

THIRD DIVISION

[G.R. No. 186380, October 12, 2009]

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

DECISION

VELASCO JR., J.:

This is an appeal from the August 8, 2008 Decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02399 entitled *People of the Philippines v. Manuel Resurreccion*, which affirmed the August 5, 2002 Decision of the Regional Trial Court (RTC), Branch 119 in Pasay City in Criminal Case No. 00-1225 for violation of Section 15, Article III of Republic Act No. (RA) 6425, as amended by RA 7659. Accused-appellant Manuel Resurreccion was sentenced to *reclusion perpetua*.

The Facts

An Information charged accused-appellant as follows:

That on or about the 13th day of July 2000, in Pasay City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Manuel Resurreccion, without authority of law, did then and there willfully, unlawfully and feloniously sell and deliver to another 992.9835 grams of Methamphetamine Hydrochloride (shabu), a regulated drug.

Contrary to law.^[1]

During his arraignment, accused-appellant gave a not guilty plea.

The Prosecution's Version of Facts

At the trial, the prosecution presented the following witnesses: Forensic Chemist Felicisima Francisco and National Bureau of Investigation (NBI) Special Task Force members Atty. Reynaldo Esmeralda, Special (SA) Agent Romeo J. Vallejo, and Special Investigator (SI) Eric Isidoro.

According to Atty. Esmeralda, an informant went to the NBI Special Task Force office on July 13, 2000. The informant reported to SI Eduardo Villa the drug activities of a certain Manuel Resurreccion. Atty. Esmeralda assembled and briefed a 12-member buy-bust team on the basis of the informant's report. He designated SA Vallejo as the poseur-buyer. The team headed to Matias St. in Pasay City on board five vehicles. Atty. Esmeralda was 200 to 300 meters away from their target when the

pre-arranged signal, a radio transmission, was received. The target turned out to be accused-appellant, whom SA Vallejo had arrested. Along with the seized *shabu*, they brought accused-appellant to their office where he was subjected to printing and photographing.^[2]

During cross-examination, Atty. Esmeralda stated that their computer records also revealed that accused-appellant was convicted in one case by the RTC, for which he was presently serving sentence.^[3]

SA Vallejo gave details as to his role as poseur-buyer and likewise corroborated Atty. Esmeralda's testimony. He testified that he and the informant waited for accused-appellant to arrive while the rest of the buy-bust team hid within the vicinity. Accused-appellant arrived around 3:30 in the afternoon. Inside accused-appellant's house, the informant introduced SA Vallejo as an interested buyer. Accused-appellant then handed SA Vallejo a green plastic bag and demanded payment. SA Vallejo took out a white envelope containing marked money and gave it to accused-appellant. Once accused-appellant had the white envelope in his hand, SA Vallejo announced that he was a law enforcer and that he was conducting a buy-bust. He then alerted the rest of the team via radio transmitter that the operation had just concluded. SA Vallejo then gave the green plastic bag to SI Isidoro, who counted 10 small plastic bags inside containing suspected *shabu*. The specimens were marked at the office and brought to the Forensic Chemistry Division for laboratory examination.^[4]

During his rebuttal examination, SA Vallejo said that accused-appellant's claim of extortion on the part of the buy-bust team was incredible. He said the amount of PHP 300,000 mentioned by accused-appellant as the buy-bust team's asking price was unbelievable considering that the street value of a kilo of *shabu* is PHP 1,500,000.^[5]

SI Isidoro, a member of the back-up team, was likewise presented by the prosecution. On the witness stand he said that after the buy-bust operation, SA Vallejo gave him the green plastic bag. He, in turn, marked the plastic bag and its contents and personally brought the *shabu* to the Forensic Chemistry Division.^[6]

NBI Forensic Chemist Francisco stated that she received the specimen, a plastic bag, from SA Vallejo at her office. It was pre-marked and accompanied by a Disposition Form. The contents of the 10 plastic sachets inside the plastic bag were tested positive for methamphetamine hydrochloride or *shabu* after a series of examinations. She likewise subjected accused-appellant to examination and found traces of ultra-violet fluorescent powder on his hands.^[7]

Version of the Defense

The defense offered the testimonies of accused-appellant, his housemaid, Corazon Meliton (Meliton), and *Barangay* Captain Dominador Costales.

