

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MILA RAZUL Y BASHIED, ROMA RAZUL Y BASHIED AND BAIRONA BANGKE Y SARIP, ACCUSED, MILA RAZUL Y BASHIED AND ROMA RAZUL Y BASHIED, APPELLANTS.

G.R. No. 146470. November 22, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Arrest and prosecution in cases of illegal sale of prohibited drugs would be unduly impeded, unless evidence validly obtained during buy-bust operations conducted by police officers is admitted. Many times, the only way to expose and prosecute crimes involving prohibited drugs is through such operations. While this Court is ever vigilant in protecting and upholding the constitutional rights of the accused, it is also keenly aware of the need to rid society of this drug plague. Thus, after all the elements of a legitimate buy-bust operation have been duly proven by the prosecution, the Court will not hesitate to affirm a conviction. That is, unless the appellants can prove by competent and credible evidence that the operation was a sham or that their constitutional rights were violated or ignored.

The Case

Mila Razul and Roma Razul appeal the December 14, 2000 Decision[1] of the Regional Trial Court (RTC) of Quezon City (Branch 103) in Criminal Case No. Q-98-80043. The dispositive portion of the Decision reads as follows:

“ACCORDINGLY, the court finds accused MILA RAZUL y Bashied and ROMA (or RONA) RAZUL y Bashied GUILTY beyond reasonable doubt as co-conspirators in the illegal selling or delivery of 212.15 grams of shabu in violation of Section 15, RA 6425, as amended, and they are hereby each sentenced to suffer the penalty of RECLUSION PERPETUA and to pay a fine of Ten Million Pesos.”[2]

In the original Information[3] dated December 8, 1998, appellants were charged, together with Bairona Bangke y Sarip, with violation of Section 15 of Article III in relation to Section 2 (e), (f), (m) and (o) of Article I of RA 6425 as amended by RA 7659. However, the charge against Bangke was later withdrawn and a new Information[4] dated April 15, 1999, was filed against her for violation of Section 16 of RA 6425. The charge, to which she pleaded guilty with the assistance of counsel de parte,[5] involved illegal possession of 5.29 grams of shabu.

Mila Razul and Roma Razul were indicted anew in an Information[6] dated April 15, 1999, charging them as follows:

“That on or about the 6[th] day of December, 1998 in Quezon City, Philippines, the said accused, conspiring and confederating with and mutually helping one another not having been authorized by law to sell, dispense, deliver, transport or distribute any regulated drug, did then and there willfully and unlawfully sell or offer for

sale 212.15 (Two Hundred Twelve point Fifteen) Grams of white crystalline substance containing Methylamphetamine Hydrochloride which is a regulated drug.”[7]

During the arraignment of appellants on November 26, 1999, after the Information had been read and explained to them in Tagalog, a dialect that they fully understood,[8] they pleaded not guilty.[9] After pretrial and trial on the merits, they were found guilty of violating Section 15 of RA 6425.

The Facts

Version of the Prosecution

In its Brief,[10] the Office of the Solicitor General (OSG) presents the prosecution’s version of the facts as follows:

“On December 6, 1998, SPO2 Wilfredo Red, SPO2 Brigido Juan, SPO1 Levy Sevilla, SPO1 Edgardo Buluran, Inspector Levy Sevilla and an informant named ‘Akong’ underwent a briefing headed by Inspector ‘Ratuíta’ at the Central Police District, Station I, Mapua Street, La Loma, Quezon City in connection with drug bust operation against three suspected Muslims. SPO2 Wilfredo Red prepared the buy bust money consisting of two bundles of bond paper wrapped with pieces of one thousand peso bills, placed inside a ‘boodle bag’.

“About 11:30 in the morning of December 6, 1998, SPO2 Wilfredo Red rode with the informant in a Black Toyota Celica with Plate No. DFA 444, while the rest of the composite team rode in a Ford Fierra back-up vehicle, heading to the corner of Quirino Highway and Baesa Road, Quezon City. SPO2 Red posed as poseur buyer and waited for the accused in front of a gasoline station along Quirino Highway.

“About 1:15 in the afternoon, SPO2 Red saw a taxicab coming from the direction of Balintawak towards Novaliches, which stopped in front of the gas station. Three (3) persons alighted from the cab. The informant ‘Akong’ briefly introduced SPO2 Red to appellant Mila B. Razul. Thereupon, the informant told appellant Mila B. Razul, ‘ito yong buyer natin ng stuff’. SPO2 Red asked for P200,000.00 worth of ‘shabu’. At that instance, appellant Mila B. Razul took a blue plastic bag from another plastic bag in possession of Roma B. Razul and handed to SPO2 Red four (4) plastic packets containing ‘white crystalline substance’. Upon examination, SPO2 Red handed to Roma B. Razul the ‘boodle bag’ containing the buy bust money who, in turn, placed the same inside her red bag.

“During the occasion, Bairona S. Bangke, a companion of appellant took out from the pocket of her pants a small sachet of the ‘white substance’ and handed it to SPO2 Red as a ‘give away’ item. The latter proceeded in raising his hand as a pre-arranged signal, prompting the back-up team to proceed with the arrest and apprehension of appellants and Bairona S. Bangke.

