

FIRST DIVISION

[G.R. No. 174862, June 16, 2009]

PEOPLE OF THE PHILIPPINES APPELLEE, VS. YVONNE SEVILLA Y CABALLERO, APPELLANT.

R E S O L U T I O N

CORONA, J.:

On December 9, 2002, appellant Yvonne Sevilla y Caballero^[1] was charged with violation of Section 5, Article III of RA^[2] 9165^[3] in the Regional Trial Court (RTC) of Quezon City, Branch 103^[4] under the following Information:

That on or about the 4th day of December 2002 in Quezon City, Philippines, [appellant], not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug did, then and there, willfully and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, 0.02 gram of white crystalline substance containing [methamphetamine] hydrochloride, a dangerous drug. ^[5]

Appellant pleaded not guilty upon arraignment.

During trial, the prosecution presented SPO2 Levi Sevilla of Police Station 3 in Barrio Talipapa, Quezon City as its principal witness. He testified that, on December 4, 2002, he received information about the illegal drug trade at Gana Compound in Unang Sigaw, Balintawak, Quezon City. He immediately relayed this information to the station chief and a buy-bust operation was thereupon organized. SPO2 Sevilla likewise stated that he participated in the said operation as poseur buyer.^[6]

Upon reaching appellant's residence at around 7:15 p.m., the informant knocked on appellant's door and introduced him (SPO2 Sevilla), saying "*Ate Ybonne kung may item ka raw, itong kaibigan ko, gusto umiscor.*" After the short conversation, appellant handed SPO2 Sevilla a sachet containing a white crystalline substance while the latter gave the former a P100 marked bill.^[7] Thereafter, SPO2 Sevilla signaled his companions that the transaction had been consummated.

Appellant was promptly arrested and immediately brought to the station. SPO2 Sevilla surrendered the sachet and the P100 marked bill to the desk officer. Subsequently, a forensic chemist of the Philippine National Police confirmed that the white crystalline substance in the sachet was methamphetamine hydrochloride or "shabu."

For her defense, appellant insisted she was innocent. She claimed that she and her daughter were about to have dinner when several policemen barged into her house and arrested her. The arrest was allegedly because of her refusal to cooperate with them to entrap "Nene," a known drug pusher in the area.

In a decision dated December 20, 2004,^[8] the RTC noted that, despite her assertion that her daughter was present during her arrest, none of her family members corroborated her testimony. It pointed out:

With the scenario painted by the [appellant] in her testimony, it is clear that her daughter, who was already 24-years-old, was present when the police barged into their house and the latter was able to witness how the [appellant] was forcibly arrested by the police. Assuming that this is true, [appellant's] daughter, had behaved very unusual, indifferent and unnatural for she did not even exert any form of resistance if she is of the belief that her mother is innocent of the crime being attributed by the police. ... Human instinct and nature dictate that a person would, without hesitation, instantly lift a finger to someone whose life and limb is endangered for no justifiable reason, especially if that person who needed help is no less than his or her mother, although he or she believes otherwise.

Thus, the RTC found appellant guilty beyond reasonable doubt of violation of Section 5, Article III of RA 9165 and sentenced her to life imprisonment and to pay a fine of P500,000.

The Court of Appeals, on intermediate appellate review,^[9] affirmed the decision of the RTC *in toto*.^[10]

We dismiss the appeal.

In cases involving the sale of illegal drugs, the prosecution must prove (1) the identity of the seller, the object and the consideration and (2) the delivery of the thing sold and the payment thereof.^[11] Here, SPO2 Sevilla testified that appellant handed him a sachet containing metamphetamine hydrochloride or shabu in exchange for P100 during a buy bust operation.

Testimonies of police officers who conduct buy-bust operations are generally accorded full faith and credit as they are presumed to have performed their duties in a regular manner. This presumption can be overturned only if the accused is able to prove that the officers acted with improper motives.^[12]

Inasmuch as appellant failed to show that SPO2 Sevilla and his companions had improper motives to charge her, we uphold the legality of the buy-bust operation. It is well-settled that a buy-bust operation (which is a form of entrapment) is a valid means of arresting violators of RA 9165.^[13]

WHEREFORE, the June 26, 2006 decision of the Court of Appeals in CA-G.R. CR-HC No. 00492 is hereby **AFFIRMED**. Appellant Yvonne Sevilla y Caballero is found