

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RADZMA AHMAD Y ABDULLAH AND AMIN MUSTALI Y AHMAD, APPELLANTS.

G.R. No. 148048. January 15, 2004

Ponente: AZCUNA, J.

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AZCUNA, J.:

On appeal is the January 5, 2001 Decision[1] of the Regional Trial Court of Zamboanga City, Branch 16, convicting herein appellants Radzma Ahmad y Abdullah and Amin Mustali y Ahmad for violation of Section 15, Article III, in relation to Section 21 (b), Article IV, of Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended.

The Information,[2] dated September 25, 1999, charged appellants, as follows:

That on or about September 24, 1999, in the City of Zamboanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together, mutually aiding and assisting with one another, not being authorized by law to sell, deliver, transport, distribute or give away to another, did then and there willfully, unlawfully and feloniously sell and deliver to SPO1 AMADO A. MIRASOL, a PNP poseur-buyer, four (4) heat-sealed transparent plastic packs each containing white crystalline substance having a total weight of 212.7191 grams, which when subjected to qualitative examination gave positive result to the test for Methamphetamine Hydrochloride (shabu), knowing [the] same to be a regulated drug.

CONTRARY TO LAW.

When arraigned on October 15, 1999, appellants pleaded not guilty.[3] Trial thereafter ensued.

On the basis of the testimonies of their witnesses and documentary evidence, the prosecution presented the facts, as follows:

On September 23, 1999, at about 4:30 o'clock in the afternoon, an informant reported to P/Ins. Alfredo Francisco, Team Leader of Task Force Tumba Droga I, Zamboanga City, that a certain Amin, known to be a big-time drug pusher, was looking for prospective buyers for a large quantity of shabu that he wanted to dispose of. Amin was described as a Tausug from Baliwasan Grande, 30-32 years old, 5 feet in height, of slim built and with short hair.

On the strength of this information P/Ins. Francisco instructed SPO1 Amado Aquino Mirasol, to go with the informant to the Galleria Shopping Center located along Gov. Lim Avenue, Zamboanga City, to locate this pusher and investigate the case. When they found him, he identified himself as Amin Mustali who, upon confirming that he was talking to a buyer, asked him if he had the money. Mirasol informed him that he had P175,000.00 but he did not bring it with him and proceeded to ask for the price of a pack of shabu weighing 50 grams more or less. After some haggling, Amin agreed to a price of P43,000.00 per pack and Mirasol said that he would buy 5 packs. They agreed to meet again the next day, September 24, 1999, at 3:00 o'clock in the afternoon in the same place, at which time Mirasol would bring the money.

Mirasol went back to their office and reported to P/Ins. Francisco on the result of his negotiations with Amin Mustali. The next day, September 24, 1999, they prepared the money for the buy-bust operation and at 1:30 o'clock in the afternoon P/Ins. Francisco conducted a briefing attended by the members of the Task Force Tumba Droga I regarding the buy-bust operation to be conducted at the Galleria Shopping Center and gave the members their respective assignments.

At 2:30 o'clock in the afternoon Mirasol went to the Galleria Shopping Center with a black Nike bag containing P175,000.00. At 3:00 o'clock in the afternoon appellant Amin Mustali arrived and upon verification that Mirasol brought the money, he told Mirasol to come back at 6:00 o'clock that afternoon because he had to check the stuff with his boss.

Mirasol returned to their office at 4:00 o'clock in the afternoon and reported this development to P/Ins. Francisco, who then instructed him to return the P175,000.00 to the Finance Officer and get the amount of P3,300.00 in P100.00 bills. They then prepared four bundles of strips of bond paper cut to money size and they placed their initials on these and on all the P100 bills which they later placed on both sides of the bundles of cut bond paper and then inserted each bundle on Solid Bank bill wrappers. P/Ins. Francisco and Mirasol placed their initials on the Solid Bank wrappers. They put the money and strips of bond paper inside the black Nike bag on which they also placed their initials. At 5:45 o'clock in the afternoon, Mirasol proceeded to the Galleria Shopping Center, and the other members of the Tumba Droga Team followed behind.

