

SECOND DIVISION

[G.R. No. 191267, June 26, 2013]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MONICA MENDOZA Y TRINIDAD, ACCUSED-APPELLANT.**

DECISION

PEREZ, J.:

This is an appeal by Monica Mendoza y Trinidad (accused-appellant) from the Decision^[1] dated August 28, 2009 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03426. The CA affirmed the Decision^[2] rendered by the Regional Trial Court (RTC), Branch 64, Makati City in Criminal Case Nos. 04-2068 and 04-2069 convicting accused-appellant of violating Sections 5 and 11 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The two separate informations filed against accused-appellant read thus:

Criminal Case No. 04-2068:

"That on or about the 15th day of May 2004 in the City of Makati, Metro Manila, Philippines, and a place within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously sell, distribute and transport Methamphetamine Hydrochloride (shabu), weighing zero point zero three (0.03) gram, which is a dangerous drug, in consideration of two hundred (Php200.00) pesos, in violation of the above-cited law."

Criminal Case No. 04-2069:

"That on or about the 15th day of May 2004 in the City of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, without corresponding license or prescription, did then and there willfully, feloniously have in his possession, direct custody and control zero point zero eight (0.08) gram of Methamphetamine Hydrochloride (shabu), which is a dangerous drug, in violation of the above-cited law."

After arraignment and pre-trial were conducted by the trial court, a joint trial on the merits ensued.

The prosecution presented as witnesses PO2 Joseph dela Cruz (PO2 dela Cruz) and PO2 Wilfredo Sangel (PO2 Sangel), both operatives of the Station Anti-Illegal Drugs Special Operations Task Force (SAID-SOTF).

PO2 dela Cruz testified that on May 15, 2004 at about 8:15 in the evening, their confidential informant arrived at their office reporting that a certain alias Monica, who turned out to be accused-appellant, was involved in the rampant sale of illegal drugs along PNR South Compound, Brgy. Pio del Pilar, Makati City. Their Action Officer, SPO4 Arsenio Mangulabnan formed a buy-bust team led by SPO1 Jose Magallanes to effect the arrest of accused-appellant. A briefing was conducted regarding the anti-narcotics operation and PO2 dela Cruz was designated as poseur-buyer. He was tasked to buy Php200.00 worth of *shabu* from accused-appellant. Two (2) pieces of one hundred peso bills were provided and marked with "AMM" for use in the buy-bust operation. Coordination with the Philippine Drug Enforcement Agency (PDEA) was made and PDEA Control No. 150504-02 was given to the team. The team then proceeded to the area of operation, i.e., at the PNR South Compound, Brgy, Pio del Pilar, Makati City to conduct the buy-bust operation.

PO2 dela Cruz further testified that upon arrival at the said area the informant accompanied him to where accused-appellant was. The rest of the team positioned themselves strategically within the perimeter. Thereafter the informant introduced him to accused-appellant as a person in need of *shabu*. At this instance, he conveyed his intentions of buying two hundred (Php200.00) pesos worth of *shabu* to accused-appellant. He then gave the Php200.00 pesos buy-bust money to accused-appellant who in turn, gave one plastic sachet containing suspected *shabu* to him. The transaction having been consummated, he then made a motion of giving a high five to accused-appellant which was the pre-arranged signal for the rest of the back-up team. Operations back-up PO2 Sangel then approached the area of transaction, introduced himself as a police officer and placed accused-appellant under arrest. Accused-appellant was apprised of the nature of the arrest and of her constitutional rights.

PO2 dela Cruz continued that at the area of transaction, a search conducted after the arrest which resulted in the recovery of the buy-bust money and five (5) other plastic sachets containing suspected *shabu*. He was just very near PO2 Sangel when the sachets of *shabu* were taken from accused-appellant. He accordingly marked the pieces of evidence recovered from accused-appellant. Likewise marked was the *shabu* subject matter of the sale transaction. Accused-appellant was thereafter brought to the office of the SAID-SOTF, where she was turned over to the investigator on duty. Afterwards, the items seized were brought to the PNOC Crime Laboratory Office for examination. The laboratory examination on the specimens submitted yielded positive result for the presence of a dangerous drug Methamphetamine Hydrochloride. He maintained that the operation was properly coordinated with the PDEA.

