

[G.R. No. 126174, August 29, 2000]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CARMEN LACSON Y OLVES, ACCUSED-APPELLANT.**

D E C I S I O N

BUENA, J.:

This is an appeal from the joint Decision^[1] dated February 10, 1995, of the Regional Trial Court of Manila, Branch 45,^[2] in Criminal Case No. 93-115148, finding accused-appellant Carmen Lacson guilty beyond reasonable doubt of violation of Section 15, Article III in relation to 2 (e), (f), (m), (o), Article I of Republic Act No. 6425 (otherwise known as the Dangerous Drugs Act of 1972), as amended by Presidential Decree No. 1675, and sentencing her to suffer the penalty of life imprisonment and to pay a fine of P30,000.00 and costs.

In an information dated January 25, 1993, accused-appellant was charged as follows:

"That on or about January 8, 1993, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, dispense, deliver, transport or distribute any regulated (sic) drug, did then and there wilfully and unlawfully deliver and transport fifty pieces of transparent plastic bags (or tea bags) with markings (L.M.) each containing about five grams (5g) of white crystalline (sic) substance known as SHABU containing methamphetamine hydrochloride, which is a regulated drug.

"CONTRARY TO LAW." ^[3]

Under related circumstances, a second information, in Criminal Case No. 93-115149, was filed against accused-appellant, thus:

"That on or about January 10, 1993, in the City of Manila, Philippines, the said accused did then and there wilfully, unlawfully and feloniously attempted (sic) to bribe and corrupt Inspector Lucio Margallo IV, a public official being the Chief of the Narcotics Division, Western Police District Command, Philippine National Police, in the following manner, to wit: the said accused being then under arrest and in detention for Violation of Section 15, Article III, Republic Act No. 6425, as amended, otherwise known as the Dangerous Drugs Act, commence the commission of corruption of public officials by then and there offering to said Inspector Lucio N. Margallo IV the sum of FIVE HUNDRED THOUSAND (P500,000.00) PESOS, Philippine Currency, conditioned to her being released from custody and detention, but the said accused did not perform all acts of execution which would have produced the felony by reason of some cause or accident other than the accused' own spontaneous desistance, that is, by reason of the refusal of Inspector Lucio N. Margallo IV to accept the offer of P500,000.00.

CONTRARY TO LAW.” [4]

A joint trial of two (2) criminal cases ensued. When arraigned on April 22, 1993, accused-appellant pleaded not guilty to both charges.[5] Prior to her arraignment, accused-appellant filed two separate petitions for bail.[6] A preliminary hearing was conducted to resolve accused-appellant’s petition for bail. In a Resolution dated April 5, 1993, the trial court denied the petition for bail.[7] On June 15, 1994, accused-appellant filed her third petition for bail.[8]

At the hearing on the petition for bail, the prosecution presented the following witnesses: SPO1 Cecilio Lopez, Insp. Lucio Margallo, and Renee Eric Checa; while the defense presented Dr. Remegio A. Camacho. The prosecution adopted the evidence presented during the hearing on the petition for bail, as part of its evidence-in-chief against accused-appellant.[9]

