

## SECOND DIVISION

[ G.R. No. 184760, April 23, 2010 ]

**PEOPLE OF THE PHILIPPINES , PLAINTIFF-APPELLEE, VS.  
PATERNO LORENZO Y CASAS, DEFENDANT-APPELLANT.**

### D E C I S I O N

**PEREZ, J.:**

Assailed in this appeal via Notice of Appeal is the 14 June 2007 Decision <sup>[1]</sup> of the Court of Appeals in CA-GR HC No. 02184 which affirmed the 05 October 2005 Decision<sup>[2]</sup> promulgated by the Regional Trial Court (RTC) of San Mateo, Rizal, in Criminal Case Nos. 6991-93, finding accused-appellant Paterno Lorenzo y Casas guilty beyond reasonable doubt of violating Sections 5 and 11, Article II, of Republic Act No. 9165, otherwise known as the Dangerous Drugs Act of 2002.<sup>[3]</sup>

Accused-appellant was arrested and charged following a buy-bust operation.

On 12 September 2003, two (2) Informations were filed against accused-appellant Paterno Lorenzo y Casas (Lorenzo) charging him with violating Sections 5 and 11, Article II of Republic Act No. 9165, the accusatory portions thereof reading.

Criminal Case No. 6992

That on or about the 10<sup>th</sup> day of September 2003 in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully, unlawfully and knowingly have in his possession, direct custody and control a total of 2.04 grams of white crystalline substance contained in two (2) heat-sealed transparent plastic sachets which gave positive result to the test for Methylamphetamine Hydrochloride, a dangerous drug.<sup>[4]</sup>

Criminal Case No. 6993

That on or about the 10<sup>th</sup> day of September 2003, in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully, unlawfully and knowingly sell, deliver and give away to another 0.20 gram of white crystalline substance contained in one (1) heat-sealed transparent plastic sachet which gave positive result to the test for Metamphetamine Hydrochloride, a dangerous drug.

<sup>[5]</sup>

The cases were raffled to Branch 76 of the RTC of San Mateo, Rizal and docketed as Criminal Case Nos. 6992-93.

One Conrado Estanislao y Javier (Estanislao) was similarly charged in a different Information, which case was docketed as Criminal Case No. 6991. Estanislao was accused of possessing illegal drugs in violation of the provisions of Section 11, Article II of Republic Act No. 9165, the Information containing the following averments:

Criminal Case No. 6994

That on or about the 10<sup>th</sup> day of September 2003, in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully, unlawfully and knowingly have in his possession, direct custody and control of 0.05 gram of white crystalline substance contained in one (1) heat-sealed transparent plastic sachet which gave positive result to the test for Methylamphetamine Hydrochloride, a dangerous drug.

On arraignment, both accused, with the assistance of counsel, entered 'NOT GUILTY' pleas.

The three (3) cases having been consolidated, joint trial on the merits ensued.

The prosecution presented as its lone witness, Police Officer 1 (PO1) Noel P. Pineda, who was a member of the buy-bust team.

The evidence for the prosecution sought to establish that on 9 September 2003, upon a series of reports relayed by a confidential informant that a certain Paterno Lorenzo was peddling *shabu* in the Barangay Dulongbayan area, the team of PO3 Pineda embarked on a buy-bust operation against said drug peddler. Anticipating the operation, PO3 Pineda prepared two (2) pieces of marked P100.00 bills to be used as buy-bust money. At around 10:00 o'clock in the evening of the same day, PO3 Pineda, along with SPO1 Arellano and PO3 Tougan, proceeded to Barangay Dulongbayan and secretly met with their confidential informant. According to the confidential informant, he had not seen Lorenzo and raised the possibility that he was not in the area at the time. Assessing the situation, the police officers instructed the confidential informant to continue with his surveillance of the area and to inform them immediately if he comes across Lorenzo.

