

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LOIDA R. SORIANO AND MANUELITA L. MIGUEL, APPELLANTS.

G.R. NO. 173795. April 03, 2007

Ponente: TINGA, J.

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TINGA, J.:

On appeal is the Decision[1] of the Court of Appeals promulgated on 26 May 2006 affirming the conviction by the Regional Trial Court[2] (RTC) of appellants Loida R. Soriano (Loida) and Manuelita L. Miguel (Lita) for violation of Section 5, Article II of Republic Act (R.A.) No. 9165 and sentencing them to suffer life imprisonment and to pay a P500,000.00 fine each.

Appellants were arrested and charged following a "buy-bust" operation.

The accusatory portion of the Information against appellants reads:

On or about April 8, 2003, in Pasig City and within the jurisdiction of this Honorable Court, the accused, conspiring and confederating together and both of them mutually helping and aiding one another, not being lawfully authorized to sell, possess or otherwise use any dangerous drug, did then and there willfully, unlawfully and feloniously sell, deliver and give away to Police Officer Janet Sabo, a police poseur buyer, one (1) heat-sealed transparent plastic sachet containing white crystalline substance weighing nine (9) centigrams (0.09 grams), which was found positive to the test for methylamphetamine hydrochloride (shabu), a dangerous drug, in violation of the said law.

Contrary to law.[3]

When arraigned, appellants pleaded not guilty. Trial ensued.

The prosecution presented as witnesses, PO1 Janet Sabo (Sabo), who acted as poseur-buyer, PO2 Arturo San Andres (San Andres), a back-up operative who assisted Sabo, and PO1 Aldrin Mariano (Mariano), who transmitted the drug specimen confiscated from appellants to the Philippine National Police (PNP) Crime Laboratory. Their testimonies sought to establish the following facts:

Acting on a tip from an informant that a certain "Loida," "Lita" and "Bangkay" were openly selling drugs in Bukid, Barangay Bambang, Pasig City, Police Inspector Rodrigo Villaruel formed a buy-bust team on 8 April 2003 composed of Sabo as poseur-buyer, San Andres, SPO4 Manuel Buenconsejo, PO3 Amillasan Salisa, Mariano and PO1 Alan Panis. Sabo was then given two (2) One Hundred Peso bills to be used as buy-bust money. At about 2:30 p.m. of the same day, the team proceeded to the site of operation. After parking their vehicle at the corner of J.P. Miguel in Brgy. Bambang, Sabo and the informant went to the house of Loida. The informant knocked at the door and one female person came out, later identified as Lita. He introduced Sabo to Lita as the one who wanted to buy shabu worth P200.00. Sabo then gave Lita the P200.00 marked money. Lita, in turn, gave the P200.00 to another lady inside the house, later identified as Loida. Loida handed a plastic sachet to Lita. Lita approached Sabo and gave it to the latter.

Upon inspection of the sachet containing the suspected shabu, Sabo sent her pre-arranged signal to the other police officers by combing her hair with her fingers.[4] San Andres approached and directed Loida to empty her short pants pocket of its contents. Loida obliged and handed two (2) pieces of P100.00 bills to San Andres. He later confirmed that the two bills bearing the serial numbers FC144922 and JT449380 respectively seized from Loida were the same bills previously photocopied and marked with letters J and S inside the two (2) zeroes of the P100.00 bills.[5] The shabu was brought by Mariano[6] to the PNP Crime Laboratory for examination, which yielded a positive result for methylamphetamine hydrochloride.[7]

In their defense, appellants denied the charge against them. They commonly narrated that at around 2:00 p.m. on 8 April 2003, they were conversing in front of their house when one Junjun Paulino (Junjun), who was acquainted with Loida, approached them. Junjun was asking for their help in selling his pieces of jewelry. Suddenly, several police officers in civilian clothes arrived and shouted, "Walang tatakbo." Junjun ran away and the other police officers failed to catch up with him. Thereafter, they were forcibly brought to the police station for inquest. Lita was asked by the police officers to pinpoint a big-time drug pusher. Unable to extract information from her, she was charged with the instant offense.[8] Loida, on the other hand, alleged that upon arriving at the police station, the police officers brought out shabu on the table and informed them that they got the said drug from them.[9]

On 23 July 2004, the RTC rendered a Decision finding appellants guilty of violation of Section 5, Article II of R.A. No. 9165 and sentencing them to suffer life imprisonment and to pay a P500,000.00 fine each. The trial court gave credence to the prosecution's evidence in accordance with the presumption of regularity in the performance of official functions accorded to police officers.[10]

Initially, the appeal was brought before us. Conformably with *People v. Mateo*[11] however, this Court in a Resolution[12] dated 28 February 2005 resolved to transfer the instant case to the Court of Appeals for intermediate review.

On 26 May 2006, the appellate court affirmed the judgment of the RTC. The appellate court held that the prosecution was able to prove beyond reasonable doubt the identity of the buyer in the buy-bust operation and the seller, the object and the consideration as well as the delivery of the sold shabu and the payment of P200.00.[13] It observed that the prosecution evidence presented a complete picture detailing the transaction of the buy-bust operation — from the initial contact between Sabo and appellants, to the offer to purchase shabu by the poseur-buyer, the payment of the buy-bust money, and the consummation of the sale by delivery by appellants to Sabo of the shabu.[14]

Appellants appealed their conviction before this Court, adopting the same arguments in their Brief before the Court of Appeals.

