

## **FOURTEENTH DIVISION**

**[ CA-G.R. CR.-H.C. NO. 00281, September 25, 2006 ]**

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
AUSTIN WILLIAMS, ACCUSED-APPELLANT.**

### **D E C I S I O N**

**VIDAL, M.D., J.:**

This is an appeal from the Order<sup>1</sup> dated 14 November 2003 of the Regional Trial Court (RTC), National Capital Judicial Region, Branch 118 of Pasay City, in Criminal Case No. 92-2108, denying the Motion for Special Judgment filed by Appellant AUSTIN WILLIAMS and its subsequent Order<sup>2</sup> dated 17 March 2004 denying Appellant's Motion for Reconsideration.

### **THE FACTS**

At about 1:30 P.M. on 19 December 1992, Accused-Appellant AUSTIN WILLIAMS (hereinafter Appellant) who was at the Ninoy Aquino International Airport (NAIA) departure area, was apprehended by the NAIA and Customs authorities for carrying and transporting heroin contained in sixty-three (63) rectangular objects. Said rectangular objects, containing 22.547 kilograms of heroin, were found hidden in the Appellant's two pieces of luggage which had false bottoms. After the Appellant was arrested, he tipped off the NAIA police that another black man was also transporting prohibited drugs. Acting on this information, the NAIA police searched the airport for that other black man. The police found a black man who was later identified as MANZANZA NZENZA (hereinafter NZENZA), who was carrying a bag similar to that carried by the Appellant. The latter's bags were likewise searched and from one of his supposed checked-in luggages, 11.15 kilograms of heroin were confiscated.

Two separate Informations were filed on 23 December 1992 against the Appellant and NZENZA for Violation of Section 4, Article II of Republic Act No. 6425 otherwise known as the Dangerous Drugs Act of 1972.

The Information against the Appellant in Criminal Case No. 92-2108 reads:

**That on or about the 19<sup>th</sup> day of December 1992, at about 1:30 in the afternoon, at the Ninoy Aquino International Airport, Pasay City, Philippines and within the jurisdiction of this Honorable Court the above-named accused WILLIAM AUSTIN (sic), did then and there, willfully, unlawfully and feloniously transport, without lawful authority 22.547 kilograms, more or less of Heroin a prohibited drug, without the corresponding license or prescription.**

**CONTRARY TO LAW.<sup>3</sup>**

The Information against NZENZA in Criminal Case No. 92-2107 states:

**That on or about the 19<sup>th</sup> day of December 1992, at about 1:30 in the afternoon, at the Ninoy Aquino International Airport, Pasay, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused MANZANZA NZENZA did then and there willfully, unlawfully and feloniously transport without authority 11.15 kilograms, more or less of Heroine (sic), a prohibited drug without the corresponding license or prescription.**

**CONTRARY TO LAW.<sup>4</sup>**

The two cases were consolidated upon motion of the prosecution.<sup>5</sup> During their arraignment, the Appellant and NZENZA pleaded NOT GUILTY to the respective charges,<sup>6</sup> *supra*, against them. Thereafter joint trial on the merits ensued.

After a full-blown trial, the court *a quo* on 26 April 1996 rendered a Decision,<sup>7</sup> the dispositive portion of which reads:

**WHEREFORE, and based on the foregoing considerations, the court finds accused Austin Williams and Manzanza Nzenza both GUILTY of the crime charged in the Information (sic) respectively filed against them and hereby sentences them:**

**For AUSTIN WILLIAMS in Criminal Case No. 92-2108, to suffer the PENALTY OF IMPRISONMENT OF RECLUSION PERPETUA and to pay the amount of P30,000.00 as fine;**

**For MANZANZA NZENZA in Criminal Case No. 92-2107, to suffer the PENALTY OF IMPRISONMENT OF RECLUSION PERPETUA and to pay the amount of P30,000.00 as fine;**

**The penalty of Reclusion Perpetua is being imposed pursuant to Republic Act 7659 while the fine of P30,000.00 for each accused is imposed pursuant to Republic Act 6425.**

**The subjects of indicment consisting of 22.547 kilograms of heroin with respect to Austin Williams and 11.15 kilograms of heroin with respect to Manzanza Nzenza are hereby ordered disposed of in accordance with law.**

**SO ORDERED.<sup>8</sup>**

Although both the Appellant and NZENZA were convicted, only NZENZA appealed his conviction to the Supreme Court.<sup>9</sup>

The High Court reversed NZENZA's conviction in its Decision<sup>10</sup> dated 20 April 2001, which states:

**WHEREFORE, the appealed decision is hereby REVERSED and accused-appellant MANZANZA NZENZA is hereby ACQUITTED for insufficiency of evidence. The Director of the Bureau of Corrections is hereby ordered to cause the release of accused-appellant forthwith, unless the latter is being held lawfully for another cause. No costs.**

**SO ORDERED.**<sup>11</sup>

In view of the aforecited Decision, the Appellant filed a Motion for Special Judgment<sup>12</sup> in the court *a quo*, praying that the Supreme Court Decision on appeal, acquitting NZENZA be applied to him. However, this was denied by the court *a quo* in its Order<sup>13</sup> dated 14 November 2003, the dispositive portion thereof reads:

**WHEREFORE, all the foregoing considered, the Court resolves to DENY the "Motion for Special Judgment" filed by accused AUSTIN WILLIAMS.**

**SO ORDERED.**<sup>14</sup>

Appellant's Motion for Reconsideration<sup>15</sup> of said Order was likewise denied for lack of merit in an Order<sup>16</sup> dated 17 March 2004.

Hence, the instant appeal anchored on the following assigned errors:

- 1. THE TRIAL COURT ERRED IN DENYING ACCUSED'S MOTION FOR SPECIAL JUDGMENT PRAYING THAT THE DECISION OF THE SUPREME COURT IN G.R. NO. 125985 ACQUITTING HIS CO-ACCUSED MANZANZA NZENZA BE APPLIED TO HIM.**
- 2. THE TRIAL COURT ERRED IN NOT APPLYING SECTION 11 (a), RULE 122 OF THE REVISED RULES OF COURT, WHICH READS:**
  - (a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.**
- 3. THE TRIAL COURT ERRED IN DENYING ACCUSED'S MOTION FOR RECONSIDERATION OF THE ORDER DENYING HIS MOTION FOR SPECIAL JUDGMENT.**<sup>17</sup>

In the main, the sole issue for Our resolution is whether or not the Supreme Court Decision on appeal, *supra*, in *People v. Williams and Nzenza*,<sup>18</sup> is applicable to the Appellant pursuant to Section 11(a), Rule 122 of the Revised Rules of Court, despite the fact that he and NZENZA were not charged in the same Information.

**Our Ruling**