

NINTH DIVISION

[CA G.R. CR HC NO. 01431, August 16, 2006]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NELIDA DEQUINA Y DIMAPANAN, JOSELITO JUNDOC Y JAPITANA & NORA JINGABO Y CRUZ, ACCUSED-APPELLANTS.

D E C I S I O N

CARANDANG, J.:

This is an appeal from the Decision of the Regional Trial Court, National Capital Judicial Region, Branch 27, in Manila, in Criminal Case No. 99177383 for Violation of Sec. 4 in relation to Sec. 21 (e-1), (f), (m), (o), Art. I, RA 6425 as amended by PD 1675 and RA 7659 for transporting 32.995 grams of marijuana, the dispositive portion of which reads as follows:

“WHEREFORE, premises considered, judgment is hereby rendered finding accused NELIDA DEQUINA y DIMAPANAN, JOSELITO JUNDOC y JAPITANA and NORA JINGABO y CRUZ guilty beyond reasonable doubt of the crime of illegal transport marijuana and sentencing each of them to suffer the penalty of reclusion perpetua. Each of them is ordered to pay a fine of P5000,000.00.

Costs against the accused.

The specimens subject matter of this case are hereby ordered turned over to the Dangerous Drugs Board for proper disposition.”^[1]

These are the facts of the case:

In the morning of 29 September 1999, PO3 Wilfredo Masanggue and SPO1 Anthony Blanco were instructed by their superior, Chief Inspector Romulo Sapitula to proceed to the corner of Juan Luna and Raxabago Sts., Tondo Manila because based on their informant three persons (one male and two females) were coming from Baguio City to deliver an undetermined quantity of marijuana. By 9:00 AM, at the designated place, a taxi coming from Yuseco St. towards the direction of the pier pulled over and unloaded three persons, each carrying a big black duffle bag. Fitting the descriptions given by Sapitula, the two police officers trailed them. When accused-appellant Nelida noticed the police car behind them, she started walking hurriedly.^[2] SPO1 Blanco gave chase while PO3 Masanggue got hold of accused Joselito and Nora. Confiscated from them were two bags also containing marijuana. At this point, Nelida dropped the bag she was carrying and the zipper gave way. Bundles of dried leaves, later found to be positive for marijuana, came into view. Thereafter, the three accused were boarded, along with their bags, into the police car and were brought to the hospital for physical examination before finally proceeding to the police headquarters.^[3] The appropriate criminal charges were eventually filed

against the three accused.

For her defense, Nelida claims that sometime in May 1999, she was invited by a certain Salvacion "Sally" Penaredondo to join the Kilusang Mayo Uno. On 27 September 1999, Sally informed her that the movement had decided to send her on an undisclosed mission to test her sincerity. She was further advised to bring along two companions with her on the mission, preferably a male and a female. Sally allegedly did not elaborate on the mission and Nelida never insisted on knowing more about it. On Sally's instructions, Nelida and her chosen companions, Joselito and Nora, went to Gaisano Mall at 6:00 AM the following morning but Nelida left the two downstairs to talk to Sally alone for instructions. There, she found out that they were to take the 7:45 AM Air Philippines flight from Iloilo to Manila. They were to stay with Nelida's aunt in Guadalupe, Makati City before going to the Philippine Rabbit Bus Station that afternoon. Take the bus to Dau, Pampanga to get some bags and "some important matters." Then, they were to take the bus back to Manila and get off at the first Shoemart (SM) Department Store that they see and a tricycle will be waiting for them there. They will be taken to a store by the tricycle driver where they will buy a box to place the bags in and a taxi will be waiting for them and take them to the Pier. Aside from their tickets for the plane to Manila as well as the boat back to Iloilo, Sally also gave her P3,000.00.^[4]

When Nelida received the tickets for the plane and the boat, she noticed that the same were under assumed names. At that point, she wanted to back out, but Sally persisted and even said that something might happen to Nelida's daughter if she backed out.^[5] Thus, Nelida with Joselito and Nora proceeded to Manila and then to Dau to get the bags as per Sally's instructions. However, on their way to the Pier their taxi was blocked by a police car. The police officers then ordered the taxi driver to open the compartment where the bags were and forcibly opened one. That was the only time that Nelida knew the contents of the bag. They were then herded inside the police car and brought to a "sari-sari" store where Chief Inspector Sapitula was waiting. There, they were made to line up before a group of press reporters. Then they were brought to the Ospital ng Maynila and then to the District Anti-Narcotics Unit (DANU).^[6]

For their part, Joselito and Nora paint a similar story. They likewise submit that they were never privy to the meetings with Sally or to her instructions in going to Manila and Dau. They also did not know the contents of the bags they picked up from Dau. According to them, they went along with Nelida because they wanted so much to go to Manila and they did not object to using fictitious names in their tickets since the same were free.^[7]

After trial, the court a quo on 30 October 2000 rendered its questioned decision. The accused-appellants are now before Us on appeal raising the following assigned errors:

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THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY BEYOND RESASONABLE DOUBT FOR ILLEGAL TRANSPORT OF MARIJUANA.