PO2 Sangel corroborated the testimony of PO2 dela Cruz mainly with respect to the buy-bust operation against herein accused-appellant. He declared that he was about seven (7) to ten (10) meters away from the place of transaction. After the pre-arranged signal was given by PO2 dela Cruz, he, together with the team, proceeded to the accused-appellant to arrest her. After accused-appellant was arrested, she was ordered to empty her short pants and five (5) pieces of plastic sachets containing *shabu* were found and confiscated together with the marked money in the amount of Php200.00. Thereafter, PO2 dela Cruz placed the marking on the seized items at the place of transaction. The accused-appellant was then brought to the SAID- SOTF of the Makati Police for investigation while the seized items were

brought to the PNP Crime Laboratory Office for laboratory examination.

Accused-appellant for her part, denied the charges against her. She denied that she was caught selling *shabu* and that she was caught in possession of the same. She maintained that on May 15, 2004 at around 4:00 o'clock in the afternoon, she was at the back of her house at PNR Compound, P. Medina Street, Brgy. Pio del Pilar, Makati City hanging clothes when a kid named Totoy, told her that police officers were looking for her. Upon learning that police officers were looking for her she went home. There she saw PO2 Sangel together with other police officers. She knew PO2 Sangel because her live-in partner would give half of his earnings to his dispatcher the same to be given to PO2 Sangel otherwise, the latter would not allow them to park their vehicles for passengers. She approached PO2 Sangel and asked if they needed something from her. PO2 Sangel told her to go with them. The accused-appellant dressed up and went with the policemen thinking that the reason she was asked to go with them because of the murder case of Jun Riles filed against Jonathan Lesaca and Alfredo Lesaca before the RTC (Branch 138) where she was a star witness.

Accused-appellant was brought to the office of the Drug Enforcement Unit (DEU). At the office of the DEU, Bobot Mangulabnan talked to her. Bobot Mangulabnan told her that she was stubborn as he once told her not to meddle with the case of her friend Jun Riles or else something will happen to her. She was then asked if she knew Edwin Kerabu (Kerabu) and she said she knew him because he was her neighbor. She was asked if she knew where to find Kerabu. She told them that she usually sees this Kerabu in front of the "*binggohan*." Afterwards she was brought to the place where she was referring to.

Accused-appellant was left inside the vehicle for about thirty (30) minutes and thereafter she saw the police officers with Kerabu. He was brought inside the vehicle. There Kerabu was asked if he had *shabu* and he replied that he did not have any. He was frisked and the police officers were able to recover from his pocket white substance suspected to be *shabu*. Accused-appellant and Kerabu were both brought back to the office of the DEU.

At the DEU, accused-appellant Monica Mendoza wanted to go home but she was not permitted by the police officers. She was made to stay and she was surprised that the DEU filed charges against her. She was brought to a place where she underwent drug testing. She was made to urinate in a bottle. After the drug test, she was brought back to the office of the DEU where she was detained. She was then brought to the fiscal's office where she learned of the charges filed against her. At the fiscal's office she was made to sign a document.

The RTC, found the evidence of the prosecution sufficient to prove the guilt of accused-appellant for the crimes charged beyond reasonable doubt. Thus, judgment was rendered as follows:

1. In Criminal Case No. 04-2068, the accused Monica Mendoza y Trinidad is found GUILTY of the charge for violation of Section 5, Article II. R.A. No. 9165 and sentences her to suffer life imprisonment and to pay a fine of FIVE HUNDRED THOUSAND PESOS (P500,000.00);