At 6:30 o'clock in the evening, Amin Mustali arrived alone and said to Mirasol: "OK [na] ang Auntie Radzma ko, apat na lowest lang ang kaya ng pera mo." He told Mirasol that they would finalize the transaction at the house of his Auntie at Magsanaw Drive, Baliwasan Grande. Mirasol was reluctant to go but when he got instructions to proceed from P/Ins. Francisco who was stationed nearby, he went with appellant Amin while the other members of the team followed at a distance. They arrived at Magsanaw Drive at Baliwasan Grande about 7:15 o'clock in the evening and met Amin's auntie Radzma Ahmad.

After determining that Mirasol was the buyer Radzma introduced herself and asked Mirasol if he had the money with him, to which she got an affirmative answer. Radzma told him to wait and went inside the house. Mirasol lighted a cigarette and when Radzma returned she brought a folded newspaper, saying, "Nandito na ang stuff," as she handed it to Mirasol. Inside the folded newspaper Mirasol found four (4) pieces of big heat-sealed transparent plastic packs containing suspected shabu. After examining the plastic packs and seeing that they contained shabu, Mirasol handed the black Nike bag containing the marked money and strips of bond paper to appellant Amin and threw his lighted cigarette outside the terrace as the signal to his companions that the transaction was consummated. As appellant Amin was about to open the black Nike bag, SPO1 Eduardo Bernardo, P/Ins. Francisco and P/Sr. Ins. Joseph Arguelles rushed to the terrace and introduced themselves as members of the PNP. Mirasol also introduced himself to Radzma Ahmad as a policeman and arrested her. SPO1 Bernardo arrested Amin Mustali and recovered the black Nike bag containing the buy-bust money and the strips of bond paper cut to money size.

After Mirasol arrested Radzma Ahmad, a man came down from the second floor of the house and introduced himself as the husband of Radzma. He said to P/Ins. Francisco, "Puede bang pag-usapan lang natin ito?"

The arrest and the confiscation of four (4) big heat-sealed transparent plastic packs containing suspected shabu wrapped in a Tempo newspaper, as well as the buy-bust money amounting to P3,300 together with four (4) bundles of strips of bond paper placed inside a black Nike bag, were recorded in a Complaint/Assignment Sheet at 8:30 o'clock in the evening of September 24, 1999 at the Zamboanga City Police Office. PO3 Gonzaga placed his initials on the evidence turned over to him and prepared a request for a laboratory examination of the four (4) big

heat-sealed transparent plastic packs containing suspected shabu addressed to the PNP Regional Crime Laboratory, which after testing and examination by PNP Forensic Chemist P/Sr. Ins. Delfin Diestro gave positive result of the presence of Methamphetamine Hydrochloride (shabu).[4]

Denying the alleged buy-bust and claiming to be victims of an illegal raid and police frame-up, appellants present their version of the facts, as follows:

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Radzma Ahmad y Abdullah, 42 years old, is the wife of Hadji Nasir Ahmad. At past 6:00 o'clock in the evening of September 24, 1999, she was at the first floor of their house talking to her friend Edwina Escobar. While she was talking over the phone with Edwina, she heard three shots coming from outside their fence. Then she heard that something bump their fence as if there were persons "chasing and running." She told Edwina that she will just call her again.

When she was about to go and verify and before she reached the door, a man in civilian attire poked a gun at her. The man was followed by another male person and a woman who were in civilian attire. All of them were armed with guns. One of them told Radzma to sit down. Another went to the kitchen. The woman with a gun went up to the second floor. She met Hadji Nasir going down the stairs and poked her gun at him. Hadji Nasir was made to sit down on the sofa. Six other persons went inside the house and started searching and scattering things. Amin Mustali, his wife and child were brought down the house. A gun was poked at them. They were told to sit down. The man and woman who brought Amin Mustali, his wife and child went up again. Michelle and his mother, Rosemarie Short, were also brought down, poked with guns and told to sit down in the sala. One of the persons told Radzma, "I think Mrs. The money is with you."

Radzma kept asking what they [were] doing. The persons said they are policemen and that they [were] looking for shabu. Hadji Nasir then called their lawyer Atty. Asterio Solis and talked to him. The policemen continued searching using an emergency light which they borrowed from the Ahmad couple. One of them said in Chavacano: "Cosa man camo quiere no way man kita encontra el sin, hindi pa kita iiba hente." (What do you like, we did not find money and we [are not different people]).

A barangay councilman arrived and asked what happened. One of the policemen said that Nasir, Radzma, Amin, and Calma are under arrest because of shabu. The Barangay Councilman said, "I know them, they are good people."

Radzma, Nasir Amin and Lerio were told to board a jeep. They were taken to the police station. Nasir and Calma were later released. Radzma and Amin were detained.

Amin Mustali y Ahmad, 35 years old, married, a tricycle driver, denied that he was at Galeria Department Store on September 23 and 24, 1999. On both days he was at his uncle's house at Baliwasan Grande. He does not know where Galeria department Store is although he [had] been staying in Zamboaga City for more than a year. His wife was inside the room. [H]is uncle, Hadji Nasir Ahmad, told him to lock the door of the room. A few minutes later, someone kicked the door. When the door was opened, he saw a man pointing a gun at him, telling him to go down. He gave his child to his wife and went down followed by his wife and the policeman who kicked the door. When he reached downstairs, he saw his uncle Nasir and his Auntie Radzma sitting down on the sofa. There were about 6 to 8 persons with firearms searching inside the house, the kitchen and the comfort room. They searched for about one hour. Later, Amin, his Auntie and Uncle Nasir, and Calma Lerio were taken to the police station.[5]

Giving more credence to the testimonies of the prosecution witnesses, the trial court convicted appellants of the crime charged. It rejected appellants' denial and upheld the positive testimonies of the police officers, whom it deemed to have regularly performed their duties given the lack of proof that they were actuated by any ill motive. The dispositive portion of the decision reads, as follows:

WHEREFORE, the Court finds both accused RADZMA AHMAD y ABDULLAH and AMIN MUSTALI y AHMAD GUILTY BEYOND REASONABLE DOUBT of the crime of Violation of Section 15, Article III in relation to Section 21 (b), Article IV of Republic Act No. 6425, otherwise known as The Dangerous Drugs Act of 1972, as amended, and SENTENCES each of said accused to suffer the penalty of RECLUSION PERPETUA and its accessory penalties, to pay a fine of FIVE HUNDRED THOUSAND (P500,000.00) PESOS each, and to pay the costs.

The 212.7191 grams of methamphetamine hydrochloride or shabu (Exhs. "B-1"; "B-2"; "B-3"; "B-4") are ordered to be turned over under receipt to Dangerous Drugs Board thru the National Bureau of Investigation (NBI) in Zamboanga City, upon finality of this decision, for disposition in accordance with law.

The buy-bust money in the total amount of P3,300.00 should be returned to Task Force Tumba Droga Team I, Zamboanga City Police Office, after the finality of the decision.

GIVEN this 5[th] day of January, 2001, Zamboanga City, Philippines.[6]

In view of the imposition of the penalty of reclusion perpetua, appellants interposed this direct appeal, raising the following issues:

- THE LOWER COURT ERRED IN GIVING WEIGHT TO THE PROSECUTION'S EVIDENCE BY ADOPTING ITS VERSION RATHER THAN THAT OF THE ACCUSED'S.
- THE LOWER COURT ERRED IN HOLDING THAT THE TOTALITY OF THE EVIDENCE FOR THE PROSECUTION IS SUFFICIENT TO CONVICT THE ACCUSED OF THE CRIME OF VIOLATION OF SECTION 15, ARTICLE III, IN RELATION TO SECTION 21 (b), ARTICLE IV OF REPUBLIC ACT NO. 6425, AS AMENDED.[7]

Essentially, appellants are questioning the court a quo's finding of sufficiency of the prosecution's evidence and its disregard of the version of the defense.

The appeal has no merit.

