing beside Delos Santos. Afterwards, the informant introduced Delos Santos as "Mr. Nueva" to appellant. Then the informant told Delos Santos that appellant was willing to show the "items". After shaking hands with Delos Santos, appellant opened the left rear door of the car and showed the shabu to Delos Santos. Delos Santos opened the bag and inspected its contents. Convinced that the substance inside the bag was shabu, Delos Santos gave a pre-arranged signal to Pastrana, who immediately rushed to the scene. Delos Santos and Pastrana identified themselves as police officers and arrested appellant. With the help of the informant who acted as interpreter, the police officers apprised appellant of his constitutional rights. Thereafter, the police confiscated the shabu and the Honda City car.[39]

Since the prosecution proved appellant's guilt beyond reasonable doubt, we affirm his conviction.

The penalty of reclusion perpetua to death and a fine ranging from P500,000 to P10 million shall be imposed upon any person caught selling, delivering or transporting 200 grams or more of shabu. Thus, Section 15, Article III of RA 6425,[40] in relation to Section 20 of RA 7659, provides:

Section 15, Article III, RA 6425

Sec. 15. Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs. The penalty of reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport or distribute any regulated drug. xxx (Emphasis supplied)

xxx xxx xxx

Section 20, RA 7659

Sec. 20. Application of Penalties, Confiscation and Forfeiture of the Proceeds or Instruments of the Crime. — The penalties for offenses under Sections 3, 4, 7, 8 and 9 of Article II and Sections 14, 14-A, 15 and 16 of Article III of this Act shall be applied if the dangerous drugs involved is in any of the following quantities:

1. xxx
2. xxx
3. 200 grams or more of shabu or methylamphetamine hydrochloride

xxx.

The police confiscated almost ten kilos of shabu from appellant. Considering that no aggravating or mitigating circumstance accompanied the commission of the offenses, the trial court correctly imposed the penalty of reclusion perpetua. In view of the large quantity of shabu confiscated, we find no reason to disturb the trial court's imposition of a fine of P5 million.[41]

WHEREFORE, the Decision dated 18 May 2000 of the Regional Trial Court of Quezon City, Branch 95, in Criminal Case No. Q-99-84942, finding appellant Li Yin Chu alias Robert Li guilty of violation of Section 15 of Republic Act No. 6425, as amended by Republic Act No. 7659, and sentencing him to suffer the penalty of reclusion perpetua and to pay a fine of P5,000,000, is AFFIRMED. Costs against appellant.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Panganiban, Ynares-Santiago, and Azcuna, JJ., concur.

[1] Penned by Judge Diosdado M. Peralta.

[2] Dangerous Drugs Act of 1972.

[3] It should be Honda City. Exhibits T to T-3.

[4] Records, p. 1

[5] Ibid., p. 49.

[6] TSN, 5 October 1999, p. 7 (Romualdo Iglesia).

[7] Rollo, pp. 138-143.

[8] Rollo, pp. 71-76.

[9] Rollo, p. 65.

[10] People v. Cheng Ho Chua, G.R. No. 127542, 18 March 1999, 305 SCRA 28.

[11] People v. Uy, G.R. Nos. 144506-07, 11 April 2002, 380 SCRA 700.

[12] People v. Agustin, G.R. No. 98362, 13 November 1992, 215 SCRA 725.

[13] Ibid.

[14] See People v. Bongalon, G.R. No. 125025, 23 January 2002, 374 SCRA 289.

[15] People v. Uy, G.R. No. 129019, 16 August 2000, 338 SCRA 232.

- [16] 311 Phil. 724 (1995).
- [17] *People v. Uy*, supra, note 11.
- [18] *People v. Zheng Bai Hui*, G.R. No. 127580, 22 August 2000, 338 SCRA 420.
- [19] *People v. Catan*, G.R. No. 92928, 21 January 1992, 205 SCRA 235 citing *People v. Adap*, G.R. No. 66237, 12 September 1990, 189 SCRA 413.
- [20] Rollo, pp. 149-150.
- [21] *People v. Gonzales*, G.R. No. 143805, 11 April 2002, 380 SCRA 689.
- [22] Ibid.
- [23] *People v. Cruda*, G.R. No. 98251, 4 August 1992, 212 SCRA 125.
- [24] Ibid.
- [25] Ibid.
- [26] *People v. Zheng Bai Hui*, supra, note 18.
- [27] Atty. Nestor P. Ifurung.
- [28] Ibid.
- [29] *People v. Chua Uy*, 384 Phil. 70 (2000).
- [30] *People v. Aspiras*, G.R. Nos. 138382-84, 12 February 2002, 376 SCRA 546.
- [31] TSN, 17 September 1999, p. 34.
- [32] Exhibits U-1 to U-44; TSN, 17 September 1999, p. 33.
- [33] *People v. Chua Tan Lee*, G.R. No. 144312, 3 September 2003 citing *People v. Julian-Fernandez*, G.R. Nos. 143850-53, 18 December 2001, 372 SCRA 608 and *People v. So*, G.R. No. 133861, 22 November 2001, 370 SCRA 252.
- [34] TSN, 1 December 1999, pp. 5-9, 11-12, 16, 20-21.
- [35] In *People v. Concepcion*, 414 Phil. 247 (2001), the Court agreed with the ruling of the trial court that the consideration for the drug transaction is of no moment, thus:
- The court several times stressed that the offense of illegal sale of prohibited drug is committed once a sale transaction was consummated. The presence of actual monetary consideration is not indispensable for the existence of the offense. In *People vs. de la Cruz*, the Court stated that when a police officer went through the motions of buying prohibited drugs and his offer to buy was accepted by the accused-seller, the crime was consummated by mere delivery of the drug purchased. The fact that no money was actually delivered by the pretended buyer to the accused-seller did not prevent the offenses from being committed.
- Moreover, the herein accused are charged of (sic) delivering and transporting Methamphetamine Hydrochloride (shabu) which is consummated by the mere act of passing/transporting to another with or without consideration. (Emphasis supplied)
- [36] Motion to Admit Addendum dated 10 February 2004 and Addendum dated 4 February 2004.
- [37] Addendum, p. 7.

[38] Addendum, p. 8.

[39] TSN, 17 September 1999, pp. 15-31.

[40] As amended by Section 14 of RA 7659.

[41] *People v. Khor*, G.R. No. 126391, 19 May 1999, 307 SCRA 295.

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