

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. TERESA CORPUZ Y VARGAS AND MARCY SANTOS Y JAVIER, APPELLANTS.

G.R. No. 148919. December 17, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

When the question boils down to the credibility of the witnesses and their testimonies, this Court almost always relies upon the assessment made by the trial court which had the distinct advantage of having observed their demeanor, conduct and manner of testifying.

The Case

For review before this Court is the May 30, 2001 Decision[1] of the Regional Trial Court (RTC) of Malabon City (Branch 170) in Criminal Case No. 20334-MN. The RTC found Teresa V. Corpuz and Marcy J. Santos guilty of violating Section 15 of Article III of Republic Act (RA) 6425, otherwise known as the Dangerous Drugs Act, as amended by Republic Act No. 7659 (RA 7659). The dispositive portion of the appealed Decision reads as follows:

“WHEREFORE, premises considered, the Court finds both accused Teresa Corpuz y Vargas and Marcy Santos y Javier guilty beyond reasonable doubt of Violation of Section 15, Article III of Republic Act No. 6425, as amended by Republic Act 7659, and considering that the total aggregate quantity of methamphetamine hydrochloride is 286.678 grams, and there being no modifying circumstances hereby sentences each of them to suffer penalty of reclusion perpetua and to pay jointly and severally the fine of One Hundred Thousand Pesos (P100,000.00), plus cost of the suit.

“The three (3) heat-sealed transparent plastic bags of methamphetamine hydrochloride subject matter of this case are hereby forfeited in favor of the government, and the Office-in-Charge, Office of the Branch Clerk of Court is hereby directed to turn over the aforesaid items to the Dangerous Drugs Board for proper disposition.”[2]

The Information, dated January 6, 1999, charged appellants as follows:

“That on or about the 4[th] day of January, 1999 in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and helping one another, being private persons and without authority of law, did, then and there, willfully, unlawfully and feloniously sell and deliver in consideration of the amount of P300,000.00 to a poseur- buyer [t]hree (3) heat-sealed transparent plastic bags each marked Exhibit A-1, A-2, & A-3, with white crystalline substance weighing 99.784, 105.812 and 81.082 grams when subjected to chemistry examination gave positive results for Methamphetamine Hydrochloride otherwise known as ‘shabu’ which is a regulated drug.”[3]

During their arraignment on February 18, 1999, appellants, assisted by their counsel,[4] pleaded not guilty.[5] After trial in due course, the lower court rendered its assailed Decision.

The Facts

Prosecution's Version

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

"On January 4, 1999, around 6 o'clock in the evening, a confidential police informant, a.k.a. 'Josie', went to the Special Anti-Narcotics Enforcement Team at Camp Gen. Pantaleon, Imus, Cavite and informed team leader Inspector Nolasco Cortez of a transaction that involved appellants Teresa Corpuz (alias 'Tess') and Marcy Santos (alias 'Mar') as sellers of three hundred (300) grams of shabu worth P300,000.00. It appears that prior to 'Josie's' arrival at Camp Pantaleon, the information was already relayed to Cortez through telephone.

"Acting on the information, Inspector Cortez formed a team to conduct a buy-bust operation designating PO3 Albert Colaler as the poseur-buyer with SPO2 Joseph Yatco and PO1 Aldrin Agravante as back-up arresting officers. Colaler was handed a marked P1,000-peso bill which he placed over a bundle of boodle money. The plan was for 'Josie' to introduce Colaler as an interested shabu buyer. As a pre-arranged signal, Colaler would remove his white b[a]ll cap to signify that the evidence was already with him.

"The buy-bust was to take place along Rizal Avenue in Malabon, near a Jollibee outlet and a church. Prior to the operation, the team coordinated with the Malabon Police Station.

"The buy-bust team arrived at the scene around 11:15 in the evening. The police back-up immediately positioned themselves at a strategic location while Colaler and 'Josie' waited. When appellants arrived, 'Josie' introduced Colaler who was asked by appellant Tess if he had the money with him. Colaler showed her the boodle money but told Tess he would not give it to her unless he saw the shabu first. Thereupon, appellant Mar[cy] took out from his belt three (3) transparent plastic containing white substance and gave them to Tess. The exchange was then consummated. Mar was about to open the plastic bag with the boodle money when Colaler immediately removed his white b[a]ll cap -- the pre-arranged signal. The two (2) back-up officers showed up and introduced themselves as police officers. They arrested appellants and recovered from them the boodle money. Appellants [were] thereafter taken and booked at Camp Pantaleon.

