

FIRST DIVISION

[G.R. No. 174369, June 20, 2012]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ZAFRA MARAORAO Y MACABALANG, ACCUSED-APPELLANT.

D E C I S I O N

VILLARAMA, JR., J.:

Before us is an appeal from the March 1, 2006 Decision^[1] of the Court of Appeals (CA), which affirmed the Decision^[2] of the Regional Trial Court (RTC) of Manila, Branch 35, convicting appellant Zafra Maraorao y Macabalang of violation of Section 16, Article III of Republic Act (R.A.) No. 6425, otherwise known as The Dangerous Drugs Act of 1972, as amended.

Appellant was charged under an Information^[3] dated January 4, 2001 filed before the RTC of Manila as follows:

That on or about November 30, 2000, in the City of Manila, Philippines, the said accused, without being authorized by law to possess or use regulated drug, did then and there willfully, unlawfully and knowingly have in his possession and under his custody and control one (1) transparent plastic sachet containing ONE THOUSAND TWO HUNDRED EIGHTY POINT ZERO EIGHT ONE (1,280.081) grams of white crystalline substance known as "shabu" containing methylamphetamine hydrochloride, a regulated drug, without the corresponding license or prescription thereof.

Contrary to law.

On March 19, 2001, appellant, assisted by counsel, pleaded not guilty to the offense charged against him.^[4] Trial on the merits ensued.

For the prosecution, PO3 Manuel Vigilla testified that on November 29, 2000, they received reliable information at Police Station No. 8 of the Western Police District (WPD) that an undetermined amount of *shabu* will be delivered inside the Islamic Center in Quiapo in the early morning of the following day. On November 30, 2000, at around 7:00 a.m., he and PO2 Mamelito Abella, PO1 Joseph dela Cruz, and SPO1 Norman Gamit went to the Islamic Center. While walking along Rawatun Street in Quiapo, they saw two men talking to each other. Upon noticing them, one ran away. PO2 Abella and PO1 Dela Cruz chased the man but failed to apprehend him.^[5]

Meanwhile, the man who was left behind dropped a maroon bag on the pavement. He was about to run when PO3 Vigilla held him, while SPO1 Gamit picked up the

maroon bag. The man was later identified as appellant Zafra Maraorao y Macabalang. The police examined the contents of the bag and saw a transparent plastic bag containing white crystalline substance, which they suspected to be shabu. At the police station, the investigator marked the plastic sachet "ZM-1" in the presence of the police officers.^[6]

The specimen was then forwarded to the PNP Crime Laboratory for laboratory chemical analysis. When examined by Forensic Chemist P/Insp. Miladenia O. Tapan, the 1,280.081 grams of white crystalline substance gave a positive result to the test for methylamphetamine hydrochloride, a regulated drug. Her findings are contained in Chemistry Report No. D-1121-00.^[7]

In his defense, appellant testified that on November 30, 2000, at around 7:00 a.m., he was going to the place of his uncle, Abdul Gani, at the Islamic Center to get a letter from his mother. He went there early because he had to report for work at the Port Area in Manila at 8:00 a.m. On his way, an unidentified man carrying a bag asked him about a house number which he did not know. He stopped walking to talk to the man, who placed his bag down and asked him again. When they turned around, they saw four men in civilian attire walking briskly. He only found out that they were police officers when they chased the man he was talking to. As the man ran away, the man dropped his bag. Appellant averred that he did not run because he was not aware of what was inside the bag.^[8]

Appellant further narrated that the police arrested him and asked who the owner of the bag was. He replied that it did not belong to him but to the man who ran away. They made him board a bus-type vehicle and brought him to the police station in Sta. Mesa, Manila where he was referred to a desk sergeant. The desk sergeant asked him whether the bag was recovered from him, and he replied that he had no knowledge about that bag. He was not assisted by counsel during the investigation. He was also incarcerated in a small cell for about ten days before he was brought to Manila City Jail. At the Office of the City Prosecutor, he met his lawyer for the first time.^[9]

On September 25, 2001, the trial court rendered a decision, the fallo of which reads:

WHEREFORE, judgment is rendered pronouncing accused ZAFRA MARAORAO y MACABALANG guilty beyond reasonable doubt of possession of 1,280.081 grams of methylamphetamine hydrochloride without license or prescription, penalized under Section 16 in relation to Section 20 of Republic Act No. 6425, as amended, and sentencing said accused to *reclusion perpetua* and to pay a fine of P5,000,000.00, plus the costs.

In the service of his sentence, the full time during which the accused has been under preventive imprisonment should be credited in his favor provided that he had agreed voluntarily in writing to abide with the same disciplinary rules imposed on convicted prisoner. Otherwise, he should be credited with four-fifths (4/5) only of the time he had been under preventive imprisonment.

Exhibit B, which consists of 1,280.081 grams of methylamphetamine hydrochloride, is confiscated and forfeited in favor of the Government. Within ten (10) days following the promulgation of this judgment, the Branch Clerk of this Court, is ordered to turn over, under proper receipt, the regulated drug involved in this case to the Dangerous Drugs Custodian, National Bureau of Investigation, as appointed by the Dangerous Drugs Board, for appropriate disposition.

SO ORDERED.^[10]

Aggrieved, appellant filed a Notice of Appeal.^[11] The entire records of the case were elevated to this Court. Pursuant to our Decision in *People v. Mateo*,^[12] however, the case was transferred to the CA for appropriate action and disposition.

At the CA, appellant raised the following assignment of errors:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE FABRICATED AND COACHED TESTIMONY OF THE STAR PROSECUTION WITNESS.

II

THE TRIAL COURT GRAVELY ERRED IN DISREGARDING THE ACCUSED'S DEFENSE OF DENIAL.^[13]

On March 1, 2006, the CA rendered the assailed Decision, to wit:

WHEREFORE, premises considered, the appeal is **DENIED** for lack of merit. The Decision dated 25 September 2001 of the Regional Trial Court of Manila, Branch 35 in Crim. Case No. 01-188945 is hereby **AFFIRMED**. Costs against appellant.

SO ORDERED.^[14]

In affirming the RTC Decision, the CA held that there was no showing that the trial court overlooked, misunderstood or misapplied a fact or circumstance of weight and substance which would have affected the case. It gave credence to the testimony of PO3 Vigilla and found appellant's defense of denial inherently weak. Furthermore, the CA held that appellant was lawfully searched as a consequence of his valid warrantless arrest.

Hence, this present recourse.

In his Supplemental Brief,^[15] appellant stresses that PO3 Vigilla testified that when