

THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LOURDES V. LEGASPI, APPELLANT.

G.R. No. 179718. September 17, 2008

Ponente: CORONA, J.

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CORONA, J.:

On March 14, 2001, appellant Lourdes V. Legaspi was charged with violating Section 8, Article II[1] and Section 16, Article III[2] of R.A. No. 6425 (otherwise known as "The Dangerous Drugs Act of 1972") in the Regional Trial Court (RTC) of Malolos City, Branch 76.

The Informations charging appellant of the above offenses read:

Criminal Case No. 749-M-01

That on or about the 14[th] day of March, 2001, in the Municipality of Meycauayan, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in her possession and control One (1) brick of dried marijuana fruiting tops weighing 900.00 grams which is a prohibited drug.

Contrary to law.

Criminal Case No. 750-M-01

That on or about the 14[th] day of March, 2001, in the Municipality of Meycauayan, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and legal justification, did then and there willfully, unlawfully and feloniously have in his [sic] possession and control Twenty-Eight (28) small size heat-sealed transparent plastic pack containing Methamphetamine Hydrochloride (shabu) weighing 8.663 gram,[sic] which is a regulated drug.

Contrary to law.

On arraignment, appellant, assisted by counsel, entered a plea of not guilty to both charges. Trial on the merits ensued.

The prosecution established the following facts:

Between 1:25 and 2:30 a.m. on March 14, 2001, members of the Philippine National Police (PNP) narcotics team went to appellant's house at Libis, Brgy. Saluysoy, Meycauayan, Bulacan to implement a search warrant issued by Executive Judge Napoleon Sta. Romana of the RTC of Guimba, Nueva Ecija. The search warrant specifically contained an order directing the officers of the law to conduct a search of appellant's house at any time of the day or night.

The officers coordinated with the Meycauayan PNP and the barangay tanod of the locality. However, it was the barangay tanod who assisted the narcotics team; they acted as witnesses to the search as the Meycauayan PNP was unable to join them.

The officers introduced themselves to appellant and proceeded to search her house in her presence and the barangay tanod. During the search, a member of the team saw a transparent plastic pack with white crystalline substance on top of a rice dispenser. This was turned over to the evidence custodian. The same officer also found a brick plastic bag bound with packaging tape. Again, this was given to the evidence custodian.

Thereafter, appellant was informed of her violations and was brought to the headquarters in Brgy. Saluysoy, Meycauayan, Bulacan where she underwent an investigation.

The confiscated evidence was brought to the crime laboratory office in Malolos, Bulacan for examination. The laboratory report yielded positive findings. The white crystalline substance was shabu. The brick plastic bag wrapped with packaging tape, on the other hand, turned out to be dried marijuana fruiting tops.

Appellant's defense hinged on the alleged irregularities that attended the search. She claimed that the officers conducted the search at an unreasonable time and in contravention of her request that it be made in her presence.

After trial on the merits, the RTC convicted appellant of the crime charged. The dispositive portion of the decision^[3] read:

WHEREFORE, in view of the above, accused Lourdes V. Legaspi is hereby found GUILTY BEYOND REASONABLE DOUBT of the offenses charged. In Criminal Case No. 749-M-01, she is hereby sentenced to suffer the penalty of Reclusion Perpetua and a fine of P500,000.00. In Criminal Case No. 750-M-01, she is hereby sentenced to suffer the penalty of one (1) year of Prision Correccional.

The Branch Clerk of Court is hereby ordered to immediately turn over the dangerous drugs involved in this case to the Philippine Drug Enforcement Agency (PDEA) for proper disposition and destruction.

SO ORDERED.

On appeal, the Court of Appeals (CA) affirmed the RTC decision with modification^[4] of the penalty^[5] imposed for Criminal Case No. 750-M-01. Thus:

WHEREFORE, in the light of the foregoing disquisitions, the decision of the Regional Trial Court of Malolos City, Branch 76, finding appellant Lourdes V. Legaspi, guilty beyond reasonable doubt of violation of Section 8, Article II and of Section 16, Article III of Republic Act 6425, is[,] hereby, AFFIRMED with MODIFICATION in that the appellant is sentenced to suffer the penalty of imprisonment ranging from six (6) months of arresto mayor, as minimum, to four (4) years and two (2) months of prision correccional, as maximum, in Criminal Case No. 750-M-01.