"Based on the chemistry report prepared by Inspector Mary Jean Geronimo of the PNP Crime Laboratory, the qualitative examination conducted on the specimen confiscated from appellants indicated that the same was indeed 'methamphetamine hydrochloride' otherwise known as shabu."[6] (Citations omitted)

Defense's Version

Appellants, on the other hand, argue that their guilt has not been proven beyond reasonable doubt. Their version of the facts is as follows:

"On January 4, 1999 at around 5:30 P.M., [Appellant Teresa Corpuz] was sleeping at her house when awakened by a knock at the door. She stood and opened the door only to see Zeny and her three (3) female companions at the door step. Zeny said, her friends need her service being a 'manghihilot'. After she administered 'hilot' to a certain Josie, she went out to buy food. Upon her return, she saw one of the companions of Josie talking to somebody through the cellular phone by the doorstep. They then [talked] about their lives while drinking softdrinks and Josie took pity on her and promised to introduced [sic] her to her (Josie) boss who allegedly helps people like the accused. Josie then asked her to accompany them to Jollibee since they were unaccustomed to Malabon and for fear that they might be victimized by hold-uppers. However, Josie first asked her company in buying medicine at Mercury Drug Store, which is just nearby the food chain. This is because Josie had difficulty in breathing on account of asthma. Coming from the drug store, they proceeded to Jollibee. As soon as Josie's boss arrived, they went out of the store where she was introduced to the former whom she eventually came to know to be Lt. Cortez in Cavite. Moments [later] a tricycle came behind the car. There were three (3) persons on board. One of them approached Josie and gave [her] something gift-wrapped about three to six inches in size. She was surprised why the man has attempt[ed] to run away

immediately after bringing out the wrapped thing. Nonetheless, Josie was able to take hold of the said thing before the man fled. She was only three steps behind Josie when she witnessed the shocking and swift incident. A shooting spree ensued in pursuit of the [speeding] tricycle. One of the female companion[s] of Josie then handcuffed her while another male person pushed her inside the car. She was not able to do anything except to cry after being told that not to speak a word against and just to explain her side when they arrived in Cavite. Reaching the place, Lt. Cortez showed to her the packets. She denied knowing anything [about] what was wrapped. Whereupon, Lt. Cortez open[ed] the pack and she saw three (3) separate plastic bags with white crystalline substance inside. She was told that the contents are 'Shabu'. Lt. Cortez also asked her whether she is aware of the penalty attached to the [possession] of illegal drugs which she denied knowing neither the identity of the owner of the same. The police officer then exhibited to her list of names wherein hers does not appear. She was queried whether she knows those persons listed and again she denied. Lt. Cortez finally read the names and forced her to single out a particular one in exchange for her freedom. She likewise added that she is not aware if Josie and her companions were also arrested.

"On other hand, Marcy Santos gave a different scenario:

"He said that he was on his way home after having gone [to] Monumento. He was not able to reach his destination because Inday a.k.a. Teresa Corpuz saw him in C-4 and requested him to go with her in going to Mercury Drug located at the town proper where they would buy medicine. Corpuz was with her son and two women companions. They went to Jollibee, afterwhich, he brought Teresa's son home by taking a ride near Seven Eleven Store where he [was] noticed and [they] immediately arrested him. He told them that he does [not] know anything but was instead advised to explain when they reach[ed] their office. He was then shoved inside the car and admonished not to shout. At Imus, Cavite, he was forced to admit that he was the one carrying the wrapped thing. He, however, claimed that he was only standing at the place. Santos denied having sold or received any money involving drug transaction." [7]

Ruling of the Trial Court

After a judicious assessment of the evidence submitted by both parties, the RTC ruled that the prosecution had been able to prove with certainty all the elements of the illegal sale of methamphetamine hydrochloride or shabu, a regulated drug. It described as clear and straightforward the poseur-buyer's testimony, which was amply corroborated by the other members of the buy-bust team. [8]

Further, the RTC rejected appellants' defense of denial. Not only was it inconsistent and contradictory, it also failed to achieve the intended purpose. [9] It likewise held that the entrapment and the arrest of appellants were not effected haphazardly. Furthermore, it held that no ill motive could be attributed to the police officers who had conducted the buy-bust operation. [10]

Hence, this appeal. [11]

The Issue

In their Brief, appellants assign the following errors for the Court's consideration:

I

"Trial court erred in not finding that the buy-bust operation was in fact tainted by abuse on the part of the police authorities;

II

"The trial court also erred in finding that the case of the prosecution is strong and the version of the accused is weak." [12]

In the main, this Court will take up two issues: the sufficiency of the prosecution's evidence, particularly the buy-bust operation; and the defense of denial.

