

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LOLITA CASOLOCAN Y MANAYAGA, ACCUSED-APPELLANT.

G.R. No. 156890. July 13, 2004

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

From the judgment of Branch 35 of the Regional Trial Court of Manila which found her guilty beyond reasonable doubt of illegal sale of a regulated drug in violation of Section 15, Article III of Republic Act No. 6425, as amended (The Dangerous Drugs Act of 1972), appellant Lolita Casolocalan y Manayaga lodged the appeal subject of the present decision.

The information indicting appellant reads:

That on or about September 12, 2001, in Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Lolita Casolocalan y Manayaga alias “Lolit,” did then and there willfully, knowingly, unlawfully and feloniously sell to Police Senior Inspector Jean S. Fajardo, a poseur buyer, “methylamphetamine hydrochloride”, otherwise known as “shabu”, a regulated drug, approximately weighing nine hundred fifty-eight point two (958.2) grams for the amount of five hundred thousand pesos (P500,000.00), without any lawful authority.

CONTRARY TO LAW.[1]

Following appellant’s arraignment during which she pleaded not guilty,[2] trial on the merits ensued.

From the object, documentary and testimonial (Police Senior Inspector Jean S. Fajardo, SPO1 Noel Almerino, and forensic chemist Police Inspector Albert S. Arturo) evidence for the prosecution, the following facts are gathered:

On the morning of September 11, 2001, P/Chief Inspector Leonardo Suan of the Caloocalan City Police, acting upon a tip from an informant known as Boy Grande (Grande) that a certain Lolit, who turned out to be appellant, had authorized him to look for a buyer of a large quantity of shabu,[3] organized a team of police officers under his command to conduct a “buy-bust” operation. He designated Inspector Jean Fajardo (Fajardo) as the poseur buyer, SPO1 Noel Almerino (Almerino) as the back-up of Fajardo, and other police officers as part of the team.[4]

After the team was given the usual briefing on standard pre-operations coordination, it proceeded[5] to Hotel La Corona located at the corner of M.H. del Pilar and Arquiza streets in Ermita, Manila where the meeting between Grande and appellant was to take place in the afternoon of that same day.[6]

Upon arriving at the hotel, Fajardo, Almerino and Grande checked in at Room 214 as their advance command post.[7] The rest of the operatives posted themselves strategically within the vicinity of the hotel.

Fajardo and Grande then proceeded to Café Corona where they waited for appellant to arrive.[8]

At around 1:15 p.m., appellant arrived and approached the table of Fajardo and Grande. Grande thereupon

introduced to appellant Fajardo as “yung sinabi ko sa iyong buyer.” Appellant thus asked Fajardo “Ilan ba ang kukunin mo?”, to which the latter replied “If you will [be] going to give me a good price, I am going to buy one kilo.” Appellant responded that she could produce the quantity desired if Fajardo could wait for another day. The parties all agreed to meet the following day.[9]

Accordingly, on September 12, 2001, at 12:00 noon, Fajardo and Almerino checked in again at Hotel La Corona, at Room 302 this time. Fajardo then waited at the lobby while Almerino stayed in the room and hid himself in one of the closets.[10]

At 2:00 p.m., appellant, carrying a blue SM plastic bag, arrived and approached Fajardo at the lobby of the hotel. Fajardo then asked appellant if she brought with her her order and appellant nodded and asked if she had the money with her. Fajardo replied in the affirmative and invited appellant to go with her to Room 302 where she said the money was.[11]

While in Room 302, appellant asked for the money and Fajardo replied “I have to see the stuff first so that I can give you the money”. Appellant, responding, said: “Ayan, ayan na yung order mo na isang kilo.” Appellant then handed to Fajardo the SM plastic bag which contained a brown box. On opening the brown box, Fajardo found a knot-tied transparent plastic bag which was wrapped in newspaper.

Upon inspection of the contents of the transparent plastic bag, and finding the same to be shabu, Fajardo handed to appellant a bundle, wrapped in old newspaper and tightly sealed with masking tape, containing boodle money[12] with two genuine five hundred (P500.00) peso bills, one of which was placed at one end of the bundle, and the other at the other end.

Following her handing to appellant of the boodle money and while appellant was trying to inspect the same, Fajardo knocked at the door of the closet, a pre-arranged signal for Almerino to come out from it. Almerino thereupon emerged from the closet at which instant Fajardo told appellant “O sige, huwag ka ng mag-iskandalo, police ako.” After appellant was apprised of her constitutional rights, Fajardo and Almerino arrested her.[13]

Fajardo and Almerino then took photographs[14] of the hotel closet, bathroom, the crystalline substance, box, and the SM plastic bag lying on the bed, and appellant being interrogated by Chief Inspector Suan who, in the meantime, was contacted and arrived.

