

## SECOND DIVISION

[ G.R. No. 181422, September 15, 2010 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ARNEL BABANGGOL Y MACAPIA, CESAR NARANJO Y RIVERA AND EDWIN SAN JOSE Y TABING, ACCUSED. ARNEL BABANGGOL Y MACAPIA AND CESAR NARANJO Y RIVERA, APPELLANTS.**

### DECISION

**ABAD, J.:**

This case is about the sufficiency of the evidence of the prosecution to prove beyond reasonable doubt the guilt of persons accused of selling illegal drugs in conspiracy with one another.

#### The Facts and the Case

The public prosecutor of Parañaque City charged the accused Acas Sumayan, Arnel Babanggol, Cesar Naranjo, and Edwin San Jose before the Regional Trial Court (RTC) of Parañaque for selling 295.8 grams of prohibited drug commonly known as *shabu*.

[1] At the trial, the prosecution presented three witnesses: PO2 Windel Alfonso, P/Sr. Insp. Marion D. Balonglong, and P/Sr. Insp. Grace Eustaquio.

The evidence for the prosecution shows that in the morning of May 18, 1999 a police informant showed up at the Service Support Office of the Philippine National Police (PNP) Narcotics Group and spoke to PO2 Alfonso and P/Sr. Insp. Romualdo Iglesia. After their meeting, Iglesia ordered several police officers to conduct a buy-bust operation against accused Sumayan and Babanggol. The police informant would make an order for 300 grams of *shabu* from the two for a price of P300,000.00. The purchase was to take place at the Coastal Mall, Parañaque City, between 6:00 and 8:00 p.m. Alfonso then prepared the boodle money by placing three P1,000 bills on top of strips of ordinary paper and marking the P1,000 bills with his initials "WCA."

The buy-bust team proceeded to Coastal Mall. Alfonso was to serve as *poseur-buyer*, accompanied by the police informant. Right after 6:00 and before 7:00 p.m., a blue Kia Besta Van came into the parking lot. Two persons got off and walked towards Alfonso and the informant. The informant told Alfonso, "*Pare yan na si Arnel*" (referring to accused Babanggol).

The informant introduced Alfonso as "Jeffrey," a big-time buyer from Manila. Babanggol then introduced his companion as Cesar (accused Naranjo). Babanggol asked Alfonso if it was he who ordered the "stocks" and if he brought the money. Alfonso replied by asking to see the stuff. Babanggol told them to wait and he and Naranjo returned to their van. When they came back to the buyer, they brought with them two other persons (accused Sumayan and San Jose), one holding a brown

paper bag. Alfonso opened the paper bag after it was handed to him and found in it a sealed transparent plastic bag that contained white crystalline substance. He ascertained that it was *shabu*.

When Babanggol asked for the payment, Alfonso gave him the boodle money and ignited his cigarette lighter as a signal for his team to move in. Alfonso identified himself as a police officer and arrested Babanggol. The other accused fled but were apprehended by the other officers. Alfonso recovered the boodle money from Babanggol.

Alfonso took custody of the suspected *shabu*, the paper bag, and the boodle money and with the other officers brought their captives to the police station. Alfonso prepared a request for a clinical analysis of the substance and marked the plastic container with his initials "WCA." Then, he and a certain SPO2 De Leon brought the substance to the PNP Crime Laboratory for examination.

Forensic chemist P/Sr. Insp. Eustaquio testified that she received the request for laboratory examination of the substance in a plastic bag wrapped in a brown paper bag. A qualitative examination of the same showed that it weighed 295.8 grams and was methamphetamine hydrochloride or *shabu*.

For the defense, Babanggol and Sumayan, childhood friends, uniformly testified that on May 18, 1999 they went to Plaza Lawton to get a ride to Cavite where they would be buying upper column shells for Babanggol's business. They went to Plaza Lawton from Quiapo and hired a van driven by Naranjo, whom they met for the first time. As they chanced upon San Jose, Naranjo's friend, somewhere near Baclaran, Naranjo asked his passengers if they could take San Jose along and the two agreed.

While they were driving down the coastal road to Cavite, a group of armed men stopped their van. When they asked what the matter was, the strangers responded by beating them up and divesting them of their belongings. As it turned out the men were police officers. The accused were taken to Camp Crame, shown a bag of *shabu*, and told that they would be charged in connection with the drugs unless they paid up.

San Jose substantially corroborated the testimonies of Babanggol and Sumayan. San Jose added, however, that the police officers who arrested them along coastal road were not those who testified in court as their arresting officers.

For his part, Naranjo testified that he had known San Jose since February 1999 when the latter first rented his van. On May 17, 1999 San Jose rented his van anew, this time in the company of Sumayan. On the following day, May 18, 1999, Naranjo agreed by prior arrangement to drive for San Jose and Sumayan again. He picked them up in Bacoar, Cavite, and they proceeded to Singalong in Manila where they got Babanggol to join them. They then headed for Cavite. While they were driving along the coastal road, the police stopped and arrested them. Naranjo denied that they were caught in a buy-bust operation.

The RTC found all four accused guilty of the crime charged and sentenced each of them to the penalties of *reclusion perpetua* and a fine of P500,000.00.<sup>[2]</sup> The accused appealed from the decision against them. Meantime, Sumayan passed