

SECOND DIVISION

[G.R. NO. 173795, April 03, 2007]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LOIDA R. SORIANO
AND MANUELITA L. MIGUEL, APPELLANTS.**

D E C I S I O N

TINGA, J.:

On appeal is the Decision^[1] of the Court of Appeals promulgated on 26 May 2006 affirming the conviction by the Regional Trial Court^[2] (RTC) of appellants Loida R. Soriano (Loida) and Manuelita L. Miguel (Lita) for violation of Section 5, Article II of Republic Act (R.A.) No. 9165 and sentencing them to suffer life imprisonment and to pay a P500,000.00 fine each.

Appellants were arrested and charged following a "buy-bust" operation.

The accusatory portion of the Information against appellants reads:

On or about April 8, 2003, in Pasig City and within the jurisdiction of this Honorable Court, the accused, conspiring and confederating together and both of them mutually helping and aiding one another, not being lawfully authorized to sell, possess or otherwise use any dangerous drug, did then and there willfully, unlawfully and feloniously sell, deliver and give away to Police Officer Janet Sabo, a police poseur buyer, one (1) heat-sealed transparent plastic sachet containing white crystalline substance weighing nine (9) centigrams (0.09 grams), which was found positive to the test for methylamphetamine hydrochloride (*shabu*), a dangerous drug, in violation of the said law.

Contrary to law.^[3]

When arraigned, appellants pleaded not guilty. Trial ensued.

The prosecution presented as witnesses, PO1 Janet Sabo (Sabo), who acted as poseur-buyer, PO2 Arturo San Andres (San Andres), a back-up operative who assisted Sabo, and PO1 Aldrin Mariano (Mariano), who transmitted the drug specimen confiscated from appellants to the Philippine National Police (PNP) Crime Laboratory. Their testimonies sought to establish the following facts:

Acting on a tip from an informant that a certain "Loida," "Lita" and "Bangkay" were openly selling drugs in Bukid, Barangay Bambang, Pasig City, Police Inspector Rodrigo Villaruel formed a buy-bust team on 8 April 2003 composed of Sabo as poseur-buyer, San Andres, SPO4 Manuel Buenconsejo, PO3 Amillasan Salisa, Mariano and PO1 Alan Panis. Sabo was then given two (2) One Hundred Peso bills to be used as buy-bust money. At about 2:30 p.m. of the same day, the team

proceeded to the site of operation. After parking their vehicle at the corner of J.P. Miguel in Brgy. Bambang, Sabo and the informant went to the house of Loida. The informant knocked at the door and one female person came out, later identified as Lita. He introduced Sabo to Lita as the one who wanted to buy *shabu* worth P200.00. Sabo then gave Lita the P200.00 marked money. Lita, in turn, gave the P200.00 to another lady inside the house, later identified as Loida. Loida handed a plastic sachet to Lita. Lita approached Sabo and gave it to the latter.

Upon inspection of the sachet containing the suspected *shabu*, Sabo sent her pre-arranged signal to the other police officers by combing her hair with her fingers.^[4] San Andres approached and directed Loida to empty her short pants pocket of its contents. Loida obliged and handed two (2) pieces of P100.00 bills to San Andres. He later confirmed that the two bills bearing the serial numbers FC144922 and JT449380 respectively seized from Loida were the same bills previously photocopied and marked with letters J and S inside the two (2) zeroes of the P100.00 bills.^[5] The *shabu* was brought by Mariano^[6] to the PNP Crime Laboratory for examination, which yielded a positive result for methylamphetamine hydrochloride.^[7]

In their defense, appellants denied the charge against them. They commonly narrated that at around 2:00 p.m. on 8 April 2003, they were conversing in front of their house when one Junjun Paulino (Junjun), who was acquainted with Loida, approached them. Junjun was asking for their help in selling his pieces of jewelry. Suddenly, several police officers in civilian clothes arrived and shouted, "*Walang tatakbo*." Junjun ran away and the other police officers failed to catch up with him. Thereafter, they were forcibly brought to the police station for inquest. Lita was asked by the police officers to pinpoint a big-time drug pusher. Unable to extract information from her, she was charged with the instant offense.^[8] Loida, on the other hand, alleged that upon arriving at the police station, the police officers brought out *shabu* on the table and informed them that they got the said drug from them.^[9]

On 23 July 2004, the RTC rendered a Decision finding appellants guilty of violation of Section 5, Article II of R.A. No. 9165 and sentencing them to suffer life imprisonment and to pay a P500,000.00 fine each. The trial court gave credence to the prosecution's evidence in accordance with the presumption of regularity in the performance of official functions accorded to police officers.^[10]

Initially, the appeal was brought before us. Conformably with *People v. Mateo*^[11] however, this Court in a Resolution^[12] dated 28 February 2005 resolved to transfer the instant case to the Court of Appeals for intermediate review.