During the preliminary interrogation, appellant was asked if she had other companions[15] and she answered in the negative. The police operatives thereafter left, along with appellant and the confiscated stuff, for Camp Crame.

Appellant was booked, photographed and finger-printed.[16] A laboratory examination of the suspected shabu was made by the duty forensic chemist at the PNP Crime Laboratory who confirmed that the crystalline granules with a total weight of 958.2 grams were positive for methylamphetamine hydrochloride otherwise known as shabu, a regulated drug.[17]

In defense, appellant a high school graduate and 27 years old[18] at the time she testified on June 7, 2002, disclaimed knowledge that what she delivered to Fajardo, as instructed by her employer, was shabu and gave her side of the case as follows:

Prior to and on September 12, 2001, she was employed as a domestic helper of a certain Sammy Yong who resided at No. 1321 Benavidez St., Sta. Cruz, Manila.[19]

In the morning of September 11, 2001, she received a call from her employer directing her to proceed to Manila Fortune Hotel to get “[a]n SM bag and a basket of their things”[20] For fear that her employer might be angered if she inquired what those things were,[21] she decided to refrain from doing so.

Appellant later received another call from “somebody”[22] who instructed her to “get the key under the door” of the hotel. As instructed, she proceeded to the hotel, got the key “under the door,” and retrieved from “the room” an SM plastic bag the contents of which she did not know.[23] From Manila Fortune Hotel, she and her employer proceeded to Hotel La Corona on board a taxi cab.[24]

Upon their arrival at Hotel La Corona, she was instructed by her employer, who was met by “somebody” and “remained downstairs,”[25] to deliver the SM plastic bag to Room 302.[26] Once inside the room where Fajardo and “still another person” was, she gave the SM plastic bag to Fajardo who gave her in turn what she believed to be money wrapped in plastic.[27] Thereafter, Fajardo identified herself as a police officer and cautioned her not to make any noise.[28]

She was asked regarding the whereabouts of and to point to her employer “and [she] w[ould] be released” to which she replied that she had no idea. She was then handcuffed and brought to Camp Crame where she was charged with the present offense.[29]

The trial court found appellant guilty as charged by the Decision of August 9, 2002, the dispositive portion of which reads:

WHEREFORE, judgment is rendered pronouncing accused LOLITA CASOLOCAN y MANAYAGA guilty beyond reasonable doubt of selling 958.2 grams of methylamphetamine hydrochloride without authority of law penalized under Section 15 in relation to Section 20 of Republic Act No. 6425, as amended, and sentencing the said accused to RECLUSION PERPETUA, and to pay a fine of P5, 000,000.00, plus the costs.[30]

x x x

Hence, the appeal at bar, appellant proffering the following

LONE ASSIGNMENT OF ERROR

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED LOLITA CASOLOCAN GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF DRUG-PUSHING UPON THE INCREDIBLE AND FABRICATED EVIDENCE OF THE PROSECUTION REPRESENTED BY A STAR WITNESS WHO WAS A VERY GLIB POLICE WOMAN, JEAN FAJARDO WHO GAVE HERSELF A VERY POMPOUS TITLE “CHIEF OF THE INVESTIGATION INTELLIGENCE DIVISION OF THE SPECIAL PROJECTS OFFICE.”[31]

Appellant questions the trial court’s reliance on the testimonies of the prosecution witnesses, particularly that of Fajardo who, appellant describes, is a “glib talker.”[32]

At the outset, it bears pointing out that prosecutions of cases for violation of the Dangerous Drugs Act arising from buy-bust operations largely depend on the credibility of the police officers who conducted the same.[33] Unless there is clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimonies on the operation deserve full faith and credit.[34] And so must the prosecution witnesses-members of the buy-bust team in the case at bar be accorded full credence in the absence of any improper motive to implicate appellant.

As the trial court observed:

The defense has not ascribed on Inspector Fajardo and SPO1 Almerino any malicious motive which induced them to fabricate their testimonies against the accused. Prior to September 11, 2001, they have not met nor have known the accused. As a matter of fact, when Inspector Fajardo met the accused for the first time on that date, Mr. Grande had to introduce them to each other as buyer and seller respectively, of shabu. Consequently, absent of any showing of improper motive on the part of the police officers coupled with the presumption of

regularity in the performance of their duty, the unconfirmed disclaimer of the accused of any knowledge of the nature of the thing she admittedly delivered to the police poseur-buyer cannot be given any significant weight.[35] (Underscoring supplied)

Appellant particularly focuses on Fajardo's account that she transacted with her. She contends that it was unlikely for her to immediately agree to transact with Fajardo as "anybody engaging in crime would have investigated first the credentials of the buyer lest the seller be exposed as engaged in an illicit transaction,"[36] just as it was unlikely too for a seller to agree to an illegal sale without seeing the money first.[37]

Appellant's contention fails.

