

FIRST DIVISION

[G.R. No. 177570, January 19, 2011]

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

LEONARDO-DE CASTRO, J.:

Accused-appellants Nelida D. Dequina (Dequina), Joselito J. Jundoc (Jundoc), and Nora C. Jingabo (Jingabo) were charged before the Regional Trial Court (RTC) of Manila, Branch 27, with Violations of Section 4, in relation to Section 21, paragraphs (e-l), (f), (m), and (o) of Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended by Republic Act No. 7659. The accusatory portion of the Amended Information reads:

That on or about September 29, 1999, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another, not being authorized by law to sell, deliver, transport or give away to another any prohibited drug, did and there willfully, unlawfully and knowingly sell, or offer for sale, deliver or transport marijuana dried flowering tops with total weight of thirty two thousand nine hundred ninety five (32,995) grams which is a prohibited drug.^[1]

The case was docketed as Criminal Case No. 99-177383. Upon arraignment, all accused-appellants entered a plea of not guilty.^[2]

The prosecution presented four witnesses: Police Officer (PO) 3 Wilfredo Masanggue (Masanggue), Senior Police Officer (SPO) 1 Anthony Blanco (Blanco), PO3 Eduardo Pama (Pama), and Forensic Chemist George de Lara (De Lara). The RTC summarized the testimonies of the prosecution witnesses as follows:

Police Officer III Wilfredo Masanggue testified that at about 6:00 a.m., of September 29, 1999, he and SPO1 Anthony Blanco were instructed by their superior, Chief Inspector Romulo Sapitula to proceed at the corner of Juan Luna and Raxabago Sts., Tondo, Manila, where, according to the report given by the informant, three persons - a male and two female[s] would be coming from Baguio City to deliver unknown quantity of marijuana. In no time, they arrived at the designated place and parked their mobile patrol car along Juan Luna Street, facing the northern direction just near the corner of Raxabago Street.

At around 9:00 a.m., they noticed a taxi cab coming from Yuseco St.

heading towards the direction of the pier. At a certain point along Raxabago Street, about a hundred meters away from the position of their patrol car the taxi stopped. From it emerged three passengers - a man and two women - each one of them carrying a black travelling bag. As the trio fitted the descriptions given to them by Inspector Sapitula, they intently watched and monitored their movements.

About one or two minutes later, as the trio started walking towards the western portion of Raxabago St., they drove and trailed them. As the patrol car got closer behind them, [Dequina] noticed its presence. She started walking in a more hurried pace ("parang walkathon") as if she wanted to run away ("parang patakbo"). SPO1 Blanco alighted from the car and chased [Dequina] while PO3 Masanggue, who was behind the wheels also alighted and restrained [Jundoc] and [Jingabo]. While thus trying to get away, [Dequina] dropped the bag she was carrying. As a result, the zipper of the bag gave way. Bundles of dried leaves wrapped in transparent plastic bags came into view. Suspecting the stuffs to be marijuana, they further inspected the other two bags in the possession of [Jingabo] and [Jundoc] and found out that they had the same contents. They boarded the three accused, along with their bags in their patrol car and proceeded to the hospital for physical examination before bringing them to their headquarters. While in transit, [Dequina] pleaded to them to allow her to make a call but they did not heed the request as the car was still in motion.

At the western Police District Headquarters at United Nations Avenue, they turned over the three accused together with the bags to PO3 Eduardo Pama, a police investigator of the district Anti-Narcotics Unit for investigation. During the investigation, it was discovered that each of the three black travelling bags confiscated from the three accused contained eleven bricks of marijuana. In connection with the incident, he and SPO1 Blanco executed the Joint Affidavit of Apprehension dated September 30, 1999 (Exhs, "A" and submarkings).

SPO1 Anthony Blanco testified that in the early morning of September 29, 1999, together with PO3 Wilfredo Masanggue, he was dispatched by their superior to the corner of Juan Luna and Raxabago Sts., Tondo, Manila, where it was reported that shipment of marijuana would take place. They were further informed that the drug couriers were composed of a man and two women and that each of them were carrying a travelling bag.