SPO1 Cecilio Lopez, an investigator at the Narcotics Division, Western Police District Command, Philippine National Police, testified that on January 8, 1993, he was included in a mission to apprehend Carmen Lacson and Padzrati Tulawie for transporting/delivering drugs on the basis of the investigation of a certain Eduardo Tugay. Based on the information obtained from Tugay, an investigation and a surveillance were conducted involving accused-appellant. The said investigation revealed that accused-appellant was indeed involved in transporting methamphetamine hydrochloride, commonly known as shabu. Thus, on January 8, 1993, at around 1 p.m., they were able to apprehend accused-appellant Lacson, Padzrati Tulawie, and others at the Nagtahan bridge after accused-appellant handed a shoe box to Padzrati Tulawie. The said shoe box contained transparent plastic tea bags, each containing white crystalline substance, later found positive for methamphetamine hydrochloride, commonly known as shabu. Eleven (11) members were included in the assault group and ten (10) others were in the back-up group. SPO1 Lopez was the team leader of Team B, while Insp. Lucio Margallo headed Team A. Lopez’s team concentrated on the two (2) vehicles used by Padzrati Tulawie and boarded by four (4) to five (5) persons. Padzrati Tulawie’s vehicles were seen parked in queue along Jesus St., Pandacan. Lopez parked his vehicle at a vantage position within the vicinity of Jesus St. and Quirino Avenue. Accused-appellant’s vehicle, an L-300 van, driven by accused-appellant’s son and boarded by accused-appellant herself, her grandchild and the latter’s babysitter, appeared along Jesus St. and turned right to Quirino Avenue. Padzrati Tulawie’s vehicle followed accused-appellant’s L-300 van, turned right to Quirino Avenue and ran abreast with the L-300 van at a slow pace. Padzrati Tulawie’s vehicle, followed by its back-up car, swerved slightly to the right, at the opening of the road leading towards the area under the Nagtahan bridge, approximately three (3) meters from the approach of the Nagtahan bridge, as accused-appellant’s L-300 van came closer. Padzrati Tulawie’s vehicle and accused-appellant’s L-300 van stopped; and through the vehicles’ windows, accused-appellant, who was seated in the front right side of the L-300 van, handed over a shoe box to Padzrati Tulawie, who was seated at the back seat, right behind the driver of her vehicle. Insp. Lucio Margallo, who was about five (5) meters from the approach of the Nagtahan bridge, overtook the vehicles and cut vehicles’ path. The police officers jumped off their vehicles and Insp. Margallo took possession of the shoe box. Eleven (11) persons, who were aboard the three (3) vehicles, were brought to the Narcotics Division Office of the Western Police District Command, for investigation. The shoe box which contained plastic bags of white

crystalline substance was turned over to the Criminal Investigation Laboratory Division (CILD), Western Police District for examination.^[10] On January 10, 1993, he prepared and signed a Joint Affidavit of Arrest^[11] and a Supplemental Affidavit on January 11, 1993.^[12]

Insp. Lucio Margallo IV, chief of the Narcotics Division, Western Police District Command, testified that at around 1 p.m., on January 8, 1993, together with members of the Narcotics Division, he arrested Carmen Lacson at the approach of the Nagtahan bridge in Pandacan, Manila, while she was delivering/transporting methamphetamine hydrochloride. The arrest was made after surveillance, investigation and the deployment of police officers at the Nagtahan bridge. Insp. Margallo recounted that before they made the arrest, he and four (4) of his men were aboard his car which was parked along Quirino Avenue, facing Nagtahan bridge; another car, which was boarded by more of his men, was parked along Jesus St. He was informed by radio that there were two (2) Daihatsu vehicles parked along Jesus St., about 60 meters away from the corner of Quirino Avenue. He was likewise informed that an L-300 van was approaching Jesus St. The said L-300 van turned right towards Nagtahan bridge, followed immediately by the two (2) Daihatsu vehicles which were earlier parked along Jesus St. When the two (2) Daihatsu vehicles reached the opening of the service road of Nagtahan bridge, and the L-300 van ran abreast with the two (2) Daihatsu vehicles, Insp. Margallo immediately followed the three (3) vehicles. After Insp. Margallo saw the occupant of the front seat of the L-300 van hand over a shoe box to the occupant of the Daihatsu vehicle, he blocked the vehicles' path, right at the foot of the Nagtahan bridge. Insp. Margallo jumped off his car, took possession of the shoe box and checked its contents. Inside the shoe box, he saw several pieces of transparent plastic tea bags containing a white crystalline substance suspected to be methamphetamine hydrochloride. Thereafter, he and his men arrested accused-appellant, along with ten (10) others.^[13] Accused-appellant's 2-year-old grandchild was also taken with them. The suspects were brought to the police headquarters for investigation. After their investigation, the case was referred to the inquest prosecutor. The confiscated methamphetamine hydrochloride was turned over to the Criminal Investigation Laboratory for chemical examination. According to Insp. Margallo, accused-appellant tried to bribe him with P500,000.00 at around 9 p.m., on January 10, 1993, in his office, saying, "Tenyente, tulungan mo naman ako, palayain mo na ako. Eh, ito ibibigay ko sa iyo."^[14] Accused-appellant's son, Arturo Lacson and the babysitter were released for lack of sufficient evidence.^[15]

