

THIRD DIVISION

[G.R. No. 169195, February 17, 2010]

FRANCISCO APARIS Y SANTOS, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

PERALTA, J.:

Before the Court is a Petition For Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Decision^[1] of the Court of Appeals (CA) promulgated on August 31, 2004 in CA-G.R. CR No. 24238 and its Resolution^[2] dated August 5, 2005. The challenged Decision of the CA affirmed with modification the March 31, 2000 Decision^[3] of the Regional Trial Court (RTC) of Makati, Branch 64 in Criminal Case No. 96-146, finding herein petitioner Francisco Aparis y Santos guilty beyond reasonable doubt of violating Section 15, Article III of Republic Act No. 6425 (RA 6425), otherwise known as the Dangerous Drugs Act of 1972, as amended; while its questioned Resolution denied petitioner's motion for reconsideration.

The prosecution's version of the facts, as summarized by the trial court, are as follows:

On [January] 17, 1996 at about 2:30 o'clock in the morning, elements of the PNP Narcotics Command based at Camp Crame, Quezon City and headed by Police Inspector Randolph Gozar, conducted a buy-bust operation at Dian Street, corner Zobel Street, Barangay Palanan, Makati City which resulted in the apprehension of accused Edilberto Campos y Ibalid and [herein petitioner] Francisco Aparis y Santos. Several Days prior to the actual buy-bust, PO3 Nelson Labrador and confidential informant had entered into a drug deal with a certain "Boyet Aparis". The name "Boyet Aparis" is in the drug watchlist of the NARCOM. In the planned buy-bust operation the poseur buyer, PO3 Nelson Labrador, was to buy from the accused P100,000.00 worth of shabu which would be delivered at Dian Street, corner Zobel Street, Bgy. Palanan, Makati City. They reported the "deal" to their superior, Police Capt. David Noora who directed them to conduct the buy-bust operation. On the aforesaid date and time, from Camp Crame the team composed of Police Inspector Randolph Gozar, SPO1 Edwin Anaviso, PO3 Nelson Labrador and the confidential informant went to Dian Street, corner Zobel Street, Palanan, Makati City on board three unmarked vehicles. PO3 Labrador and the confidential informant were together in one vehicle. Upon their arrival at the place the buy-bust team deployed themselves at strategic position[s] while they waited for their "quarry". After sometime a white Lancer GLI with Conduction No. 97-AYZ arrived with two (2) male persons on board. A male person seated at the passenger side of the car alighted and

approached the car of PO3 Nelson Labrador. PO3 Nelson Labrador and the confidential informant alighted from their car and proceeded to the car of accused and they went inside at the backseat of the car. They were accompanied by the man who earlier alighted from the white Lancer GLI and who was later on identified as Edilberto Campos. In a little while PO3 Labrador executed the pre-arranged signal signifying that the buy-bust operation had been accomplished. x x x Upon receiving the signal, P/Insp. Gozar and his other police teammates rushed to where PO3 Labrador and the confidential informant were and they gave their assistance to effect the arrest of the accused. x x x The police [were] able to confiscate the shabu subject of the buy-bust and the buy-bust money... x x x The man from whom PO3 Labrador bought shabu was identified as Francisco S. Aparis alias Boyet Aparis, and his companion who was seated at the front passenger seat of the white Lancer GLI, and who alighted from the car upon seeing PO3 Labrador and the confidential informant, and who accompanied the two to the Lancer GLI, was identified as the accused Edilberto Campos. The alleged shabu was examined at the PNP Crime Laboratory and was found to be positive for Methamphetamine Hydrochloride or Shabu, a regulated drug. x x x^[4]

In an Information dated January 18, 1996, petitioner and co-accused Edilberto Campos (Campos) were charged with violation of Section 15, Article III of Republic Act No. 6425. Pertinent portions of the Information filed against petitioner and Campos read as follows:

That on or about the 17th day of January, 1996, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without the corresponding license or prescription, did then and there willfully, unlawfully and feloniously sell, give away, distribute and deliver 101.11 gms of Methamphetamine Hydrochloride (Shabu) which is a regulated drug.

CONTRARY TO LAW.^[5]

Upon arraignment, petitioner and Campos both pleaded not guilty to the offense charged.^[6] Thereafter, trial ensued.

In his defense, petitioner denied the occurrence of any buy-bust operation, which the prosecution claimed to have conducted, and which led to his and Campos' arrest. Petitioner alleged that he was billeted at the Manila Hotel as early as January 15, 1996. Campos, whom he claimed to be his driver, followed him to the hotel the following day. In the early morning of January 17, 1996, while he was driving his car along Roxas Boulevard, Manila, on his way to a casino in Silahis Hotel, his vehicle was suddenly blocked by two cars. Thereafter he was apprehended at gun point by persons unknown to him. They took over his car, blindfolded, handcuffed him and robbed him of his money and other valuables. They then proceeded to his room in the Manila Hotel, where he was further robbed of his previous winnings in the casino worth P1,000,000.00, as well as other personal records and documents. Petitioner also claims that Campos was arrested at the hotel. Petitioner alleged that he was simply framed up, and that he was a victim of a conspiracy designed by his former

wife, or by a police colonel, both of whom had an ax to grind against him.