At the outset, it should be pointed out that prosecutions involving illegal drugs largely depend on the credibility of the police officers who conducted the buy-bust operation. Considering that this Court has access only to the cold and impersonal records of the proceedings,[8] it generally relies upon the assessment of the trial court, which had the distinct advantage of observing the conduct or demeanor of the witnesses during trial. Hence, factual findings of the trial court are accorded respect absent any showing that certain facts of weight and substance bearing on the elements of the crime have been overlooked, misapprehended or misapplied.[9]

Time and again, this Court has ruled that a buy-bust operation is "a form of entrapment which has been accepted to be a valid means of arresting violators of the Dangerous Drugs Law." [10] The elements necessary for the prosecution of the illegal sale of drugs are, as follows: (a) the identity of the buyer and the seller, the object and the consideration; and (b) the delivery of the thing sold and payment therefor.[11] The straightforward testimonies of the principal witnesses for the prosecution clearly established these elements. The material portions of the poseur-buyer's testimony, which were amply corroborated by the other members of the buy-bust team, are quoted, as follows:

Q:

What else transpired there during the encounter in your office, in that evening of September 23, 1999?

A:

After our Informant gave that information to our Chief [and] the physical description of the suspect "Amin,"

we planned for the activities in casing the drug pusher. [O]ur Unit Chief instructed me to go with the informant and proceed to Galeria establishment located at Governor Lim Avenue to try to transact a deal with the suspect.

Q:

And so, after this transaction, what did you do next?

A:

So, at around 5:00 p.m., in the afternoon of September 23, 1999, I, together with my informant, proceeded to Galeria establishment purposely looking for the suspect.

xxx xxx xxx

Q:

So, what happened after you and the informant proceeded to the target place?

A:

When we reached Almonte Street, beside Solid Bank, in front of the Galeria establishment, we disembarked from the tricycle and I instructed my informant to go ahead [to look] for the suspect "Amin" inside the Galeria establishment.

Q:

And so, what happened next?

A:

So, at around 5:15 to 5:20, when I was looking at my informant inside the establishment, I saw my informant talking with a man at the second floor of the Galeria establishment.

Q:

That man your informant talked to, what was [his] description?

A:

This person [has] slim built, short hair, age[d] more or less 30 to 32 years old, a Tausog, Muslim looking.

xxx xxx xxx

Q:

And what happened after that?

A:

The informant called me, and I approached them. Immediately our informant introduced me to the suspect.

xxx xxx xxx

Q:

How were you introduced to him?

A:

He told the suspect that, "Here is my companion who wanted to talk to you regarding the stuff."

xxx xxx xxx

Q:

What did you do after the introduction?

A:

We shook hands and [he said,] "I am Amin Mustali." I introduced myself as "Madz" from Basilan.

xxx xxx xxx

Q:

And so what transpired after that?

A:

He [asked] me if I am the buyer.

Q:

And so, what did you tell him?

A:

I answered "I am the buyer."

Q:

What else transpired?

xxx xxx xxx

A:

He asked me if I am bringing the money with me.

Q:

And, what did you tell the suspect?

A:

So, I answered, "Not yet, but I have the money."

Q:

Okay. Now, Mr. Witness, this person who was introduced to you as a certain "Amin Mustali" during that meeting, if you see him again, will you be able to identify him?

A:

Yes.

Q:

Now, will you please look around and see if Amin Mustali is inside this court room and if he is, please point to him.

A:

That person beside that woman.

INTERPRETER:

Witness pointed to a person [who,] when asked [of] his name, identified himself as "Amin Mustali."

xxx xxx xxx

Q:

...Let's go back to that time when you said that the person asked you whether you brought your money and you said, you did not. [W]hat happened after that?

A:

He asked me how much money I have. I told him that "I have P175,000 cash." The only [money] that [was] left in our Finance Officer, for the purpose of using in the drug operation, was only P175,000.

xxx xxx xxx

Q:

But, before that Mr. Witness, what happened?

A:

During our conversation, I told him, "How much is your lowest?"

Q:

...Could you explain to this Honorable Court, what this "lowest" term means in the language of drug pushing or drug trade?

A:

A big plastic transparent pack that is cellophane, which contains more or less, 50 grams.

xxx xxx xxx

Q:

What was his answer after you asked him of the price of this "per lowest"?

A:

According to him the price is P45,000.

Q:

So, what did you tell him about this price?

A:

I asked him a bargain because, considering [that] the price is very dear, we told him in Tagalog: "Sobra naman yan, mahal. " He told me, "Wala ngayon mura, mahal na ngayon. " ...And I asked him to give me a bargain or to lower the price...

