

FIRST DIVISION

[G.R. No. 104378, August 20, 1996]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DANILO JUATAN Y CAPSA, ACCUSED-APPELLANT.**

DECISION

VITUG, J.:

In its decision,^[1] dated 03 February 1992, in Criminal Case No. 91-96313, the Regional Trial Court of Manila, Branch 45, pronounced the accused, DANILO JUATAN Y CAPSA, "guilty beyond reasonable doubt" of violating Section 15 of Republic Act No. 6425, as amended by Presidential Decree 1683, and sentenced him to suffer the penalty of life imprisonment and to pay a fine of P20,000.00.

Juatan was charged, on 09 July 1991, with the commission of the above offense in an information that read:

"That on or about July 5, 1991, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, dispense, deliver, transport or distribute any regulated drug, did then and there wilfully, unlawfully and feloniously sell or offer for sale white crystalline substance known as 'Shabu' containing methamphetamine hydrochloride, which is a regulated drug.

"Contrary to law."^[2]

The accused entered a plea of not guilty;^[3] forthwith, the trial proceeded.

The prosecution made the following rendition of what it submitted to be the facts.

The Western Police District Command, based in the City of Manila, received word from a confidential informant and some *barangay* officials that Danilo Juatan had been dealing in prohibited drugs. On orders of P/Maj. Cipriano Herrera, Jr., of the Narcotics Section, a police team, led by Lt. Enrique Sy, was organized to conduct a one-week surveillance on Juatan. When its surveillance showed positive results, the police team decided to conduct a buy-bust operation.

On 05 July 1991, at around one o'clock in the morning, the 8-member police team^[4] proceeded to Instruccion Street, Sampaloc, Manila. Pat. Ernesto Yamson was designated to be the poseur-buyer, while Pat. Eduardo Sison and the others were assigned to secure the area. Pat. Amelito Lopez placed himself around seven meters away from the house of the accused.^[5]

The actual operation started with the informant calling the accused and telling him that Yamson wanted to buy "drugs." Juatan met Yamson and the informant at the

corner of an alley, near Maceda and Instruccion streets, around ten meters away from Juatan's house. Yamson gave Juatan a P500-bill marked with his initials on the upper right hand portion of the bill;^[6] in turn, Juatan handed over to Yamson a plastic container measuring 2" x 2 1/2."^[7] At that precise moment, Yamson raised his right hand to signal his companions that the deal had been made. Sensing that something was amiss, Juatan fled. He was about to get into his house when the police apprehended him. Upon being searched, Juatan's right side pocket yielded the marked P500-bill.^[8] Juatan was accompanied by his wife to the police headquarters.^[9] The booking and information sheet bearing Juatan's signature^[10] described him to be a 5'6" tall taxi driver, with tattoo marks of the "*Sigue-Sigue*" commando.^[11]

At around nine o'clock that same morning, the members of police team executed a joint affidavit of arrest.^[12] Sgt. Antonio T. Taca, signing for Maj. Cipriano Herrera, Jr., sent a letter-request to the Chemistry Section of the Criminal Investigation Laboratory for the laboratory examination of the contents of the plastic bag taken from Juatan.^[13] The request, along with the specimen, was received in the late afternoon of 05 July 1991.^[14] On 08 July 1991,^[15] the item was turned over to the forensic chemist, Renee Eric Checa, of the Chemistry Section. Measuring the specimen, Checa found it to weigh 0.395 gram.^[16] Using the thin-layer chromatography, Checa specifically identified the article to be *shabu* or methamphetamine hydrochloride.^[17]

At the police headquarters, Juatan admitted that he was a drug user but, after being apprised of his constitutional rights to counsel and to remain silent, appellant decided not to make any further statement.^[18] On 08 July 1991, Sgt. Taca referred the case to the inquest fiscal^[19] who suggested that the accused be detained.^[20]

In his testimony, Juatan said that he was arrested by policemen Edwin Sison, Ernesto Yamson and Amelito Lopez. Surprised by the arrest, Juatan asked the police officers what the problem was. He was told to produce a certain Boy Chua whom he did not know at all, thus prompting him to remark, "*Edwin* (referring to Pat. Sison), *personal na yata ang ginagawa mo sa akin*."^[21] When Juatan asked to be shown either a search warrant or a warrant of arrest, he, instead, got a punch on the face from Sison. The other police officers stopped Sison from doing any possible further harm on the accused. The group made a search. Finding nothing, they dragged Juatan out of his house and brought him, along with his wife, to the police headquarters.^[22]

Juatan's wife, 38-year-old Aurora, declared that she was doing her laundry, at about one o'clock in the morning of 05 July 1991, when armed men forcibly entered their house. When she started to complain, the men simply told her to keep quiet. She followed the group upstairs; she was told that they were looking for her husband and a certain Boy Chua. When she told them that her husband was asleep in the room, the men went in and immediately handcuffed him. It only angered the policemen when she demanded to be shown a warrant. At the police headquarters, she recognized one of the apprehending police officers to be Pat. Sison.^[23]

The defense presented three other witnesses. Jesus Lingat, a 32-year-old driver who resided just a house away from the Juatan residence, testified that at around 1:30