“On December 7, 1998, a chemistry examination was made on the confiscated substance which was found with ‘positive results to the test for Methylamphetamine hydrochloride’ in the aggregate weight of 207.15 grams.”[11] (Citations omitted)

Version of the Defense

On the other hand, appellants deny the allegations of the police officers. Their statement of facts, as contained in their 10-page “Appeal Brief,”[12] is reproduced as follows:

“In their defense, appellants denied the allegations of the police officers. They alleged that they accompanied Bairona Ban[g]ke in going to Baesa road to find the latter’s customer, a certain Ernie and his wife Cecile. While traveling on board a taxi, Bairona spotted Ernie at the gasoline station. Bairona stopped the taxi and alighted. She talked to Ernie and moment[s] later, Bairona asked appellant to transfer to the car of Ernie, as they would proceed to the house of Ernie. While on their way to the house of Ernie, an army type jeep blocked their way. The passengers of the jeep immediately alighted and poked their guns at the appellants. The two

armed men boarded the car and one of them took the driver seat, while Ernie sat between the two armed men. When the car started running, the two armed men talked to Ernie as if they knew with [sic] each other. Thereafter, they allowed Ernie to alight. These two armed men were identified later as SPO1 Red and SPO1 Buluran. SPO1 Red poked his gun at the trio and told them that they are pushers and it's nice to rape Muslims. When SPO1 Red continuously poking and swaying his gun, Rona held the arm of SPO1 Red and the gun suddenly fired that hit the foot of Mila. Thereafter, SPO1 Buluran who was then driving, stopped the car and stabbed Rona several times but hit her 4 times only in her stomach. Fortunately, a police mobile car arrived and stopped beside the car on which the appellants were on board as the appellants were screaming for help. When the occupants of the mobile car were about to respond, SPO1 Red and SPO1 Buluran shouted that they [were] also policemen. As the occupants of the mobile car approached and saw Mila and Rona both injured and bleeding, they immediately boarded the two into their mobile car and brought them to East Avenue Medical Center for treatment. After [m]edical treatment, appellants were brought to the police station where they were surprised to know that they are being charged of violation of Sec. 15 of RA 6425.”[13]

Trial Court's Ruling

The RTC ruled that the prosecution evidence proved the guilt of appellants beyond reasonable doubt. It gave superior weight to the testimonies of the arresting police officers and the poseur-buyer, because these were consistent, sincere and could not have simply been rehearsed or scripted.[14] Furthermore, the presumption of regularity in the performance of official functions was un rebutted by the defense.[15] On the other hand, appellants presented no evidence showing any motive or reason for the police officers to testify falsely against them.[16]

Hence, this appeal.[17]

The Issues

Appellants raise the following alleged errors for this Court's consideration:

“1. The court a quo erred in holding that there was a buy bust operation conducted against accused/appellants.

“2. The court a quo erred in holding that the accused are guilty beyond reasonable doubt of the crime of selling 212.15 grams of shabu.”[18]

The Court's Ruling

The appeal is unmeritorious.

First Issue:

Credibility of Buy-bust Testimonies

Appellants attack the credibility of the police officers who conducted the buy-bust operation. They argue that the conflicting testimonies of the police show that the operation was merely a sham.

Specifically, they call attention to the officers' statements regarding the place where the three female suspects (two of whom are herein appellants) alighted from a taxi.[19] Furthermore, even the back-up policemen allegedly gave contradictory statements on whether or not their vehicle broke down en route to the place where the transaction was to occur.[20] These contradictions supposedly destroy the credibility of the witnesses.

We disagree. Jurisprudence clearly sets the essential elements to be established in the prosecution of illegal sale of shabu as follows: (1) the identity of the buyer and the seller, the object of the sale and the consideration; and (2) the delivery of the thing sold and the payment therefor.[21] What is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti as evidence.[22] The delivery

of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummate the buy-bust transaction.[23] In the case before us, the prosecution was able to establish these elements beyond moral certainty.

SPO2 Wilfredo Red of Central Police District Station I positively identified Mila and Roma Razul as the persons who had sold shabu, and who had dealt with him and the other police officers during their lawful buy-bust operation. SPO2 Red, who had acted as poseur-buyer, unequivocally testified thus:

“FISCAL CEDILLO:

Q Where was that when the supposed buy bust operation is to take place, if you know?

WITNESS:

A We conducted at the corner of Quirino highway Baesa Road, Q.C.

FISCAL CEDILLO:

Q You said you were dispatched there, what mode of transportation did you take in going there?

WITNESS:

A I together with the informant boarded the [Ce]lica car with Plate No. DEA 444 while my companion boarded the ford [fierra].

FISCAL CEDILLO:

Q There were 2 vehicles?

WITNESS:

A Yes, sir.

FISCAL CEDILLO:

Q What time more or less did you arrive at the place?

WITNESS:

A More or less 11:30 o'clock in the morning of December 6, 1998.

FISCAL CEDILLO:

Q Upon arriving at the scene where the buy bust operation is supposed to take place, what hap[p]ened next?

WITNESS:

A I together with the informant positioned ourselves near the gasoline station located at Baesa Road corner Quirino highway, Q.C. While my companion positioned themselves in a viewing distance.

FISCAL CEDILLO:

Q Upon arriving there, what happened next?