At around 1:00 o'clock in the morning of 10 September 2003, while PO1 Pineda and his companions were waiting at Gen. Luna Street, the confidential informant reported that Lorenzo was already at the Daangbakal, Dulongbayan I area and was selling prohibited drugs. Riding an unmarked vehicle, the team proceeded to where Lorenzo was. On their arrival, Lorenzo was talking to a man at the corner of Pulong Diablo and Daangbakal. PO3 Tougan stepped out of their vehicle and hid in a place where he was not visible to Lorenzo. PO3 Pineda stayed close to SPO1 Arellano, who was then hiding inside a tricycle near Lorenzo. While this was happening, the

confidential informant approached Lorenzo for the transaction. Lorenzo and the confidential informant were approximately four (4) meters away from PO3 Pineda. Because PO3 Pineda knew who Lorenzo was and considering the place was illuminated, PO3 Pineda recognized the suspect. The confidential informant and Lorenzo were talking for about one minute, after which the informant gave the marked money to Lorenzo. After taking the marked money, Lorenzo handed the *shabu* to the informant. PO3 Pineda and SPO1 Arellano alighted from the tricycle and approached Lorenzo, and introduced themselves as police officers. They arrested Lorenzo.

Upon being arrested, Lorenzo was bodily searched and PO1 Pineda was able to retrieve the marked money and 2 other sachets of *shabu* from him. Seeing what had happened to Lorenzo, the man he was talking to and later on identified as a certain Estanislao, attempted to escape the police officers and ran, but he was soon accosted by PO3 Tougan. A search of his pockets yielded one (1) sachet of *shabu*.

After the buy-bust operation, Lorenzo and Estanislao were taken to the police station where the incident was recorded in the police blotter. The plastic sachets containing 2.04 and 0.20 grams of white crystalline substance bought from Lorenzo was sent to the PNP Crime Laboratory for laboratory examination. The results as contained in Chemistry Report no. D-1741-03E showed that the substance sold by Lorenzo was positive for Methylamphetamine Hydrochloride or *shabu*.<sup>[6]</sup>

Interposing the twin defenses of denial and frame-up, accused-appellant Lorenzo and Estanislao stood before the witness stand and presented their version of the facts.

Lorenzo was in his mountain bike on the way home to Dulongbayan sometime between 12:00 o'clock in the evening and 1:00 o'clock in the morning of 10 September 2003. Estanislao, who was also with him at the time, was riding in his motor cross style bike and was supposed to buy food at said place after playing 'tong-its.'

While the two (2) were traversing Daangbakal and Delos Angeles Street, the chain on Estanislao's bike went loose. During the time Estanislao was repairing his bike, PO3 Tougan, PO3 Pineda, and SPO1 Arellano, who were then on board an owner type jeepney, arrived and arrested Lorenzo and Estanislao. According to the police officers, they were to be brought to the Municipal Hall. The two (2) suspects protested, claiming not having done anything wrong but the police officers continued with the arrest. It was later that they were informed that the arrest was for illegal drugs.

On 5 October 2005, the RTC rendered a Decision convicting Lorenzo for illegal possession and sale of dangerous drugs, but acquitting Estanislao, disposing as follows:

WHEREFORE, judgment is hereby rendered:

(a) Finding accused Paterno Lorenzo y Casas guilty beyond reasonable doubt for violation of Section 5, first paragraph, Article II of Republic Act No. 9165 (Criminal Case No. 6993) or illegal selling of 0.20 gram of

methamphetamine hydrochloride (*shabu*), a dangerous drug, and is sentenced to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

(b) Finding accused Paterno Lorenzo y Casas guilty beyond reasonable doubt for Violation of Section 11, second paragraph, No.3, Article II of Republic Act No. 9165 (Criminal Case No. 6992) or illegal possession of 2.04 gram of methamphetamine hydrochloride (*shabu*), a dangerous drug, and is sentenced to suffer imprisonment of Twelve (12) years and one (1) day as minimum to Twelve years and six (months) as maximum and to pay a fine of Three Hundred Thousand Pesos (P300,000.00).

(c) Finding accused Conrado Estanislao y Javier, for violation of Section 11, second paragraph, sub paragraph 3, Article II of Republic Act No. 9165, NOT GUILTY for failure of the prosecution to prove his guilt beyond reasonable doubt.