The Court's Ruling

The appeal is not meritorious.

Main Issue:

Sufficiency of the Buy-Bust Operation

Appellants argue that the buy-bust operation conducted was tainted with abuse of authority. They aver that if indeed they were validly arrested after having allegedly been caught in flagrante delicto, there was no reason for the police to ask Appellant Corpuz to single out a name from a list shown to her in exchange for her freedom -- a scheme known in street parlance as palit ulo.[13]

The contention is untenable.

Many times, this Court has already ruled that a buy-bust operation is "a form of entrapment which has repeatedly been accepted to be a valid means of arresting violators of the Dangerous Drugs Law." [14] The elements necessary for the prosecution of the illegal sale of drugs are as follows: (1) the identity of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor.[15]

What is essential in a prosecution for the illegal sale of prohibited drugs is proof that the transaction or sale actually took place and the presentation in court of the corpus delicti,[16] which has two elements: (1) proof of the occurrence of a certain event and (2) a person's criminal responsibility for the act.[17]

Further, in a prosecution for violation of the Dangerous Drugs Law, a case becomes a contest of credibility of witnesses and their testimonies. In such a situation, this Court generally relies upon the assessment by the trial court, which had the distinct advantage of observing the conduct or demeanor of the witnesses while they were testifying.[18] Hence, its factual findings are accorded respect -- even finality -- absent any showing that certain facts of weight and substance bearing on the elements of the crime have been overlooked, misapprehended or misapplied.[19] We find no reason to deviate from this rule in the case before us.[20]

The principal witnesses clearly established the elements of the crime: an illegal sale of the dangerous drug actually took place, and appellants were the authors thereof. The testimony of PO3 Albert Colaler, the poseur-buyer, was clear and straightforward. It was amply corroborated by the testimonies of SPO1 Joseph Yatco and PO1 Aldrin Agravante, the back-up police officers during the entrapment.[21] PO3 Colaler narrated the circumstances leading to the arrest of appellants as follows:

"Q

Where were you assigned as policeman on January 4, 1999?

A

I was assigned at Special Anti-Narcotics Enforcement Team, Camp Gen. Pataleon, Imus, Cavite, sir.

Q

At around 6:00 o'clock in the morning on that day January 4, 1999 where were you?

A

I was in our office, sir.

Q

What happened while you were there?

A

On or about 6:00 o'clock in the afternoon a confidential informant arrived and informed our team leader, Insp. [N]olasco Cortez, about his transaction – that said confidential informant will have a transaction with two persons whose names were Teresa Corpuz and Marcy Santos who are both residing at Tañong, Malabon, sir.

Q

What happened next after that conversation of the confidential informant with Insp. Cortez?

A

He also informed us that the two friends have an interested buyer from Cavite willing to buy shabu with a quantity of 300 grams worth P300,000.00, sir.

x x x x x x x x

Q

After this conversation with the confidential informant and Insp. Cortez what happened?

A

Based on the information, our team leader Insp. Nolasco Cortez formed a team to conduct buybust operation and I will act as poseur-buyer with members of the team, SPO2 Joseph Yatco and PO1 Aldrin Agravante as back-up arresting officers, sir.

Q

What preparations were made in connection with that supposed transaction?

A

I was given P1,000.00 bill and I placed marking with my initial/alias AL on the neck of picture of the person appearing on said bill, sir.

Q

What else did you do?

A

After placing AL, the money was placed on top of the [boodle] money then I placed the money inside a transparent plastic, sir.

Q

After that where did you proceed?

A

After that we talked about our pre-arranged signal which is to remove my white b[a]ll cap signa[l]ing that the evidence is already with me, sir.

Q

Where did you proceed next?

A

After that on or about 9:30 in the evening we left our office and went to the target area wherein the suspects and our confidential informant will meet and while approaching the place our confidential informant called alias Tess saying that we are coming, sir.

Q

Where is that target place that you mentioned?

A

Rizal Avenue, Malabon, near Jollibee and church, sir.

Q

What time did you arrive at the target place?

A

We arrived [on] or about 11:15 in the evening, sir.

Q

What happened when you arrived at the target place?

A

While my companions, SPO1 Yatco and PO1 Agravante, were positioned strategically at a certain place, the confidential informant and I waited at the place agreed upon, sir.

