

SECOND DIVISION

[G.R. No. 143842, October 13, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MANGI ADAM Y LUMAMBAS, APPELLANT.

DECISION

CALLEJO, SR., J.:

This is an appeal from the Decision^[1] of the Regional Trial Court of Laguna (Calamba), Branch 34, convicting the appellant of violation of Section 15, Article 3 of Republic Act No. 6425, as amended, and sentencing him to *reclusion perpetua*.

On May 3, 1999, an Information charging the appellant with violation of Rep. Act No. 6425, as amended, was filed with the Regional Trial Court. The accusatory portion of the Information reads:

That on or about February 17, 1999 in the Municipality of Calamba, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, without any authority of law, did then and there willfully, unlawfully and feloniously sell and deliver METHAMPHETAMINE HYDROCHLORIDE, otherwise known as "SHABU" weighing 200 grams, a regulated drug, to a poseur buyer for and in consideration of P2,000.00, in violation of the aforementioned law.

CONTRARY TO LAW.^[2]

On his arraignment, the accused, assisted by counsel, entered a plea of not guilty.

The Case for the Prosecution^[3]

On February 17, 1999, at 2:30 p.m., a confidential informant arrived in the office of the Regional Intelligence and Investigation Division, Region 12, Camp Vicente Lim, Canlubang, Calamba, Laguna. He reported to Inspector Danilo Bugay, and told the latter about his agreement with a drug pusher, Mangi Adam y Lumambas, for the purchase of 200 grams of shabu (methamphetamine hydrochloride) for P200,000.00 at 7:30 p.m. at the Seven-Eleven Store located at Crossing, Calamba, Laguna. The confidential informant also reported that he had agreed to pay P200,000.00 to Adam upon delivery of the prohibited drug. Inspector Bugay decided to conduct a buy- bust operation and proceeded to form a team. PO3 Rey Lucido was designated to act as poseur-buyer, while SPO3 Honorio Sanchez and SPO1 Danilo Satuito were to act as back-up men. PO3 Lucido was tasked to buy 200 grams of shabu (methamphetamine hydrochloride) for P2,000.00 consisting of two genuine P1,000.00 bills^[4] and boodle money tied together by a rubber band and placed in an envelope. The team also included PO3 Teodoro Cortez and SPO3 Rodelo Lareza. While PO3 Lucido was transacting the sale, the back-up men would station

themselves within the vicinity. The plan was when PO3 Lucido scratched his head, the pre-arranged signal to indicate that the sale had already been consummated, the rest of the team would rush to the scene and arrest the suspect.

PO3 Lucido affixed his initials "RL" on each of the genuine P1,000.00 bills to be used as the buy-bust money.

At 7:00 p.m., the team, together with the confidential informant, arrived at the parking space at the 7-11 Convenience Store and Wendy's Restaurant at the crossing in Calamba, Laguna. The police officers coordinated with the police operatives in the police outpost near the store. The back-up men positioned themselves about ten to fifteen meters from the area where PO3 Lucido and the confidential informant stationed themselves, as they waited for Adam's arrival. The place was well-lighted. There were cars parked in the area, and some people were milling about near the stores.

Momentarily, Adam arrived and approached the confidential informant, who forthwith introduced PO3 Lucido as the buyer of 200 grams of shabu. Adam showed PO3 Lucido a transparent plastic tea bag which contained white crystalline substances. PO3 Lucido in turn handed over the envelope containing the marked P1,000.00 bills and the boodle money to Adam, scratched his head, and identified himself as a police officer. PO3 Lucido then took the plastic bag from Adam and arrested him. The back-up men then rushed to the scene of the crime. SPO1 Satuito confiscated the two P1,000.00 bills and the boodle money from Adam.

The police officers then brought Adam to Camp Vicente Lim on board their cars. On the way, PO3 Lucido placed his initials on the plastic transparent bag he had confiscated from Adam.