After they arrived at the designated area, they parked their vehicle along Juan Luna near Raxabago Street. Then they waited. Suddenly, they noticed the arrival of a taxicab from where three persons - a man and two women - alighted. Each of them was carrying a bag. The trio fitted the descriptions given to them. As the suspects walked away, they drove and trailed them. As they got close behind them, accused Nelida Dequina noticed the presence of the mobile car. She dropped the black bag she was carrying and the same was unzipped. The contents thereof consisting of dried marijuana leaves wrapped in transparent plastic bags came into view. They arrested the three suspects later identified as the

accused herein and boarded them into their car. While on board the vehicle, [Dequina] and [Jundoc] confessed that the contents of the other two bags confiscated from them were also marijuana.

At the WPD Headquarters, United Nations Avenue, Manila, the three accused were turned over to the Office of the District Anti-Narcotics Unit where they were investigated by PO3 Wilfredo Pama. It was there where the other two bags confiscated from [Jingabo] and [Jundoc] were re-opened and confirmed to contain marijuana.

In the course of his cross-examination, SPO1 Blanco admitted that the three of them - Inspector Sapitula, PO3 Masanggue and himself, along with the three accused, were photographed, at what appeared to be a "sari-sari" store as their background. The same appeared in the clipping of "Tonight" September 20, 1999 issue.

PO3 Eduardo Pama, an investigator from the District Anti-Narcotics Unit of the WPD was the one who investigated the case. He placed the corresponding markings on the packs of marijuana confiscated from the three accused after the same were turned over to him by SPO1 Blanco and PO3 Masanggue. He marked the bag recovered from [Dequina] "NDD" and the contents thereof "NDD-1" to "NDD-11". He marked the bag taken from [Jundoc] "JJJ" and the contents thereof "JJJ-1" to "JJJ-11". Finally, he marked the bag recovered from [Jingabo] "NCJ" and the contents thereof "NCJ-1" to "NCJ-11". In connection with his investigation, he prepared the Booking Sheet and Arrest Reports of the three accused (Exhs. "F", "G" and "H") as well as the Referral Letter to the City Prosecutor's Office (Exh. "I"). Afterwards, he brought the three bags of suspected marijuana together with the letter-request to the National Bureau of Investigation [(NBI)] Chemistry Division, for the laboratory examinations. The same were received thereat on September 29, 1999 at 10:12 in the evening. The following day, September 30, 1999, at 10:38 p.m., certifications, corresponding to each and every set of items recovered from the three accused were released to PO3 Pama.

George De Lara, Forensic Chemist, Forensic Chemistry Division, NBI, Manila testified that he conducted the laboratory examinations of the subject specimens based on the letter-request from DANU Police Superintendent Miguel de Mayo Laurel (Exh. "B" and submarkings). From the black bag (Exh. "K") allegedly recovered from [Dequina], he counted a total of eleven bricks of dried leaves suspected to be marijuana which had a total weight of 10,915.0 grams. The results of the chemical, microscopic and chromatographic examinations he conducted show that the said specimens were positive for the presence of chemical found only in marijuana.

With regard to the bag allegedly confiscated from [Jundoc] (Exh. "O"), witness counted eleven bricks of dried leaves believed to be marijuana. The specimens had a total weight of 11,010.0 grams. When subjected to be same type of laboratory examinations, the specimens yielded positive result for marijuana, a prohibited drug.

Anent the bag (Exh. "R") with masking tape having the mark "DDM-99-110" allegedly recovered from [Jingabo], witness also found eleven bricks of dried flowering tops suspected to be marijuana which when weighed yielded a total weight of 11,070.0 grams. The results of similar types of examinations conducted confirmed the specimens to be marijuana.

He prepared separate certifications for the results of the examinations he conducted on the specimens contained in three separate bags allegedly confiscated from accused Dequina, Jundoc and Jingabo (Exhs. "C", "D" and "E", respectively). He also prepared NBI Forensic Chemistry Division Report No. DDM-99-108 dated October 1, 1999 (Exh. "L" and submarkings).^[3]

For the defense, only the accused-appellants took the witness stand. The RTC recapitulated the testimonies of the accused-appellants, thus:

Accused Nelida Dequina testified that she became an orphan at a tender age. With the help of her aunt, she was able to pursue her studies. She was a consistent scholar from elementary until college. While in the third year of her Accountancy course, she encountered severe financial difficulties. She stopped schooling and worked instead. Soon, she had a relationship with a man with whom she begot a child. The relationship did not last. Not long after, she had a relationship with another man. This time she begot her second child named Samantha.