Renee Eric Checa, a chemist assigned at the Criminal Investigation Laboratory Division, Chemistry Section, Western Police District Command, testified that he received a referral letter, dated January 11, 1993 and signed by Insp. Lucio Margallo, and the specimen for chemical examination. The specimen was a shoe box containing 50 pieces of small transparent plastic bags with markings "LM." Each plastic bag contained about five (5) grams of white crystalline substance, which after chemical examinations turned out to be methamphetamine hydrochloride.^[16] He prepared Laboratory Report No. C-16639 which contained the following findings:

"xxx xxx.

"Specimen(s) submitted: One (1) box (marked Hawk) and containing fifty (50) pieces of small transparent plastic bags (or teabags) with markings

(LM), each containing about five grams (5g) of white crystalline substance, with counter markings.

"xxx xxx.

"RESULT OF EXAMINATION:

The separate chemical examinations of each of the aforementioned specimens (white crystalline substance) gave POSITIVE (+) results to the tests for "shabu" (methamphetamine hydrochloride) in all fifty (50) specimens."^[17]

The Court notes that based on Laboratory Report No. C-16639 and the testimony of the examining chemist, Renee Eric Checa, the quantity of methamphetamine hydrochloride (shabu) seized from accused-appellant was estimated at about five (5) grams for each of the fifty (50) pieces of small transparent plastic bags, totaling to about 250 grams. We must emphasize, at this point, the significance of a more precise laboratory examination, particularly, as far as the quantity of the seized prohibited drug is concerned. An inexactitude in the quantity of the prohibited drug involved, resulting in any doubt, shall be resolved in favor of the accused. In this case, however, the Court is not convinced that a doubt exists in favor of accused-appellant because, even if we were to assume that each plastic bag contains less than five (5) grams or utmost only four (4) grams of methamphetamine hydrochloride, summing up, the total quantity of seized methamphetamine hydrochloride will still amount to 200 grams, which is still within the minimum limit prescribed under Section 20 of the Dangerous Drugs Act of 1972, as amended.

The prosecution adopted the foregoing testimonies of SPO1 Cecilio Lopez, Insp. Lucio Margallo and Renee Eric Checa, as part of its evidence-in-chief against accused-appellant. The aforesaid prosecution witnesses were recalled by the defense for further cross-examination.

The defense presented the following witnesses: Gloria Torres, accused-appellant's babysitter; Rosita Pena, Pilipino Telephone Corporation (PILTEL) employee; Jose Sta. Cruz, building administrator of Executive Mansion in Makati; Arturo Lacson, son of accused-appellant; Teodoro San Luis Punzalan, Philippine Long Distance Telephone Company (PLDT) employee; and accused-appellant, Carmen Lacson.

In her defense, accused-appellant testified that on January 8, 1993, she resided at the Executive Mansion in Bangkal, Makati. Previously, she resided at Lot 8, Block 28, Capitol Estate in Quezon City, but left in November 1992 when the house was demolished. She was able to lease the condominium unit at Executive Mansion through the help of Padzrati Tulawie.^[18] They are both engaged in buying and selling blue seal cigarettes, canned goods, chocolates, towels and blankets. Accused-appellant denied having gone to Capitol Estate on January 8, 1993, claiming that the last time she went there was in December 1992.^[19] Accused-appellant declared that on January 8, 1993, she was at her condominium unit in Bangkal, Makati, and left only at around 3:45 p.m. in order to go to Dr. Camacho's clinic in Binondo.^[20] She was accompanied by her son, Arthur, Gloria Torres (the babysitter) and her grandchild, Apple; and they used the L-300 van. She maintained that hours before they left the condominium, she counted her money, amounting to P500,000.00, in the presence of Gloria, and handed the said money to Gloria. She explained that she usually carried a large amount of money because nobody was left in the condominium, and she usually received calls regarding merchandise (blue seal

