

FIRST DIVISION

[G.R. Nos. 131638-39, March 26, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
LORETA MEDENILLA Y DORIA, ACCUSED-APPELLANT.**

D E C I S I O N

KAPUNAN, J.:

This is an appeal from a joint decision of the Regional Trial Court of Pasig, Branch 262, promulgated on November 26, 1997, in Criminal Case Nos. 3618-D and 3619-D finding accused-appellant Loreto Medenilla y Doria guilty beyond reasonable doubt of violating Sections 15 and 16 of Republic Act No. 6425, as amended, otherwise known as the Dangerous Drugs Act of 1972.^[1]

Accused-appellant was charged in Criminal Case No. 3618-D for violating Section 15,^[2] Article III of R.A. No. 6425. The information reads as follows:

That on or about the 16th day of April, 1996 in the City of Mandaluyong, Philippines and within the jurisdiction of this Honorable court, the above-named accused, not being lawfully authorized to possess any regulated drug, did then and there willfully, unlawfully and feloniously sell, deliver and give away to another 5.08 grams of white crystalline substance positive to the test for methamphetamine hydrochloride (*shabu*) which is regulated drug, in violation of the above cited law.^[3]

Accused-appellant was also charged in Criminal Case No. 3619-D for violating Section 16,^[4] Article III of R.A. No. 6425 with an information which reads as follows:

That on or about the 16th day of April, 1996 in the City of Mandaluyong, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess any regulated drug, did then and there willfully, unlawfully and knowingly have in his possession and/or (sic) under his custody and control four (4) transparent plastic bags containing white crystalline substance with a total weight of 200.45 grams, which were found positive to the test for methamphetamine hydrochloride (*shabu*) which is regulated drug, in violation of the above cited law.^[5]

Arraigned on June 25, 1996, accused-appellant pleaded not guilty to both charges.^[6] Joint trial ensued thereafter.

The prosecution's version, as gathered from the testimonies of SPO2 Bonifacio Cabral, SPO1 Neowille De Castro and P/Sr. Insp. Julita T. De Villa, is as follows:

On April 14, 1996, a confidential informant arrived at the office of the Narcotics Command (NARCOM) in camp Crame and reported to SPO2 Bonifacio Cabral that there is a certain person engaged in illegal drug pushing activities in Caloocan, Malabon and Mandaluyong. SPO2 Cabral reported the matter to his superior, Police Senior Inspector Manzananas.^[7] Accordingly, Sr. Insp. Manzananas directed SPO2 Cabral to confirm the veracity of the report. Thus, SPO2 Cabral requested the confidential informant to contact the suspected drug pusher to introduce him as a possible buyer.^[8]

On April 15, 1996, the informant returned to the NARCOM office and told SPO2 Cabral that he had arranged a meeting with the suspected drug pusher. The two then proceeded to the pre-arranged meeting place at a Seven Eleven Store along Boni Avenue, Mandaluyong City. At around 5:30 p.m., accused-appellant arrived on board a Toyota Corolla.^[9] Without alighting from his car, accused-appellant spoke with the informant.^[10] The informant introduced SPO2 Cabral to accused-appellant as a prospective buyer of *shabu*. Accused-appellant inquired how many grams of shabu he wanted to buy and SPO2 Cabral replied that he needed five (5) grams. The suspect then offered the *shabu* at the price of One Thousand Pesos (P1,000.00) per gram to which SPO2 Cabral agreed.^[11] Accused-appellant told SPO2 Cabral to return the following day. They agreed that the pick up point would be at the United Coconut Planters Bank (UCPB) Building also along Boni Avenue. Upon their return to Camp Crame, SPO2 Cabral and the informant reported the results of their meeting to Sr. Insp. Manzananas. Based on their information, a buy-bust operation was planned. SPO2 Cabral was designated to act as the poseur-buyer with SPO2 de Castro as his back-up. Sr. Insp. Manzananas was assigned to stay in the car and await the signal to be given by SPO2 Cabral, through his pager, before apprehending accused-appellant.

