

FIRST DIVISION

[G.R. No. 176151, January 30, 2009]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LOURDERICO
ORTIZ DARISAN AND PILAR GAYAS GAUANG, APPELLANTS.**

D E C I S I O N

CORONA, J.:

Before us on appeal is the decision^[1] of the Court of Appeals (CA) dated April 25, 2006 affirming the decision^[2] of the Regional Trial Court (RTC) of Makati City, Branch 65, in Criminal Case Nos. 02-2125 to 02-2127 finding appellants Lourderico Darisan and Pilar Gauang guilty of violation of Sections 5^[3] and 11^[4] of RA 9165,^[5] as amended.

On July 30, 2002, the Drug Enforcement Unit of the Makati City Police received a tip from an informant that appellants were engaged in drug-pushing activities in Rose Street, Barangay Rizal, Makati City. A team of police officers was formed to conduct a buy-bust operation. A P100 bill was prepared as marked money and the initials "GAR" were written thereon.

Upon commencement of the buy-bust operation, PO2 Vicente Barrameda (the designated poseur-buyer) was introduced by the informant to Darisan. Asked how much shabu he wanted to buy, Barrameda replied, "*Isang daan lang, boss.*" After Barrameda handed Darisan the marked money, Gauang gave him (Barrameda) one transparent plastic sachet containing shabu.

Barrameda gave the pre-arranged signal and introduced himself as a police officer. The members of the buy-bust team arrested appellants. Darisan was frisked. The police found in his possession two sachets of shabu. Two more sachets of shabu were found in the possession of Gauang.

The five sachets of shabu were brought to the Philippine National Police Crime Laboratory and were each found to contain shabu of various weights.^[6] Consequently, three Informations for illegal sale and illegal possession of dangerous drugs were filed in the RTC of Makati City against appellants.^[7]

Upon arraignment, appellants both pleaded not guilty to the offenses charged. They denied the charges against them and offered an alibi instead. Gauang averred that she was eating with her daughter in a nearby *carinderia* along Rose Street when four persons arrived and approached Darisan who was also eating there. According to Gauang, Darisan was frisked and handcuffed. Gauang herself was brought to a nearby chapel where a plastic sachet was allegedly shoved into her hand. Darisan corroborated Gauang's testimony.

After trial on the merits, the RTC found appellants guilty beyond reasonable doubt of the offenses charged. The dispositive portion of the decision read:

THE FOREGOING CONSIDERED, the court is of the opinion and so holds accused Lourderico Darisan y Ortiz and Pilar Gauang y Gayas guilty beyond reasonable doubt of the offenses charged. They are hereby sentenced to life imprisonment and are fined the sum of five hundred thousand pesos (Php 500,000.00) without subsidiary imprisonment in case of insolvency for violation of Section 5 and to a prison term of from twelve (12) years and one (1) day as minimum to fourteen (14) years and eight (8) months as maximum for violation of Section 11.

The period of detention of both accused should be given full credit.

Let the dangerous drug subject matter of these cases be disposed of in the manner provided by law.

SO ORDERED.

Appellants appealed to the CA. In ruling against them, the CA held that the minor inaccuracies in the testimonies of the witnesses for the prosecution, namely Barrameda and PO2 Virginio Costa (another member of the buy-bust operation team), did not mar their credibility. Moreover, the CA held that the elements of the crimes of illegal sale of regulated or prohibited drugs and of illegal possession of dangerous drugs had been firmly established.

Appellants interposed this appeal. We affirm the findings of the RTC and the CA.

In their brief, appellants raise as lone error the finding by the RTC and the CA of their guilt beyond reasonable doubt. They assail the RTC's heavy reliance on the testimonies of Barrameda and Costa. Appellants allege that the testimonies (of Barrameda and Costa) were inconsistent, an indicia of falsehood.

It is a settled rule that in cases involving violations of the Comprehensive Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary.^[8] In this case, no evidence was adduced showing any irregularity in any material aspect of the conduct of the buy-bust operation. Neither was there any proof that the prosecution witnesses who were members of the buy-bust operation team, particularly those whose testimonies were in question, were impelled by any ill-feeling or improper motive against appellants which would raise a doubt about their credibility.

We agree with the CA's finding that the inconsistencies pointed to by appellants were minor ones. These inaccuracies, namely: (a) the composition of the buy-bust team; (b) the time when the informant came to the Makati Drug Enforcement Unit; (c) whether the buy-bust operation took place on Roxas or Rose Street and (d) the markings on the buy-bust money, were not material to the case. These matters were not necessary to establish the elements of the crimes committed.

The following are the elements of illegal sale and illegal possession of dangerous drugs: