

## FIRST DIVISION

**[ G.R. No. 188310, June 13, 2013 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MERCIDITA T. RESURRECCION, ACCUSED-APPELLANT.**

## DECISION

**LEONARDO-DE CASTRO, J.:**

On appeal is the Decision<sup>[1]</sup> dated January 27, 2009 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02530, which affirmed the Decision<sup>[2]</sup> dated August 28, 2006 of the Regional Trial Court (RTC), Branch 135, of the City of Makati in Criminal Case Nos. 06-993 and 06-994, finding accused-appellant Mercedita T. Resurreccion guilty beyond reasonable doubt of the illegal sale and possession of dangerous drugs, thus, violating Article II, Sections 5 and 11 of Republic Act No. 9165, otherwise known as the Dangerous Drugs Act of 2002.

The Informations against accused-appellant read:

Criminal Case No. 06-993

That on or about the 16th day of May, 2006, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously sell, distribute and transport Methylamphetamine Hydrochloride, weighing zero point zero two (0.02) gram, which is a dangerous drug, in consideration of five hundred (Php500.00) pesos, in violation of the above-cited law.<sup>[3]</sup>

Criminal Case No. 06-994

That on or about the 16th day of May, 2006 in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess or otherwise use any dangerous drug and without the corresponding license or prescription, did then and there willfully, unlawfully and feloniously have in her possession, direct custody and control [of] Methylamphetamine Hydrochloride (Shabu) weighing zero point zero two (0.02) gram, zero point zero two (0.02) gram, zero point zero two (0.02) gram, zero point zero two (0.02) gram, zero point zero two (0.02) gram, zero point zero two (0.02) gram, zero point zero two (0.02) gram, zero point zero two (0.02) gram, zero point zero two (0.02) gram, zero point zero two (0.02) gram, totaling zero point twenty-four (0.24) gram[s] which is a dangerous drug, in violation of the above-cited law.<sup>[4]</sup>

When arraigned, accused-appellant pleaded not guilty to both charges.<sup>[5]</sup>

The prosecution presented as witnesses Police Officer (PO) 2 Julius B. Lique<sup>[6]</sup> (Lique), a member of the Station Anti-Illegal Drugs Special Operations Task Force (SAID-SOTF), Makati Police Station; and Jeffrey Esperat Abellana<sup>[7]</sup> (Abellana), an operative from the Makati Anti-Drug Abuse Council (MADAC). In addition, the prosecution offered the following object and documentary evidence: (a) Affidavit of Arrest<sup>[8]</sup> dated May 17, 2006 of PO2 Lique; (b) *Sinumpaang Salaysay*<sup>[9]</sup> dated May 17, 2006 of Abellana; (c) Request for Laboratory Examination<sup>[10]</sup> dated May 16, 2006 of suspected *shabu* contained in 13 heat-sealed plastic sachets marked "JBL" and "MERCY-1" to "MERCY-12[,]" prepared by Police Senior Inspector (PSINSP) Joefel F. Siason (Siason), Team Leader of the Makati City SAID-SOTF; (d) Physical Science Report No. D-375-06S<sup>[11]</sup> dated May 16, 2006 of the Southern Police District, Philippine National Police (PNP) Crime Laboratory Office, stating that the aforesaid specimens submitted for chemical analysis tested positive for Methylamphetamine Hydrochloride; (e) Pre-Operational Report/Coordination Sheet<sup>[12]</sup> dated May 16, 2006 of PSINSP Siason, revealing that accused-appellant was the subject of a surveillance and buy-bust operation conducted by a team composed of PSINSP Siason, PO2 Lique, PO1 Voltaire Esguerra (Esguerra), Abellana, and Norman Bilason (Bilason); (f) Certificate of Coordination<sup>[13]</sup> dated May 16, 2006 issued by the Philippine Drug Enforcement Agency (PDEA) certifying that the Makati City SAID-SOTF coordinated with PDEA as regards the buy-bust operation against accused-appellant; (g) Spot Report<sup>[14]</sup> dated May 16, 2006 of the Makati City SAID-SOTF detailing the results of the buy-bust operation; (h) Acknowledgement Receipt<sup>[15]</sup> dated May 16, 2006 of the Makati City SAID-SOTF certifying the turn-over of possession of the specimens confiscated from accused-appellant from PO2 Lique to PO2 Rafael Castillo (Castillo); (i) MADAC Certification<sup>[16]</sup> dated May 17, 2006 affirming that accused-appellant was included in the watch list of personalities suspected of selling prohibited drugs in Barangay Bangkal, Makati City; (j) Photocopies of three One Hundred Peso (P100.00) bills<sup>[17]</sup> used in the buy-bust operation; and (k) thirteen heat-sealed plastic sachets of suspected *shabu* and a plastic film canister confiscated from accused-appellant.<sup>[18]</sup>

The prosecution's evidence supported the following version of events:

After receiving information that accused-appellant was illegally peddling *shabu* near a small bridge along P. Binay St. in Barangay Bangkal, Makati City, the Makati City SAID-SOTF constituted a team to conduct a buy-bust operation. PSINSP Siason headed the team composed of PO2 Lique, PO1 Esguerra, Abellana, Bilason, plus a police informant. PO2 Lique acted as the poseur-buyer. He used the marked bills as the buy-bust money which were pre-marked "JBL." After all the preparations, the team executed the said operation.

