

## THIRD DIVISION

[ G.R. Nos. 138539-40, January 21, 2003 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONIO C. ESTELLA, APPELLANT.**

### DECISION

**PANGANIBAN, J.:**

The Constitution bars the admission of evidence gathered in violation of the right against unreasonable search and seizure. In the present case, the illegal drug was searched for and found in a hut that has not been proven to be owned, controlled, or used by appellant for residential or any other purpose. Hence, he cannot be held guilty of illegal possession of the illegal drug found therein.

### The Case

Antonio C. Estella appeals the August 25, 1998 Decision<sup>[1]</sup> of the Regional Trial Court (RTC) of Iba, Zambales (Branch 69) in Criminal Case No. RTC 2143-I. The trial court found him guilty of violating Section 8, Article II of RA 6425, as amended by RA 7659, and sentenced him to *reclusion perpetua* as follows:

**"WHEREFORE, foregoing considered, in Criminal Case No. RTC 2143-I, accused Antonio C. Estella is found GUILTY beyond reasonable doubt for Violation of Section 8, Article II of R.A. 6425 as amended by R.A. 7659 and is sentenced to suffer the penalty of reclusion perpetua.**

**"The 8.320 kilograms of dried marijuana is ordered confiscated in favor of the government. The Sheriff is directed to deliver the subject marijuana to the Dangerous Drugs Board for its proper disposition.**

**"In Criminal Case No. RTC 2144-I, accused Antonio C. Estella is ACQUITTED and the Information dated 07 January 1997 filed against him for violation of P.D. 1866 is dismissed with costs de oficio.**

**"The .38 caliber revolver without serial number and four (4) live ammunitions, subject of the offense, are ordered delivered to any authorized representative of the Philippine National Police, Firearms and Explosives Division, Camp Crame, Quezon City."<sup>[2]</sup>**

The Information dated January 7, 1997, charged appellant thus:

**"That on or about the 20<sup>th</sup> day of November, 1996 at about 11:15 o'clock in the morning, at Purok Yakal, Barangay Baloganon, in the Municipality**



of Masinloc, Province of Zambales, Philippines, and within the jurisdiction of this Honorable Court, said accused, did then and there, wil[ly]fully, unlawfully and feloniously have in his possession, custody and control, [o]ne (1) tin can labeled 'CLASSIC' containing twenty (20) small bricks of dried marijuana fruiting tops having a total weight of 589.270 grams each wrapped with a piece of reading material; [o]ne (1) tin can labeled 'CLASSIC' containing dried marijuana fruiting tops weighing 41.126 grams; [t]wo (2) white sando plastic bag each containing one (1) [brick] of dried marijuana fruiting tops having a total weight of 1.710 kilograms each wrapped with a piece of newspaper; [o]ne (1) white sando plastic bag containing two (2) bricks of dried marijuana fruiting tops having a total weight of 1.820 kilograms each wrapped with a piece of newspaper, all in the total of 8.320 kilograms of dried marijuana, without any authority to possess the same.”<sup>[3]</sup>

After the Information had been read to him in Filipino, a language he fully understood,<sup>[4]</sup> appellant, assisted by his counsel de parte,<sup>[5]</sup> pleaded not guilty when arraigned on March 11, 1997. After due trial, the RTC convicted appellant of illegal possession of dangerous drugs (marijuana), but acquitted him of illegal possession of firearms. On November 4, 1998, his counsel filed a Notice of Appeal.<sup>[6]</sup>

### **The Facts**

#### **Version of the Prosecution**

In its Brief,<sup>[7]</sup> the Office of the Solicitor General (OSG) presents the prosecution's version of the facts as follows:

**“Prior to November 20, 1996, Executive Judge Romulo Estrada of the Regional Trial Court of Zambales issued a warrant for the conduct of a search and seizure in the residence of appellant at Purok Yakal, Barangay Baloganon, Masinloc, Zambales.**

**“In the morning of November 20, 1996, Senior Police Officer 1 (SPO1) Antonio Bulor[o]n, then Intelligence and Investigation Officer, together with SPO1 Jose Arca and several other members of the Provincial Special Operation Group based in Burgos, San Marcelino, Zambales proceeded to Masinloc. They coordinated with the members of the Philippine National Police (PNP) in Masinloc and sought the assistance of Barangay Captain Rey Barnachea of Baloganon, Masinloc for the enforcement of the search warrant. Barangay Captain Barnachea accompanied the police officers to Purok Yakal, Barangay Baloganon, Masinloc, the place mentioned in the search warrant.**

**“On their way to Purok Yakal, SPO1 Buloron saw appellant sitting on a rocking chair located about two (2) meters away from a hut owned by Narding Estella, brother of appellant, and being rented by appellant's live-in partner, named Eva. They approached appellant and introduced themselves as police officers. They showed appellant the search warrant and explained the contents**



to him. SPO1 Buloron asked appellant if indeed he had in his possession prohibited drug and if so, to surrender the same so he would deserve a lesser penalty.

