

FIRST DIVISION

[G.R. No. 179718, September 17, 2008]

THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LOURDES V. LEGASPI, APPELLANT.

R E S O L U T I O N

CORONA, J.:

On March 14, 2001, appellant Lourdes V. Legaspi was charged with violating Section 8, Article II^[1] and Section 16, Article III^[2] of R.A. No. 6425 (otherwise known as "The Dangerous Drugs Act of 1972") in the Regional Trial Court (RTC) of Malolos City, Branch 76.

The Informations charging appellant of the above offenses read:

Criminal Case No. 749-M-01

That on or about the 14th day of March, 2001, in the Municipality of Meycauayan, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in her possession and control One (1) brick of dried marijuana fruiting tops weighing 900.00 grams which is a prohibited drug.

Contrary to law.

Criminal Case No. 750-M-01

That on or about the 14th day of March, 2001, in the Municipality of Meycauayan, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and legal justification, did then and there willfully, unlawfully and feloniously have in his [sic] possession and control Twenty-Eight (28) small size heat-sealed transparent plastic pack containing Methamphetamine Hydrochloride (shabu) weighing 8.663 gram,[sic] which is a regulated drug.

Contrary to law.

On arraignment, appellant, assisted by counsel, entered a plea of not guilty to both charges. Trial on the merits ensued.

The prosecution established the following facts:

Between 1:25 and 2:30 a.m. on March 14, 2001, members of the Philippine National Police (PNP) narcotics team went to appellant's house at Libis, Brgy. Saluysoy,

Meycauayan, Bulacan to implement a search warrant issued by Executive Judge Napoleon Sta. Romana of the RTC of Guimba, Nueva Ecija. The search warrant specifically contained an order directing the officers of the law to conduct a search of appellant's house at any time of the day or night.

The officers coordinated with the Meycauayan PNP and the *barangay tanod* of the locality. However, it was the *barangay tanod* who assisted the narcotics team; they acted as witnesses to the search as the Meycauayan PNP was unable to join them.

The officers introduced themselves to appellant and proceeded to search her house in her presence and the *barangay tanod*. During the search, a member of the team saw a transparent plastic pack with white crystalline substance on top of a rice dispenser. This was turned over to the evidence custodian. The same officer also found a brick plastic bag bound with packaging tape. Again, this was given to the evidence custodian.

Thereafter, appellant was informed of her violations and was brought to the headquarters in Brgy. Saluysoy, Meycauayan, Bulacan where she underwent an investigation.

The confiscated evidence was brought to the crime laboratory office in Malolos, Bulacan for examination. The laboratory report yielded positive findings. The white crystalline substance was shabu. The brick plastic bag wrapped with packaging tape, on the other hand, turned out to be dried marijuana fruiting tops.

Appellant's defense hinged on the alleged irregularities that attended the search. She claimed that the officers conducted the search at an unreasonable time and in contravention of her request that it be made in her presence.

After trial on the merits, the RTC convicted appellant of the crime charged. The dispositive portion of the decision^[3] read:

WHEREFORE, in view of the above, accused Lourdes V. Legaspi is hereby found GUILTY BEYOND REASONABLE DOUBT of the offenses charged. In Criminal Case No. 749-M-01, she is hereby sentenced to suffer the penalty of Reclusion Perpetua and a fine of P500,000.00. In Criminal Case No. 750-M-01, she is hereby sentenced to suffer the penalty of one (1) year of Prison Correccional.

The Branch Clerk of Court is hereby ordered to immediately turn over the dangerous drugs involved in this case to the Philippine Drug Enforcement Agency (PDEA) for proper disposition and destruction.

SO ORDERED.

On appeal, the Court of Appeals (CA) affirmed the RTC decision with modification^[4] of the penalty^[5] imposed for Criminal Case No. 750-M-01. Thus:

WHEREFORE, in the light of the foregoing disquisitions, the decision of the Regional Trial Court of Malolos City, Branch 76, finding appellant Lourdes V. Legaspi, guilty beyond reasonable doubt of violation of Section 8, Article II and of Section 16, Article III of Republic Act 6425, is[,]