Q

What is the exact place that you positioned yourself with the confidential inf[o]rmant?

A

In front of the church, before entering, where our vehicle was parked, sir.

Q

What happened while you were waiting?

A

After a few moments, alias Tess and Ma[r] arrived, sir.

Q

How do you know they are alias Tess and Ma[r] who arrived?

A

After the duo arrived they greeted the confidential informant and the latter introduced me to the duo, sir.

Q

Your confidential informant is a boy?

A

Girl, sir.

Q

After you were introduced to Tess and Mar what happened next?

A

After I was introduced as buyer of shabu, alias Tess asked if I have the money to be used as payment for shabu, sir.

Q

What was your answer?

A

I told her the money is with me and I showed the [boodle] money, sir.

Q

How did you show the money?

A

When she asked about the money I showed her the plastic wherein the [boodle] money was amounting to P300,000.00 wherein the P500.00 bill as on top, sir.

Q

What happened next after you [showed] that plastic containing the money?

A

After they have seen the money, I asked them if they brought the shabu, sir.

Q

What were you wearing at that time?

A

Pants and polo and shoes, sir.

Q

What happened next?

A

After asking that question, Mar put out the three transparent plastic with white substance which he took from his belt-bag and which he handed to alias Tess, sir.

Q

After these three packs coming from Mar were turned over to Tess what did Tess do with these?

A

She handed the same to me and I saw that they were of good [quality]. I gave to alias Tess the [boodle] money, P300,000.00, as payment and she gave it to Mar. sir.

Q

You said you considered these three packs as good quality of what?

A

White granules suspected to be shabu, sir.

Q

After you delivered the [boodle] mo[ney] to Tess what happened next?

A

When she was holding the money... [interrupted]

Court:

The money was delivered to Mar.

Pros. (witness)

Q

After the money was delivered to Mar, what happened next?

A

When Mar was about to open the said plastic containing the money I took off my b[a]ll cap to signal my companions and then SPO1 Yatco and PO1 Agravante arrived and we int[ro]duced ourselves as policemen. SPO1 Yatco arrested alias Tess and PO1 Agravante arrested Mar and [re]covered the [boodle] money, sir.”[22]

Without doubt, the prosecution was able to sufficiently establish the elements of illegal sale of dangerous drugs[23] and to prove the charge of illegal sale of shabu.[24] The clear, straightforward and consistent testimonies of PO3 Colaler and other members of the entrapment team were concurrent on material points, replete with relevant details, and sufficiently supportive of the RTC’s conclusions.[25] Absent any persuasive evidence showing that they testified falsely, the logical conclusion is that no such improper motive existed, and that their testimonies are worthy of full faith and credit.[26]

Further, the collective testimonies of these prosecution witnesses were corroborated by the physical evidence on record as contained in Chemistry Report No. D-0011-99.[27] Upon laboratory examination, the white crystalline substance found in appellants’ possession, was positively identified as methamphetamine hydrochloride.[28]

While appellants allege that the buy-bust operation was tainted with abuse, they have not advanced any reason why the lower court should have disbelieved the testimony of PO3 Colaler.[29] Except for their self-serving statements, they have likewise failed to present evidence to establish that the police operation was tainted with abuse of authority.[30]

Instead, the facts show that appellants were apprehended in flagrante delicto during a buy-bust operation. Their arrest falls within the ambit of Section 5(a)[31] of Rule 113 of the Rules on Criminal Procedure on arrests without a warrant.[32] Their unsubstantiated charge that the entrapping officers abused their authority in conducting the buy-bust operation cannot prevail over the categorical and unshaken testimonies of the latter, who caught appellants red-handed.[33]

The police officers allegedly asked Appellant Corpuz to single out a name from the list shown to her in exchange for her freedom. The fact that appellants have not filed a single complaint against them evidently shows that the former’s allegation of abuse of authority was a mere concoction.[34]

With nothing to substantiate such malicious accusation, credence shall be given to the narration of the incident by the prosecution witnesses, as they are police officers who are presumed to have performed their duties in a regular manner.[35] This presumption of regularity has not been sufficiently controverted by appellants.[36] Certainly, it must prevail over their unfounded allegations.[37]

Second Issue:

Defense of Denial

The defense of denial, like alibi, is invariably viewed with disfavor by courts, because it can easily be concocted. It is a common and standard defense ploy in most prosecutions for violations of the Dangerous Drugs Act.[38] As has been held, denial is a weak form of defense, particularly when it is not substantiated by clear and convincing

evidence.[39]