At around six o'clock in the evening of May 16, 2006, the team proceeded to the area where accused-appellant was reportedly often seen. The team then spotted accused-appellant approaching a store. The informant introduced PO2 Lique to accused-appellant as his friend who wanted to buy *shabu*. PO2 Lique then handed the marked bills to accused-appellant who handed to PO2 Lique in exchange a heat-sealed plastic sachet of suspected *shabu*. PO2 Lique held accused-appellant's right

shoulder to signal the consummation of the transaction. Abellana immediately came to PO2 Lique's aid in apprehending accused-appellant. PO2 Lique introduced himself as a police officer, apprised accused-appellant of her constitutional rights, and thereafter ordered accused-appellant to empty her pockets. When accused-appellant refused, PO2 Lique himself frisked accused-appellant's pockets and found and confiscated a small film canister containing 12 more heat-sealed plastic sachets of suspected *shabu*.

PO2 Lique marked all the seized items from accused-appellant at the place of her arrest. The sachet of suspected *shabu* sold to PO2 Lique was marked with "JBL," the canister with "MERCY[.]" and the other 12 confiscated sachets of suspected *shabu* with "MERCY 1" to "MERCY 12[.]" Accused-appellant was then brought to the Makati City Police Station. PO2 Lique turned over all the items seized from accused-appellant to the duty investigator, PO2 Castillo. PSINSP Siason requested in writing that the 13 sachets of suspected *shabu* be chemically examined by the PNP Crime Laboratory Office. The contents of all the sachets tested positive for Methylamphetamine Hydrochloride.

Accused-appellant<sup>[19]</sup> and her 17-year old daughter, Cristine Joyce Resurreccion (Cristine),<sup>[20]</sup> testified for the defense.

According to the defense, accused-appellant was a stay-at-home mother while her husband worked as a jeepney driver. At around 6:45 in the evening of May 16, 2006, accused-appellant and five of her eight children were at home. Accused-appellant was about to change her clothes after washing the laundry, when several men with guns, who later turned out to be police officers, arrived looking for *shabu*. Accused-appellant told the police officers that there was no such thing in their house. However, a police officer forcibly handcuffed accused-appellant. The police officers turned the pockets of accused-appellant's shorts inside-out but did not find anything illegal. The police officers were only able to find Forty Pesos (P40.00) and a bracelet in accused-appellant's possession. Accused-appellant's children, frightened when the police officers barged into their house, were crying and embracing their mother.

The police officers brought accused-appellant outside and boarded her into a blue Revo. While accused-appellant was inside the vehicle, another man approached the police officers and handed them a wrapped item. The police officers were forcing accused-appellant to admit ownership of the wrapped item, but accused-appellant resisted. The police officers made accused-appellant alight from the vehicle. One of them brought out something from the wrapped item and put it on top of the vehicle. The police officers wanted accused-appellant to admit she owned these things but accused-appellant maintained that she did not.

The men tightened accused-appellant's handcuffs, hurting her. They again boarded accused-appellant on the Revo and brought her to police headquarters. At the headquarters, the police officers asked for accused-appellant's personal information (such as her name and address). The police officers next asked accused-appellant if the evidence on hand were really taken from her; and accused-appellant answered that the items were not hers. Lastly, accused-appellant was asked to take off her earrings, ring, and bracelet, and together with her Forty Pesos (P40.00), put them in one plastic bag.

Accused-appellant was detained for one night. The following day, she was brought for inquest.

Meanwhile, with her father out of the house and her mother arrested on the night of May 16, 2006, Cristine called her uncle (her father's brother) for help. Her uncle came over to the house to help look for accused-appellant. Cristine and her uncle asked around at Makati City Hall where accused-appellant could be and a janitor told them that those arrested for selling illegal drugs are brought to the MADAC office at J.P. Rizal. When Cristine and her uncle arrived at Precinct 1, J.P. Rizal, accused-appellant was not there. Cristine and her uncle waited until Cristine was finally able to see accused-appellant.

In its Decision promulgated on August 28, 2006, the RTC found accused-appellant guilty beyond reasonable doubt of the crimes charged. The trial court gave full weight and credence to the evidence presented by the prosecution and disregarded accused-appellant's defenses of denial and frame-up. The verdict reads:

**WHEREFORE,** it appearing that the guilt of accused MERCIDITA RESURRECCION y TORRES for violation of Sections 5 and 11 of RA 9165, was proven beyond reasonable doubt, as principal, with no mitigating or aggravating circumstances, she is hereby sentenced:

1. In Criminal Case No. 06-993, to suffer life imprisonment and pay a fine P500,000.00; and
2. In Criminal Case No. 06-994, to suffer imprisonment for an indeterminate term of twelve (12) years and one (1) day, as minimum, to fourteen (14) years and eight (8) months, as maximum, and to pay a fine P300,000.00.
3. To pay the costs.<sup>[21]</sup>

Consequently, accused-appellant was committed to the custody of the Correctional Institution for Women in Mandaluyong City.<sup>[22]</sup>

Accused-appellant appealed her conviction before the Court of Appeals. In its Decision dated January 27, 2009, the Court of Appeals affirmed *in toto* the RTC judgment.

Hence, the instant appeal.

No supplemental briefs were filed by the parties before the Court. Hence, the Court will consider the very same arguments raised in the parties' briefs before the Court of Appeals.

Accused-appellant assigned the following errors on the part of the RTC:

## I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE CONFLICTING TESTIMONIES OF THE PROSECUTION WITNESSES AND IN TOTALLY DISREGARDING THE VERSION OF THE