Accused-appellant claimed that on the morning of July 13, 2000, he bought food for his invalid friend, Vilma Vivas. He proceeded to her house on foot, accompanied by his house maid, Meliton. At her house, they handed her the food they bought. Accused-appellant and Vivas started talking. Suddenly, three men barged in around

11 o'clock in the morning. They introduced themselves as NBI agents and manhandled accused-appellant. They dragged him out of the house and started shouting, "*Shabu shabu shabu!*" Accused-appellant was then made to lie on his stomach, and frisked. His belongings were confiscated and he was boarded into a van along with Meliton and three others. Inside the van, the agents asked him about a certain "Nestor." He was hit with a gun when he answered that he did not know who they were referring to. They likewise demanded payment of PhP 300,000 for his release. When he said he did not have money, he was brought to the NBI where he was beaten up and forced to hold a white envelope. He was also made to place his hands over a machine. Four days later, he was taken for inquest.^[8]

Meliton, who had been accused-appellant's housemaid for three years, testified that while they were at Vivas' house, three men arrived and arrested accused-appellant. One of the men ordered Meliton to go out. She then saw accused-appellant being hit by a gun on his right side. He was also frisked and his wallet taken from him. She immediately left the place since she was scared and wanted to inform accused-appellant's wife of what had happened.^[9]

Costales was last to testify for the defense. He was the *Barangay* Captain of the area where the buy-bust operation took place. He confirmed that Vivas walked with a limp and said that he would see her in the area. He testified that Vivas has since left her house and that he received a letter from accused-appellant seeking his assistance.^[10]

The Ruling of the Trial Court

The RTC pronounced accused-appellant guilty of the crime charged. It found that the prosecution was able to establish all the elements in the sale of illegal drugs. The dispositive portion of the RTC Decision^[11] reads:

WHEREFORE, finding the guilt of the accused MANUEL [RESURRECCION] y ALBERTO beyond reasonable doubt of violation of Section 15, Article III, Republic Act 6425, as amended by Republic Act 7659, said accused is hereby sentenced to reclusion perpetua and to pay a fine of One Million Pesos (P1,000,000.00).

SO ORDERED.

The Ruling of the Appellate Court

On appeal, accused-appellant faulted the trial court for disregarding his defense of denial. He pointed to inconsistencies in the testimonies of the prosecution witnesses. The CA, however, affirmed the Decision of the RTC.^[12] It agreed with the trial court in holding that the inconsistencies cited by accused-appellant were trivial and did not affect the integrity of the prosecution's evidence as a whole. The appellate court also observed that accused-appellant failed to prove his claim that the evidence against him was manufactured and that the police tried to extort money from him.

On September 2, 2008, accused-appellant filed his Notice of Appeal from the

appellate court's Decision.

On March 30, 2009, this Court directed the parties to submit supplemental briefs if they so desired. The parties manifested that they were submitting the case for decision based on the records already submitted to the Court.

The Issues

I

WHETHER THE COURT OF APPEALS ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF VIOLATION OF SECTION 15, ARTICLE III OF RA 6425.

II

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

The Ruling of this Court

Accused-appellant maintains that certain flaws in SA Vallejo and the other witnesses' testimonies were overlooked.

Another claim made in this appeal is that the first link in the chain of custody was not established by the prosecution. Accused-appellant points to the failure of the buy-bust team to immediately mark the seized drugs as a cause to doubt the identity of the *shabu* allegedly confiscated from him.

The Office of the Solicitor General (OSG), on the other hand, counters accused-appellant's arguments by saying that the alleged inconsistencies referred to are too trivial to merit consideration. On the issue of chain of custody, the OSG argues that accused-appellant's contention is speculative and without basis. The OSG likewise reasons that it is of no moment that the confiscated drugs were marked at the NBI office.

We affirm accused-appellant's conviction.

Inconsistencies in Testimonial Evidence

Inconsistencies referring to who the informant talked to at the NBI office, how many informants there were, and how many vehicles were used, are not material. These matters were not necessary to establish the elements of the crimes committed.^[13] The inconsistencies do not detract from the elements of the offense of illegal sale of drugs, which the prosecution adequately established.^[14]

Thus, the trial court observed: