

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ROSDIA HAJILI Y SAKILAN, A.K.A. ROSDIA HAJILI Y JAYADI ALIAS “HADJI USDI,” AND NORMINA UNDAY Y ALOH, APPELLANTS.

G.R. Nos. 149872-73. March 14, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The buy-bust operation in this case is supported by the credible and straightforward testimonies of the police officers. Appellants’ desperate attempt to taint them with accusations of bias and irregular procedure is not supported by the evidence. Hence, the affirmation of the appealed judgment is inevitable.

Statement of the Case

Rosdia Hajili and Normina Unday appeal the February 21, 2001 Decision[1] of the Regional Trial Court (RTC) of Zamboanga City (Branch 16) in Criminal Case Nos. 16263 and 16264. They were found guilty of violating Sections 15 and 16 of Article III of Republic Act No. 6425 as amended. The dispositive portion of the assailed Decision reads as follows:

“WHEREFORE, the Court renders judgment as follows:

“1. In Criminal Case No. 16263, finding both Rosdia Hajili y Sakilan a.k.a. Rosdia Hajili y Jayadi alias ‘Hadji Usdi’ and Normina Unday y Aloh GUILTY BEYOND REASONABLE DOUBT of the crime of Violation of Section 15, Article III of Republic Act No. 6425, as amended, also known as The Dangerous Drugs Act of 1972, and SENTENCING each of said accused to suffer the penalty of RECLUSION PERPETUA and its accessory penalties, to pay a fine of FIVE HUNDRED THOUSAND (P500,000.00) pesos each, and to pay the costs; and

“2. In Criminal Case No. 16264, finding accused Rosdia Hajili y Sakilan a.k.a. Rosdia Hajili y Jayadi alias ‘Hadji Usdi’ GUILTY BEYOND REASONABLE DOUBT of the crime of Violation of Section 16, Article III of Republic Act No. 6425, also known as The Dangerous Drugs Act of 1972 and SENTENCING said accused to suffer the indeterminate penalty of SIX (6) MONTHS of arresto mayor as minimum to FOUR (4) YEARS and TWO (2) MONTHS of prision correccional as maximum, and to pay the costs.”[2]

Appellants were charged in two separate Informations,[3] both dated August 24, 1999.

In Criminal Case No. 16263, the Information reads:

“That on or about August 23, 1999, in the City of Zamboanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together, mutually aiding and assisting x x x one another, not being authorized by law to sell, deliver, give away to another, transport or distribute any regulated drug, did then and there wil[l]fully, unlawfully and feloniously, sell and deliver to PO3 ENRIQUE C. RIVERA, PNP Tumba droga agent, who pose[d] as buyer, five (5) big transparent plastic packs containing 241.6338 grams of white crystalline substance which when subjected to qualitative examination gave positive result to the tests for Methamphetamine Hydrochloride (shabu), knowing same to be a regulated

drug.”[4]

The Information in Criminal Case No. 16264 charges them as follows:

“That on or about August 23, 1999, in the City of Zamboanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there wil[l]fully, unlawfully and feloniously have in [their] possession and under [their] custody and control one (1) medium transparent plastic pack containing white crystalline substance having a total weight of 4.0859 gram which when subjected to qualitative examination gave positive result to the tests for Methamphetamine Hydrochloride (Shabu), knowing the same to be a regulated drug.”[5]

During their arraignment on September 23, 1999 for Criminal Case No. 16263[6] and on October 25, 1999 for Criminal Case No. 16264,[7] appellants, assisted by their counsel de parte,[8] pleaded not guilty to the charges. After a joint trial of the cases, the lower court rendered the assailed Judgment.

The Facts

Version of the Prosecution

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

“Around 3 o’clock in the afternoon of August 21, 1999, PO3 Enrique Climaco Rivera, then assigned to the Task Force Tumba Droga Team I, Zamboanga City, was on duty at police headquarters. Momentarily, a lady informant reported to P/Ins. Alfredo Francisco, the team leader, that a certain Rosdia was selling prohibited drugs at the second floor of Mindpro [Citymall]. P/Ins. Francisco brought the lady informant to PO3 Rivera. P/Ins. Francisco instructed PO3 Rivera to go with the informant and verify the report. And after confirming the report to be true, he should negotiate with the suspect to buy shabu worth P200,000.00. The informant told PO3 Rivera that Rosdia was a big-time pusher.

“PO3 Rivera and the lady informant proceeded to the second floor of Mindpro [Citymall] to look for Rosdia. After failing to find her at the mall, PO3 Rivera and the lady informant left. They agreed to return to the place the afternoon of the following day.

“In the afternoon of August 22, 1999, PO3 Rivera and the lady informant went to Mindpro [Citymall] and proceeded to the second floor where they saw Rosdia taking a snack in an eatery. The informant told PO3 Rivera that she alone would approach Rosdia. After talking briefly to Rosdia, the informant waved at PO3 Rivera to join them. The informant introduced Rosdia to PO3 Rivera saying: ‘Nelson, si Rosdia, yong sinasabi ko sa iyo.’ PO3 Rivera and Rosdia shook hands. PO3 Rivera introduced himself as Nelson Yap, while Rosdia introduced herself as Rosdia Hajili. Rosdia asked PO3 Rivera if he had money. PO3 Rivera told her that he had P200,000.00 which he left at the hotel. Rosdia told him that the amount was just equivalent to five (5) lowest. One (1) lowest is a pack of shabu weighing more or less 50 grams. PO3 Rivera agreed to buy five (5) lowest. They agreed to meet again at 11 o’clock the following morning at the same place. Rosdia told PO3 Rivera to bring the money. Thereafter, PO3 Rivera and the informant left. They agreed to meet at the gate of the puericulture center fronting the Mindpro [Citymall] between 10:00 to 10:30 in the morning of the following day.

“SPO3 Rivera returned to headquarters and reported what transpired to P/Insp. Francisco. They withdrew the amount of P200,000.00 from the Finance Section of the police. P/Insp. Francisco got a bag, put the money inside, and brought it to the office of Task Force Tumba Droga. P/Insp. Francisco conducted a short briefing on the planned buy-bust operation. The target of the buy-bust operation was a certain Rosdia Hajili who was frequently seen at Mindpro [Citymall]. PO3 Rivera was designated poseur-buyer while PO3 Alfredo S. Trumata would act as Rivera’s back-up. The other members of the team were assigned as perimeter guards. It was agreed that when PO3 Rivera remove[s] his bull cap, it would mean that the deal was consummated. The

members of Task Force Tumba Droga Team present at the briefing were P/Insp. Alfredo Francisco, PO3 Enrique Rivera, SPO1 Eduardo Bernardo, SPO1 Amado Mirasol, SPO1 Marcelino Herbano, PO3 Alfredo Trumata, PO3 Renato dela Peña, PO3 Allan Obut, PO1 Yasser Salonga and PO1 Hilda Montuno.

“The next day, August 23, 1999, about 9 o’clock in the morning, PO3 Rivera and the rest of the members of the team were at the office of Task Force Tumba Droga. P/Insp. Francisco again conducted a short briefing. He reminded the members of the team to deploy themselves in strategic positions at the [Citymall] where they could not be seen. P/Insp. Francisco would post himself near the toilet where he could see PO3 Rivera. P/Insp. Francisco handed over to PO3 Rivera the bag containing P200,000.00 in bundles of P10,000.00 each. The members of the team then proceeded to Mindpro [Citymall]. SPO3 Rivera boarded his motorcycle followed by the other members.

“About an hour later, SPO3 Rivera and the informant met. They proceeded to the second floor of Mindpro [Citymall] where they waited for Rosdia Hajili. Moments later, Rosdia arrived and approached PO3 Rivera and the lady informant. She asked SPO3 Rivera if he had the money with him. PO3 Rivera opened the bag and showed the contents to her. PO3 Rivera counted one bundle amounting to P10,000.00 in the presence of Rosdia. He took a P100.00 bill and gave it to the lady informant. He told the informant to buy snacks for them. After Rosdia was convinced, she told PO3 Rivera to come back at 2 o’clock in the afternoon in the same place to finalize their transaction.

“At 1:30 in the afternoon, after a short briefing in their office, PO3 Rivera and the other members of the Task Force Tumba Droga Team returned to Mindpro [Citymall]. He brought the black bag containing marked money in the lesser amount of P6,000.00 and crumpled bond paper. Rosdia arrived at 2 o’clock in the afternoon accompanied by a man and a woman. Rosdia told PO3 Rivera that they would finalize the transaction at Baliwasan Chico, Sampaloc Drive. At first, PO3 Rivera expressed apprehension in bringing a big amount of money in that critical place. Rosdia, however, told him not to worry as she was from that place. PO3 Rivera excused himself. He went to the comfort room. He was followed inside by P/Insp. Francisco. PO3 Rivera informed Francisco that the transaction would be finalized in Baliwasan Chico, at Sampaloc Drive. P/Insp. Francisco told PO3 Rivera to go ahead because members of the team would be there. PO3 Rivera returned to their table. Rosdia Hajili and her two companions went down and boarded a tricycle. PO3 Rivera and the lady informant followed in another tricycle. The two tricycles headed towards Baliwasan Chico. P/Insp. Francisco and his team members furtively followed the two tricycles.