WITNESS:

A We waited for the arrival of our subject.

FISCAL CEDILLO:

Q How long have you waited?

WITNESS:

A More than 1 hour.

FISCAL CEDILLO:

Q After 1 hour, what transpired next?

WITNESS:

A After more than 1 hour on or about 1:15 in the afternoon of December 6, 1998 taxicab was arrived on board 3 female suspects.

FISCAL CEDILLO:

Q Excluded the driver?

WITNESS:

A Yes, sir.

FISCAL CEDILLO:

Q While observing that a 3 female inside the taxi arrived, what did you and your informant do?

WITNESS:

A They alighted from the taxi and approached us and I was introduced by our informant to the 3 accused that I am the buyer of the stuff.

FISCAL CEDILLO:

Q Will you tell the Honorable Court the exact words on how you were introduced by your informant to the 3 suspects?

WITNESS:

A The informant told the accused 'ito yoong buyer natin ng stuff'.

FISCAL CEDILLO:

Q Referring to you?

WITNESS:

A Yes, sir.

FISCAL CEDILLO:

Q When the informant introduced you to the 3 female suspects as the buyer of the stuff, what was the reaction of these 3?

WITNESS:

A I also asked them if they brought with them the stuff.

FISCAL CEDILLO:

Q What was the answer?

WITNESS:

A They told me that they bring with them the stuff and they told me the amount was P200,000.00.

FISCAL CEDILLO:

Q Specifically of these 3 whom in particular did you talk to with regards to the stuff?

WITNESS:

A Mila Razul and Rona Razul.

FISCAL CEDILLO:

Q Prior to the operation do you already know their names?

WITNESS:

A No, sir.

FISCAL CEDILLO:

Q You said you talked to these 2 female as the very person whom you talked regarding the shabu, after the brief introduction and conversation, what transpired next?

WITNESS:

A Mila Razul took the blue plastic bag from the red plastic bag of Rona Razul and handed to me the blue plastic bag containing 4 pieces of plastic sachet with white crystalline substance.

FISCAL CEDILLO:

Q When that [was] handed to you, what did you find out?

WITNESS:

A When I look at the bag I saw 4 pieces of plastic sachet containing white c[r]ystalline substance.

FISCAL CEDILLO:

Q Why do you know that they were white crystalline substance[?]

WITNESS:

A I saw it when I opened the plastic bag.

FISCAL CEDILLO:

Q Upon examining, what did you do next?

WITNESS:

A I handed to Rona Razul the buy bust money with boodle money.

FISCAL CEDILLO:

Q Did she receive it?

WITNESS:

A Yes, sir.

FISCAL CEDILLO:

Q Upon receiving the stuff and handed to her the buy bust money, what transpired next?

WITNESS:

A She look[ed] at the money and after examining it placed it on her red plastic bag.

FISCAL CEDILLO:

Q How about your other companion what are they doing when this transaction were going on?

WITNESS:

A After I handed to Rona Razul the buy bust money Bairona Bangke handed to me one sachet containing white crystalline substance.

FISCAL CEDILLO:

Q Are you referring to Bairona Bangke who pleaded guilty earlier?

WITNESS:

A Yes, sir.

FISCAL CEDILLO:

Q After that what happened next?

WITNESS:

A After that I secured the pre-arranged signal by raising my right hand and folding my back that the transaction has been completed.

FISCAL CEDILLO:

Q What pre-arranged was that?

WITNESS:

A Raised my right hand.

FISCAL CEDILLO:

Q Upon giving the pre-arranged signal, what transpired next?

WITNESS:

A My companion immediately approached us and introduced ourselves as police officers and apprehended the 3 suspects.

FISCAL CEDILLO:

Q You are talking 2 female suspects which you said you have transacted about the deal of the shabu, if that 2 suspects is inside the courtroom, will you be able to identify them?

WITNESS:

A Yes, sir.

FISCAL CEDILLO:

Q Please do.

WITNESS:

A She is Rona Rasul. And she is Mila Razul.

INTERPRETER:

Witness pointed to [a] persons inside the courtroom who identified themselves as Rona Razul and Mila Razul.

FISCAL CEDILLO:

Q This Rona Razul what is her specific [role]?

WITNESS:

A She was the one who received the buy bust money.

FISCAL CEDILLO:

Q How about Mila Razul?

WITNESS:

A She was the one who handed to me the suspected shabu.”[24]

The clear, positive and straightforward testimony of SPO2 Red, replete with details and consistent even on cross-examination, sufficiently supports the RTC’s conclusion that a lawful buy bust operation was conducted.

The trial court observed:

“x x x [T]he court testimonies of the arresting police officers including that of the poseur-buyer are impressed with consistency, sincerity and truthfulness. Even in the cross-examination of the said prosecution witnesses by the defense counsel, there is no showing that the entrapment operation against the accused was fictitious or non-existent or that an illegal act accompanied the said operation. The police officers were one in declaring with certainty that the accused delivered shabu to the poseur-buyer and received the buy-bust marked money also from him. Their respective knowled[g]e of the relevant details of the operation were also evident from their testimonies and could not be thought of as simply rehearsed or scripted;”[25]

Moreover, the testimony of SPO2 Red was corroborated by other members of the buy-bust team. Their testimonies are positive, credible and entirely in accord with human experience. It would be difficult for a rational mind not to give credence to them. In fact, they affirm the respective roles of the team members during the operation, as shown by their account of the extent of what they had observed. SPO1 Edgardo M. Buluran, who was one of them, testified thus:

“FIS. CEDILLO:

Q Now, did you indeed arrive on the place where the buy-bust operation is supposed to take place? Did you arrive on that place where the buy-bust operation is supposed to take place?

WITNESS:

A Yes sir.

FIS. CEDILLO:

Q What time did you arrive there?

WITNESS:

A At about 1:00 p.m.

FIS. CEDILLO:

Q By the way, for the record, where exactly was that, that the buy bust operation is supposed to take place?

COURT:

He already mentioned that.

FIS. CEDILLO:

Q Now, from there, what happened next?

WITNESS:

A A moment later, a taxi arrived with three (3) female persons and approached Red and the informant near the gas station.

FIS. CEDILLO:

Q Now, so a taxi arrived with three (3) female passengers?

WITNESS:

A Yes sir.

FIS. CEDILLO:

Q Red and the informant approached?

WITNESS:

A The female passengers approached.

COURT:

Red approached them.

FIS. CEDILLO:

Q While this was tak[ing] place, how far were you from them?

WITNESS:

A It is about eight (8) meters.

FIS. CEDILLO:

Q What else did you observe from that distance?

WITNESS:

A They were talking to each other.

FIS. CEDILLO:

Q Who were talking to each other?

WITNESS:

A The informant and Red to the suspect as a buyer.

FIS. CEDILLO:

Q Now, after that, what else transpired?

WITNESS:

A Mila Razul handed to Red a plastic bag and then Red opened it and he gave the buy bust-money to Rona.

FIS. CEDILLO:

Q Now, you are talking of three (3) female passenger[s] in the taxi and you said Mila handed to Red something? Now, if that Mila you are talking to is inside the court room, will you be able to identify the accused?

WITNESS:

A The person in long sleeved white.

COURT:

The person pointed to by the witness said that her name is Mila Razul.

FIS. CEDILLO:

Q You said Mila Razul handed to Red something?

WITNESS:

A I know it was in a plastic bag but I do not know the contents.

FIS. CEDILLO:

Q Now after handed that something to Wilfredo Red, what did Red do if he has done any?

WITNESS:

A He looked at the content.

FIS. CEDILLO:

Q Upon looking at the contents, what happened next?

WITNESS:

A He gave money to Rona.

FIS. CEDILLO:

Q Now, if that Rona is inside the court room which you said Red handed the money, will you be able to identify her?

WITNESS:

A Yes, sir, that lady.

COURT:

The lady pointed to by the witness identified herself as Rona Razul.

FIS. CEDILLO:

Q After SPO1 Red handed the alleged money to Rona, what transpired next?

WITNESS:

A I saw Red raise[d] his right hand, a signal that the buy-bust operation has been consummated.

FIS. CEDILLO:

Q Now, when SPO1 Red raised his hand as a signal of the consummation of the deal, what did you do, if you have done any?

WITNESS:

A We close[d] in on the suspects and put them under custody.

FIS. CEDILLO:

Q That something which you said was handed to Red, if you will see that again, will you please describe what was that something?

WITNESS:

A A plastic bag.

FIS. CEDILLO:

Q What was the color of that bag?

WITNESS:

A It is not completely blue but it looks like blue.

FIS. CEDILLO:

Q Now, you said you close in and take them in your custody?

WITNESS:

A Yes sir.

FIS. CEDILLO:

Q After that, what happened next?

WITNESS:

A We conduct search to suspects and I found the boodle money inside the plastic bag in possession of Rona Razul, the boodle buy-bust money.

FIS. CEDILLO:

Q How many boodle money or buy-bust money were there?

WITNESS:

A One (1) boodle money with two (2) side with the P1,000.00 each.

FIS. CEDILLO:

Q If that boodle money be shown to you will you be able to identify it?

WITNESS:

A Yes sir.

FIS. CEDILLO:

Q I have here a boodle money previously marked as Exhibit 'B', what is the relation of that boodle money to the boodle money that you are referring?

WITNESS:

A This is the buy-bust money, then my initial is here.”[26]

Further, another back-up member of the team, PO2 Virgilio Bernardo, testified as follows:

“FIS. CEDILLO:

Q Now, where is that place where the buy-bust operation was supposed to take place?

WITNESS:

A Corner Baesa Road and Quirino Highway.

FIS. CEDILLO:

Q What time, more or less, did you arrive there?

WITNESS:

A We arrived there at about 11:00 in the morning, a few minutes after we were dispatched.

FIS. CEDILLO:

Q From there, what happened?

WITNESS:

A As we arrive, I saw three (3) women on board a taxi.

FIS. CEDILLO:

Q And after that, what happened next?

WITNESS:

A The three (3) women walk towards SPO1 Wilfredo Red and our informant companion.

FIS. CEDILLO:

Q How far were you from this Wilfredo Red and these three (3) suspects?

WITNESS:

A Within viewing distance, about ten (10) meters away.

FIS. CEDILLO:

Q What else did you observe?

