

FIRST DIVISION

[G.R. No. 177324, March 30, 2011]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYNALD DELA CRUZ Y LIBANTOCIA, ACCUSED-APPELLANT.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

Before Us is the Decision^[1] dated January 22, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01579, which affirmed the Decision^[2] dated September 7, 2005 of the Regional Trial Court (RTC) of Quezon City, Branch 103, in Criminal Case No. Q-03-116311, finding accused-appellant Reynald dela Cruz y Libantocia (Dela Cruz) guilty of violation of Section 5, Article II of Republic Act No. 9165, otherwise known as Comprehensive Dangerous Drugs Act of 2002.

Dela Cruz was charged with violation of Section 5, Article II^[3] of Republic Act No. 9165, in an Information^[4] which reads:

That on or about the 30th day of March 2003, in Quezon City, Philippines, the said accused, not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did the (sic) and there willfully and unlawfully sell, dispense, deliver, transport or distribute or act as broker in the said transaction, 0.20 (ZERO POINT TWENTY) gram of Methamphetamine Hydrochloride, a dangerous drug.

During arraignment, Dela Cruz, assisted by his counsel *de parte*, entered a plea of not guilty. Thereafter, trial on the merits ensued.

The prosecution presented as witnesses Police Officer (PO) 3 Bernard Amigo (Amigo) and PO2 Jaime Ocampo (Ocampo).

The prosecution's version of events as testified by the aforesaid witnesses is as follows:

At about 10:00 a.m. on March 30, 2003, an informant called the Cubao Police Station 7 and reported to the duty desk officer that someone was selling *shabu* at Yale Street, Cubao, Quezon City. A team composed of four police officers was formed to conduct an entrapment, headed by PO2 Jerry Sanchez (Sanchez). PO2 Ocampo was designated as poseur-buyer. Before the dispatch, two pieces of P100.00 bills were given to PO2 Ocampo as buy-bust money,^[5] which he marked with his initials "JO."

Upon arrival of the police team at Yale Street, PO2 Ocampo spotted a person selling

drugs on said street. PO2 Ocampo and the informant approached the person, who was later identified as Dela Cruz. The informant introduced PO2 Ocampo to Dela Cruz as a person interested to buy *shabu*. Dela Cruz then asked how much *shabu* PO2 Ocampo wanted to buy. PO2 Ocampo answered he would like to purchase P200.00 worth of *shabu*. When PO2 Ocampo gave two P100.00-bills to Dela Cruz, the latter handed over in exchange a plastic sachet to PO2 Ocampo. PO2 Ocampo examined the contents of the plastic sachet, and believing that the same to be *shabu*, he tapped Dela Cruz's shoulder, which was the pre-arranged signal to the other members of the police team.^[6]

The rest of the police team rushed to the crime scene and identified themselves as police officers. PO2 Ocampo arrested Dela Cruz and recovered from the latter the two P100.00-bills used as buy-bust money. While PO2 Ocampo kept possession of the buy-bust money, he passed the plastic sachet containing the *shabu* to his companion. PO2 Ocampo marked the plastic sachet with "JO."^[7] The plastic sachet was brought to the Philippine National Police (PNP) Crime Laboratory for examination of its contents,^[8] which was later confirmed as *methyldamphetamine hydrochloride*,^[9] more popularly known as *shabu*.

At the police station, the police team turned over Dela Cruz to PO3 Amigo. PO3 Amigo then assisted in the execution of PO2 Ocampo's Affidavit of Poseur-Buyer and PO2 Sanchez's Affidavit of Arrest. PO3 Domingo prepared the request for laboratory examination of the plastic sachet and its contents.

For its part, the defense presented the testimonies of the accused, Dela Cruz; Dela Cruz's aunt, Adoracion Salcedo (Salcedo); and Dela Cruz's *kumare*, Nora Cruz (Nora).

Dela Cruz denied any criminal liability and claimed frame-up by the police. Dela Cruz insisted that at around 11:00 a.m. on March 30, 2003, he was fixing the trash can in an *eskinita* between Yale and Oxford Streets when two police officers, conducting a raid in said place, frisked and arrested him, then brought him to Cubao Police Station 7.^[10] Dela Cruz explained that he made trash cans for free because he wanted to teach his *kumpare* and *inaanak*, who lived in the area, to clean up their place. He also made trash cans for the area surrounding his residence at Kamias, Quezon City.^[11] He denied the charge that he was selling *shabu*. He did admit to selling merchandise, such as wooden tops, *banig*, etc., but at the time of his arrest, he had no merchandise with him for he left these at his house.^[12]

Salcedo testified that at around 8:00 a.m. on March 30, 2003, while she was at her house located in Diamond Hills, Molave Extension, Payatas, Quezon City, Dela Cruz asked Salcedo for permission to go to Divisoria, but Dela Cruz had to pass by Cubao first because he would deliver a *banig* to a certain Nora.^[13]

Supporting Salcedo's testimony, Nora related that at around 10:30 a.m. on March 30, 2003, while she was washing clothes at her house on Yale Street, Cubao, Quezon City, Dela Cruz arrived to bring the *banig* she ordered. Nora told Dela Cruz to wait until she had finished washing clothes. Dela Cruz then said he had to leave for a while because one of the trash cans he made got broken, and Nora replied that she would wait for him. When Dela Cruz returned, Nora was still washing clothes.

Dela Cruz left Nora's house again to go to a nearby *sari-sari* store, located at the corner of Yale and Oxford Streets, and owned by one Mama Joy, so he could have his money broken to smaller denominations.^[14] While Dela Cruz was standing in front of Mama Joy's store, three police officers arrived with two other people they had previously arrested. After entering Mama Joy's store, the police officers arrested Dela Cruz. When Nora went up to the police officers to ask why they were arresting Dela Cruz, the police officers told her "*daldal ka ng daldal, isasama ka namin*," which made her stop.^[15] The police officers boarded Dela Cruz onto their vehicle and brought him to Cubao Police Station 7. Mama Joy was not arrested at that time, but during Dela Cruz's trial, Mama Joy was already detained at Camp Karingal also for *shabu*-related charges.

After trial, the RTC promulgated its Decision dated September 7, 2005 finding Dela Cruz guilty as charged.

The RTC gave credibility to the prosecution's version, considering the following inconsistencies in the defense's account: (1) Dela Cruz testified that he resides at No. 1 K.J. Kamias Road, Quezon City, which was just across a bridge from Yale Street. If this was true, then there was reason to believe that Dela Cruz had a sense of community hygiene to put up and maintain trash cans at the *eskinita* between Yale and Oxford Streets. But from Salcedo's testimony, it appears that Dela Cruz and his two children with his first wife lived with Salcedo at Diamond Hills, Molave Ext., Payatas B, Quezon City, several kilometers away from the *eskinita* between Yale and Oxford Streets in Cubao, Quezon City. Salcedo's residence is so distant from Cubao that in the absence of association with any community organization in the latter area, it was incongruous to believe that Dela Cruz would entertain any notion of public service therein; (2) the story of Dela Cruz is radically different from that of his own witnesses, Salcedo and Nora. Dela Cruz repeatedly declared that he was at the *eskinita* between Yale and Oxford Streets to take a look at the trash cans he placed thereat, and never mentioned that he was to deliver a *banig* to Nora in Cubao, or that he went to Mama Joy's store while waiting for Nora to finish her laundry; and (3) if Dela Cruz's main interest was the cleanliness of the *eskinita* between Yale and Oxford Streets, rather than selling *shabu*, then the community leaders in the said area, or at the very least, his own *kumpare* who supposedly live there, would have come to court to defend him, but no one did.

The dispositive portion of the RTC decision reads:

ACCORDINGLY, judgment is rendered finding the accused REYNALD DELA CRUZ y Libantocia GUILTY beyond reasonable doubt of violation of Section 5 of R.A. 9165 (for drug sale) as charged, and he is hereby sentenced to spend time in jail by way of LIFE IMPRISONMENT and to pay a fine of P500,000.00.

The *shabu* involved here is ordered transmitted to the PDEA thru DDB for proper disposition.^[16]

Dela Cruz appealed to the Court of Appeals, which, in a Decision dated January 22, 2007, affirmed the findings and conclusion of the RTC.

The Court of Appeals cited the presumption of regularity in the police officers' performance of their official duties:

At the outset, it bears pointing out that prosecutions of cases for violation of the Dangerous Drugs Act arising from buy-bust operations largely depend on the credibility of the police officers who conducted the same. Unless there is clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimonies on the operation deserve full faith and credit. And so must the prosecution witness-member of the buy-bust team in the case at bar be accorded full credence in the absence of any improper motive to implicate [Dela Cruz].

Furthermore, the presumption of regularity in the performance of official duties has not been controverted by [Dela Cruz]; hence, this Court is bound to uphold it. He utterly failed to prove that in testifying against him, the prosecution witnesses were motivated by reasons other than the duty to curb the possession of prohibited drugs. There is no proof of any ill motive or odious intent on the part of the police authorities to impute falsely such a serious crime to [Dela Cruz]. Thus, the Court will not allow the former's testimonies to be overcome by self-serving defenses.

Well-settled is the rule that categorical and consistent positive identification, absent any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over the appellants' defense of denial and alibi.^[17]

The appellate court further held that the prosecution was able to establish all the essential elements of illegal sale of *shabu*:

While [Dela Cruz] asserts that the prosecution failed to fully substantiate the identity of the *corpus delicti* of the crime, we are, however, bound to uphold the findings of the trial court. Jurisprudence clearly sets the essential elements to be established in the prosecution of illegal sale of shabu 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.

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. The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummate the buy-bust transaction.

In the case at bar, all these elements were proven. **First**, there was meeting of the minds between the buyer and the seller. PO2 Ocampo, the poseur-buyer, was willing to buy shabu from [Dela Cruz]. **Second**, there was consideration for the sale, the parties having agreed upon the amount of P200.00. **Third**, [Dela Cruz] handed over to the poseur-buyer

a plastic sachet containing shabu, the subject of the sale. The positive identification of [Dela Cruz] by poseur-buyer as the one who peddled the shabu clearly established the illicit sale, as the poseur-buyer is the best witness to the transaction.^[18]

Agreeing with the inconsistencies in the defense's evidence, observed by the RTC, the Court of Appeals pronounced:

Moreover, from the viewpoint of this Court, the version of [Dela Cruz] is markedly unusual and strange. It just does not conform with our common knowledge and experience. It has been said time and again that evidence, to be worthy of credit, must not only proceed from the mouth of a credible witness but must be credible in itself. By this is meant that it should be natural, reasonable and probable in view of the circumstance which it describes or to which it relates, so as to make it easy for the mind to accept as worthy of belief.

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In cases involving violations of the Dangerous Drugs Law, appellate courts tend to heavily rely upon the trial court in assessing the credibility of witnesses, as it had the unique opportunity, denied to the appellate courts, to observe the witnesses and to note their demeanor, conduct, and attitude under direct and cross-examination. Hence, its factual findings are accorded great respect, even finality, absent any showing that certain facts of weight and substance bearing on the elements of the crime have been overlooked, misapprehended, or misapplied.^[19]

In the end, the appellate court decreed:

WHEREFORE, in view of the foregoing, the Decision of the Regional Trial Court of Quezon City, Branch 103 in Criminal Case No. Q-03-116311, finding accused-appellant Reynald dela Cruz y Libantocia guilty beyond reasonable doubt of violation of Article 5, Article II of R.A. 9165, and sentencing him to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of FIVE HUNDRED THOUSAND PESOS (P500,000.00), is affirmed *in toto*.^[20]

After giving due course to Dela Cruz's Notice of Appeal in a Resolution dated February 14, 2007, the Court of Appeals forwarded the records of the case to this Court.

In a Resolution^[21] dated June 27, 2007, the Court notified the parties that they may file their respective supplemental briefs, if they so desired, within 30 days from notice. Dela Cruz and the People^[22] opted not to file their supplemental briefs on the ground that they had exhaustively argued all the relevant issues in their briefs, and the filing of a supplemental brief would only entail a repetition of the arguments