“The group arrived at Baliwasan Chico about 2:45 in the afternoon. Rosdia and her companions, together with PO3 Rivera and the lady informant, passed through a blue steel gate and into a bungalow house. Rosdia talked to one of its occupants. PO3 Rivera, the lady informant and Rosdia’s two companions were left waiting at the terrace. Rosdia returned to the terrace and told PO3 Rivera and the lady informant that the house belonged to her friend. Rosdia instructed her companions to summon a certain Normina. Rosdia’s companions left and proceeded to the interior portion of Sapang Palay. After a few minutes, Rosdia’s companions returned with Normina Unday. Rosdia’s companions then left the house. Rosdia instructed Normina to get the shabu. Normina also went out and headed for Sapang Palay.

“A few minutes later, Normina Unday returned bringing with her a folded white plastic bag clasped under her armpit. She gave it to Rosdia Hajili. Rosdia inspected the contents of the white plastic bag and handed it over to PO3 Rivera. She told PO3 Rivera: ‘Lima yan.’ PO3 Rivera inspected the white plastic bag with the label TONG’S, containing five (5) transparent plastic packs of crystalline substance. PO3 Rivera then gave the pre-arranged signal to the buy-bust team members by removing his bull cap. Rosdia Hajili asked PO3 Rivera, ‘Yung pera?’ PO3 Rivera pretended to open the bag he was carrying. At that juncture, PO3 Rivera noticed the group of P/Sr. Insp. Francisco and PO3 Trumata entering the gate. PO3 Rivera identified himself as a policeman. He told Rosdia Hajili and Normina Unday that they were both under arrest. Normina Unday attempted to run but PO3 Rivera grabbed hold of her wrist and made her sit on the bench. Rosdia Hajili remained seated on the bench and did not offer any resistance.

“PO3 Alfredo Trumata placed Rosdia Hajili under arrest. He confiscated from her a brown shoulder bag with brand name BON containing a medium size transparent plastic pack of suspected shabu.

“PO3 Rivera turned over to the investigator, PO3 Dela Peña, the white plastic bag, marked TONG’S, containing five (5) big transparent plastic packs which contained white crystalline substance and the marked money in P100.00 bills amounting to P6,000.00 placed in two (2) brown mailing envelopes which were, in turn, placed inside a black bag. PO3 Trumata turned over a brown shoulder bag with brand name ‘BON’ which he confiscated from Rosdia Hajili. Inside, PO3 Trumata found a medium[-sized] heat-sealed transparent plastic pack containing suspected shabu.

“After their arrest, Rosdia Hajili and Normina Unday were brought to the police station. PO3 Rivera placed his markings ‘ECR’ (Enrique Climaco Rivera) on the confiscated items at the Office of Task Force Tumba Droga, particularly on the white plastic bag with the label TONG’S and on the five (5) big transparent plastic packs containing suspected shabu.

“P/Sr. Insp. Mercedes Delfin-Diestro, Forensic Chemist, PNP Regional Crime Laboratory Office 9, conducted laboratory tests on the five (5) big transparent plastic packs containing white crystalline substance with a total weight of 241.6338 grams and one (1) medium-sized transparent plastic pack containing white crystalline substance, weighing 4.0889 grams. The specimens submitted proved POSITIVE for METHAMPHETAMINE HYDROCHLORIDE (shabu), a regulated drug.”[9]

Version of the Defense

Denying the charges and claiming to be victims of a police frame-up, appellants present their version of the facts as follows:

“x x x. Rosdia Hajili y Jayadi, testified that x x x [s]he was previously arrested by the police and charged in court in connection with the violation of the Anti-Fencing Law, wherein she was detained and later acquitted. Among the arresting policemen was PO3 Trumata. On the day in question, August 22, 1999, she denies being at the Mindpro [Citymall] in the afternoon of the said date, since it was a Sunday, and that on the afternoon she had attended a wedding at the Garden Orchids Hotel together with Evangeline Asmad y Ayani who testified she met her neighbor, Appellant Rosdia Hajili. They even had their picture at the wedding taken together with Helen Sakkam. Appellant Hajili further aver x x x that she never went to Mindpro Citymall on that fateful day. As she was feeling ill and so much so that she had to go see a quack doctor (‘tawal-tawal’) for her fever at the house of Hadja Fatima in Baliwasan Chico. While she was being treated by Delma Abubakar, the quack doctor, policemen suddenly entered the house, among one of them was whom she recognized as PO3 Rivera in connection with her case for violation of the Anti-Fencing Law. She further declared before August 21, 22 and 23, 1999 she knew Rivera was a Police Officer.

“On the other hand, Accused-Appellant x x x Normina Unday y Aloh, testified that x x x [s]he came to Zamboanga City for the first time on August 14, 1999 with her sister who was leaving for Saudi Arabia. They stayed at the house of Hadja Fatima who is the friend of her sister. When her sister left for Saudi Arabia, she was employed as a house helper of Hadja Fatima. She further avers that on the afternoon of August 23, 1999, she was inside the bathroom of Hadja Fatima’s house taking a bath and washing clothes when suddenly there was a knock at the door. Upon opening it she was confronted by a policeman holding a pistol by the door who brought her to the sala where x x x other policemen [were] gathered. At that time she was still wet. The policeman talked to them nicely that they will bring her and Rosdia Hajili to the police station and afterwards they will bring them back home. They were then taken to the police station at Sta. Barbara. After being searched they were then brought to the police station at Divisoria [where] they stayed for two nights, after which they were then brought to the city jail. Accused-Appellant Unday further x x x denies that she brought shabu upon the instruction of Accused-Appellant Rosdia Hajili to the house of Hadja Fatima. She said that she has not sold shabu to anyone at any time.”[10]

Ruling of the Trial Court

The trial court gave credence to the evidence of the prosecution and found the buy-bust operation lawful. It held that the apprehending police officers could not have merely concocted the facts, which they had clearly and convincingly narrated in their respective testimonies. Thus, it upheld the presumption that they had performed their duties in a regular manner, since no evidence to the contrary had been presented.

Moreover, the trial court rejected appellants' defense of frame-up, because it found the testimonies of the accused and their witnesses to be dubious and unconvincing. It declared as suspicious the statement that the police officers had simply barged into the house and escorted both of the accused to the police station without any explanation. It was convinced that the policemen had been led to the house by the accused Hajili in connection with a drug transaction she had previously arranged with PO3 Rivera.

Hence, this appeal.[11]

Issues

In their Brief, appellants raise the following assignment of errors for our consideration:

“I

That the court a quo erred when it did not dismiss the charges against both appellants on the ground that their guilt was not prove[n] beyond reasonable doubt.

“II

The trial court erred when it held there was conspiracy between the two appellants.

“III

The trial court erred when it resolved the case against both appellants because public officers have in their favor the presumption that they did their job regularly in the performance of their duties.”[12]

In short, appellants are questioning (1) the sufficiency of the prosecution evidence and (2) the regularity of the conduct of the buy-bust operation.

The Court's Ruling

The appeal has no merit.

First Issue:

Sufficiency of the Prosecution Evidence

In a prosecution for illegal sale of dangerous drugs, the following elements must first be established: (1) proof that the transaction or sale took place and (2) the presentation in court of the corpus delicti or the illicit drug as evidence.[13]

On the other hand, in a prosecution for illegal possession of a dangerous drug, it must be shown that (1) the accused was in possession of an item or an object identified to be a prohibited or regulated drug, (2) such possession is not authorized by law, and (3) the accused was freely and consciously aware of being in possession of the drug.[14]

A review of the records and the transcripts of stenographic notes of these cases reveals that the prosecution has proven the presence of these elements.

Prosecutions involving illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation. Furthermore, this Court is guided by the entrenched rule that the assessment of witnesses and their testimonies is a matter best undertaken by the trial court, which had the opportunity to observe the demeanor, conduct or attitude of the witnesses. The findings of the lower court on this point are accorded great respect and will not be reversed on appeal, unless it overlooked substantial facts and circumstances which, if considered, would materially affect the result of the case.[15]

PO3 Enrique Rivera, the poseur-buyer in the buy-bust operation, positively identified Hajili and Unday as the peddlers of the confiscated shabu. He testified thus:

"Q

So, on the following day, August 22, at about past 3:00, tell this Honorable Court where were you?

A

I was at the vicinity of the Puericulture Center, fronting the Citymall waiting for the informant.

Q

[Was] that [the] time and date and place x x x you [met] the informant?