Detained accused Conrado Estanislao y Javier is ordered released from detention at the San Mateo Jail unless detained for some other lawful cause.

The plastic sachets of *shabu* subject matter of the instant cases are ordered forfeited in favor of the government and the Officer-In-Charge of the Court is hereby ordered to safely deliver or cause the safe delivery of the same to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.<sup>[7]</sup>

Weighing the testimonies of the prosecution and defense witnesses, as well as the other evidence presented during trial, the trial court gave more veracity to the prosecution's version that Lorenzo was caught *in flagrante delicto* selling illegal drugs to a poseur-buyer during a buy-bust operation. The trial court gave credence to the prosecution's evidence in accordance with the presumption of regularity in the performance of official functions accorded to police officers. According to the trial court, the prosecution proved beyond reasonable doubt the identity of the buyer in the buy-bust operation and the seller, object and consideration, including the delivery of the *shabu* sold by Lorenzo and the payment of the buy-bust money.

Invoking his innocence, Lorenzo appealed his conviction to the Court of Appeals, questioning the procedure followed by the police operatives in the seizure and custody of the evidence against him.

On 14 June 2007, the Court of Appeals affirmed the judgment of conviction rendered by the RTC, disposing to wit:

WHEREFORE, premises considered, appeal is hereby dismissed and the assailed October 5, 2005 Decision of the Regional Trial Court of San Mateo Rizal, Branch 76, in Criminal Case Nos. 6991-93, is hereby AFFIRMED.

Pursuant to Section 13 (C), Rule 124 of the 2000 Rules of Criminal

Procedure, as amended by AM No. 00-5-03-SC dated September 28, 2004, which became effective on October 15, 2004. This judgment of the Court of Appeals may be appealed to the Supreme Court by notice of appeal filed with the Clerk of Court of the Court of Appeals.

SO ORDERED.

Unyielding, Lorenzo appealed before this Court on Notice of Appeal,<sup>[8]</sup> adopting the same arguments raised before the Court of Appeals:

I.

THE COURT A QUO ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF VIOLATION OF SECTIONS 5 AND 11, REPUBLIC ACT NO. 9165; AND

II.

THE COURT A QUO GRAVELY ERRED IN NOT GIVING WEIGHT AND CREDENCE TO ACCUSED-APPELLANT'S DEFENSE OF DENIAL.

The presumption of innocence of an accused in a criminal case is a basic constitutional principle, fleshed out by procedural rules which place on the prosecution the burden of proving that an accused is guilty of the offense charged by proof beyond reasonable doubt. Corollary thereto, conviction must rest on the strength of the prosecution's evidence and not on the weakness of the defense.

In fact, if the prosecution fails to meet the required quantum of evidence, the defense may logically not even present evidence on its behalf. In which case, the presumption of innocence shall prevail and, hence, the accused shall be acquitted. However, once the presumption of innocence is overcome, the defense bears the burden of evidence to show reasonable doubt as to the guilt of the accused.

Whether the degree of proof has been met is largely left for the trial courts to be determined. Consistent with the rulings of this Court, it is but a fundamental and settled rule that factual findings of the trial court and its calibration of the testimonies of the witnesses and its conclusions anchored on its findings are accorded by the appellate court high respect, if not conclusive effect, more so when affirmed by the Court of Appeals. The exception is when it is established that the trial court ignored, overlooked, misconstrued or misinterpreted cogent facts and circumstances which, if considered, will change the outcome of the case. Considering that what is at stake here is the liberty of accused-appellant, we have carefully reviewed and evaluated the records of the case and find it necessary to reverse the appellate court's decision convicting accused-appellant.

Essentially, Lorenzo questions his conviction on the basis of reasonable doubt. The defense anchors its claim on the failure of the prosecution to adopt the required procedure under Section 21, Article II, Republic Act No. 9165, on the custody and disposition of confiscated, seized, or surrendered dangerous drugs. According to the