SO ORDERED.

We affirm the CA.

We see no reason to disturb the findings of the RTC as affirmed by the CA. The records are replete with evidence establishing appellant's guilt beyond reasonable doubt.

Furthermore, we uphold the findings of the lower courts that the search conducted by the police officers was not marred by irregularities.

As found by the CA, the search warrant expressly contained a directive for the police officers to search appellant's house at any time of the day or night.^[6] Thus, her contention that the search warrant was irregularly enforced as the search was conducted at an unreasonable time (between 1:25 and 2:30 in the morning) has no merit.

Moreover, her averment that the search was not made in her presence has no basis. The RTC held, and the CA affirmed, that the prosecution witnesses (namely the police officers who conducted the search) were very

straightforward and consistent in their testimonies that it was made in the presence of the appellant herself and the barangay tanod. Thus, it so bore all the earmarks of truth that it would be difficult not to give credence to it.[7] Furthermore, no improper motive could successfully be ascribed to the law enforcers for implicating appellant in the commission of the offense.[8]

The issues raised by appellant are actually factual and involve the credibility of the witnesses. Time and again, we have held that findings of trial courts on the credibility of witnesses deserve a high degree of respect. Having observed their demeanor during the trial, the trial judge is in the best position to determine this issue. Thus, his findings are not to be disturbed on appeal in the absence of any clear showing that he overlooked some fact or circumstance which can alter the result of the case.[9] For this reason, we decline to disturb the findings of the trial court.

WHEREFORE, the decision of the Court of Appeals in CA-G.R. CR No. 00278 is hereby AFFIRMED. Lourdes V. Legaspi is found guilty beyond reasonable doubt of violating Section 8, Article II and Section 16, Article III of R.A. No. 6425. She is sentenced to suffer the penalty of reclusion perpetua and ordered to pay a fine of P500,000 in Criminal Case No. 749-M-01. She is also sentenced to suffer the penalty of imprisonment ranging from six (6) months of arresto mayor, as minimum, to four (4) years and two (2) months of prision correccional, as maximum, in Criminal Case No. 750-M-01.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio Morales[*], Azcuna and Leonardo-De Castro, JJ., concur.

[*] As replacement of Justice Antonio T. Carpio who is on official leave per Special Order No. 515.

[1] Section 8, Article II of R.A. No. 6425, as amended by R.A. No. 7659, provides:

Sec. 8. Possession or Use of Prohibited 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 possess or use any prohibited drugs subject to the provisions of Section 20 hereof.

[2] Section 16, Article III of the same law, as amended by R.A. No. 7659, provides:

Sec. 16. Possession or Use 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 shall possess or use any regulated drug without the corresponding license or prescription, subject to the provisions of Section 20 hereof.

Section 20 thereof sets forth the penalties to be imposed. Thus:

Sec. 20. Application of Penalties, Confiscation and Forfeiture of the Procedure 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:

x x x

3. 200 grams or more of shabu or methylamphetamine hydrochloride;

x x x

5. 750 grams or more of indian hemp or marijuana;

x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalty shall range from prison correccional to reclusion perpetua depending upon the quantity.

x x x (As amended by R.A. No. 7659)

[3] Penned by Judge Candido R. Belmonte. Dated September 7, 2004. CA rollo, pp. 11-20.

[4] Penned by Associate Justice Jose L. Sabio, Jr. and concurred in by Associate Justices Jose C. Reyes, Jr. and Myrna Dimaranan Vidal of the Tenth Division of the Court of Appeals. Dated April 26, 2007. Rollo, pp. 2-21.

[5] See *Rigor v. The Superintendent, New Bilibid Prison*, 458 Phil. 561, 567 (2003).

[6] Section 9, Article 126 of the Revised Rules of Court provides:

Sec. 9. Time of making search. - The warrant must direct that it be served in the day time, unless the affidavit asserts that the property is on the person or in the place ordered to be searched, in which case a direction may be inserted that it be served at any time of the day or night.

[7] *People v. Che Chun Ting*, 385 Phil. 305, 320 (2000).

[8] *Mendoza v. People*, G.R. No. 173551, 7 October 2007.

[9] *People v. Romero*, 459 Phil. 484, 502 (2003).

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