A

Yes, after a few minutes, she arrived and after we met we proceeded to the second floor of the Citymall.

Q

This time, when you arrived at the second floor of the Citymall, what happened?

A

When we arrived at the second floor, she was able to spot the subject taking a snack in one of the tables and she told me to wait for a while, while she goes and talks to the subject person.

Q

And you said the informant was able to spot the target person taking a snack at that time[.] Was she alone or with a companion x x x when she was taking the snack?

A

That time she was alone.

Q

Your informant told you to wait because she will go and approach the target. What happened when the informant approached the target?

A

I saw them having a conversation[.] [A]fter that she [waved] her hand so I proceeded to where they were seated.

Q

What did you do after [she waved] her hand?

A

I proceeded to where they were and when I arrived there, she introduced me to the subject person.

Q

How were you introduced to the subject person?

A

The informant introduced to me that I gave her name as Nelson. She said, 'Nelson, si Rosdia, yong sinasabi ko sa iyo' and then we [shook] hands.

Q

You said your informant introduced you to the target and she gave to you the name Rosdia Hajili after you gave your name as Nelson Yap. If you see her again, will you be able to identify her if you see her again?

[A]

Yes.

Q

If she is in the courtroom, please point to her?

COURT INTERPRETER:

Witness pointed to a person when asked [her] name identified [her]self as Rosdia [Hajili].

COURT:

Q

You were introduced as Nelson?

A

Nelson Yap, your Honor.

FISCAL LIM:

Q

After that introduction, what happened next?

A

Rosdia asked me 'Ikaw ba yong buyer?' I said[,] 'Yes,' so she asked me if I have money and I said 'Yes, I have money but I left it at the hotel.' So she asked me how much am I buying then I told her worth P200,000. And I ask what is the equivalent of that and she told me it is just equivalent to 5 lowest. That is the term x x x used [by] drug traffickers which means more or less 50 grams per plastic worth P40,000.00.

Q

You said, Mr. Witness that Rosdia [Hajili] told you that your money worth P200,000.00 is only equivalent to five (5) lowest, what happened next, after that?

A

So, I agreed that it was okay then she also told me, all right, in that case we will see each other tomorrow at 11:00, the same place, but you have to bring along the money. According to her, I have to bring money to

make sure that I really have such amount.

x x x x x x x x

Q

You said, you returned back to your office. About what time was that when you arrived there at your office?

A

It was already 4:00 o'clock.

Q

When you arrived in the office, tell this Honorable Court what did you do there?

A

When I arrived, Ins. Francisco was around so I informed him about the deal that I was able to take with the subject Rosdia Hajili and was able to transact and we agreed to have a deal and that I have to bring money tomorrow at 11:00 o'clock, the same place, so I also [told] Ins. Francisco that the money worth P200,000.00 is only worth 5-lowest. Ins. Francisco told me that, all right, we will withdraw money from the Finance Section."[16]

"FISCAL CABARON:

Q

Mr. Witness, what time was that when you arrived at Mindpro [Citymall] in the morning of August 23, 1999, when you met your Informant there on your way to the second floor?

A

About 10:10 in the morning.

x x x x x x x x

Q

What happened when you said she appeared, who was that suspect who arrived?

A

Rosdia Hajili.

x x x x x x x x

A

She approached x x x our table and sat down and asked me if I have the money.

Q

What did you tell her?

A

I told her `Yes, I have the money. I am bringing it now with me.'

x x x x x x x x

Q

You said, that the suspect, Rosdia Hajili, peeped inside your bag and after she checked on your bag, what happened next?

A

After she peeped [at] the money that I [brought,] I even took x x x [it] and counted [it] in her presence [and it] amounted to P10,000.00 and after that I x x x/got P100.00 and gave [it] to my Informant and told [her] to buy some snacks for us.

x x x x x x x x

Q

What happened after that?

A

During our conversation x x x my Informant returned x x x and brought snacks and we ate and after consuming it, the suspect Rosdia Hajili told me that she was satisfied and she told me that we will be seeing again at 2:00 o'clock on the same afternoon, the same date, the same place.[17]

x x x x x x x x

Q

What happened when you met there?

A

We waited for the arrival of the subject Rosdia Hajili and it was already 2:00 o'clock, the same day[.] I noticed that x x x this time she was x x x with two companions[,] a male and a female compa[n]ion[.] [There] were three of them.

Q

What happened Mr. Witness after the suspect arrived together with the two companions?

A

We were waiting and x x x she told me that we will be finalizing at Baliwasan Chico and I asked where[.] What particular place at Baliwasan Chico and she told me at Sampaloc Drive and x x x I told her it is critical in that area [to bring a] big amount of money and we [might fall victims] there and she gave me an assurance that she is from that place and I agreed and we proceeded there.

COURT:

Q

[Where] at Baliwasan Chico?

A

Sampaloc Drive.

COURT:

Proceed.

FISCAL CABARON:

Q

[What happened after] you agreed that you will be going with her at Baliwasan Chico, Sampaloc Drive?

A

I [told her] that I have some personal necessity and I went to the Comfort Room and Inspector Francisco followed me and I informed him that we will be transferring to Baliwasan Chico and he gave me the assurance that I can go with them and I must not be worried because the group will follow behind.

x x x x x x x x

Q

About what time was that when you left and boarded tricycles and proceeded to Baliwasan Chico?

A

About 2:25 in the afternoon.

Q

Were you able to arrive at Baliwasan Chico?

A

Yes. We arrived there at Baliwasan Chico.

Q

Particularly could you point to any point of reference in Baliwasan Chico where you went together with Rosdia Hajili and her two companions?

A

We went to the cemented road and inside there about 60 meters from the main road particularly near the house of former City Director Colonel Mohammad.

Q

About what time was that when you arrived there?

A

More or less it was already up to 2:45 in the afternoon.

Q

What happened Mr. Witness, when you arrived there?

A

When we arrived there they went inside the house and we also followed[. I] and my Informant and her two companions were left in the terrace of the said house while Rosida Hajili proceeded inside and I was also able to see that she was talking with one of the occupants of the house.

Q

What happened next after you saw Rosdia Hajili talked with the occupants of the house inside?

A

Then, she went back and told me that we can stay there for a while; that is the house of a friend, we can stay there x x x for the final deal.

x x x x x x x x

Q

What did you do there, Mr. Witness, at the terrace?

A

We only wait[ed] there and after informing me that we can stay there[,] she instructed her two companions, the male and the female companions[,] to proceed and [fetch a] certain Nurmina.

x x x x x x x x

Q

What did these two persons do after Rosdia Hajili directed them to call a certain Nurmina?

A

The two companions left and proceeded to the interior part of the place at Sapang Palay Portion and after [a] few minutes they returned x x x bringing [a] bag along with them with another lady there [who was] later on identified as Nurmina.

Q

When you said that a male and a female [companion] of Rosdia Hajili returned and [brought along another female that was] later on identified as Nurmina?

A

Yes.

Q

And if this Nurmina is around the Court Room, will you be able to identify her?

A

Yes.

Q

Look if this Nurmina is inside the Court Room please point to her?

A

(Witness pointing)

[COURT INTERPRETER:]

Witness pointed to a woman in Court and when asked her name identified herself as Nurmina Unday.

[FISCAL CABARON:]

Q

What happened next when Nurmina Unday arrived together with the two companions of Rosdia Hajili?

A

Her two companions left us in the house and proceeded to the portion of the main door and proceeded outside and Rosdia Hajili instructed Nurmina Unday to get the shabu and so, immediately Nurmina Unday went out of the house and proceeded again where they came from at [Sapang Palay].

Q

What happened next when Nurmina Unday left and proceeded to the inner portion of [Sapang Palay]?

A

After a few minutes Nurmina Unday came back and she was bringing along with her a white plastic cello[phane] and upon arrival Nurmina Unday handed the white plastic cello[phane] to Rosdia Hajili.

Q

What happened next when Nurmina Unday handed the plastic cello[phane] to Rosdia Hajili?

A

Rosdia Hajili opened the plastic cello[phane] and inspected the contents and later on she gave me the cello[phane] and told me 'Lima Yan'.

COURT:

Q

Where were you at that precise time?

A

I was on the bench of the terrace.

COURT:

Proceed.

FISCAL CABARON:

Q

What did you do after this Rosdia Hajili handed to you this plastic cello[phane] and said[,] 'Lima Yan', what did you do?

A

I also inspected the contents of it -- the contents of the Jollibee plastic bag containing crystalline substance -- and it [contained] shabu and while inspecting it when I saw that it is shabu I made my pre-arranged signal x x x and I noticed that at the same time when I gave my pre-arranged signal Rosdia Hajili was asking the payment 'yung pera' and when she demanded the payment I pretended to open the bag and, at this juncture, I noticed that the group of Inspector Francisco and Trumata was already inside the gate and at this juncture, I also identified myself as a policeman[,] 'Pulis kami huwag kikilos arestado kayo'. Nurmina Unday was about [to] run and I was able to hold her wrist and I let her sit on the bench and Rosdia Hajili remained sitting with no resistance[.] She remained seated on the bench and, at this juncture, Your Honor, Alfredo Trumata

placed Rosdia Hajili under arrest and I was able to see that Alfredo Trumata recovered a x x x small brown shoulder bag from Rosdia Hajili and I noticed that Alfredo Trumata recovered a plastic chasi containing a suspected shabu from that bag.

COURT:

Proceed.

FISCAL CABARON:

Q

Mr. Witness, what else transpired after the group of Inspector Francisco was already there and you have already effected the arrest of the two suspects Nurmina Unday and Rosdia Hajili?

A

At this juncture, I turned over the shabu plastic bag inside the cello[phane] containing the suspected shabu to our Investigator PO3 Renato Dela Peña and the marked money [which was] (P6,000.00) six thousand pesos and the crumpled bond paper and returned to PO3 Renato Dela Peña and Alfredo Trumata turned over to our Investigator the bag of Nurmina Unday containing a small plastic cello[phane] containing shabu.

Q

What happened to the Informant after you arrested the two suspects Nurmina Unday and Rosdia Hajili?

A

x x x [W]hen there [was a] commotion [the Informant] went out of the house and she disappeared and she left.

x x x x x x x x

FISCAL CABARON:

Q

Now, after the arrest of Rosdia Hajili and Nurmina Unday, Mr. Witness, you said you turned over the cello[phane] which [contains] the five packs of shabu inside the cello[phane] (plastic) x x x to the Investigator and likewise you turned over the bag which [contains the shabu recovered from] the buy-bust operation, what did you do next?

A

Inspector Francisco called thru the radio to fetch us with the vehicle[.] x x x [As] soon as the vehicle arrived we boarded in the vehicle with Renato Dela Peña, Alfredo Trumata and the two suspects boarded the vehicle and then, we proceeded to the station.

Q

What happened when you arrived at the station?

A

Upon arrival we booked in the investigation x x x the two suspects.

Q

You said you booked them in[. Was] the arrest of the two suspects registered in your Office?

A

Yes. It was registered."[18]

The foregoing testimony was substantially corroborated by PO3 Renato Dela Peña[19] and PO3 Alfredo Trumata.[20] The clear, straightforward and consistent testimonies of the police officers sufficiently support the trial court's conclusions. The allegation that Appellant Hajili knew the poseur-buyer to be a policeman is not a ground for inferring that she could not have sold the illegal drugs to him. Such sales to police officers do take place nowadays.[21]

Furthermore, the prosecution was able to establish that the substance obtained from appellants was shabu. Physical Sciences Report No. D-531-99[22] states: "Qualitative examination conducted on the above-stated specimen gave POSITIVE result to the tests for the presence of METHAMPHETAMINE HYDROCHLORIDE (shabu), a regulated drug."

Conspiracy

We are not persuaded by the argument of appellants that conspiracy was not duly proven. Their behavior during the entrapment shows that there was conspiracy between them. Direct proof is not essential to the establishment of conspiracy, as it may be inferred from the acts of the accused before, during and after the commission of the crime. All such acts imply conspiracy when they indubitably point to or indicate a joint purpose, a concert of action and a community of interest.[23]

Second Issue:

Defense of Frame-up or Hulidap

Appellants contend that they are victims of a police frame-up or hulidap. They assert that without any authority, permission or search warrant, the police officers suddenly barged into the house where they were staying and demanded money from its occupants.[24]

We are not convinced. Once the elements of a crime have been established, the defense of frame-up or hulidap must be clearly proven by the defense. This defense is difficult to substantiate, as we have held in *People v. Chen Tiz Chang*:[25]

"Courts generally view with disfavor this defense commonly raised in drug cases, for it is easy to concoct and difficult to prove. Moreover, there is a presumption that public officers, including the arresting officers, regularly perform their official duties. In the present case, the defense failed to overcome this presumption to present clear and convincing evidence to prove 'hulidap.'"

In the cases at bar, the defense failed to support its allegations. The testimonies of appellants and other defense witnesses are silent on the claim that the apprehending policemen demanded hush money. Also, as aptly observed by the trial court, assuming that appellants had been brought to the police station and detained without any explanation, they could have filed charges -- administrative or criminal -- against the policemen. No complaints, however, were ever reported.