Q:

So, he reduced the price to P43,000?

A:

Yes.

Q:

And, were you able to transact a deal with him?

A:

Yes, sir.

xxx xxx xxx

Q:

What happened after that?

A:

At around 2:30 in the afternoon of September 24, 1999, I proceeded ahead of the group to Galeria, Zamboanga City, bringing the bag colored black with brand name "Nike" containing the P175,000.

xxx xxx xxx

Q:

And what happened after this suspect Amin Mustali arrived?

A:

He invited me to sit on the bench and we had a conversation regarding the transaction so, he asked me if I [brought] the money.

xxx xxx xxx

Q:

And what happened after that?

A:

I opened the bag...and the suspect peeped inside [it] and he saw the P175,000. I took one bundle and got one P100 [bill] from that bundle to buy snacks.

xxx xxx xxx

Q:

And so Mr. Witness, you said the suspect told you that you will meet again. For what purpose?

A:

According to him, we will meet again because his purpose was to check the stuffs and considering that, he said, "We cannot bring the stuffs outside to the establishment." So, we will meet again at 6:00 p.m. in that afternoon for the final transaction...

xxx xxx xxx

Q:

And he told you that, he had to check the stuffs with his boss?

A:

He will go back to his boss to check the stuffs.

xxx xxx xxx

Q:

At about past 5:00 o'clock in the afternoon that day, will you please tell the Honorable Court what you did?

A:

Around 5:45 in the afternoon of September 24, 1999, I proceeded to Galeria establishment by riding a motorized tricycle.

Q:

Were you alone at that time?

A:

I [was] alone in the motorized tricycle but [my] companions, the other members, [were] behind me.

xxx xxx xxx

Q:

And so, please tell the Honorable Court what happened at about 6:30 in the evening?

A:

Suspect Amin arrived at the second floor, leading to our position in the BCD Snack Center, while I and my informant [proceeded to] the snack center.

xxx xxx xxx

Q:

What happened after that?

A:

He approached us in our place in the snack center, [and] he uttered in Tagalog dialect, "OK na ang Auntie Radzma ko, apat na lowest lang ang kaya ng pera mo."

xxx xxx xxx

Q:

And so, what happened after that?

A:

According to him, his stuff was already there at the residence of his auntie, the four lowest shabu.

Q:

What transpired after he assured you that the stuff was already at the residence of his auntie?

A:

At around 6:40 [p.m.], I decided to go with him and also my informant ...he [went] ahead downstairs together with my informant, [to] look for [a] motorized tricycle.

Q:

And how about you, what did you do?

A:

We let them go ahead for around one to two minutes to have a chance to contact my Unit Chief, Inspector Francisco, who was at that time positioned at the second floor because there was a change of location of [the] buy-bust operation.

xxx xxx xxx

Q:

What happened after that?

A:

At around 6:40 [p.m.] we proceeded to the area by riding a motorized tricycle.

Q:

Where did you proceed?

A:

Going to Magsanao Drive, to the residence of Radzma.

xxx xxx xxx

Q.

So, what did you and the suspect do after [disembarking from] the tricycle?

A:

The suspect Amin invited me to go inside the residence of the suspect after paying the tricycle driver.

xxx xxx xxx

Q:

So, after you entered this gate, where did you proceed?

A:

The suspect Radzma was already waiting [for] us and she even told Amin in Tausug, "Kaina pa ako nag tagad kaniyo," (I was already waiting for you.)

Q:

Where did you see suspect Radzma at the time she uttered these words?

A:

At the terrace of the house.

Q:

What happened when you were already there at the terrace of the house, after Radzma uttered [those] words?

A:

She even pointed to me and asked Amin Mustali if I am the buyer.

Q:

So, what did Amin Mustali say?

A:

He answered in the affirmative, yes.

Q:

What happened?

A:

So, Radzma introduced herself to me [as] Radzma Ahmad.

xxx xxx xxx

Q:

Mr. Witness, you said this Radzma introduced herself to you, if you see her again, will you be able to identify her?

A:

Yes.

Q:

Will you look around and see if this Radzma is inside the room? [A]nd if she is, please point to her.