At around 3:30 in the early morning of April 16, 1996, the buy-bust team proceeded to the agreed meeting place at the UCPB Building in Boni Avenue.^[12] Upon reaching the area, SPO2 Cabral alighted from the car while the other operatives positioned themselves in strategic areas.^[13] After thirty (30) minutes, accused-appellant arrived.^[14] After talking for a short time with SPO2 Cabral, accused-appellant asked the former if he had the money.^[15] SPO2 Cabral showed the bundle of money^[16] and accused-appellant told him to wait. When he returned, SPO2 Cabral gave him the money and, in exchange, accused-appellant handed a pack containing a white crystalline substance.^[17] As planned, SPO2 Cabral turned on his pager which prompted the backup operatives to close in and apprehend accused-appellant.^[18] SPO2 Cabral asked accused-appellant if he could search the latter's car. Accused-appellant acceded to the request and, as a result, SPO2 Cabral found a brown clutch bag at the driver's seat of the car. Inside the clutch bag, they found therein four plastic bags containing a white crystalline substance which they suspected was *shabu*.^[19]

Accused-appellant was brought to Camp Crame for booking. SPO2 Cabral and SPO1 de Castro then submitted the substance they confiscated to the PNP Crime Laboratory for examination.^[20] They thereafter brought accused-appellant to the PNP General Hospital for a medical and physical examination.^[21]

The laboratory report on the white crystalline substance showed that the same tested positive for methamphetamine hydrochloride or *shabu*^[22] and that the contents of the substance sold weighed 5.08 grams while those taken from the bag had a total weight of 200.45 grams. The report reads:

PHYSICAL SCIENCES REPORT NO. D-448-96

CASE: Alleged Viol of RA 6425 **SUSPECT/S:** LORETO MEDENILLA

TIME AND DATE RECEIVED: 2145H 16 April 1996

REQUESTING PARTY/UNIT: C, SOU-HQS-PNPNARCOM

Camp Crame, Quezon City

SPECIMEN SUBMITTED:

Exh "A" - One (1) brown "MARUDINI CLUTCH BAG" containing the following specimens:

1. One (1) heat sealed transparent plastic bag marked as Exh "A-1" with 5.08 grams of white crystalline substance:
2. Four (4) transparent plastic bags marked as Exhs. "A-2" through "A-5" each with white crystalline substance and having a total weight of 200.45 grams. xxx

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of prohibited and/or regulated drug. xxx

FINDINGS:

Qualitative examination conducted on the above-stated specimens gave positive result to the tests for Methamphetamine Hydrochloride, a regulated drug. xxx

CONCLUSION:

Exhs. "A-1", "A-2" through ""A-5" contain methamphetamine hydrochloride, a regulated drug.

REMARKS:

TIME AND DATE COMPLETED: 0740H 17 April 1996^[23]

For his defense, accused-appellant presented a different version of the events leading to his arrest.

On or about April 12, 1996, accused-appellant rented a car, a Toyota Corolla, from a certain Jess Hipolito. It was to be used by his brother for a trip to Pangasinan.^[24] On April 15, 1996, his brother turned over the car to accused-appellant with the

instruction to return the car to Jess Hipolito.^[25] However, before returning the car, accused-appellant decided to use the same for a night out with his friends. Accused-appellant, along with four (4) of his friends, namely, Joy, Tess, Willy and Jong-jong, went to Bakahan in Quezon City for dinner and, thereafter, transferred to Music Box Lounge located in front of the said restaurant,. After having some drinks, accused-appellant decided to return the car to Jess Hipolito and just take a taxicab with his friends in going back to their place in Caloocan City.^[26] They all proceeded to the condominium unit of Jess Hipolito located along Boni Avenue in Mandaluyong City.^[27] they reached the place at around 2:30 a.m.^[28] Accused-appellant told the guard of the condominium building that he wanted to see Jess Hipolito to return the car he rented. The guard instructed him to park the car in front of UCPB. After doing so, accused-appellant, together with Jong-jong and Joy went up to the unit of Jess Hipolito while their two companions, Willy and Tess, stayed in the lobby.^[29] While inside the unit of Jess Hipolito, accused-appellant was introduced to Alvin.^[30] Accused-appellant told Jess Hipolito that he wanted to return the car. However, Jess Hipolito requested accused-appellant to drive Alvin, using the rented car, to Quezon City since the latter was carrying a large amount of money.^[31] Accused-appellant acceded to the request of Jess Hipolito. They then all went down and, along with Willy and Tess who were then at the lobby, boarded the vehicle.^[32] However, when accused-appellant was about to back out the vehicle, a white car blocked the rear portion of the car.^[33] The passengers of the white car then stepped out of their vehicle and approached them. One of the passengers of the white car, SPO1 de Castro, asked accused-appellant to roll down his window and, after doing so, SPO2 Cabral introduced himself and his companions as police officers.^[34] Accused-appellant then asked: "*Bakit po, sir?*"^[35] In response, one of the police officers said: "*May titingnan lang muna kami, baba muna kayo.*"^[36] after alighting from the vehicle, accused-appellant and his companions were frisked.^[37] Thereafter, SPO2 Cabral noticed a brown clutch bag being held by Alvin and confiscated the same. SPO2 Cabral then asked accused-appellant if he can search the car. The latter agreed. SPO2 Cabral searched the car for about 15 minutes but found nothing.^[38] SPO2 Cabral then opened the brown clutch bag he confiscated from Alvin and found plastic sachets containing a white crystalline substance. The police officers then instructed accused-appellant and his companions to board their vehicle. They were all brought to Camp Crame.^[39] When they reached the said camp, they were instructed to alight from the vehicle one by one. The first one to step out of the vehicle and go inside the office was Alvin. After 20 minutes, the two women, Tess and Joy, were brought inside the office and, after 30 minutes, accused-appellant, along with the two remaining passengers, Willy and Jong-jong, followed.^[40]

When they were all inside the NARCOM office, their personal circumstances were taken down. Thereafter, Jong-jong, Willy and accused-appellant were separated from the group and placed inside the detention cell. Alvin and the two women were left behind in the office and were later on released.^[41] After a few hours, Jong-jong and Willy were brought out of the detention cell while accused-appellant, who was then sleeping, was left in confinement. Jong-jong and Willy were brought into the office and were made to sign a document on a yellow pad, prepared by the police officers. The police officers then cautioned the two that they will be implicated in the case if they interfered. They were then released and accompanied out to Camp

Came by a police officer.^[42] Accused-appellant was the only one who remained in detention and was, subsequently, solely charged for the illegal sale and possession of *shabu*.

While in detention, accused-appellant learned that the vehicle he borrowed from Jess Hipolito was owned by a certain Evita Ebor, who was also detained in the Mandaluyong City Jail for a drug-related offense.^[43]

On November 17, 1997, the trial court found accused-appellant guilty as charged. The dispositive portion of the trial court's decision reads:

WHEREFORE, judgment is hereby rendered finding accused LORETO MEDENILLA y DORIA GUILTY beyond reasonable doubt of violating Sections 15 and 16, in relation to Section 20, of Republic Act No. 6425, as amended, otherwise known as the Dangerous Drugs Act of 1972. Said accused is hereby sentenced to: (a) with respect to Criminal Case No. 3618-D, suffer an indeterminate sentence of a minimum of one (1) year, eight (8) months and twenty (20) days, to a maximum of four (4) years and two (2) months of *prision correccional*; (b) with respect to Criminal Case No. 3619-D, suffer the penalty of *reclusion perpetua*, and pay a fine in the amount of Two Million Pesos (P2,000,000.00); (c) suffer all the accessories penalties consequent thereto; and (d) pay the costs.

The *shabu* involved in this action is hereby confiscated in favor of the government and ordered to be forwarded to the Dangerous Drugs Board to be disposed of in accordance with law.

SO ORDERED.^[44]

Hence, this appeal where accused-appellant raises the following issues:

- I. Was the accused arrested illegally?
- II. Was there in fact any buy-bust operation?
- III. Was the accused accorded his right to due process?^[45]

Being interrelated, we shall discuss the first and second issues jointly.

The defense insists that there was no prior agreement between accused-appellant and SPO2 Cabral for the sale of 5 grams of *shabu* on April 16, 1996 and that no buy-bust operation actually took place. The prosecution's claim that there was a buy-bust operation is, according to the defense, belied by the testimonies of accused-appellant and Wilfredo de Jesus that when the incident took place, accused-appellant was not alone but was accompanied by five (5) other persons.^[46] Thus, the defense argues that since there was no buy-bust operation, the arrest of accused-appellant was illegal since the arresting officers were not properly armed with a warrant of arrest.

Accused-appellant's argument deserves scant consideration. The prosecution through the testimonies of SPO2 Cabral and SPO1 de Castro adequately established the fact that there was a legally conducted buy-bust operation. Their testimonies