Appellants essentially maintain that the prosecution's evidence failed to prove their guilt beyond reasonable doubt. They lament that the trial court failed to give weight to their direct testimonies, which were clearly more credible than the version of the prosecution.[15]

It is jurisprudential that factual findings of trial courts especially those which revolve on matters of credibility of witnesses deserve to be respected when no glaring errors bordering on a gross misapprehension of the facts, or where no speculative, arbitrary and unsupported conclusions, can be gleaned from such findings.[16] The evaluation of the credibility of witnesses and their testimonies are best undertaken by the trial court because of its unique opportunity to observe the witnesses' deportment, demeanor, conduct and attitude under grilling examination.[17]

After a painstaking review of the records, we agree with the trial court's finding that the guilt of the appellants was

established beyond reasonable doubt.

In every prosecution for illegal sale of shabu, the following elements must be sufficiently proved: (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.[18] Indeed, all these elements were duly established. Appellants were caught in flagrante delicto selling shabu through a buy-bust operation conducted by members of the Mayor's Special Action Team/City Hall Detachment of Pasig City.

The poseur-buyer, Sabo, positively testified that the sale took place and appellants were the authors thereof, thus:

Q:

When you reached the house of alias Loida, what happened next?

A:

The informant knocked at the door, sir.

Q:

After knocking, what happened next, madam witness?

A:

One female person came out, sir.

Q:

Did you come to know later the identity of this female person who came out?

A:

Yes, sir.

Q:

Who is she?

A:

Manuelita Miguel y Leyva, sir.

Q:

Would this be the same person whom your informant said to be that one earlier then identified as alias Lita?

x x x x

A: Yes, sir.

Q: If you see this alias Lita, whom you identified as Manuelita Miguel, will you be able to identify her again?

A: Yes, sir.

Q: Will you please look inside the court room and tell us if she is here?

A: Yes, sir.

Q:

Will you please step down from the witness stand and tap her left or right shoulder in order to identify her?

COURT INTERPRETER:

Witness tapped the shoulder of a female person, who, when asked, identified herself as Manuelita Miguel.

Q:

When this alias Lita or accused Manuelita Miguel came out after the informant knocked on her door, what else happened?

A:

She asked, why and what we needed, sir.

Q:

Who did she ask?

A:

Our asset, sir.

Q:

And what was the reply of your asset, if any?

A:

The asset said that, "I have a companion who wanted to score," sir.

Q:

What do you mean by score, madam witness?

A:

To buy shabu, sir.

Q:

And when your asset said that, "May kasama ako na gustong mag-iskor ng shabu." Who is this "kasama"?

A: I was the one, sir.

Q: Were you ever introduced as the person interested in buying shabu?

A: Yes, sir.

Q: After you were introduced to said alias Lita, what else happened, if any?

A: I was asked how much would I want to buy. So I said, I will buy shabu worth P200.00. "Panggamit lang," sir.

Q: And what happened next?

A: She took my money, sir.

Q: Reference in the P200.00 pesos that your Chief earlier gave you?

A: Yes, sir.

Q: And after certain Lita took the P200.00 from you, what else happened, if any?

A: She talked to another female person to whom she gave the P200.00, sir.

Q: Where was this second lady at the time that you were transacting with alias Lita?

A: The other lady was inside the house, sir.

Q: Were you able to see plainly that this Lita talked with the second lady?

A: Yes, sir.

Q: What transpired next, if any?

A: I saw Lita handed the two (2) P100.00 bills to the other lady. In return, the other lady gave what I believe was a plastic sachet of shabu to Lita, sir.

Q: After the second lady handed this alleged shabu to Lita, what happened next?

A: Lita again approached me and gave me the shabu, sir.

Q: After Lita handed to you shabu, what happened next, if any, madam witness?

A: I looked at the sachet, and when I saw that it was the suspected shabu, I sent my companions my pre-arranged signal, sir.[19]

Loida produced the plastic sachet containing shabu and gave it to Lita, who in turn, handed it to the poseur-buyer in exchange for P200.00. This transaction was witnessed by San Andres who acted as back-up. He corroborated Sabo's attestation in his own testimony before the Court:

Q:

And would you know if Janet Sabo was in fact able to buy shabu from the target person?

A:

Yes, sir.

Q:

You personally saw the transaction, Mr. Witness?

A:

Yes, sir.

Q:

And what did you do after the transaction, if any, Mr. Witness?

A:

After PO1 Sabo sent her pre-arranged signal, that's when we approached them, sir.

Q:

And when you approached them, what particularly did you do?

A:

PO1 Janet Sabo personally told me that the buy-bust money went to a certain Loida, sir.

Q:

And when you were informed about this by Sabo, what did you do, if any?

A:

I immediately went to a certain Loida and requested her to empty her pockets, sir.

Q:

And did she comply with your request, Mr. Witness?

A: Yes, sir. She voluntarily opened her pockets and from there, I saw the two pieces of one hundred peso bills, sir.[20]

The result of the laboratory examination confirmed the presence of methylamphetamine hydrochloride on the white crystalline substance inside the plastic sachet confiscated from appellants.[21] The report containing the findings of the forensic chemist, together with the plastic sachet of shabu subject of the sale, was admitted by the parties in the stipulation of facts.[22] The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummated the buy-bust transaction.[23] This was further corroborated by the presentation of the marked money in evidence.[24]

The defense of appellants is predicated on bare denial, nothing more. They claimed that Junjun approached them peddling his pieces of jewelry when the police officers arrived and arrested them. They were brought to the police station. Lita alleged that she was told to point to a big-time drug pusher. When she denied any knowledge thereof, she was charged for violation of Sec. 5 of R.A. No. 9165.

Denial or frame-up, like alibi, has been viewed by the court with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecutions for violation of the Dangerous Drugs Act.[25] The defense of frame-up or denial in drug cases requires strong and convincing evidence because of the presumption that the law enforcement agencies acted in the regular performance of their official duties.[26] Bare denials of appellants cannot prevail over the positive testimonies of the three police officers.[27] Moreover, there is no evidence of any improper motive on the part of the police officers who conducted the buy-bust operation to falsely testify against appellants.

The presumption of innocence accorded the accused had been overturned by the evidence presented by the prosecution. Contrary to appellants' assertion, the prosecution had convincingly proved beyond reasonable doubt that the crime was committed. The inability of the accused to predicate their defense on anything other than their words alone ultimately condemns them to prison, especially in the light of the prosecution's evidence and witnesses, which appellants had been incapable of impeaching.

In fine, it has been established by proof beyond reasonable doubt that appellants sold shabu. Under Sec. 5, Article II of R.A. No. 9165, the penalty of life imprisonment to death and fine ranging from P500,000.00 to P1,000,000.00 shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved. Hence, the trial court, as affirmed by the Court of Appeals, correctly imposed the penalty of life imprisonment and a fine of P500,000.00.

WHEREFORE, the decision dated 26 May 2006 of the Court of Appeals convicting appellants for violation of Section 5, Article II of R.A. No. 9165 and sentencing them to suffer the penalty of life imprisonment and for each to pay a fine of P500,000.00 is hereby **AFFIRMED**.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio Morales, and Velasco, Jr., JJ., concur.

[1] Penned by Associate Justice Celia C. Librea-Leagogo, and concurred in by Associate Justices Renato C. Dacudao and Lucas P. Bersamin.

[2] Presided by Judge Pablito M. Rojas, Branch 70, RTC, Pasig City.

[3] Records, p. 1.

[4] TSN, 5 August 2003, pp. 5-10.

[5] TSN, 21 January 2004, pp. 5-7.

[6] TSN, 8 March 2004, pp. 9-10.

[7] Records, p. 9.

[8] TSN, 5 May 2004, pp. 4-9.

[9] TSN, 16 June 2004, p. 7.

[10] Records, p. 96.

[11] G.R. No. 147678-87, 7 July 2004, 433 SCRA 640.

[12] CA rollo, pp. 28-29.

[13] Rollo, p. 16.

[14] *Id.* at 25.

[15] CA rollo, p. 48.

[16] *People v. Ocampo*, G.R. No. 171731, 11 August 2006, 4989 SCRA 581;

[17] *Id.*

[18] *People v. Isnani*, G.R. No. 133006, 9 June 2004, 431 SCRA 439, 449, citing *People v. Tan*, G.R. No. 129376, May 29, 2002, 382 SCRA 419, 432, citing *People v. Zheng Bai Hui*, 338 SCRA 420 (2000); *People v. Tiu*, G.R. No. 142885, 22 October 2003, 414 SCRA 1, 7.

[19] TSN, 5 August 2003, pp. 7-10.

[20] *Supra* note 5.

[21] *Supra* note 7.

[22] Records, pp. 30-31.

[23] *People v. Razul*, G.R. No. 146470, 22 November 2002, 392 SCRA 553.

[24] Records, p. 74.

[25] *People v. Dulay*, G.R. No. 150624, 24 February 2004, 423 SCRA 652, 662-663, citing *People v. Barita*, 325 SCRA 22, 37 (2000); *People v. Vinecario*, G.R. No. 141137, 20 January 2004, 420 SCRA 280; *People v. Ahmad*, G.R. No. 148048, 15 January 2004, 419 SCRA 677.

[26] *People v. Uy*, G.R. No. 128046, 7 March 2000, 327 SCRA 335, 350, citing *People v. Dichoso*, 223 SCRA 174 (1993); *People v. Constantino*, 235 SCRA 384 (1994); *People v. Tranca*, 235 SCRA 455 (1994).

[27] *People v. Lee Hoi Ming*, G.R. No. 145337, 2 October 2003, 412 SCRA 550; *People v. Saludes*, G.R. No. 144157, 10 June 2003, 403 SCRA 590.

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