PO3 Lucido and SPO1 Satuito executed their Joint Affidavit of Arrest.^[5] Adam was subjected to a physical examination by the Regional Medical Unit and was found to be in essentially normal condition.^[6]

Police Inspector Francisco Villaroman requested the PNP Regional Crime Laboratory to conduct a laboratory examination of the crystalline substances contained in the plastic transparent bag confiscated from Adam. Regional Forensic Chemist Officer Lorna R. Tria examined the crystalline substance which weighed 201.196 grams. She thereafter submitted her report stating that the said substance was found positive for methamphetamine hydrochloride.^[7]

The Case for the Accused

Adam invoked denial and alibi as his defenses. As synthesized by the trial court, the case for the accused is that:

...[P]rior to his arrest, he was a security guard of the Front Liner Security Agency, Inc. assigned at Asia Text in San Cristobal, Calamba, Laguna; that on February 17, 1999, at around 2:30 in the afternoon, he was in the cockpit at Halang, Calamba, Laguna, in the company of Larry Bhots and Sanday Bhots, his fellow security guards, when arrested by SPO2 Danilo Satuito who was with three other men wearing civilian clothes; he

was then brought to the camp where he was asked to reveal the identity of the person to whom he shall deliver the shabu but he replied that he did not know anything about it; that he saw the alleged shabu for the first time only in court; that when charged of allegedly selling shabu, he even requested that he be examined for drug use.^[8]

On June 8, 2000, the trial court rendered judgment convicting the accused of the crime charged. The decretal portion of the decision reads:

ACCORDINGLY, this Court finds accused Mangi Adam y Lumambas GUILTY beyond reasonable doubt of the crime of Violation of Section 15, Article 3, Republic Act 6425, as amended, and hereby sentences him to suffer the penalty of reclusion perpetua and to pay a fine of Five Million (P5,000,000.00) Pesos.

The 201.190 grams of shabu subject of the offense are hereby ordered confiscated and forfeited in favor of the government to be disposed of in accordance with existing rules and regulations.

With costs against the accused.

SO ORDERED.^[9]

Adam, now appellant, assails the decision of the trial court, contending that:

THE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF DRUG-PUSHING DESPITE THE FACT THAT THE FULL AMOUNT OF THE CONSIDERATION THEREFOR WAS NEVER STATED IN COURT BY PO3 LUCIDO, THE ALLEGED POSEUR-BUYER.^[10]

The appellant asserts that the evidence adduced by the prosecution falls short of the requisite *quantum* of evidence for his conviction of the sale of shabu (methamphetamine hydrochloride). He contends that in the Information, it appears that the poseur-buyer PO3 Rey Lucido "purchased" the shabu for the amount of P2,000.00. However, PO3 Lucido never testified on the price of the shabu. Moreover, although PO1 Satuito testified that the price of the prohibited drug was P200,000.00 and that the boodle money was placed in an envelope, the prosecution never formally offered the boodle money in evidence. The appellant also asserts that the amount of P2,000.00 stated in the Information as consideration for the 200 grams of shabu is grossly inadequate. If the version of the prosecution is to be believed, the fact that the appellant did not even inspect the boodle money and verify the genuineness thereof but was content to inspect only the P1,000.00 bills after handing over 200 grams of shabu, is incredible and unworthy of belief. PO3 Lucido and PO1 Satuito's account, that the sale of the shabu took place in the parking lot of the 7-11 Convenience Store and the Wendy's Restaurant, a place near and visible to the police outpost is, likewise, incredible. According to the appellant, the assertion that shabu would be sold in a place so near a police outpost is contrary to ordinary human experience.

For its part, the Office of the Solicitor General asserts that the prosecution mustered the requisite quantum of evidence to prove the sale to PO3 Lucido of shabu by the appellant for P2,000.00. It also contends that the case for the prosecution was not enfeebled by the prosecution's failure to offer the boodle money in evidence. It