A:

That woman, sir. (Witness pointed to a woman [who] identified herself as Radzma Ahmad.)

Q:

So, what transpired next?

A:

She asked me if I [brought] the money and I said, "yes." So she told me to wait and she went inside the house. I got a cigarette, and I lighted my cigarette. [A]round three to four minutes, she returned [to] the terrace bringing a folded newspaper [which] she handed to me, [saying] "Nandito na yung stuff." I opened [and] examined it, [and] I saw four transparent plastic packs containing shabu.

Q:

And what happened after that?

A:

[A]fter [ascertaining that] the stuff [was] really shabu, she demanded [that I] hand over the money to Amin. [S]o I put the stuff in my left hand, handed the black bag containing the money and strips of bond paper to Amin and I immediately took out the cigarette from my mouth. [A]s signal, I threw my lighted cigarette.

Q:

What happened after that?

A:

While Amin [was] about to open the black bag, I saw SPO1 Bernardo, Sr. Inspector Joseph Arguelles and Inspector Francisco, our unit chief, and the rest [going into] the terrace. [They] introduced themselves [as] members of the PNP and I also introduced myself [as] a police officer to suspect Radzma, and I [effected] the arrest on the suspect.[12]

It is therefore beyond doubt that the prosecution has sufficiently established the elements of the illegal sale of drugs. Concurrent on material points, the police officers' testimonies were replete with relevant details that sufficiently supported the trial court's conclusions.

The collective testimonies of these prosecution witnesses were, moreover, corroborated by the physical evidence on record. As indicated in Physical Sciences Report No. D-620-99, which was verified in court by PNP Forensic Chemist Mercedes Diestro, the substance contained in the marked plastic packs recovered from appellants tested positive for methamphetamine hydrochloride, or shabu.

To discredit the prosecution's version, appellants draw attention to the initial testimony of the poseur-buyer SPO1 Amado Mirasol, wherein he manifested uncertainty with regard to the existence of the informer. Said testimony is quoted in part hereunder, as follows:

Q.

Mr. Witness, is this informant who gave information to your chief a male or a female?

A.

Male informant.

Q.

Are you at your liberty to reveal the name of this informant?

A.

Yes.

COURT:

Q.

Can you give the name of the informant?

A.

Yes.

Q.

You will give his name?

A.

After the arrest.

Q.

No. Now, can you give to us the name if the Informant?

A.

Yes.

FISCAL CABARON:

Q.

Are you willing to [disclose] the name of the informant?

A.

The informant - I cannot give the name of the informant.

COURT:

Q.

But, you have been answering 'Yes'....Maybe he does not exist. So, he cannot give the name?

A.

Yes.

Q.

The question is, maybe he does not exist that is why you cannot give his name?

ATTY. LEDESMA:

His answer is yes.

COURT:

Q.

What do you mean with 'this informant does not exist'?

A.

No.

ATTY. LEDESMA:

He does not exist.

FISCAL CABARON:

It was already answered. It was interpreted to his dialect.

COURT:

Witness may answer.

FISCAL CABARON:

Q.

The Honorable Court asked you, perhaps this informant does not exist, that is why you cannot give his name[?] [O]r is this informant being used in your other drug operation[s,] that is why you cannot give his name?

A.

Yes.

COURT:

Q.

Does he exist or not?

A.

Not.[13]

Appellant's argument is misleading. It seeks to highlight only a portion of Mirasol's testimony, while brushing aside the latter's subsequent statements, quoted as follows:

FISCAL CARBON:

Q.

The Honorable Court was asking you whether this informant was alive or not. I hope you understand the question. Is this informant existing?

A.

Existing.

Q.

Are you not feeling well?

A.

Yes.

COURT:

Q.

Why?

A.

Because we have a problem in Basilan because one of the victim[s] is my relative (referring to the victim of kidnapping).

Q.

Who?

A.

Manuel family, your honor.

Q.

The children?

A.

The teacher, your honor.

Q.

How is he related to you? [Is the teacher] a woman?

A.

Yes. My second cousin.

COURT:

Q.

Is that why the last time this case was called you were not available? [Y]ou were in Basilan?