On March 31, 2000, the RTC rendered judgment and disposed as follows:

WHEREFORE, in view of the foregoing, judgment is rendered as follows:

1. In Criminal Case No. 96-146, the accused EDILBERTO CAMPOS y IBALID is ACQUITTED for insufficiency of evidence.
2. In Criminal Case No. 96-147, the accused FRANCISCO APARIS y SANTOS alias "BOYET" is GUILTY beyond reasonable doubt of the crime as charged, and is sentenced to suffer the indeterminate prison term of SIX (6) YEARS of PRISION CORRECCIONAL as minimum to TWELVE (12) YEARS of PRISION MAYOR, as maximum.

SO ORDERED.^[7]

Insofar as petitioner is concerned, the trial court found that all the elements of the crime charged were present and were proven beyond reasonable doubt by the documentary and object evidence presented by the prosecution, as well as the testimonies of the witnesses, especially Police Officer 3 PO3 Labrador, who acted as the poseur-buyer; and Police Inspector Gozar, the team leader who led the buy-bust operation.

With respect to Campos, however, the RTC ruled that the prosecution failed to present sufficient evidence to prove that he actually sold or delivered *shabu* to PO3 Labrador, or that he was in conspiracy with petitioner in selling the said drugs.

Aggrieved by the Decision of the RTC, petitioner filed an appeal with the CA.

On August 31, 2004, the CA promulgated the presently assailed Decision with the following dispositive portion:

WHEREFORE, the appealed decision of the Regional Trial Court of Makati City (Branch 64) is **AFFIRMED** with **MODIFICATION** on the sentence imposed on accused-appellant Francisco Aparis y Santos in that he shall suffer the indeterminate penalty of six (6) years of *prision correccional*, as minimum, to eight (8) years and eight (8) months of *prision mayor*, as maximum.

SO ORDERED.^[8]

The CA ruled that the trial court committed no error in giving credence to the testimonies of the prosecution witnesses as against those of petitioner. The CA also held that petitioner failed to substantiate his defense that he was framed up.

Petitioner filed a Motion for Reconsideration, but the CA denied it in its Resolution of August 5, 2005.

Hence, the instant petition based on the following grounds:

I

WHETHER OR NOT THE PRESIDING JUDGE OF RTC-BR. 64, MAKATI CITY AND THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERRORS IN THE APPRECIATION OF THE EVIDENCE, INCLUDING THE MATTER OF JURISDICTION.

II

WHETHER OR NOT THE FUNDAMENTAL RIGHTS OF THE PETITIONER WERE VIOLATED WHEN HE WAS ALLEGEDLY ARRESTED BY THE POLICE OFFICERS.^[9]

Petitioner maintained his innocence and insisted that he was a victim of frame-up and robbery. He contends that the police officers who testified against him were paid to falsely charge him with a crime he did not commit.

Petitioner also asserted that the testimonies of the prosecution witnesses contradicted each other. In particular, he claimed that the first two witnesses testified that he (petitioner) was the target of the buy-bust operation, that his name was in the Drug Watch List of the Narcotics Command (NARCOM), and that surveillance was conducted by PO3 Labrador, who acted as the poseur-buyer. However, petitioner averred that Labrador categorically denied knowing petitioner prior to his arrest, and he admitted that no surveillance was conducted.

Petitioner further contends that the RTC of Makati had no jurisdiction over his case, as the place where the crime was supposedly committed is within Manila.

Lastly, petitioner claims that he was not properly apprised of his fundamental rights when he was arrested.

The Court is not persuaded.

To secure a conviction for illegal sale of *shabu*, the following essential elements must be established: (1) the identity of the buyer and the seller, the object of the sale and the consideration; and (2) the delivery of the thing sold and the payment thereof.^[10] In prosecutions for illegal sale of *shabu*, what is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* as evidence.^[11]

In the case before the Court, the prosecution was able to establish--through testimonial, documentary, and object evidence--the said elements. PO3 Labrador, who acted as the poseur-buyer, categorically testified about the buy-bust operation - from the time he and the confidential informant waited for petitioner to arrive, to the time when petitioner met them and asked them if they had money, to the actual exchange of the marked money with the plastic bag containing a white substance, which was later proved to be *shabu*; until the apprehension of petitioner, to wit:

PROS. BAGAOISAN

Now, what time did you leave your office?

WITNESS

Almost 2:00 o'clock, sir.

PROS. BAGAOISAN

And, where was your destination?

WITNESS

Dian Street corner Zobel, Barrio Palanan, Makati City, sir.

PROS. BAGAOISAN

And, what means of transportation did you take in going to Dian corner Zobel Streets, Barrio Palanan, Makati City?

WITNESS

We were aboard three cars, sir.

PROS. BAGAOISAN

Who was with you on that car that you were riding?

WITNESS

My informant, sir.

PROS. BAGAOISAN

So, there were only two of you on that car?

WITNESS

Yes, sir.

PROS. BAGAOISAN

What time did you arrive at Dian corner Zobel Streets, Barrio Palanan, Makati City?

WITNESS

In the morning, sir.

PROS. BAGAOISAN

What did you do next upon arrival at Dian corner Zobel Streets?

WITNESS

We waited for the person to whom we had a deal, sir.

PROS. BAGAOISAN

And, you were referring to Francisco "Boyett" Aparis?

WITNESS

Yes, sir.

PROS. BAGAOISAN

Did Francisco "Boyett" Aparis arrive?