

## THIRD DIVISION

[ G.R. No. 149878, July 01, 2003 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TIU WON CHUA A.K.A. "TIMOTHY TIU" AND QUI YALING Y CHUA A.K.A. "SUN TEE SY Y CHUA," ACCUSED-APPELLANT.**

### D E C I S I O N

**PUNO, J.:**

This is an appeal from the decision of the Regional Trial Court (RTC) of Manila, Branch 27, convicting appellants Tiu Won Chua a.k.a. Timothy Tiu (Tiu Won) and Qui Yaling y Chua a.k.a. Sun Tee Sy y Chua (Qui Yaling) for violation of Section 16, Article III of Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended by Republic Act No. 7659.

Appellants were charged with the crime of illegal possession of a regulated drug, *i.e.*, methamphetamine hydrochloride, otherwise known as "shabu," in an information which reads:

The undersigned accuses TIU WON CHUA aka "Timothy Tiu" and QUI YALING Y CHUA aka "Sun Tee Sy Y Chua" of violation of Section 16, Article III in relation to Section 2 (e-2), Article I of Republic Act No. 6425, as amended by Batas Pambansa Blg. 179 and as further amended by Republic Act No. 7659, committed as follows:

That on or about the 3<sup>rd</sup> day of October 1998, in the City of Manila, Philippines, the said accused without being authorized by law to possess or use any regulated drug, did then and there wilfully, unlawfully, knowingly and jointly have in their possession and under their custody and control the following, to wit:

A sealed plastic bag containing two three four point five (234.5) grams of white crystalline substance;

Four (4) separate sealed plastic bags containing six point two two four three (6.2243) grams of white crystalline substance;

Sixteen (16) separate sealed plastic bags containing twenty point three six seven three (20.3673) grams of white crystalline substance; or a total of 261.0916 grams, and;

An improvised tooter with traces of crystalline substance

known as "SHABU" containing methamphetamine hydrochloride, a regulated drug, without the corresponding license or prescription thereof.

Contrary to law.<sup>[1]</sup>

During arraignment, a plea of not guilty was entered. Appellants, with the assistance of counsel, and the prosecution stipulated on the following facts:

1. The authenticity of the following documents:
  - a. The letter of Police Senior Inspector Angelo Martin of WPD, District Intelligence Division, United Nations Avenue, Ermita, Manila, dated October 12, 1998, to the Director of the NBI requesting the latter to conduct a laboratory examination of the specimen mentioned therein;
  - b. The Certification issued by Forensic Chemist Loreto Bravo of the NBI, dated October 13, 1998, to the effect that the specimen mentioned and enumerated therein gave positive results for methamphetamine hydrochloride, Exhibit "B"; and
  - c. Dangerous Drug Report No. 98-1200 issued by Forensic Chemist Bravo, dated October 13, 1998, to the effect that the specimen mentioned therein gave positive results for methamphetamine hydrochloride;
2. The existence of one plastic bag containing 234.5 grams of methamphetamine hydrochloride, Exhibit "D"; four (4) plastic sachets also containing methamphetamine hydrochloride with a total net weight of 6.2243 grams, Exhibits "E", "E-1", "E-2" and "E-3"; additional 16 plastic sachets containing methamphetamine hydrochloride with a total net weight of 20.3673 grams, Exhibits "F", "F-1" to "F-15", and one improvised tooter with a length of 8 inches more or less and with a red plastic band, Exhibit "G";
3. Forensic Chemist Loreto Bravo has no personal knowledge as to the source of the regulated drug in question; and
4. Tiu Won Chua and Qui Yaling y Chua as stated in the information are the true and correct names of the two accused.<sup>[2]</sup>

The witnesses presented by the prosecution were SPO1 Anthony de Leon, PO2 Artemio Santillan and PO3 Albert Amurao. Their testimonies show that the police authorities, acting on an information that drug-related activities were going on at the HCL Building, 1025 Masangkay St., Binondo, Manila, surveyed the place on October 2, 3, 4 and 5, 1998. At about 10 p.m. of October 6, they conducted a test-buy operation, together with a Chinese-speaking asset. They were able to buy P2,000.00 worth of substance from appellants, which, upon examination by the PNP crime laboratory, proved positive for *methamphetamine hydrochloride*.<sup>[3]</sup> Nonetheless, they did not immediately arrest the suspects but applied for a warrant to search Unit 4-B of HCL Building, 1025 Masangkay St., Binondo, Manila. Their application to search the unit supposedly owned by "Timothy Tiu" was granted by Judge Ramon Makasiar of Branch 35 of the RTC of Manila on October 9.<sup>[4]</sup> Armed with the warrant, they proceeded to the place and learned that Tiu Won was not

inside the building. They waited outside but Tiu Won did not come. After several stakeouts, they were able to implement the warrant on October 12. Failing to get the cooperation of the barangay officials, they requested the presence of the building coordinator, Noel Olarte, and his wife, Joji, who acted as witnesses.