A.

Yes.

Q.

You already knew, because [now it is] as if your mind is somewhere else. What do you say? It is very hard to have somebody's relative kidnapped. [T]his is the most inhuman thing to be done [to a] family. So, what do you think?

A.

Maybe.

xxx xxx xxx

COURT:

Considering that the prosecution witness SPO1 Amado Mirasol y Aquino, Jr., who has started testifying manifested in court that his second cousin, Melanie Manuel was kidnapped and [is] being held hostage in Basilan, and [that] he has to see his father in Malamawi, Basilan today in connection therewith, cancel the trial scheduled today and call this case tomorrow for the continuation of the testimony of SPO1 Amado Mirasol y Aquino, Jr.[14]

As can be gleaned from the foregoing, at the time Mirasol gave the prior testimony, he was mentally and psychologically unprepared, in view of the fact that he was then saddled by a grave problem involving a relative. It was for this reason that the trial court rescheduled the taking of his testimony. The incoherent declarations having been sufficiently explained, the trial court was thus correct in upholding the poseur-buyer's testimonial account of the buy-bust operation.

Appellants' further seek to cast doubt on the prosecution's version by stressing on the manner by which the buy-bust operation was allegedly conducted. They aver that the success of the alleged entrapment is highly unbelievable taking into consideration the sudden change of venue, from the originally planned site in the Galeria mall to an unknown location in Baliwasan Grande, a place which was not made subject of a police briefing. They

claim that standard operating procedures dictate a careful planning of a buy-bust operation to ensure its success. They thus point out that the lack of a subsequent briefing after a major change of plans renders the prosecution's account of entrapment unworthy of belief.

The argument fails in light of the recognition of the fact that there is no rigid or textbook method in conducting buy-bust operations.[15] The choice of effective ways to apprehend drug dealers is within the ambit of police authority, as police officers are assumed to have the expertise to determine which specific approaches are necessary to enforce their entrapment operations.[16] This Court notes, moreover, that the manner by which the operation was conducted even with the change of venue was not exactly without planning. The records disclose that the poseur buyer in this case did communicate the unforeseen change with his superior, who in turn coordinated with the rest of the back-up team for the necessary adjustments.[17]

Appellants moreover point to the surrounding circumstances of the alleged buy-bust operation, which they claim to throw the prosecution's version open to doubt. They aver that it is highly unbelievable for big-time drug pushers to sell drugs worth P200,000 to buyers in a public place such as the mall, unguarded and unverified. They moreover insist that a drug dealer would not risk storing drugs, much less, transacting illegally inside the confines of his own family residence.

These bare speculations do not affect the veracity of the prosecution's testimonies. This Court has taken notice that peddlers of illicit drugs have been known, with ever-increasing casualness and recklessness, to offer and sell for the right price their wares to anybody, be they strangers or not. The fact that the parties are in a public place and in the presence of other people may not always discourage them from pursuing their illegal trade as these factors may even serve to camouflage the same.[18] Neither is it contrary to human experience for drug pushers to conduct the actual exchange of illegal drugs at their own homes. This may even prove to be a preference by drug dealers, for it gives them a sense of security as they would always have a place to seek refuge in or people to seek assistance from in case a transaction gets bungled up and they get pursued by authorities.[19]

Appellants allege that this is a case of police frame-up or hulidap, and that the buy-bust operation was merely concocted by the police officers after allegedly failing to collect Extortion money from them.

This Court is not convinced. The defense of denial or frame-up, like alibi, has been viewed with disfavor for it can easily be concocted and is a common defense ploy in most prosecutions for violations of the Dangerous Drugs Act.[20] Being factual in nature, the tenability of this defense depends largely on the trial court's assessment of the credibility of the testimonial evidence of the accused. True, in some instances, law enforcers resort to the practice of planting evidence to extract information or even to harass civilians. However, this Court also realizes the disastrous consequences on the enforcement of law and order, not to mention the well-being of society, if the courts, solely on the basis of policemen's allegedly rotten reputation, accept in every instance this form of defense which can be so easily fabricated. Hence, for such defense to prosper, the evidence must be clear and convincing.[21]