Likewise, we find no merit in appellants' claim that the Zamboanga City policemen's use of the same method in conducting buy-bust operations is a reflection of the irregularity of the procedure. It must be noted that there is no rigid or textbook method of conducting buy-bust operations.[26] The choice of effective ways to apprehend drug dealers is within the ambit of police authority. Police officers have the expertise to determine which specific approaches are necessary to enforce their entrapment operations. The courts' duty in these cases is to ensure that the rights of the accused have not been violated during buy-bust operations.

Finally, the reliance of appellants on *People v. Lim*[27] is misplaced. Contrary to their assertion[28] in their Reply Brief,[29] the facts in that case are hardly similar to those in the instant cases. In the aforementioned case, we found substantial inconsistencies in the testimonies of the police officers who had conducted the buy-bust operation. Significantly, the testimony of the poseur-buyer on the sale of illegal drugs was not credibly corroborated, thus, creating uncertainty on whether the crime had indeed been committed.

There were no such attendant circumstances in the present cases. As mentioned earlier, appellants failed to destroy the credibility of the prosecution witnesses. The former alluded to inconsistencies that were, however, not specifically identified and supported. What is essential is that the prosecution witnesses positively identified appellants as the ones who had possessed the dangerous drug and sold it to the poseur-buyer.

WHEREFORE, the appeal is DENIED and the appealed Decision AFFIRMED. Costs against appellants.

SO ORDERED.

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

[1] Penned by Judge Jesus C. Carbon Jr.

[2] Assailed Decision, pp. 30-31; rollo, pp. 56-57.

[3] Signed by 3[rd] Assistant City Prosecutor Isidro L. Balan and approved by 1[st] Assistant City Prosecutor and Officer in Charge Abdulmaid K. Muin, MNSA.

[4] Records for Criminal Case No. 16263, p. 1; rollo, p. 9.

[5] Records for Criminal Case No. 16264, p. 1; rollo, p. 11.

[6] See Order dated September 23, 1999; records for Criminal Case No. 16263, p. 15.

[7] See Order dated October 25, 1999; records for Criminal Case No. 16264, pp. 13-16.

[8] Atty. Jose Fernandez.

[9] Appellee's Brief, pp. 5-15; rollo, pp. 255-265. Citations omitted.

[10] Appellants' Brief, pp. 11-13; id., pp. 110-112.

[11] This case was deemed submitted for resolution on September 27, 2002, upon the Court's receipt of appellants' Reply Brief signed by Atty. Bonifacio A. Tavera Jr. Appellee's Brief, signed by Assistant Solicitors General Carlos N. Ortega and Antonio L. Villamor and Solicitor Raul J. Mandin, was received by this Court on June 26, 2002. Appellants' Brief, signed by Atty. Jose E. Fernandez, was filed on September 20, 2001.

[12] Appellant's Brief, pp. 1-2; rollo, pp. 100-101. Original in upper case.

[13] *People v. Chen Tiz Chang*, 325 SCRA 776, February 17, 2000, citing *People v. Boco*, 309 SCRA 42, June 23, 1999; *People v. San Juan*, GR No. 124525, February 15, 2002.

[14] *People v. Khor*, 307 SCRA 295, May 19, 1999.

[15] *People v. Gonzales Jr.*, GR Nos. 143143-44, January 15, 2002, citing *People v. Tabones*, 304 SCRA 781, March 17, 1999; *People v. Zacarias*, GR No. 138990, January 30, 2002.

[16] TSN, December 20, 1999, pp. 9-13.

[17] TSN, December 21, 1999, pp. 4-10.

[18] Id., pp. 33-47.

[19] See TSN, February 11, 2000, pp. 11-20.

[20] See TSN, February 8, 2000, pp. 9-23.

[21] People v. Ganenas, GR No. 141400, September 6, 2001.

[22] Folder of exhibits, Exhibit "D" marked on December 9, 1999.

[23] People v. Boco, supra at 14.

[24] Appellee's Reply Brief, p. 2; rollo, p. 286.

[25] Supra at 14, per Panganiban, J., citing People v. Cheng Ho Chua, 305 SCRA 28, March 18, 1999.

[26] People v. Lacbanes, 270 SCRA 193, March 20, 1997, citing People v. Tranca, 235 SCRA 455, August 17, 1994.

[27] GR No. 141699, August 7, 2002.

[28] Appellants' Reply Brief, p. 3; rollo, p. 288.

[29] Rollo, pp. 285-290.

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