WITNESS:

A I saw a pre-arrange signal.

FIS. CEDILLO:

Q Prior to the pre-arrange signal, what did you observe with respect to the suspect?

WITNESS:

A I saw them handing over something to each other.

FIS. CEDILLO:

Q Who is handing something? To whom?

WITNESS:

A I do not know exactly what they were handing to each other but I saw them handing over something from each other.

FIS. CEDILLO:

Q Who else? Now, when Wilfredo Red, what signal his hand?

WITNESS:

A We close in and we help Red arrest the women.

FIS. CEDILLO:

Q You in particular, who among the suspects did you effect arrest?

WITNESS:

A Rona Razul.”[27]

Time and time again, the Court has ruled that the witnesses’ testimonies need only to corroborate one another on material details surrounding the actual commission of the crime.[28] The alleged inconsistencies and/or flaws pointed out by appellants are insufficient to overturn the judgment of conviction against them, since those testimonies are consistent on material points.

The crux of this case is the illegal sale of shabu by appellants. Questions as to the exact location where they alighted from a taxi or where the back-up vehicle broke down are not in any way related to the buy-bust operation itself. Inconsistencies with regard to those matters do not impair the credibility of the witnesses. To secure a reversal of the appealed judgment, such inconsistencies should pertain to that crucial moment when appellants were caught selling shabu, not to peripheral matters.[29]

To be sure, the discrepant statements alluded to by appellants are too minor to adversely affect the credibility of the witnesses. Those discrepancies do not detract from the established fact of illegal sale of shabu by appellants. As we have previously held, inconsistencies in the testimonies of witnesses referring to minor details, and not in actuality touching upon the central fact of the crime, do not impair their credibility.[30]

Equally important is the settled principle that, in passing upon the credibility of witnesses, appellate courts will generally not interfere with the judgment of trial courts. That is, unless there appear on the records some facts or circumstances of weight and influence, which the trial court has overlooked or the significance of which it has misapprehended or misinterpreted.[31] This attitude of appellate courts arises from the fact that the lower courts are in a better position to decide the question, having heard the witnesses themselves and observed their

deportment and manner of testifying during the trial.[32]

In the case before us, we find no cogent reason to disturb the trial court's assessment of the credibility of the prosecution witnesses. This Court, not being a trier of facts, will rely in good part on the RTC's assessment of the evidence, particularly of the declarations of the witnesses presented to the court a quo.[33]

Furthermore, the presumption of regularity in the performance of official duties has not been controverted by appellants; hence, this Court is bound to uphold it.[34] They utterly failed to prove that in testifying against them, these witnesses were motivated by reasons other than the duty to curb the sale of prohibited drugs. There is no proof of any ill motive or odious intent on the part of the police authorities to impute falsely such a serious crime to herein appellants. Thus, the Court will not allow the former's testimony to be overcome by self-serving defenses.[35] Illuminating this point is the trial court's disquisition, which we reproduce hereunder:

"x x x Her story about two men who abducted three Muslim women, who are complete strangers to those men and vice-versa, in broad daylight and in a busy street corner and that another man pushed her back inside the car when she attempted to alight therefrom is a classic novel derived straight from a comic magazine. It is hardly believable or realistic and the said witness appears to be coached in her narration. Besides, Rona failed to give in her direct examination in court the identity of these two men. She also failed to mention whether these two men were subsequently investigated, detained and prosecuted for forcible abduction or attempted rape, police brutality or whatsoever upon a complaint filed by her, her sister Mila or even by Bairona Bangke. In fact, Bairona already pleaded guilty in this case for illegal drug possession as aforementioned. The bulk of the shabu involved, however, is the subject of the drug pushing charge against Rona and Mila Razul;

"Lastly, the defense has not presented any evidence to show any motive or reason why three police officers would falsely testify against the accused who are all young women and belonging to the Islam faith. The allegations by the said officers are very serious considering the large quantity (more than 200 grams) of shabu involved in this case and if the same have been proven to be false, they could face summary dismissal from the police service, suffer social humiliation and even a criminal indictment. However, no piece of credible defense evidence has been presented that could convince this court to believe that the said police officers acted in pursuit of an intent less noble than that of answering to a call of official police duty. The fact that, despite being wounded by gunfire resulting from a scuffle with the accuse[d], neither Police Officer Red nor his companion, did anything harmful to the suspects shows that said police officers, rather than performing a criminal act of kidnapping the said suspects as said lady suspects alleged, were purely following the official call of duty. Besides, the defense has not proffered any evidence as to why anyone would bother to kidnap the accused." [36]

Neither do we find any basis in the argument of appellants that the testimonies of the police officers were illogical. The former argue that the buy-bust operation was conducted in a public place, and so a "commotion should have taken place right there and then." [37] Further, the trial court debunked the testimony of the defense witness, who had "merely told the court that she noticed nothing unusual that happened on December 6, 1998 at her place of business and that she also did not hear from the people there about an unusual happening that took place at the time." [38]

We do not see how such a generic and all-embracing statement can overcome the positive and credible statements of the police officers, who actually conducted the buy-bust operation. Elementary is the rule that an affirmative testimony is far stronger than a negative one, especially so when it comes from the mouth of a credible witness.[39] More important, if the positive identification made by police officers weigh far greater than the denial of appellants,[40] the mere statement of a bystander that she noticed nothing unusual cannot be given much weight.