Unfortunately for appellants, this Court finds their defense to be unsupported by clear and convincing evidence. First, the testimonies of the defense witnesses are absolutely silent on the claim that the apprehending policemen demanded extortion money allegedly worth P400,000. This allegation was never brought up during the trial, and is curiously being raised only for the first time on appeal. Second, neither did appellants give any satisfactory explanation why the buy-bust team would single out their house among the many residences in the area on that particular day, just to frame them up and extort money. The defense witnesses themselves admitted that they did not know the policemen previous to the arrest, hence negating any improper motive on the part of the police officers.[22] Third, it is to be noted that appellants have not filed a single complaint against the police officers

who allegedly attempted to extort money from them.[23[]] Such inaction runs counter to the normal human conduct and behavior of one who feels truly aggrieved by the act complained of.[24] Considering the foregoing, this Court upholds the buy-bust account of the prosecution witnesses who, being police officers, are presumed to have performed their duties in a regular manner. Certainly, this presumption must prevail over appellants' unfounded allegations.[25]

Lastly, appellants assert that the police officers failed to comply with the proper procedure in the custody of the seized drugs as specified in *People v. Lim*.^[26]

Again, their contention deserves no merit. Contrary to their claim, the records disclose the undisputed fact that after the seizure, the four packs of drugs were immediately brought to the police station and marked by the buy-bust team leader, the poseur-buyer, and the assigned police investigator right in front of appellants. The four plastic packs upon presentation in court indeed bore the initials of the three officers.^[27] Moreover, the prosecution's evidence sufficiently established the unbroken chain of custody of the seized drugs beginning from the entrapment team, to the investigating officer, to the forensic chemist whose laboratory tests were well-documented. It is also worth noting that the reliance on the *aforecited* case is misplaced, as this Court therein found substantial inconsistencies in the testimonies of the police officers thus creating uncertainty on whether the crime had indeed been committed. No such flaw attended the present case.

All told, the unlawful sale of drugs having been established beyond reasonable doubt, appellants' conviction for the offense charged stands.

WHEREFORE, the Decision of the court *a quo* is AFFIRMED in toto. Costs de officio.

SO ORDERED.

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

[1] Rollo, pp. 68-87.

[2] Records, p. 1.

[3] Certificate of Arraignment, Records, p. 12; Order, Records, p. 13.

[4] Rollo, pp. 140-152. Citations omitted; TSN, April 3, 4, 6 & 7, 2000.

[5] *Id.*, at 75-81.

[6] *Id.*, at 86.

[7] *Id.*, at 63-64.

[8] *People v. Sy*, 389 SCRA 594 (2002).

[9] *People v. Corpuz*, G.R. No. 148919, December 17, 2002.

[10] *Ibid.*

[11] *People v. Patayek*, G.R. No. 123076, March 26, 2003; *Ibid.*

[12] TSN, April 4, 2000, pp. 4-26; TSN, April 6, 2000, pp. 4-16.

[13] TSN, April 3, 2000, pp. 8-11.

[14] *Id.*, at 12-19.

[15] *People v. Hajili*, G.R. No. 149872-73, March 14, 2003, citing *People v. Lacbanes*, 270 SCRA 193 (1997).

[16] *People v. Hajili*, *supra*, note 15.

[17] TSN, April 6, 2000, pp. 9-10; TSN, April 7, 2000, pp. 40-41; TSN, April 10, 2000, pp. 12-13, 44-45.

[18] *People v. Macasa*, 229 SCRA 422 (1994), citing *People v. Angeles*, 218 SCRA 352 (1993).

[19] *People v. Madrid*, 210 SCRA 196 (1992).

[20] *People v. Astudillo*, G.R. No. 140088, November 13, 2002.

[21] *People v. Sy*, *supra*, note 8.

[22] TSN, April 13, 2000, p. 32; TSN, May 3, 2000, pp. 15-16; TSN, May 5, 2000, pp. 8-9.

[23] TSN, May 2, 2000, p. 27.

[24] *People v. Sy*, *supra*, note 8.

[25] *Ibid.*

[26] 386 SCRA 581 (2002).

[27] TSN, March 31, 2000, pp. 29-37; TSN, April 6, 2000, p. 23-25.

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