Appellant Corpuz claims that on the day of the incident, she was introduced to “Josie,” whom she later accompanied to Jollibee. Thereafter, she was given a wrapped package by unknown persons and then arrested by the police.[40] Evidently, her claim now -- that in the middle of the night, she accompanied a person she had just met for the first time -- tests the limits of credibility.[41]

Similarly unbelievable is the story of Appellant Santos that after they had gone to Mercury Drug Store, he was asked by Appellant Corpuz to bring home her son.[42] Moreover, Appellant Santos did not offer any satisfactory explanation why the police officers would single him out from among the crowd milling around Seven-Eleven on that particular day and arrest him for no apparent reason.[43] The records show that there was no prior surveillance conducted against appellants.[44]

Evidently, the defense of denial resorted by appellants is weakened by their conflicting and irreconcilable statements on the witness stand.[45] As correctly pointed out by the RTC, it is difficult to understand why they presented two different stories about the events prior to their apprehension, when they had a common stand on the issue.[46] Verily, their denial cannot prevail over the prosecution witnesses’ positive testimonies.[47]

Alleged Inconsistencies

Appellants further claim that there were inconsistencies in the testimonies of the police officers, who were the principal prosecution witnesses.[48] We are not convinced.

There were no such material inconsistencies. Rather, those testimonies complemented one another in giving a complete picture of how the illegal sale of the prohibited drug had transpired, and how it led to appellants’ apprehension in flagrante delicto.[49] At the very least, whatever inconsistencies there were in PO3 Colaler’s testimony were minor and did not detract from the veracity and the weight of the prosecution evidence.[50]

What is material and indispensable is that the sale of the illegal drugs was adequately established;[51] the prosecution eyewitness clearly identified both appellants as the offenders,[52] and the substance itself was presented before the court.[53] The exact denomination of the genuine bills that had been placed on top of the boodle money is not a critical fact. It is enough that the prosecution proved that money had been paid to appellants for the sale and the delivery of shabu.[54]

On the basis of such evaluation and analysis, the trial court clearly committed no error in according greater weight to the positive identification and forthright declarations made by the prosecution witnesses.[55] Bare denials cannot prevail over their positive identification of appellants as the persons who sold the shabu.[56]

Under Section 15 of Article III of Republic Act No. 6425, as amended by RA 7659, the sale of regulated drugs without proper authority is penalized with reclusion perpetua to death and a fine ranging from P500,000 to P10,000,000.[57] Under Section 20 thereof, the penalty in Section 15, Article III shall be applied if the dangerous drug involved is, in the case of shabu or methamphetamine hydrochloride, 200 grams or more.[58]

As early as *People v. Simon*,[59] this Court has already recognized the suppletory application of the rules on penalties in the Revised Penal Code to the Dangerous Drugs Act after the amendment of the latter by RA 7659 on December 31, 1993.[60] Since there were no mitigating or aggravating circumstances attending appellants’ violation of the law, and the aggregate quantity of shabu seized was 286.678 grams, reclusion perpetua is the penalty that may be imposed, pursuant to Article 63[61] of the Revised Penal Code.[62]

WHEREFORE, the appealed Decision is hereby AFFIRMED with the MODIFICATION that the fine is increased to P500,000. Costs against appellants.

SO ORDERED.

Puno (Chairman), Sandoval-Gutierrez, Corona, and Carpio Morales, JJ., concur.

[1] Rollo, pp. 14-18; penned by Judge Benjamin T. Antonio.

[2] Assailed Decision, p. 7; rollo, p. 18; records, p. 228.

[3] Rollo, pp. 6; signed by 2nd Assistant City Prosecutor Nepthali A. Aliposa.

[4] Atty. Jose Rico Domingo.

[5] See Order dated February 18, 1999; records, p. 19.

[6] Appellee's Brief, pp. 3-7; rollo, pp. 57-61. The Brief was signed by Assistant Solicitor General Carlos N. Ortega, Assistant Solicitor General Amy C. Lazaro-Javier and Associate Solicitor Arnold G. Frane.

[7] Appellants' Brief, pp. 3-4; rollo, pp. 34-35. The 10-page-Brief was signed by Atty. Jose Rico P. Domingo.

[8] Assailed Decision, p. 5; rollo, p. 17.

[9] Id., pp. 7 & 18.

[10] Id., pp. 6 & 17.