cigarettes) which was up for sale. However, they were not able to go to Dr. Camacho's clinic because at a place near her condominium, a red car blocked their way, and persons who introduced themselves as PACC agents alighted from the red car and boarded her L-300 van.^[21] One of these men asked her if she was Magda but she said no and told him her name. When asked if she was carrying "bato," she replied by asking them what "bato" meant. Then, the other men searched the L-300 van for the said "bato." They took the plastic bag containing the P500,000.00. After the search, one of the men told her to give them 5 million pesos but she refused to do so. Using the L-300 van, they were brought to Paco Park at around 5:30 p.m. The men used her cellular phone in calling their "boss." After a while, Insp. Lucio Margallo arrived and talked with her. Insp. Margallo asked her to accompany his men in looking for Erlinda Figueroa, in return for which, she would be released. They (accused-appellant, Gloria, her grandchild Apple and six ^[6] men) proceeded to Marcelo Village in Parañaque where Figueroa resided. Accused-appellant's son, Arthur went with Insp. Lucio Margallo and the police officers who got the P500,000.00. Accused-appellant and her companions stayed at the gate of Marcelo Village, waiting for Figueroa but to no avail. At 7 a.m., of the following day, January 9, 1993, they proceeded to Maxim in Luneta where the men accompanying them ate breakfast. At around 9 a.m., they went back to Marcelo Village. At around 10 a.m. they proceeded to 7-Eleven located in front of the Western Police District in U.N. Avenue. The men continued to use accused-appellant's cellular phone. From 7-Eleven, they went to San Marcelino St. to meet Insp. Lucio Margallo. Insp. Margallo again asked accused-appellant where they could find Figueroa. She replied that Figueroa had a store in Greenhills. At around 1 p.m., together with Insp. Margallo, they proceeded to Greenhills but they again failed to find Figueroa. At 7 p.m., they were finally brought to the Western Police District headquarters, where she saw her son, Arthur detained. The following day, January 10, 1993, her grandchild, Apple was allowed to leave the police headquarters. While detained at the police headquarters, they were not allowed to use the telephone nor to leave. On January 11, 1993, they (accused-appellant, her son Arthur, Padzrati Tulawie and the others) were presented by then Mayor Alfredo Lim of the City of Manila to the media as suspected drug pushers. Accused-appellant further testified that she asked Insp. Margallo why she was "being pressured" and she was told that he wanted her to help him locate Figueroa so that he could be promoted.^[22] Accused-appellant also claimed that Insp. Margallo got mad at her because she signed a document stating that Erlinda Figueroa was not selling shabu.^[23] While no case was filed against the police officers who allegedly illegally arrested her and took her valuables, accused-appellant claimed that she had instructed her lawyers to file a case against the said police officers.^[24]

Arturo Lacson, accused-appellant's son, and Gloria Torres, the babysitter, corroborated accused-appellant's testimony that they left the condominium unit in Bangkal, Makati at around 4 p.m., on January 8, 1993 in order to go to Dr. Camacho's clinic in Binondo, but were not able to because they were arrested at the corner of Capinpin St., near the condominium unit. Gloria Torres likewise testified that they were brought to Paco Park, then to Marcelo Village in Parañaque where they stayed until the following day, January 9, 1993. At 7 a.m., on January 9, 1993, they went to Maxim in Luneta and ate. Afterwards, they continued to look for Erlinda Figueroa until January 11, 1993. They were detained at the Western Police District for about a week until she and Arturo Lacson were released for lack of sufficient evidence.