Peddlers of illicit drugs have been known, with ever increasing casualness and recklessness, to offer and sell their wares for the right price to anybody, be they strangers or not,[38] what matters being not the existing familiarity between the buyer and the seller, or the time and venue of the sale, but the fact of agreement as well as the act constituting the sale and delivery of prohibited drugs.[39] Besides, the success of every buy-bust operation depends largely on the concealed identity of the poseur-buyer such that it has become a standard operating procedure to designate as poseur-buyer one who is a total stranger to a suspected seller of prohibited drugs in the area of operation.[40]

At any rate, in the case at bar, Fajardo, the poseur-buyer, was with the informant Grande who was known to appellant and who introduced Fajardo to appellant. It was not thus as if appellant was dealing with a stranger.[41] Hence, it is immaterial whether appellant as vendor made a prior investigation regarding Fajardo's "credentials" or his ability to pay.

Respecting informant Grande not having taken the witness stand to thus, so appellant contends, deprive her of the opportunity to cross-examine him,[42] the same does not dent the case for the prosecution.

Informers are almost always never presented in court to preserve their cover so they can continue their invaluable service to the police.[43] Except for a situation where the accused vehemently denies selling any prohibited drugs, coupled with inconsistent testimonies of the arresting officers or with the possibility that there exist reasons to believe that the arresting officer had motives to testify falsely against the accused, or in a situation where it was only the informant-poseur-buyer who witnessed the entire transaction,[44] the testimony of the informant is not essential for conviction to lie. For it would merely be corroborative and cumulative.[45] What is crucial is that the accused was caught red-handed, in the act of trafficking[46] illegal drugs.

On the merits of appellant's claim that she merely acted upon the instruction of her employer, without her knowing what was inside the SM plastic bag that she was tasked to deliver, its rejection by the trial court in light of the inconsistencies that punctuated her entire testimony is in order.

The defense tried to impress upon this Court that the accused was set up by her employer Sammy Yong. xxx

However, the accused did not explain what induced and motivated her employer to set her up into committing a very grave offense, the penalty of which, if she were found guilty, is reclusion perpetua, if not death. From the viewpoint of this Court, the version of the accused is markedly unusual and strange. It just does not conform with our common knowledge and experience. It has been said time and again that evidence, to be worthy of credit, must not only proceed from the mouth of a credible witness but must be credible in itself. By this is meant that it should be natural, reasonable and probable in view of the circumstance which it describes or to which it relates, so as to make it easy for the mind to accept as worthy of belief. This is not so in this case.

But this is not all. During her direct examination, the accused averred that prior to September 12, 2001, she was a house maid of Sammy Yong, and that she resided with him at No. 1321 Benavidez Street in Sta. Cruz, Manila (TSN, June 7, 2002, pp. 3-4, 25). However, in the course of her cross-examination, she contradicted

herself and said that she had been a waitress residing at 1938 J. Bocobo Street in Malate, Manila, since April 21, 2001 (TSN, June 7, 2002, P. 20), until October or November 2001 (Ibid., p. 21). The records, however, reveals that she was arrested in September 12, 2001, and has since then been under preventive imprisonment. When asked how long had she been staying in Bocobo Street, she averred, she has stayed there for two years (Ibid., p. 21), but when asked when did she come to Manila, she replied she came to the city from her home town of Butuan City on August 5, 2001, upon the urgings of a friend who promised to help her look for employment (Ibid., pp. 17-19).

The contradictions and inconsistencies in the testimonies of the accused on matters which are within her easy recollections, if true because they were personal to her and which occurred not too long ago, render her disposition to abide with her oath to tell the whole truth open to serious doubt.[47] (Emphasis supplied)

Besides, her tale is not only bereft of details to enable this Court to accord it credibility. It is replete with vague and evasive answers reflective of her inclination to lie.

Consider the following:

[ATTY. VILLANUEVA]

Q Upon your arrival [at the residence of your employer], what happened, if any?

A Somebody called me up, sir.

Q Who called you up?

A I don't know, sir.

Q What happened when somebody called you up?

A I was instructed to go to a hotel, sir.

Q What hotel?

A Manila Fortune Hotel, sir.

Q Did you go there?

A Yes, sir.

Q Why did you go there, you said you don't know the caller?

A My employer called me up instructing me that I will have to get a bag from there, sir.

Q Again, you are referring to Sammy Yong?

A Yes, sir.

x x x

Q How did you get the things he wanted you to get from the hotel?

A He told me to get those things then I will go down to proceed to La Corona Hotel, sir.

Q Again, how did you get those things from the hotel?

A Somebody called me up instructing me that I will get the key under the door, sir.

Q Of what?

A Door of the hotel, sir.

Q After getting the key, what did you do?

A I opened the door and got the things, sir.

x x x[48] (Emphasis supplied)

[STATE PROSECUTOR MANABAT]

Q Since when have you been here in Manila?