[11] This case was deemed submitted for resolution on May 27, 2002, upon the Court's receipt of appellee's Brief. Appellants' Brief was received by the Court on January 15, 2002. The filing of a reply brief as deemed waived, as none was submitted within the reglementary period.

[12] Appellants' Brief, p. 1; rollo, p. 33. Original in upper case.

[13] Id., pp. 5 & 36.

[14] *People v. Juatan*, 260 SCRA 532, August 20, 1996, per Vitug, J.

[15] *People v. Montano*, 337 SCRA 608, August 11, 2000; *People v. Cueno*, 298 SCRA 621, November 16, 1998; *People v. De Vera*, 275 SCRA 87, July 7, 1997.

[16] *People v. Uy*, 327 SCRA 335, March 7, 2000; *People v. Castro*, 274 SCRA 115, June 19, 1997.

[17] *People v. Boco*, 309 SCRA 42, June 23, 1999; *People v. Cabodoc*, 263 SCRA 187, October 15, 1996.

[18] *People v. Sy*, G.R. No. 147348, September 24, 2002; *People v. Chen Tiz Chang*, 325 SCRA 776, February 17, 2000.

[19] *People v. Chen Tiz Chang*, *supra*.

[20] *People v. Yatco*, G.R. No. 138388, March 19, 2002.

[21] Assailed Decision, p. 5; rollo, p. 17.

[22] TSN, August 12, 1999, pp. 2-5.

[23] *People v. Concepcion*, G.R. No. 133225, July 26, 2001.

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

[25] *People v. Cheng Ho Chua*, 305 SCRA 28, March 18, 1999.

[26] *People v. Julian-Fernandez*, G.R. Nos. 143850-53, December 18, 2001; *People v. Cuba*, 336 SCRA 389, July 24, 2000; *People v. Bernal*, 254 SCRA 659, March 13, 1996.

[27] Records p. 10.

[28] *Ibid.*

[29] *People v. Medina*, 292 SCRA 439, July 10, 1998.

[30] *People v. Montano*, *supra*.

[31] This section provides:

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;

x x x x x x x x

[32] *People v. Montano*, *supra*.

[33] *People v. Medina*, *supra*.

[34] *People v. Alegro*, 275 SCRA 216, July 8, 1997.

[35] *People v. Julian-Fernandez*, *supra*.

[36] *Mallari v. Court of Appeals*, 265 SCRA 456, December 9, 1996.

[37] *People v. Concepcion*, *supra*.

[38] *People v. Sy Bing Yok*, 309 SCRA 28, June 23, 1999.

[39] *People v. Mustapa*, 352 SCRA 252 February 19, 2001.

[40] TSN, June 6, 2000, pp. 2-6.

[41] *People v. Bongalon*, G.R. No. 125025, January 23, 2002.

[42] TSN, August 10, 2000, pp. 3-4.

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

[44] *Ibid.*

[45] *People v. Tilos*, 349 SCRA 281, January 16, 2001.

[46] *Assailed Decision*, p. 7; *rollo*, p. 18.

[47] *People v. Tangliben*, 184 SCRA 220, April 6, 1990.

[48] *Appellants' Brief*, p. 5; *rollo*, p. 36.

[49] *People v. Ganenas*, G.R. No. 141400, September 6, 2001.

[50] *People v. Doria*, 301 SCRA 668, January 22, 1999.

[51] *People v. Castro*, *supra*.

[52] *People v. Ganguso*, 250 SCRA 268, November 23, 1995; *People v. Hoble*, 211 SCRA 675, July 22, 1992.

[53] *People v. Beriarmente*, G.R. No. 137612, September 25, 2001; *People v. Boco*, 309 SCRA 42, June 23, 1999.

[54] *People v. Doria*, *supra*.

[55] *People v. Medina*, *supra*.

[56] *People v. Sy Bing Yok*, *supra*.

[57] This article provides:

“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.

x x x x x x x x.”

[58] This article provides:

“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. 40 grams or more of opium;
2. 40 grams or more of morphine;
3. 200 grams or more of shabu or methylamphetamine hydrochloride;”

x x x x x x x x

[59] 234 SCRA 555, July 29, 1994.

[60] *People v. Medina*, *supra*.

[61] This article provides:

“ART. 63. Rules for the application of indivisible penalties.- In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

“In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

1. When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied.
2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.”

x x x x x x x x

[62] *People v. Chua*, G.R. No. 133789, August 23, 2001; *People v. Che Chun Ting*, 328 SCRA 592, March 21, 2000.

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