

FIRST DIVISION

[G.R. NO. 152351, September 18, 2003]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JAMIL MALA Y
RAJID AND RUSTY BALA, APPELLANTS.**

DECISION

DAVIDE JR., C.J.:

In an Information filed with the Regional Trial Court of Malabon City on 24 April 2001, docketed as Criminal Case No. 24514-MN and assigned to Branch 72 thereof, appellants Jamil Mala and Rusty Bala were charged with the offense of selling and delivering regulated drugs (*shabu*) as defined and penalized under Section 15, Article III, Republic Act No. 6425, as amended by R.A. No. 7659. The accusatory portion of the Information^[1] reads:

That on or about the 4th day of April 2001, in the Municipality of Malabon, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and helping with one another, being private persons and without authority of law, did then and there, willfully, unlawfully and feloniously sell and deliver in consideration of undetermined pieces of money (boodle money) to poseur-buyer, two (2) pieces of transparent plastic bags each containing yellowish crystalline substance with the following net weights:

A - (ABI-RI 4-4-01) = 105.89 grams

B - (ABI-R2) 4-4-01) = 105.71 grams

which substance when subjected to chemistry examination gave positive results for METHYLAMPHETAMINE HYDROCHLORIDE otherwise known as "shabu" which is a regulated drug.

Upon arraignment, both accused pleaded not guilty to the offense charged.

At the trial of the case on its merits, the prosecution presented as witnesses PO1 Joel Fernandez, the poseur-buyer; SPO2 Armando Isidto, a member of the buy-bust team; and Police Inspector Sandra Decena-Go, the Forensic Chemist of the PNP Crime Laboratory who examined the *shabu* obtained during the buy-bust operation. Their testimonies established the following facts:

On 4 April 2001, at around 5:30 p.m., a confidential informant came to the office of the Drug Enforcement Group, Malabon Police Station. He reported that a transaction with two Muslims for the sale of 200 grams of *shabu* in the amount of P130,000 would take place between 9:00 and 10:00 p.m. in his house at C-4 Road, Barangay Tañong, Malabon, Metro Manila. Acting on this information, Police Inspector Virgilio Olalia forthwith formed a buy-bust team composed of PO1 Joel

Fernandez as poseur-buyer, SPO2 Armando Isidto, SPO2 Manolito Manalo, and other policemen. PO1 Fernandez was then given "boodle money" consisting of fake P1,000 bills on both ends of the bundle and cut newspaper prints in the middle, which were wrapped in a plastic bag. At about 8:30 p.m. the team proceeded to the place of operation. They then waited along C-4 Road.^[2]

An hour later, the appellants arrived on board a taxicab. Fernandez and the confidential informant immediately entered the latter's house. After a short while, there was a knocking at the door. The confidential informant opened the door and let appellants Jamil Mala and Rusty Bala enter his house. He then talked with the appellants and introduced Fernandez to the two as the buyer of *shabu*. When Mala asked for the money, Fernandez showed to him the boodle money contained in a plastic bag. The former then gave to the latter the suspected *shabu* wrapped with a yellow transparent plastic bag. As Mala was counting the money, he noticed it to be fake or merely boodle money. The appellants then talked with each other in Muslim and instantly grabbed the suspected *shabu* from Fernandez.^[3]

Meanwhile, the confidential informer went out of the house and gave the pre-arranged signal to the other policemen^[4] by scratching his head. Isidto and Manalo immediately entered the house just as Fernandez was drawing his gun. Isidto confiscated the suspected *shabu* from Mala, and the boodle money from Bala. The *shabu* was sent to the PNP Crime Laboratory for examination, which yielded positive result for methylamphetamine hydrochloride.^[5]

For his part, appellant Jamil Mala denied the accusation against him and his co-appellant. He claimed that he was engaged in the selling of VCDs in the Muslim area in Greenhills, as well as in Caloocan City. He was also selling at the Caloocan City market ready-made pants on installment basis. One time, he met a certain Manny in Czar Bar near the Wise Hotel in Monumento, Caloocan City; and later Manny borrowed P18,000 from him.^[6] On 4 April 2001, he went to the house of Manny to collect the P18,000 he loaned to him (Manny). He arrived at 7:00 p.m. only to be told by Manny's daughter that Manny was not around. While Mala was saying that he would leave and would just return later, Manny's wife told him to wait, as she would ask her daughter to fetch Manny.^[7]

Fifteen minutes thereafter, four persons in civilian clothes arrived. They frisked him and told him to undress. They then handcuffed him along with his companion Rusty Bala. Two of the armed men went out of the house and later returned with two plastic bags. Mala and Bala were thereupon taken to the *Pagamutang Bayan ng Malabon* and then to a detention cell.^[8] When appellant Mala subsequently learned of the charges against him and Bala, he asked his wife to file charges against the arresting officers. But his wife instead returned home to their home province.^[9]

Appellant Rusty Bala was no longer called to testify because his lawyer allegedly "had a hard time communicating with him"; and besides, he (Bala) appeared somewhat mentally deficient and would only corroborate Mala's testimony.

The defense intended to present a certain Abukakar Donato as another witness, but his testimony was dispensed with after the prosecution and the defense made a stipulation in open court that said witness would merely corroborate Mala's

testimony that he (Mala) was engaged in the business of selling VCDs and that he (Donato) knew, though not based on first-hand information, that Manny borrowed money from Mala.^[10] The testimony of another intended defense witness, PO2 Ronaldo Arsolon, a member of the buy-bust team, was likewise dispensed with after it was stipulated upon by the prosecution and defense that his testimony would only be to the effect that from the house where the two appellants were arrested, the street leading to the alley where the said house was located could not be seen.^[11]

The trial court gave credence to the testimonies of the prosecution witnesses. Accordingly, two weeks after the last hearing, or on 28 August 2001, it rendered a decision^[12] finding the two appellants guilty beyond reasonable doubt of the crime charged and sentencing each of them to suffer the penalty of *reclusion perpetua* and to pay P1 million as fine and to pay the costs.

Unsatisfied with the verdict, the appellants seasonably filed their notice of appeal. In their Accused-Appellants' Brief, filed by the Public Attorney's Office, the appellants raise this lone assignment of error:

THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY BEYOND REASONABLE DOUBT OF VIOLATION OF SECTION 15 OF REPUBLIC ACT NO. 6425, AS AMENDED BY REPUBLIC ACT NO. 7659, CONSIDERING THE PALPABLE DISCREPANCIES AND INCONSISTENCIES IN THE TESTIMONIES OF THE PROSECUTION WITNESSES.

The appellants submit that the following discrepancies and inconsistencies in the testimonies of PO1 Fernandez and SPO2 Isidto are material and detract from the veracity and weight of the prosecution's evidence:

1. Fernandez testified that he, Isidto, and Manalo were wearing civilian clothes during the buy- bust operation; while Isidto testified that he was wearing his uniform at that time.
2. Fernandez testified that Isidto and Manalo drew their guns when they entered the house to effect the arrest. Isidto, on the other hand, testified that it was only Fernandez who drew a gun.
3. Fernandez declared that he did not know where Isidto, Manalo, and their companions positioned themselves in the vicinity; but Isidto claimed that he saw Fernandez eye to eye when the appellants arrived in the target area.
4. Fernandez stated that the boodle money was removed from the plastic bag and was even counted by the appellants; while Isidto declared that when he seized the boodle money from one of the appellants, it was still in a sealed yellow plastic bag.

In its Appellant's Brief, the Office of the Solicitor General seeks the affirmance of the decision, arguing that the alleged inconsistencies are minor and inconsequential and do not belie the occurrence of the buy-bust operation and the involvement of the appellants therein. Instead of destroying the credibility of the witnesses, such inconsistencies constitute badges of truth that strengthen their credibility.

The credibility of the witnesses is the issue at hand. It is an oft-repeated rule that this Court will not interfere with the trial court's assessment of the credibility of witnesses except when there appears on record some fact or circumstance of weight and influence which the trial court has overlooked, misapprehended, or misinterpreted. The reason for this rule is that the trial court is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial.^[13]

In questioning the credibility of the prosecution witnesses, the appellants harp on the alleged inconsistencies and discrepancies in their testimonies. This Court, however, finds such inconsistencies and discrepancies to be too trivial and inconsequential to merit a reversal of the judgment of conviction of Jamil Mala for the following reasons:

1. Whether Isidto was in uniform or in civilian clothes during the buy-bust operation is of no significance. It does not negate the fact that a buy-bust operation was conducted and that he took part in it by acting as a back-up and by effecting the arrest of the two appellants soon after the consummation of the sale of *shabu* to the poseur-buyer, PO1 Fernandez.
2. Whether or not Isidto and Manalo drew their guns when they entered the confidential informant's house where the buy-bust operation took place does not detract from the fact that the two appellants were caught red-handed. Upon entering the house, Isidto seized the *shabu* and boodle money from the appellants.
3. Whether or not Fernandez knew the location of Isidto and Manalo is of no moment. The fact remains that when it was time for them to enter the scene, Isidto and Manalo arrived to assist in the apprehension of the appellants.
4. As regards the boodle money, whether its plastic wrapper was opened or remained sealed has no bearing on the fact that there was indeed boodle money used for the buy-bust operation.

Well-settled is the rule that inconsistencies in minor details and collateral matters do not affect the credibility of the witnesses or the veracity or weight of their testimonies. Minor inconsistencies may even serve to strengthen the witnesses' credibility, as they negate any suspicion that the testimonies have been rehearsed.

^[14]

Moreover, much weight is to be given to the testimony of police officers, who are presumed to have performed their duties in a regular manner. It is significant to note that the appellants have not imputed any improper motive on the part of the arresting officers nor filed a case against the latter. Neither have they shown that said police officers were not performing their duty properly when the buy-bust operation was conducted. The presumption in favor of the prosecution witnesses, who are all police officers, should therefore stand.

In a prosecution for illegal sale of regulated or prohibited drugs, conviction can be had if the following elements are present: (1) the identity of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor. What is material is the proof that the transaction or sale