A Just recently, sir.

Q When is that recently?

A August 5, 2001, sir.

Q In August, where did you stay upon arrival in Manila?

A I have a female friend wherein I stayed with her, sir.

Q What is the name of that female friend of yours?

A I cannot remember anymore, sir.

Q Where is that friend of yours staying?

A I don't know the address, sir.

Q How about the street?

A I forgot but it is in Manila, sir

Q How did you know that it is in Manila?

A She called me up in Butuan City and told me to come over to Manila so we can be together.

Q Why did she call you to stay with her?

A She told me that she will look for an employment for me, sir.

Q You are saying that in Butuan City you were not employed?

A No, sir.

Q And how did she happen to call you up and offered you a job in Manila?

A She is a very long and close friend of ours and she pity me, sir.

Q And that length of time you forgot her name?

A Her name is Lisa, sir.

Q What is the full name of this Lisa?

A Lisa Calauigan, sir.[49]

A note on the 38-page brief of appellant. The brief contains irrelevant and immaterial analogies and allusions. Instead of dwelling on matters aimed at seeking a reversal of the judgment, the brief makes an uncalled for, irrelevant comparison of the credibility of prosecution witness Fajardo with Senator Lacson's in connection with his expose of what is known as the "Jose Pidal account," and raises hypothetical questions using the Oakwood

mutiny led by Lt. Sgt. Antonio Trillanes, as well as the latter's accusations against former Defense Secretary Angelo Reyes, as premises.

This Court thus takes this opportunity to remind appellant's counsel, Teresita De Guzman of the Public Attorney's Office, that as a lawyer, she is tasked to assist in the speedy and efficient administration of justice, and she should refrain from incorporating in any of her clients' briefs or pleadings allegations and discussions which are irrelevant and misplaced, serving no other purpose other than to distract and mislead this Court in deciding the core issues of the case.

Under Article III, Section 15 in relation to Article IV, Section 20 of RA 6425, as amended, the penalty of reclusion perpetua to death and a fine ranging from P500,000.00 to P10,000,000.00 shall be imposed upon any person caught selling, delivering or transporting 200 grams or more of shabu. There being no aggravating or mitigating circumstance that accompanied the commission of the offense, the trial court correctly imposed the penalty of reclusion perpetua. The fine of P5,000,000.00 imposed by the trial court should however be reduced to P500,000.00 in line with jurisprudence. [50]

WHEREFORE, the judgment under review is hereby **AFFIRMED**, with the **MODIFICATION** that the fine is reduced to P500,000.00.

SO ORDERED.

Vitug, (Chairman), Sandoval-Gutierrez, and Corona, JJ., concur.

[1] Rollo at 5.

[2] Records of the Regional Trial Court at 52.

[3] TSN, May 29, 2002 at 5.

[4] Id. at 5-7.

[5] Id. at 7.

[6] Ibid.

[7] Id. at 10-11.

[8] Id. at 11-12.

[9] Id. at 12.

[10] Id. at 16.

[11] Id. at 17.

[12] Id. at 18.

[13] Id. at 19.

[14] Exhibits "I – I-3" inclusive, Records at 86-87.

[15] TSN, May 29, 2002 at 20.

[16] Id. at 26.

- [17] Records at 81-82.
- [18] TSN, June 7, 2002 at 2.
- [19] Id. at 7.
- [20] Id. at 6-7.
- [21] Id. at 7.
- [22] Id. at 8.
- [23] Id. at 9.
- [24] Ibid.
- [25] Id. at 10.
- [26] Id. at 10-11.
- [27] Id. at 13.
- [28] Id. at 14.
- [29] Id. at 14-15.
- [30] Rollo at 24.
- [31] Id. at 51.
- [32] Id. at 68.
- [33] People v. Ahmad, G.R. No. 148048 (January 15, 2004).
- [34] People v. Domingcil, G.R. No. 140679 (January 14, 2004).
- [35] Rollo at 21.
- [36] Id. at 70.
- [37] Ibid.
- [38] Supra note 33.
- [39] People v. Wu Tuan Yuan, G.R. No. 150663 (February 5, 2004).
- [40] People v. Angeles, 218 SCRA 352, 359 (1993).
- [41] People v. Yang, G.R. No. 148077, February 16, 2004.
- [42] Rollo at 76.
- [43] People v. Li Yin Chu, G.R. No. 143793, February 17, 2004.
- [44] People v. Lucero, 229 SCRA 1, 9-10 (1994) .
- [45] People v. Mauyao, 207 SCRA 732, 739 (1992).
- [46] Ibid.
- [47] Rollo at 22-23.

[48] TSN, June 7, 2002 at 6-8.

[49] *Id.* at 17-18.

[50] *People v. Astudillo*, 391 SCRA 536 (2002).

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