

## TWENTY-THIRD DIVISION

[ CA-G.R. CR HC NO. 01015-MIN, February 27, 2015 ]

**PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. HILSON HUECAS, [\*] ACCUSED-APPELLANT.**

### D E C I S I O N

**CONTRERAS, J.:**

#### The Case

Before Us is an appeal from the Decision<sup>[1]</sup> of Branch 19 of the Regional Trial Court (hereafter RTC), Digos City, Davao del Sur, in finding Hilson Huecas (hereafter Huecas) guilty beyond reasonable doubt for violation of Republic Act No. 6425 (RA 6425), otherwise known as the Dangerous Drugs Act of 1972, in Criminal Case No. 572(99), specifically for unlawful possession of about 956.4 grams of marijuana leaves, seeds and stalks.

The RTC judge was not convinced by Huecas's defense of frame-up and denial and sentenced Huecas to *Reclusion Perpetua* with a fine of Five Hundred Thousand Pesos (P 500,000.00).

#### The Facts

The records of the case established the following facts:

On September 16, 1999, a criminal Complaint<sup>[2]</sup> was filed by the Chief of Police, accusing Huecas of violating RA 6425, as amended by RA 7659,<sup>[3]</sup> committed at approximately 12:00 noon on September 15, 1999, alleging that the subject marijuana leaves, seeds and stalks were placed inside a black bag, covered with a basin under the sink.

An Information dated November 23, 1999, charged Huecas for violating RA 6425 stating in particular:

"That on or about 15 September 1999, in Matanao, Davao del Sur, and within the jurisdiction of this Honorable Court, the accused aforementioned, without authority of law, did, then and there willfully, unlawfully, and feloniously have in his possession, custody and control about 956.4 grams of Marijuana leaves, seeds and stalks, a prohibited drug, contained in a black bag, to the damage and prejudice of the public.

Contrary to law."<sup>[4]</sup>

In a joint affidavit<sup>[5]</sup> made by several police officers and concurrently members of the civil security unit of Matanao, Davao del Sur, the prosecution's version of events was narrated in this guise:

On September 15, 1999 at about 10:30 in the morning, the Chief of Police briefed the members of the raiding team regarding their roles in the raid. The team proceeded to the house of Huecas, a.k.a Sonny a.k.a. Toto at Barangay Tibongbong, Matanao, Davao del Sur.

At around 12:00 noon, the raiding team arrived at the target place and the members took their agreed posts surrounding the vicinity of the house. The team saw that there were five (5) customers in the store of Huecas, and they were having a drinking session, at the same time singing with the videoke. Three (3) of them immediately ran out of the store when they noticed the arrival of the policemen.

The raiding team showed their search warrant and informed Huecas of his constitutional rights. In the presence of the barangay officials, the raiding team started the search of the house. Inside the house, under the [sink], the raiding team found a black bag covered by a basin. The raiding team found dried marijuana leaves, seeds and stalks inside the black bag, which they inventoried witnessed by the barangay officials accompanying them.

The team inside the house heard some gunshots. They later found out that one of the three persons who ran away earlier, Jerson Deniola (Deniola), attempted to disarm a member of the team, SPO Rivera, so he was forced to give warning shots and to avoid further assault, SPO Rivera shot Deniola on his right leg. Deniola was then transported to a hospital in Digos, Davao del Sur.

While Deniola was transported, Hilson Huecas alias Toto, Ricardo Paglinawan (Paglinawan) and Maxquel Rabaño (Rabaño) were brought to the police station for further questioning.

The policemen also attested that Huecas had been under surveillance not only by the police officers but also by their assets in the barangay.

Upon questioning, Paglinawan and Rabaño stated that on September 15, 1999, at around 9:30 in the morning, they were both in the house of Huecas, which has a store in front. They consumed three bottles of Pilsen (a local beer) and then ordered a half gallon of *tuba*<sup>[6]</sup> wine while singing the *videoke*. While they were singing, three persons arrived, Jerson Deniola, Arman Quirante and Sonny Brasan. Knowing these people, they were offered some glasses for *tuba* wine. While they were drinking and singing, at around 12:00 noon, police operatives of Matanao arrived. The three ran away so Paglinawan and Rabaño were left behind. The police instructed them not to go out of the house. They found out that the police were there to search the vicinity and that the police located and confiscated dried marijuana leaves, seeds and stalks placed in a black bag. They both heard four gun shots and when they got out of the house, they saw that Deniola was already wounded on his right leg, allegedly caused by a gunshot.<sup>[7]</sup>

A preliminary investigation<sup>[8]</sup> was conducted by an MCTC Judge on September 16, 1999. On October 29, 1999, the MCTC issued a Resolution<sup>[9]</sup> finding probable cause for the case against Huecas. Upon arraignment, Huecas pleaded not guilty. Pre-trial proceedings were terminated.

Trial ensued thereafter.

The prosecution presented the leader of the raiding team, the barangay captain who witnessed the raid, and documentary evidence<sup>[10]</sup> on the forensic laboratory examination conducted on the confiscated 956.4 grams of specimen, which were confirmed to be marijuana.

To prove his innocence, Huecas narrated his version<sup>[11]</sup> as to how the events unfolded, as follows:

In the morning of September 15, 1999, Huecas was tending his sari-sari store. Suddenly, policemen arrived and they surrounded his house. He was made to sit in his store, and they showed him a bundle of marijuana, placing it on top of his table. His father and his neighbors were there when this marijuana was shown to him. Then, the policemen immediately handcuffed him and brought him to jail. Huecas also presented his father to corroborate his version.

After trial, the court *a quo* rendered its Decision<sup>[12]</sup> finding Huecas guilty beyond reasonable doubt. It did not give credence to the denial of Huecas and his allegations of a frame-up, upholding the entrapment operations conducted by the arresting officers.

The dispositive portion of the judgment is as follows:

“WHEREFORE, by the evidence presented by the prosecution, this court finds accused HILSON HUECAS, guilty beyond reasonable doubt of the above-cited offense and hereby sentences him to suffer the penalty of RECLUSION PERPETUA and pay the fine of Five Hundred Thousand Pesos (PHP 500,000.00). The 956.4 grams of marijuana leaves seized from the accused is hereby ordered confiscated to be destroyed in accordance with law.”<sup>[13]</sup>

Hence, this appeal.

#### The Issue

Huecas alleged that the court *a quo* gravely erred in convicting him of the offense charged notwithstanding the failure of the prosecution to prove his guilt beyond reasonable doubt.

#### Our Ruling.

The appeal is bereft of merit.

#### Compliance with the Requisites for