During the enforcement of the warrant, there were three (3) persons inside the apartment, namely, appellants Tiu Won and Qui Yaling, and a housemaid. The search was conducted on the sala and in the three (3) bedrooms of Unit 4-B. On top of a table inside the master's bedroom, one (1) big pack, containing 234.5 grams of shabu, was found inside a black leather man's handbag supposedly owned by Tiu Won, while sixteen (16) small packs of shabu weighing 20.3673 grams were found inside a lady's handbag allegedly owned by Qui Yaling. Also contained in the inventory were the following items: an improvised tooter, a weighing scale, an improvised burner and one rolled tissue paper.<sup>[5]</sup> The authorities also searched a Honda Civic car bearing Plate No. WCP 157, parked along Masangkay Street, registered in the name of the wife of Tiu Won and found four (4) plastic bags containing 6.2243 grams of shabu, which were likewise confiscated. A gun in the possession of Tiu Won was also seized and made subject of a separate criminal case.

The defense presented appellants Tiu Won and Qui Yaling. They denied that Timothy Tiu and Tiu Won Chua are one and the same person. They presented papers and documents to prove that appellant is Tiu Won Chua and not Timothy Tiu, as stated in the search warrant. Tiu Won also claimed that he does not live in the apartment subject of the search warrant, alleging that he is married to a certain Emily Tan and is a resident of No. 864 Alvarado St., Binondo, Manila. Nonetheless, he admitted that his co-appellant, Qui Yaling, is his mistress with whom he has two children. Qui Yaling admitted being the occupant of the apartment, but alleged that she only occupied one room, while two other persons, a certain Lim and a certain Uy, occupied the other rooms. Both appellants denied that they were engaged in the sale or possession of shabu. They asserted that they are in the jewelry business and that at the time the search and arrest were made, the third person, whom the prosecution identified as a housemaid, was actually a certain Chin, who was there to look at some of the pieces of jewelry sold by Tiu Won. They also denied that a gun was found in the possession of Tiu Won.

Qui Yaling recalled that upon asking who was it knocking at the door of her apartment on October 12, the police authorities represented that they were electric bill collectors. She let them in. She was surprised when upon opening the door, around ten (10) policemen barged inside her unit. She, together with Tiu Won and Chin, was asked to remain seated in the sofa while the men searched each room. Tiu Won alleged that after a fruitless search, some of the policemen went out, but came back a few minutes later with another person. Afterwards, he was made to sign a piece of paper. Appellants also claimed that the policemen took their bags which contained money, the pieces of jewelry they were selling and even Qui Yaling's cell phone. They both denied that shabu was discovered in the apartment during the search. Appellants were arrested and brought to the police station.

In a decision, dated August 15, 2001, the RTC found proof beyond reasonable doubt of the guilt of the appellants and sentenced them to suffer the penalty of *reclusion perpetua* and a fine of P500,000.00 each.<sup>[6]</sup>

Thus, appellants interpose this appeal raising the following assignment of errors:

I

THE TRIAL COURT ERRED IN DISREGARDING THE LEGAL DEFECTS OF THE SEARCH WARRANT USED BY THE POLICE OPERATIVES AGAINST BOTH ACCUSED.

II

THE TRIAL COURT ERRED IN TAKING INTO CONSIDERATION EVIDENCES (*sic*) WHICH SHOULD HAVE BEEN EXCLUDED AND DISREGARDED WHICH RESULTED IN THE ERRONEOUS CONVICTION OF BOTH ACCUSED.

III

THE TRIAL COURT ERRED IN CONVICTING BOTH ACCUSED DESPITE THE ABSENCE OF PROOF BEYOND REASONABLE DOUBT.

IV

THE TRIAL COURT ERRED IN DISREGARDING THE FACT THAT THE CONSTITUTIONAL RIGHTS OF BOTH ACCUSED WERE SERIOUSLY VIOLATED BY THE POLICE OPERATIVES.<sup>[7]</sup>

These issues can be trimmed down to two *i.e.*, the legality of the search warrant and the search and arrest conducted pursuant thereto, and the correctness of the judgment of conviction imposed by the RTC.

As regards the propriety of the search warrant issued in the name of Timothy Tiu, which did not include appellant Qui Yaling, appellants contend that because of this defect, the search conducted and consequently, the arrest, are illegal. Being fruits of an illegal search, the evidence presented cannot serve as basis for their conviction.

We beg to disagree. There are only four requisites for a valid warrant, *i.e.*: (1) it must be issued upon "probable cause"; (2) probable cause must be determined personally by the judge; (3) such judge must examine under oath or affirmation the complainant and the witnesses he may produce; and (4) the warrant must particularly describe the place to be searched and the persons or things to be seized.<sup>[8]</sup> As correctly argued by the Solicitor General, a mistake in the name of the person to be searched does not invalidate the warrant,<sup>[9]</sup> especially since in this case, the authorities had personal knowledge of the drug-related activities of the accused. In fact, a "John Doe" warrant satisfies the requirements so long as it contains a *descriptio personae* such as will enable the officer to identify the accused.<sup>[10]</sup> We have also held that a mistake in the identification of the owner of the place does not invalidate the warrant provided the place to be searched is properly described.<sup>[11]</sup>

Thus, even if the search warrant used by the police authorities did not contain the correct name of Tiu Won or the name of Qui Yaling, that defect did not invalidate it because the place to be searched was described properly. Besides, the authorities