

FIRST DIVISION

[G.R. No. 183676, June 22, 2011]

RUEL AMPATUAN "ALIAS RUEL," PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

PEREZ, J.:

For review through this appeal ^[1] is the Decision ^[2] dated 25 June 2008 of the Court of Appeals in CA-G.R. CR.-H.C. No. 00343 which affirmed the conviction of herein accused-appellant RUEL AMPATUAN "*Alias* Ruel" under Section 4 ^[3] of Republic Act No. 6425, otherwise known as the "Dangerous Drugs Act of 1972" as amended by Republic Act No. 9165 or the "Comprehensive Dangerous Drugs Act of 2002." The dispositive portion of the assailed decision reads:

WHEREFORE, premises considered, the assailed Judgment of the Regional Trial Court (RTC), 11th Judicial Region, Branch 4, Panabo City, in Criminal Case No. 98-76, finding appellant Ruel Ampatuan alias "Ruel" guilty beyond reasonable doubt of violation of Section 4 of Republic Act No. 6425 (RA 6425), otherwise known as the Dangerous Drugs Act of 1972, as amended by BP 179 and further amended by Republic Act No. 7659 (RA 7659) [as further amended by Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002] is hereby **AFFIRMED.**^[4]

The facts as presented by the prosecution before the appellate court, follows:

On 13 October 1997, at around 10:00 a.m., police operatives PO1 Arnel Micabalo (PO1 Micabalo) and PO2 Francisco S. Caslib (PO2 Caslib) together with around fifteen (15) to sixteen (16) police members belonging from the Philippine National Police (PNP) Compound in Tagum City and Panabo Police Station were given a briefing by their team leader, a certain SPO1 Derrayal, regarding a buy-bust operation they would later conduct that day against a certain suspected drug pusher by the name of Totong Ibrahim (Ibrahim) who lives near the Coca-Cola warehouse at *Barangay* Cagangohan, Panabo City, Davao del Norte. ^[5]

The buy-bust operation was conducted at around 1:00 p.m. of the same day. Police officers PO1 Micabalo and PO2 Caslib, prepared marked money in the amount of P500.00 ^[6] and went to the house of Ibrahim posing as buyers. The rest of the team positioned themselves at the grassy area nearby awaiting for the pre-arranged signal from PO1 Micabalo and PO2 Caslib. The policemen saw the accused-appellant Ruel Ampatuan (Mr. Ampatuan) and his wife Linda, at the gate of the fence. ^[7] They talked to the couple and pretended to buy for a party, *marijuana* worth

P500.00. [8] The couple told them to wait outside the fence and then went inside the house. Several minutes later, the couple came out with another man identified as Maguid Lumna (Lumna). Mr. Ampatuan asked for the payment. The *poseur*-buyers handed the marked money to Mr. Ampatuan, who in turn handed it to his wife, Linda. Mr. Ampatuan then showed the police officers the *marijuana* contained in one pack. This was placed inside a black bag and given to the *poseur*-buyers. The pre-arranged signal of talking aloud was made and the rest of the police officers proceeded to the scene. The couple and Lumna were arrested and brought to the Panabo Police Station. [9]

On 23 October 1997, the confiscated object was turned over by the Panabo Police Station to Forensic Chemist Noemi Austero (Austero) of the PNP Crime Laboratory of Davao City. [10] Upon examination, the sample taken yielded positive result for the presence of *marijuana*. The total weight of the confiscated specimen as testified by Austero was approximately 1.3 kilos. [11]

The version of the defense is:

On 13 October 1997, Mr. Ampatuan, his wife Linda and bodyguard Lumna went to the house of one Arnulfo Morales (Morales) in Tagum City to inquire about reports that the town of Asuncion was impassable because of flooding. Mr. Ampatuan explained in his testimony that the alleged flooding was the reason given by his debtor Muker Ganda (Muker) to explain the belated payment of a loan. Morales advised them that they should go directly to the house of Muker at Panabo City, Davao del Norte to collect the amount due in his favor. [12]

Upon boarding a bus going to Panabo City, the three met Arlene, the wife of Ibrahim. Arlene, Linda's classmate in elementary, invited them for lunch at her house, which was near Muker's residence. When they reached Muker's house, the latter was not able to pay for his loan, hence they just acceded to the invitation of Arlene. While inside the house, they saw Ibrahim outside with two companions. At that point, five police officers entered the premises where Ibrahim was and one of them fired his gun. Ibrahim and his companions ran, were chased by the police but were not apprehended. Failing to capture Ibrahim, the police officers then barged back to the house where the couple, Lumna, and Arlene were. They accused Mr. Ampatuan to be the owner of the black bag containing *marijuana* samples carried by the police officers. Mr. Ampatuan vehemently denied the ownership of the same and his participation in the sale and/or possession of illegal drugs. He explained that he and his companions were merely visitors of Arlene. Nevertheless, the police officers insisted that he owned the samples and the black bag and they were eventually brought to the police station. [13]

An Information was filed against Mr. Ruel Ampatuan, Linda Ampatuan and Maguid Lumna dated 17 March 1998 which reads:

The undersigned accuses RUEL AMPATUAN alias "Ruel," LINDA AMPATUAN alias "LINDA" and MAGUID LUMNA of the crime of violation of Section 4 of Republic Act 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended by BP 179 and further amended by Section 13

of Republic Act 7659, committed as follows:

That on or about October 13, 1997, in the Municipality of Panabo, Province of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, without being authorized by law, did then and there willfully, unlawfully and feloniously sell, deal and distribute two (2) packs of dried *Marijuana* leaves weighing one (1) kilo and three hundred fifty nine & 3/100 grams. [14]

Upon arraignment, the couple and Lumna entered a plea of not guilty.

On 31 January 2002, the trial court found Mr. Ampatuan guilty but acquitted Linda and Lumna of the offense charged. The dispositive portion reads:

WHEREFORE, the Court finds accused Ruel Ampatuan alias "Ruel" "GUILTY" beyond reasonable doubt of the crime charged and hereby sentences him to Reclusion Perpetua and to pay a fine of P500, 000.00 pursuant to law. Accused Linda Ampatuan alias "Linda" and accused Maguid Lumna are ACQUITTED for reasons of reasonable doubt. The two packs of dried *marijuana* leaves weighing a total of 1.3 kilos are ordered confiscated in favor of the government and to be destroyed in accordance with law. Costs *de officio*. [15]

On appeal, the Court of Appeals agreed with the judgment of the trial court. [16] The appellate court ruled that the prosecution proved the requisites for illegal sale of prohibited drugs under Section 4 of the Dangerous Drugs Act, to wit: (1) that the accused sold and delivered the prohibited drugs to another, and (2) that the accused knew that what was sold and delivered was a dangerous drug. [17] It noted that the prosecution presented as evidence in court the *corpus delicti*.

Hence, this Petition for Review on *Certiorari*.

In this petition, the accused-appellant Mr. Ampatuan raised two assignments of errors:

First, Whether or not there was a correct application of the law and jurisprudence by the lower courts on the matter; and,

Second, Whether or not the conclusions drawn by the lower courts leaning on the guilt of petitioner beyond reasonable doubt are correct. [18]

The accused-appellant questions the regularity of the performance of duties of the police officers related to his apprehension. He likewise invokes denial of any knowledge and ownership of the black bag which contained the *marijuana* samples

and asserts that he was mauled by the police officers to admit the ownership thereof and of the purported illegal sale of dangerous drugs.

The Court's Ruling

In a prosecution for illegal sale of dangerous drugs, the following elements must be proven: (1) that the transaction or sale took place; (2) that the *corpus delicti* or the illicit drug was presented as evidence; and (3) that the buyer and seller were identified. [19] The presence of these elements is sufficient to support the trial court's finding of appellants' guilt. [20] What is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the prohibited or regulated drug. The delivery of the contraband to the *poseur*-buyer and the receipt of the marked money consummate the buy-bust transaction between the entrapping officers and the accused. [21] The presentation in court of the *corpus delicti* -- the body or substance of the crime - establishes the fact that a crime has actually been committed. [22]

As per record of the case, this Court is convinced that there was complete compliance with all the requisites under the law.

The prosecution established that at 1 p.m. of 13 October 1997, a buy-bust operation was conducted by the members of the police force to entrap a drug pusher named Ibrahim. However, despite his absence in the target area, the entrapment operation ensued within the same place between the police officers who acted as *poseur*-buyers and the accused-appellant Mr. Ampatuan. This was shown in the direct testimony [23] of PO2 Caslib:

Q: So what did you do with the money when they asked for it?

A: I gave the money personally and then the other person gave to us the *marijuana*.

Q: When you said the other person, is that male or female?

A: He is male, sir.

Q: You said you handed the money, to whom did you hand the money?

A: I handed it to Ruel.

Q: Now tell us, if this Ruel and Linda that you mentioned are in court, will you able to identify them?

A: Yes, sir.

Q: Please point to the court this Ruel Ampatuan.

A: That man, sir.

(Witness is pointing to a person wearing maong pants and maroon long sleeves and when asked, identified himself as Ruel Ampatuan.)

x x x

x

Q: After you handed the money to Ruel Ampatuan, what did you do next, if any?

A: I handed the money to Ruel and then he gave it to his wife.

Q: And after he gave the money to his wife, what happened next?

A: He gave us the item.

Q: Where did this item come from?
A: It came from the black bag, from the house of Totong Ibrahim.
Q: Why, where were you exactly talking with the two accused?
A: We were in front of the house of Totong Ibrahim.
x x x
x
Q: You mentioned that he got this bag of *marijuana*, what did the accused do with it? Where did he bring it?
A: He brought it outside.
Q: After bringing it outside, what did he do with it next?
A: He got some *marijuana* and gave it to us.
Q: After getting the *marijuana*, what did you do, if any?
A: We identified ourselves that we are police operatives conducting buy-bust operation.
Q: What happened next?
A: We apprehended the two (2) and then our back-up companions also identified themselves.

We find credit to the straight-forward testimony of PO2 Caslib. Absence of any ill-will on the part of the prosecution witnesses who were the best witnesses in prosecution for illegal sale of drugs, we sustain the findings of the lower courts.

Further, the accused-appellant challenges the regularity of the performance of duties of the police officers in the purported transaction of illegal sale of dangerous drugs. He argues that the police officers forced him to admit the ownership of the *marijuana* samples due to their failure to apprehend their real target, Ibrahim.

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. [24] In this jurisdiction, the operation is legal and has been proved to be an effective method of apprehending drug peddlers, provided that due regard to constitutional and legal safeguards is undertaken. [25]

In cases involving violations of Dangerous Drugs Act, credence should be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary. Moreover, in the absence of proof of motive to falsely impute such a serious crime against the appellant, the presumption of regularity in the performance of official duty, as well as the findings of the trial court on the credibility of witnesses, shall prevail over appellant's self-serving and uncorroborated denial. [26]

Prosecutions involving illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation. [27] It is a fundamental rule that findings of the trial courts, which are factual in nature and which involve credibility, are accorded respect when no glaring errors; gross misapprehension of facts; or speculative, arbitrary, and unsupported conclusions can be gathered from such findings. The reason for this is that the trial court is in a better position to decide the credibility of witnesses, having heard their testimonies and observed their deportment and manner of testifying during the trial. The rule finds an even more