Similarly unpersuasive is appellants' argument that no pusher would choose a busy place as a venue for the illicit

trade of shabu. This Court has consistently ruled that it is not uncommon for drug dealers or pushers to sell their commodities to total strangers at any time and at any place.[41] In any event, the law does not prescribe as an element of the crime that the vendor and the vendee be familiar with each other, or that the transaction be consummated at a particular time and place.[42] The law simply penalizes the actual sale of shabu. The illegal drug trade has in fact become more brazen because the lure of easy profit can easily outweigh the risk of arrest and prosecution.[43]

Appellants also argue that if the prosecution is to be believed, then the amount of shabu seized during the buy-bust operation is incongruous with that which had been agreed upon. If the transaction was supposed to involve only 200 grams of shabu for the amount of P200,000 then the seizure of more than 200 grams would have meant that appellants were shortchanging themselves.

We can only speculate why the actual delivery amounted to more than 200 grams, if appellants had promised 200 grams only. However, this discrepancy has become irrelevant, because the transaction had already occurred with the sale of the shabu which turned out to be 207.15[44] grams. What is clear is that the Joint Affidavit[45] of the police officers stated that the white crystalline substance contained in four (4) plastic bags was worth P200,000. This was the same statement given by SPO2 Red during his oral testimony.[46] There was no insistence that the agreement pertained strictly to 200 grams of shabu. It was the amount in pesos that was repeatedly indicated.

Finally, appellants argue that it was illogical for SPO2 Red to receive the shabu from Mila Razul, but to pay Roma Razul. This apparent improbability may be explained by the fact that, as the poseur-buyer, he was dealing with appellants collectively. It did not matter who gave the shabu and who received the payment therefor. In fact, such a scenario only proves that appellants were acting in conspiracy in the sale of shabu. They were both fully aware of the transaction and knowingly participated therein.

It is an established rule that direct proof is not essential to establish conspiracy. It may be inferred from the acts of the accused before, during and after the commission of the crime -- acts that indubitably point to or indicate a joint purpose, a concert of action and a community of interest.[47] Indeed, the act of one conspirator is the act of all the others.[48]

Second Issue:

Proof of Guilt Beyond Reasonable Doubt

Having established that a legitimate buy-bust operation occurred in the case at bar, there can now be no question as to the guilt of appellants. Such operation has been considered as an effective mode of apprehending drug pushers.[49] If carried out with due regard to constitutional and legal safeguards, it deserves judicial sanction.[50] The delivery of the contraband to the poseur-buyer and the receipt by the seller of the marked money successfully consummate a buy-bust transaction between entrapping officers and the accused.[51] That the operation happened in this manner in the present case was indubitably proven by the prosecution.

Bare denials cannot prevail over the prosecution witnesses' positive identification of appellants as the persons who were in possession of the shabu, who delivered it to the poseur-buyer and who received payment for it.[52] The records clearly show that they were entrapped through a buy-bust operation. Their denial cannot prevail over the positive testimony of the police officers who had no reason or ill motive to testify falsely against them. As earlier adverted to, the officers' testimonies were consistent, unequivocal and replete with details of the transaction with appellants and, therefore, merit our full faith and credence.

Besides, it is simply preposterous to accept the reasoning of appellants that "the filing of the instant case x x x is an afterthought of the violent incident inside a Celica car between them and SPO1 Red and SPO1 Buluran. By

reason of said violent incident where he was likewise injured, SPO1 Red has an ax to grind against Mila and Rona Razul. This is precisely why Bairona Banke was not included in the instant heinous crime case. It is because Bairona Banke did not [participate in] the commotion inside the car.”[53]

Such argument, however, validates even more the police officers’ version of the incident that, indeed, a buy-bust operation that led to the arrest of appellants was conducted on that particular day. At any rate, their guilt will not depend on whether Banke was similarly charged with the same offense. What is important is that the evidence against them sufficiently established their guilt beyond reasonable doubt.

Appellants also proffer the argument that the prosecution should have sought a qualitative test of the entire substance seized to ascertain the net weight of its methamphetamine hydrochloride content, as the presumption is that there is no 100 percent shabu in the country.[54] They raise the probability that the substance sold could contain additives or adulterants. Thus, the actual weight of the pure shabu could be less than the entire substance actually seized.

That only samples from the captured substance were examined by the chemist does not weaken the prosecution case. A sample taken from one of the packages is logically presumed to be representative of the entire contents of the packages, unless appellants prove otherwise.[55] Therefore, a positive result for the presence of drugs indicates that there were 207.15 grams of drugs in the packages from which the sample was taken. A generic, unsubstantiated claim that there is no 100 percent shabu in the Philippines will not suffice to overcome the presumption that the sample tested is representative of the whole substance seized.

Finally, appellants maintain that the non-presentation of the forensic chemist who examined the shabu confiscated from appellants is fatal to the case of the prosecution. They allege that because the chemist was not presented in court, then the shabu seized and the physical science laboratory report were never identified.