In May 1999, while the Kilusang Mayo Uno (KMU) members were having a parade in Iloilo City, she met a certain Salvacion Peñaredondo, a member of the group. She calls her Sally. Sally convinced her to join the movement. Since she used to watch similar group activities while in college, she manifested her desire to join the movement by nodding her head. From then on, Sally frequently visited her at home. For a living, she was engaged in selling ready-to-wear dresses, frozen meat and relief goods which Sally supplied to her.

On September 27, 1999, Sally told her that the movement had decided to send her to a mission which would determine if she was really qualified to join the group. She was advised to bring along two friends, preferably a woman and a gay. As at time Sally saw them in her company, she chose Nora Jingabo and Joselito Jundoc to be her companions. Sally did not elaborate the real nature of such mission. She did not press to know more about the venture either. Before they parted that day, Sally instructed her to fetch her two friends and meet her (Sally) early in the morning of the following day, September 28, 1999 near the entrance of the Gaisano Mall, the largest department store in Iloilo. She dropped by the public market and told Nora and Joselito about the plan to meet Sally the following morning.

As agreed upon, they met Sally at the designated place and time. Sally secretly told her that the three of them would be going to Manila for a still undisclosed mission. She was briefed that the three of them will

temporarily stay in the house of her [Dequina] relative in Manila. She was further instructed that they will go to the Philippine Rabbit Terminal in Avenida where they will be met by members of their group who will also monitor their movements. Afterwards, they will proceed to Dau, Mabalacat, Pampanga where they will pick-up some bags. Thereat, somebody will meet and give them instructions. From Dau, they will return to Manila. They will alight at the first ShoeMart Department Store which they will see along the way. A waiting tricycle would bring them to a store where they could buy carton boxes for their bags. Finally, a taxicab will fetch and bring them all the way to the pier.

[Dequina] received P3,000.00 from Sally for their expenses and plane tickets for the three of them from Sally. However, she noticed that instead of their true names, the tickets were in the names of other persons. Her plane ticket was in the name of Sarah Ganje. That of [Jundoc] and [Jingabo] were in the names of Rowenal Palma and Mary Grace Papa, respectively. Nervous, she thought of backing out at the last minute but Sally assured her that she had nothing to worry about. Sally culminated by saying that something will happen to her child if ever she backed out from the plan.

Because of the threat, [Dequina] went on with the plan. Enroute to the Iloilo airport, [Jundoc] and [Jingabo] expressed their anxieties about the venture but she calmed them down and assured them that she will take care of everything.

From the Manila Domestic Airport, they proceeded to her aunt's place at Pitogo St., Guadalupe, Makati City where they rested after taking their meal. At around 2:00 p.m., her aunt woke her up and told her that the two vehicles - an owner-type jeepney and a passenger jeepney with unfamiliar faces on board were lurking in their vicinity for quite sometime.

At around 5:00 p.m., they left the place on board a taxi to the Philippine Rabbit Terminal at Avenida, Rizal. While waiting for their schedule, two men approached and handed to her bus tickets. The same men nosed out to them the vehicle where they were supposed to board. She was further reminded by the men that members of the movement will also be on board.

They arrived in Dau, Mabalacat, Pampanga at about 12:30 a.m. of September 29, 1999. While they were having their snacks, a couple went near and instructed them to cross the road and take the bags from the three men whom they saw for the first time. The couple also handed over to them bus tickets. They were instructed to board vehicles bound for Pasay and alight at the first Shoemart (SM) Department Store that they will see along the way. They took the bags from the three men without even bothering to know the contents thereof. However, she noticed that the bags were very heavy.

As they boarded the Pasay bound bus, the conductor took the bags from them and loaded the same in compartment section of the vehicle. With