On 26 May 2006, the appellate court affirmed the judgment of the RTC. The appellate court held that the prosecution was able to prove beyond reasonable doubt the identity of the buyer in the buy-bust operation and the seller, the object and the consideration as well as the delivery of the sold *shabu* and the payment of P200.00.^[13] It observed that the prosecution evidence presented a complete picture detailing the transaction of the buy-bust operation — from the initial contact between Sabo and appellants, to the offer to purchase *shabu* by the poseur-buyer, the payment of the buy-bust money, and the consummation of the sale by delivery by appellants to Sabo of the *shabu*.^[14]

Appellants appealed their conviction before this Court, adopting the same arguments in their Brief before the Court of Appeals.

Appellants essentially maintain that the prosecution's evidence failed to prove their guilt beyond reasonable doubt. They lament that the trial court failed to give weight to their direct testimonies, which were clearly more credible than the version of the prosecution.^[15]

It is jurisprudential that factual findings of trial courts especially those which revolve on matters of credibility of witnesses deserve to be respected when no glaring errors bordering on a gross misapprehension of the facts, or where no speculative, arbitrary and unsupported conclusions, can be gleaned from such findings.^[16] The evaluation of the credibility of witnesses and their testimonies are best undertaken by the trial court because of its unique opportunity to observe the witnesses' deportment, demeanor, conduct and attitude under grilling examination.^[17]

After a painstaking review of the records, we agree with the trial court's finding that the guilt of the appellants was established beyond reasonable doubt.

In every prosecution for illegal sale of *shabu*, the following elements must be sufficiently proved: (1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment therefor.^[18] Indeed, all these elements were duly established. Appellants were caught in *flagrante delicto* selling *shabu* through a buy-bust operation conducted by members of the Mayor's Special Action Team/City Hall Detachment of Pasig City.

The poseur-buyer, Sabo, positively testified that the sale took place and appellants were the authors thereof, thus:

Q: When you reached the house of alias Loida, what happened next?

A: The informant knocked at the door, sir.

Q: After knocking, what happened next, madam witness?

A: One female person came out, sir.

Q: Did you come to know later the identity of this female person who came out?

A: Yes, sir.

Q: Who is she?

A: Manuelita Miguel y Leyva, sir.

Q: Would this be the same person whom your informant said to be that one earlier then identified as alias Lita?

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A: Yes, sir.

Q: If you see this alias Lita, whom you identified as Manuelita Miguel, will you be able to identify her again?

A: Yes, sir.

Q: Will you please look inside the court room and tell us if she is here?

A: Yes, sir.

Q: Will you please step down from the witness stand and tap her left or right shoulder in order to identify her?

COURT INTERPRETER:

Witness tapped the shoulder of a female person, who, when asked, identified herself as Manuelita Miguel.

Q: When this alias Lita or accused Manuelita Miguel came out after the informant knocked on her door, what else happened?

A: She asked, why and what we needed, sir.

Q: Who did she ask?

A: Our asset, sir.

Q: And what was the reply of your asset, if any?

A: The asset said that, "I have a companion who wanted to score," sir.

Q: What do you mean by score, madam witness?

A: To buy *shabu*, sir.

Q: And when your asset said that, "*May kasama ako na gustong mag-iskor ng shabu.*" Who is this "*kasama*"?

A: I was the one, sir.

Q: Were you ever introduced as the person interested in buying shabu?

A: Yes, sir.

Q: After you were introduced to said alias Lita, what else happened, if any?

A: I was asked how much would I want to buy. So I said, I will buy *shabu* worth P200.00. "*Panggamit lang,*" sir.