

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. TEOFILO HONRADO AND ROMULO HONRADO, APPELLANTS.*G.R. No. 182197. February 27, 2012*

Ponente: BRION, J.

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We decide the appeal, filed by Teofilo Honrado and Romulo Honrado (appellants), from the September 21, 2007 decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01432. The CA decision affirmed with modification the February 21, 2000 decision[2] of the Regional Trial Court (RTC), Branch 53, Rosales, Pangasinan, finding the appellants guilty beyond reasonable doubt of violation of Sections 4[3] and 8,[4] Article II of Republic Act (R.A.) No. 6425, otherwise known as The Dangerous Drugs Act of 1972.

The evidence for the prosecution showed that sometime in June 1995, SPO3 Rodolfo de Guzman of the Philippine National Police (PNP) Narcotics Command, Urdaneta, Pangasinan, received information from a concerned citizen about the illegal drug activities in Barangay Carmen East, Rosales, Pangasinan. Acting on this information, SPO3 De Guzman directed SPO3 Ruperto Galliguez and PO3 Rolando Garcia to conduct a surveillance in Barangay Carmen East.[5] SPO3 Galliguez and PO3 Garcia did as instructed, and then reported that two persons, known as alias “Temmy” and alias “Whity,” were engaged in drug pushing in the area. Afterwards, SPO3 De Guzman formed an entrapment team composed of himself, SPO3 Galliguez, PO3 Garcia, SPO2 Honorato Natividad, SPO1 Flash Ferrer, and PO2 Laudencio Gallano.[6]

At around 4:30 a.m. of June 13, 1995, the entrapment team, together with the informant, went to the Carmen Police Sub-Station to coordinate with the local police and then proceeded to Barangay Carmen East to conduct the buy-bust operation.[7] When they arrived there, PO3 Garcia and the informant went to a vacant lot, while the other members of the team strategically positioned themselves around the area. The informant went to a cemented dike and contacted appellants Romulo and Teofilo. When they returned to the vacant lot, the informant introduced PO3 Garcia to the appellants as a buyer of marijuana. The appellants instructed PO3 Garcia to wait.[8] When the appellants returned, Romulo handed one block of marijuana dried leaves wrapped in a newspaper to PO3 Garcia. PO3 Garcia gave one P500.00 bill and five P100.00 bills to Romulo, who, in turn, handed them to Teofilo. PO3 Garcia then made the prearranged signal to his companions. Immediately after, the other members of the buy-bust team approached the appellants, identified themselves as police agents, and arrested the appellants. SPO3 Galliguez searched Teofilo and recovered the marked money from his back pocket.[9]

The appellants told the police that there were other blocks of marijuana hidden in their house. SPO2 Natividad and SPO3 Galliguez accompanied the appellants to Romulo’s house; the appellants entered the house while the police waited outside. The appellants got four blocks of marijuana from the house, placed them in a bag, and handed them over to SPO3 Galliguez.[10] Thereafter, the police brought the appellants and the seized items to the police station for investigation.[11] At the police station, the police marked the seized items[12] and made the corresponding Receipt of Property Seized.[13]

The appellants, for their part, interposed the defenses of denial, extortion, and frame-up.

The prosecution charged the appellants with violation of Sections 4 and 8 of R.A. No. 6425, as amended, before the RTC. The RTC found the appellants guilty beyond reasonable doubt of the crimes charged, and sentenced them to suffer the penalty of reclusion perpetua for each offense. It also ordered them to pay a P1 million fine.[14]

The appellants appealed to the CA, docketed as CA-G.R. CR-H.C. No. 01432. The CA, in its decision of September 21, 2007, affirmed the appellants' conviction for illegal sale of marijuana under Section 4 of R.A. No. 6425, as amended, but acquitted them for illegal possession of marijuana under Section 8 of this law on the ground of reasonable doubt.

The CA held that PO3 Garcia positively identified the appellants as the persons who gave him one block of marijuana in exchange for P1,000.00; his testimony was corroborated by SPO3 De Guzman, SPO2 Natividad and SPO2 Galliguez. It added that the seized specimens tested positive for marijuana.

The CA also ruled that the subsequent search and confiscation of the buy-bust money from Teofilo were justified because they were made as incidents to a lawful arrest. The appellate court likewise did not give credence to the appellants' claim of extortion for their failure to present any evidence to prove this allegation. The CA, however, acquitted the appellants for violation of illegal possession of marijuana under Section 8 of R.A. No. 6425 due to serious inconsistencies in the testimonies of the police on how they were able to get hold of the four additional blocks of marijuana.[15]

In their brief,[16] the appellants claim that the courts a quo erred in giving credence to the inconsistent and incredible testimonies of the prosecution witnesses. They further allege that it was improbable for them to voluntarily inform the police of the location of the four blocks of marijuana.

For the State, the Office of the Solicitor General maintains that the prosecution was able to prove the appellants' guilt beyond reasonable doubt.[17]

THE COURT'S RULING

We deny the appeal and affirm the appellants' conviction for illegal sale of 1,040 grams of marijuana under Section 4, Article II of R.A. No. 6425, as amended.

A buy-bust operation is a form of entrapment whereby ways and means are resorted to for the purpose of trapping and capturing the lawbreakers in the execution of their criminal plan.[18] The essential elements to be established in the prosecution of illegal sale of marijuana are as follows: (1) the identity of the buyer and the seller, the object of the sale and the consideration; and (2) the delivery of the thing sold and the payment therefor.[19] What is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti as evidence.[20]

The evidence on record showed the presence of all these elements. The witnesses for the prosecution successfully proved that a buy-bust operation took place and the block of marijuana subject of the sale was brought to, and duly identified in, court. PO3 Garcia, the poseur-buyer, positively identified the appellants as the persons who sold to him one block of marijuana dried leaves wrapped in a newspaper in exchange for the sum of P1,000.00. PO3 Garcia's testimony was corroborated on material points by his team leader, SPO3 De Guzman, SPO3 Galliguez, and SPO2 Natividad. PNP Forensic Chemist Police Supt. Theresa Ann Cid examined the items seized and found them to be positive for marijuana.

We rely on the trial court's assessment of the prosecution witnesses' credibility, absent any showing that certain facts of weight and substance, bearing on the elements of the crime, have been overlooked, misunderstood, or

misapplied. We point out that no improper motive was ever successfully established showing why the witnesses would falsely testify against the appellants. The testimonies of the prosecution witnesses, therefore, clearly established that the sale of marijuana took place between the appellants and the poseur-buyer. The delivery of the illicit drug to PO3 Garcia and the receipt by the appellants of the marked money successfully consummated the buy-bust transaction.[21]

Aside from the witnesses' testimonies, the fact that an actual buy-bust operation took place was also evidenced by the presented documentary evidence consisting of the marked moneys used in the operation; the Booking Sheet and Arrest Report against the appellants prepared by SPO3 De Guzman; and the Joint Affidavit of Arrest executed by the members of the entrapment team.

We also find that the totality of the presented evidence leads to an unbroken chain of custody of the confiscated item from the appellants. Indeed, in every prosecution for illegal sale of prohibited drugs, the presentation in evidence of the seized drug, as an integral part of the corpus delicti, is most material; it is vital that the identity of the prohibited drug be proved with moral certainty. The fact that the substance bought or seized during the buy-bust operation is the same item offered in court as exhibit must also be established with the same degree of certitude. It is in this respect that the chain of custody requirement performs its function. It ensures that unnecessary doubts concerning the identity of the evidence are removed.[22]

