

FIRST DIVISION

[G.R. No. 169875, December 18, 2007]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DANILO JOCSON Y BAUTISTA, ACCUSED-APPELLANT.**

D E C I S I O N

PUNO, CJ.:

On appeal are the Decision^[1] dated April 29, 2005 and the Resolution^[2] dated September 13, 2005 of the Court of Appeals, in CA-G.R. CR-H.C. No. 00245. The Court of Appeals affirmed the decision of the Regional Trial Court of Caloocan City in Criminal Case No. C-66034, convicting accused-appellant Danilo Jocson of violation of Sections 5 and 11, Art. II of R.A. No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

On the evening of August 7, 2002, an informant reported to the office of the Station Drug Enforcement Unit, Caloocan City, a person referred to by the alias "Manong," who was allegedly selling shabu at the vicinity of B.M.B.A., 2nd Ave., East Caloocan City. With this information, Police Chief Senior Inspector Jose Valencia formed a team to conduct a buy-bust operation, in which SPO1 Joseph delos Santos was designated as the poseur-buyer. That same night, the team proceeded to the reported area. The informant, upon seeing "Manong," approached the latter and introduced Delos Santos as a customer. Delos Santos then told "Manong," "*Pare, pabili ng piso,*" and handed him the marked 100-peso bill with serial number UM856594. Upon receipt of the marked money, "Manong" took out from his pocket and handed Delos Santos a plastic sachet containing white crystalline granules. Delos Santos then scratched his left ear, signaling a positive bust. SPO3 Rodrigo Antonio responded to the signal and came to the aid of Delos Santos. They frisked "Manong" and found four more plastic sachets of white crystalline granules on his body. They also recovered the marked money from "Manong." They then brought "Manong" to the police station for investigation. It was only then that the police learned that "Manong" is Danilo Jocson, herein accused-appellant. SPO1 Delos Santos and SPO3 Antonio also turned over to Police Investigator Ferdinand Moran the plastic sachets and the marked money recovered from "Manong" upon arriving at the police station. Moran, in turn, marked the pieces of evidence. Then, the marked pieces of evidence were turned over to the Northern Police District (NPD) crime laboratory for chemical analysis. Police Inspector Juanita Sioson, a Forensic Chemical Engineer, found the white crystalline granules, contained in five heat-sealed transparent plastic sachets, to be positive for methylamphetamine hydrochloride, a dangerous drug. Further, four of the five sachets weighed 0.05 gram each, and one sachet weighed 0.04 gram.

Accused-appellant Jocson was charged with violations of Sections 5 and 11, Art. II of R.A. No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, in two separate Informations:

CRIMINAL CASE NO. 66034

That on or about the 7th day of August 2002 in Caloocan City, M.M. and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there willfully, unlawfully and feloniously sell and deliver to one PO1 JOSEPH DELOS SANTOS, who posed as buyer, 0.05 gram of Methylamphetamine Hydrochloride (Shabu), for One Hundred Pesos with SN UM856594 knowing the same to be a dangerous drug.

CONTRARY TO LAW.

CRIMINAL CASE NO. 66035

That on or about the 7th day of August 2002 in Caloocan City, M.M. and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control four (4) pcs. of heat-sealed transparent plastic sachet containing Methylamphetamine Hydrochloride (Shabu) with a total weight [of] 0.19 gram, knowing the same to be a dangerous drug.

CONTRARY TO LAW.^[3]

The two criminal cases against accused-appellant were consolidated, and trial ensued.

Accused-appellant Jocson denied the accusations against him. He testified that on the night of his arrest, he was at his residence at No. 192 2nd Avenue, Grace Park, Caloocan City. While watching a late-night television show with his mother and his 11-year old niece, SPO3 Antonio entered his house, and upon seeing him, shouted "Positive!" Thereafter, five other policemen entered the house, forced accused-appellant out of his bed and handcuffed him. The police officers then brought him to the police station without informing him of the charges. In his testimony, accused-appellant denied selling shabu to the police poseur-buyer or possessing more quantities of shabu. He alleged that the charges against him were fabricated.

Eleven-year old April Jane Buenaobra, niece of accused-appellant, corroborated the latter's testimony. Buenaobra testified that on August 7, 2002, at around eleven o'clock in the evening, while watching television, her grandmother answered a knock on the door. Suddenly, policemen barged into the house, grabbed her uncle and forcibly took him away.

On April 8, 2003, the Regional Trial Court of Caloocan City convicted the accused-appellant. The dispositive portion of the decision reads:

THEREFORE, premises considered and the prosecution having established to a moral certainty the guilt of Accused DANILO JOCSON y BAUTISTA of the crimes charged, this Court hereby renders judgment as follows:

1. In Crim. Case No. 66034 for Violation of Sec. 5, Art. 11 of RA 9165, this Court in the absence of any aggravating circumstance hereby

sentences the aforementioned Accused to LIFE IMPRISONMENT; and to pay the fine of P500,000.00 without any subsidiary imprisonment in case of insolvency;

2. In Crim. Case No. 66035 for Violation of Sec. 11, Art. 11 of same Act, this Court in the absence of any modifying circumstance hereby sentences common Accused to a prison term of twelve (12) years and one (1) day to fourteen (14) years and eight (8) months and to pay the fine of three hundred thousand pesos (P300,000.00), without any subsidiary imprisonment in case of insolvency.

Subject drug in both cases are hereby declared confiscated and forfeited in favor of the government to be dealt with in accordance with law.

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SO ORDERED.^[4]

Accused-appellant Jocson appealed to this Court, with the following assignment of errors:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE SELF-SERVING TESTIMONIES OF POLICE OFFICERS RODRIGO ANTONIO AND JOSEPH DE LOS SANTOS.

II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.^[5]

This Court, however, referred the case to the Court of Appeals in conformity with the ruling in **People v. Mateo**.^[6]

The Court of Appeals affirmed the decision of the Regional Trial Court. It also denied accused-appellant's motion for reconsideration.

We affirm the decision of the Court of Appeals.

The testimony of SPO1 Delos Santos was spontaneous, straightforward and categorical. Further, SPO3 Antonio, back-up security of SPO1 Delos Santos, corroborated the latter's testimony on its material points. On the other hand, we find no reason to believe the denials and self-serving allegation of accused-appellant that his arrest was concocted out of thin air by the police officers. No evidence was presented to show any antagonism between him and the police officers to explain why the police officers allegedly picked on him. Settled is the rule that in cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary suggesting ill motive on the part of the police officers or deviation from the regular performance