Again we disagree. Aside from proving the fact of the sale, the prosecution also successfully established, through the testimonies of SPO2 Red and SPO1 Buluran, the identity of the packages taken from appellants. In addition, SPO2 Red traced the chain of custody of the packages after he had properly initialed them. Thereafter, a request for a laboratory exam[56] was prepared and signed by PO2 Christopher M. Ronquillo and P/Insp Abelardo P. Aquino.

This examination yielded Physical Science Report No. D-1044-98,[57] which was signed by examining Forensic Analyst Alexis A. Guinanao and approved by Forensic Chemist Marilyn D. Dequito, chief of the Physical Science Branch of the PNP Crime Laboratory. These documents, together with the four (4) sachets of shabu which is the subject of the sale, were all admitted by both the prosecution and the defense in their stipulation of facts.[58] In view of their stipulation, both parties likewise agreed that the testimony of the forensic chemist would be dispensed with.[59]

A stipulation of facts in criminal cases is sanctioned by law.[60] It is done in further pursuit of the objective of expediting trial by dispensing with the presentation of evidence on matters that the accused is willing to admit.[61] Further, stipulations are recognized as declarations constituting judicial admissions; hence, binding upon the parties.

By virtue of such stipulation of facts, the prosecution dispensed with the introduction of additional evidence, and the defense waived the right to contest or dispute the veracity of the statements contained in the exhibits.[62] In fact, the stipulation of facts contained in the trial court’s Pre-trial Order[63] was signed by appellants and their counsel, thus satisfying the requirements of the Revised Rules of Criminal Procedure, which we quote:

“Sec. 2. Pre-trial agreement - All agreements or admissions made or entered during the pre-trial conference

shall be reduced in writing and signed by the accused and counsel, otherwise, they cannot be used against the accused. The agreements covering the matters referred to in section 1 of this Rule shall be approved by the court.”[64]

In addition to the foregoing, appellants never raised in issue before the trial court the non-presentation of Forensic Analyst Guinanao. Without having objected to the evidence, they cannot now raise the question for the first time on appeal.[65] It must also be stressed that as a PNP forensic analyst, Guinanao is a public officer, and his report carries the presumption of regularity in the performance of official functions.[66] Besides, entries in official records made in the performance of official duty, as in the case of his reports, are prima facie evidence of the facts therein stated.[67]

As to penalty, any person who -- unless authorized by law -- sells shabu or methylamphetamine hydrochloride, a regulated drug, shall be punished with reclusion perpetua to death; and a fine ranging from five hundred thousand pesos to ten million pesos[68] if two hundred (200) or more grams thereof are sold.[69] Since there were neither mitigating nor aggravating circumstances attending the sale by appellants of 207.15 grams of shabu, the RTC correctly imposed on them the lesser penalty of reclusion perpetua.[70] However, the P10,000,000 fine imposed on them should be reduced to the reasonable amount of P500,000 each.[71]

WHEREFORE, the assailed RTC Decision is AFFIRMED, with the MODIFICATIONS that the actual weight of the prohibited drug is 207.15 grams, not 212.15, and the fine is reduced to P500,000 for each appellant. Costs against appellants.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, and Carpio-Morales, JJ., concur.
Corona, J., on official leave.

[1] Penned by Judge Jaime N. Salazar Jr.; rollo, pp. 55-60.

[2] RTC Assailed Decision, p. 6; rollo, p. 60; records, p. 259.

[3] Signed by Asst. City Prosecutor Raymond Jonathan B. Lledo; rollo, pp. 7-8; records, pp. 1-2.

[4] Signed by Asst. City Prosecutor Eranio G. Cedillo; rollo, pp. 11-12; records, pp. 72-73.

[5] Atty. Gerardo Maglinao. See Certificate of Arraignment dated July 29, 1999; records, p. 76.

[6] Signed by Asst. City Prosecutor Eranio G. Cedillo.

[7] Rollo, p. 11; records, p. 72.

[8] See the lower court’s Order dated November 26, 1999; records, p. 112.

[9] Assisted by their counsel de parte, Atty. Abelardo Torres.

[10] Signed by Assistant Solicitor Generals Carlos N. Ortega and Fernanda Lampas Peralta and Solicitor Brigido Artemon M. Luna II.

[11] Appellee’s Brief, pp. 6-9; rollo, pp. 86-89.

[12] Signed by Atty. Fidel A. Macauyag of the Macauyag-Bacaraman and Associates Law Offices; rollo, pp. 43-54.

[13] Appellants' Brief, pp. 4-5; rollo, pp. 47-48.

[14] RTC Decision, p. 5; rollo, p. 59; records, p. 258.

[15] Ibid.

[16] RTC Decision, p. 6; rollo, p. 60; records, p. 259.

[17] This case was deemed submitted for resolution on November 22, 2001, upon receipt by this Court of appellee's Brief. Earlier, appellants' Brief was received on July 4, 2001. The filing of a reply brief was deemed waived, as none had been submitted within the reglementary period.

[18] Appellants' Brief, p. 1; rollo, p. 44. Original in upper case.

[19] Id., p. 6; id., p. 49.

[20] Id., p. 7; id., p. 50.

[21] People v. Gonzales, GR No. 143805, April 11, 2002; People v. Bongalon, GR No. 125025, January 23, 2002; People v. Lacap, GR No. 139114, October 23, 2001; People v. Tan, 348 SCRA 116, December 14, 2000; People v. Zheng Bai Hui, 338 SCRA 420, August 22, 2000.

[22] People v. Cuba, 336 SCRA 389, July 24, 2000; People v. Chen Tiz Chang, 325 SCRA 776, February 17, 2000; People v. Boco, 309 SCRA 42, June 23, 1999.

[23] People v. Gonzales, supra; People v. Uy, 338 SCRA 232, August 16, 2000; People v. De Vera, 275 SCRA 87, July 7, 1997.

[24] TSN, February 18, 2000, pp. 11-24.

[25] RTC Decision, p. 5; rollo, p. 59; records, p. 258.

[26] TSN, July 11, 2000, pp. 25-36.

[27] Id., pp. 99-103.

[28] People v. Gonzales, supra; People v. Uy, supra.

[29] People v. Chen Tiz Chang, supra.

[30] People v. Givera, 349 SCRA 513, January 18, 2001; People v. Uy, supra; People v. Montefalcon, 305 SCRA 169, March 25, 1999; People v. Magno, 296 SCRA 443, September 25, 1998.

[31] People v. Lacap, supra; People v. Chen Tiz Chang, supra; People v. Barita, 325 SCRA 22, February 8, 2000; People v. Alao, 322 SCRA 380, January 19, 2000; People v. Cheng Ho Chua, 305 SCRA 28, March 18, 1999.

[32] People v. Obosa, GR No. 129688, April 2, 2002; People v. Appegu, GR No. 130657, April 1, 2002; People v. Jakosalem, GR No. 130506, February 28, 2002; People v. Julian-Fernandez, GR No. 143850-53, December 18, 2001.

[33] People v. Cueno, 298 SCRA 621, November 16, 1998.

[34] People v. Rodriguez, GR No. 144399, March 20, 2002; People v. Bongalon, supra; People v. Medenilla, 355 SCRA 172, March 26, 2001; People v. Montano, 337 SCRA 608, August 11, 2000; People v. Zaspas, 340 SCRA 752, September 21, 2000.

[35] People v. Chua, GR No. 133789, August 23, 2001; People v. Uy, supra; People v. Cueno, supra; People v.

Medina, 292 SCRA 436, July 10, 1998.

[36] RTC Decision, pp. 5-6; rollo, pp. 59-60; records, pp. 258-259.

[37] Appellants' Brief, p. 7; rollo, p. 50.

[38] RTC Decision, p. 4; rollo, p. 58; records, p. 257.

[39] People v. Bantillo, 344 SCRA 123, October 23, 2000; People v. Mendez, 335 SCRA 147, July 5, 2000; People v. Gaspar, 318 SCRA 649, November 19, 1999; People v. Sarabia, 266 SCRA 471, January 21, 1997.

[40] People v. Bongalon, supra; People v. Hindoy, GR No. 132662, May 10, 2001; People v. Uy, supra.

[41] People v. Cheng Ho Chua, supra.

[42] Ibid.

[43] People v. Zheng Bai Hui, supra.

[44] As shown by the evidence on record, 207.15 grams of shabu was properly the subject of the illegal sale by appellants.

[45] Exh. "F," records, pp. 221-222.

[46] TSN, February 18, 2000, pp. 16-17.

[47] People v. Chen Tiz Chang, supra; People v. Boco, supra.

[48] People v. Enriquez, 281 SCRA 183, October 23, 1997; People v. Alberca, 257 SCRA 613, June 26, 1996; People v. Leangsiri, 252 SCRA 213, January 24, 1996.

[49] People v. Uy, supra; People v. Salazar, 266 SCRA 607, January 27, 1997.

[50] Ibid.; ibid.; People v. Herrera, 247 SCRA 433, August 21, 1995.

[51] Ibid.; ibid.

[52] People v. Chua, supra.

[53] Appellants' Brief, pp. 5-6; rollo, pp. 48-49.

[54] Id., p. 9; id.; p. 52.

[55] People v. Medenilla, supra; People v. Zheng Bai Hui, supra; People v. Chen Tiz Chang, supra; People v. Tang Wai Lan, 276 SCRA 24, July 23, 1997.

[56] Exh. "A," records, p. 219.

[57] Exh. "B," records, p. 220.

[58] See Pre-trial Order dated January 14, 2000; records, p. 115.

[59] Ibid.

[60] People v. Hernandez, 260 SCRA 25, July 30, 1996.

[61] Ibid.

[62] Diego v. Sandiganbayan, 339 SCRA 592, September 4, 2000; Alano v. Court of Appeals, 283 SCRA 269,

December 15, 1997; *People v. Hernandez*, *supra*; *People v. Bocar*, 27 SCRA 512, March 28, 1969.

[63] Pre-trial Order dated January 14, 2000; records, p. 115.

[64] §2, Rule 118, Revised Rules of Criminal Procedure.

[65] *People v. Uy*, *supra*.

[66] *Ibid*.

[67] §44, Rule 130, Revised Rules on Evidence.

[68] §15, Art. III, RA 6425, as amended.

[69] §20, Art. IV, RA 6425, as amended.

[70] Art. 63, Revised Penal Code.

[71] *People v. Bongalon*, *supra*.

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