In the present case, the records reveal that after PO3 Garcia received the block of marijuana from Romulo, he handed it to SPO3 De Guzman. Afterwards, the police brought the appellants and the seized items to the police station, and marked the confiscated items. SPO3 De Guzman listed and recorded the items confiscated, and made the corresponding Receipt of Property Seized. This document was signed by the appellants, SPO3 De Guzman, SPO3 Galliguez, and SPO2 Natividad. Thereafter, SPO3 De Guzman made a request for laboratory examination addressed to the Regional Chief of the PNP Crime Laboratory in San Fernando, La Union. SPO1 Ferrer brought the request and the seized items to the PNP Crime Laboratory, where they were received by SPO4 Carlos Tamos, Jr., in the presence of P/Insp. Cid. Notably, P/Insp. Cid confirmed that the submitted specimen contained markings when it was forwarded to the crime laboratory. P/Insp. Cid placed her initials on the newspaper containing the bundle of marijuana, and again marked this bundle as evidence "A." She then examined the samples she took from the submitted specimen, and found them positive for marijuana. Significantly, P/Insp. Cid identified the bundle of marijuana in court to be the same bundle submitted to her for examination.

In fine, the prosecution established the crucial link in the chain of custody of the confiscated items from the time they were first seized until they were brought in the laboratory for examination and presented in court. The integrity and the evidentiary value of the marijuana seized from the appellants were duly proven not to have been compromised.

Finally, we find unmeritorious the appellants' defenses of denial, frame-up, and extortion. Denial is inherently a weak defense and cannot prevail over the positive identification by the prosecution. Negative and self-serving, denial deserves no weight in law when unsubstantiated by clear and convincing evidence. Corollarily, we have invariably viewed the defense of frame-up with disfavor, for it can easily be concocted and, like denial, is a common and standard line of defense in most prosecutions arising from violations of the Dangerous Drugs Act.[23] We, likewise, find the appellants' charge of extortion to be highly suspect, considering that the appellants did not file any criminal and/or administrative cases against the concerned police officers.

The Penalty

Section 4, Article II, in relation to Section 20, of R.A. No. 6425, as amended by R.A. No. 7659, provides:

Section 4. Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs. – The penalty

of reclusion perpetua to death and a fine from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall sell, administer, deliver, give away to another, distribute, dispatch in transit or transport any prohibited drug, or shall act as a broker in any of such transactions.

x x x x

Section 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:

x x x x

5. 750 grams or more of indian hemp or marijuana[.] [emphases ours.]

In the present case, the appellants were caught selling one block of marijuana weighing 1,040 grams. Accordingly, we affirm the ruling of the RTC and the CA imposing the penalty of reclusion perpetua and a fine of P1,000,000.00 as these are the penalties provided for by law.

WHEREFORE, in light of all the foregoing, we hereby AFFIRM the September 21, 2007 decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01432.

SO ORDERED.

Carpio, (Chairperson), Perez, Sereno, and Reyes, JJ., concur.

[1] Rollo, pp. 2-21; penned by Associate Justice Hakim S. Abdulwahid, and concurred in by Associate Justice Rodrigo V. Cosico and Associate Justice Apolinario D. Bruselas, Jr.

[2] CA rollo, pp. 21-27.

[3] Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs.

[4] Possession or Use of Prohibited Drugs.

[5] TSN, May 8, 1996, pp. 8-9.

[6] Id. at 10-11.

[7] Id. at 11-13.

[8] Id. at 14-16; TSN, January 4, 1999, pp. 7-8.

[9] TSN, May 8, 1996, pp. 18-20; TSN, January 4, 1999, pp. 9-10, 21.

[10] TSN, May 8, 1996, p. 24; TSN, January 4, 1999, pp. 11-12.

[11] TSN, May 8, 1996, pp. 24-25.

[12] TSN, January 4, 1999, pp. 24-25.

[13] TSN, May 8, 1996, p. 30; Records, p. 6.

[14] Supra note 2.

[15] Supra note 1.

[16] CA rollo, pp. 59-74.

[17] Id. at 87-112.

[18] Cruz v. People, G.R. No. 164580, February 6, 2009, 578 SCRA 147, 152.

[19] People of the Philippines v. Romeo Dansico y Monay, et al., G.R. No. 178060, February 23, 2011.

[20] See People v. Lascano, G.R. No. 172605, November 22, 2010, 635 SCRA 551, 559.

[21] Id. at 562.

[22] See Ruel Ampatuan “Alias Ruel” v. People of the Philippines, G.R. No. 183676, June 22, 2011.

[23] See People v. Dulay, 468 Phil. 56 (2004).

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