"While inside the hut, appellant surrendered to the team two cans containing dried marijuana fruiting tops. One can contained twenty (20) bricks of fruiting tops. The team searched the hut in the presence of appellant and his live-in partner. They found a plastic container under the kitchen table, which contained four (4) big bricks of dried marijuana leaves and a .38 caliber revolver with four live ammunitions. The team seized the prohibited drug, the revolver and ammunitions. The team seized and signed a receipt for the seized items. Barangay Captain Barnachea and SPO1 Edgar Bermudez of the Masinloc Police Station also signed the receipt as witnesses. SPO1 Buloron and his companions arrested appellant and brought him to San Marcelino, Zambales.

"At their office in San Marcelino, Zambales, SPO1 Buloron and SPO1 Arca placed their markings on the seized items for purposes of identification. SPO1 Arca kept the seized items under his custody. The next day, SPO1 Buloron and SPO1 Arca brought the seized items to San Antonio, Zambales, where Police Senior Inspector Florencio Sahagun examined the suspected marijuana dried leaves. Inspector Sahagun prepared a certification of field test.

"On November 29, 1996, the suspected marijuana dried leaves were delivered to the PNP Crime Laboratory at Camp Olivas for further examination. Senior Inspector Daisy Babor, a forensic chemist, examined the suspected marijuana dried leaves and issued Chemistry Report No. D-768-96 stating that the specimens are positive for marijuana, a prohibited drug. Specimen A weighed 1.710 kilograms, while Specimen D weighed 1.820 kilograms."<sup>[8]</sup> (Citations omitted)

### **Version of the Defense**

For his version of the facts, appellant merely reproduced the narration in the assailed RTC Decision as follows:

"Accused Antonio C. Estella [I]s married to Gloria Atrero Estella. They have three (3) children, namely: Carmen Estella (8 years old), Antonio Estella, Jr. (5 years old) and Roen Estella (3 years old). Since 1982, Antonio Estella has been [a] resident of Barangay Baloganon, Masinloc, Zambales.

"On 20 November 1996 between 10:30 o'clock and 11:00 o'clock in the morning, while accused was talking with his friends Rael Tapado and Victor de Leon at a vacant lot just outside the house of Camillo Torres and about 70 meters away from his house, a group of men approached them. The group introduced themselves as policemen and told them that they were looking for Antonio



**Estella because they have a search warrant issued against him. Accused identified himself to them. The policemen inquired from the accused as to where his house is located and accused told them that his house is located across the road. The police did not believe him and insisted that accused's house (according to their asset) is that house located about 5-8 meters away from them. Accused told the policemen to inquire from the Barangay Captain Barnachea as to where his house is and heard the latter telling the policemen that his house is located near the Abokabar junk shop. After about half an hour, the policemen went inside the house nearby and when they came out, they had with them a bulk of plastic and had it shown to the accused. They photographed the accused and brought him to their office at San Marcelino, Zambales. Accused Antonio Estella was investigated a[t] San Marcelino, Zambales where he informed the police officers of the fact that the house they searched was occupied by Spouses Vicente and Fely Bakdangan.**

**"Accused denied having surrendered to policeman Buloron tin cans containing marijuana and likewise having any firearm.**

**"Miguel Buccat, who personally knew the accused for about ten (10) years, identified the house depicted on a photograph as that house belonging to the accused."<sup>[9]</sup> (Citations omitted)**

### **Ruling of the Trial Court**

In finding appellant guilty of violating the Dangerous Drugs Act, the court *a quo* relied heavily on the testimony of the prosecution's principal witness, Intelligence and Investigation Officer SPO1 Antonio Buloron. He was among the members of the police team that searched appellant's alleged house. Since the defense failed to present proof of any intent on the part of SPO1 Buloron to falsely impute to appellant such a serious crime, the trial court accorded full faith and credence to the police officer's testimony.

Moreover, the RTC held that no less than the barangay captain of the place named in the search warrant led the police to the house. Thus, appellant could not deny that he owned it.

As to the charge of illegal possession of firearms, the lower court ruled that the search warrant did not cover the seized firearm, making it inadmissible against appellant. He was thus acquitted of the charge.

Hence, this recourse.<sup>[10]</sup>

### **The Issues**

In his appeal, appellant assigns the following alleged errors for our consideration:

**"A. The trial court erred in convicting the accused based on the conjectural and conflicting testimonies of the prosecution witnesses;**



**“B. The trial court gravely failed to consider the serious contradictions in the facts and evidences adduced by the prosecution;**

**“C. The trial court gravely erred in finding that the guilt of the accused-appellant for the crime charged has been prove[n] beyond reasonable doubt, instead of judgment of acquittal demanded by the constitutional presumption of innocence[.]”<sup>[11]</sup>**

Though not clearly articulated by appellant, the pivotal issue here is the legality of the police search undertaken in the hut where the subject marijuana was seized.

### **The Court’s Ruling**

The appeal is meritorious.

#### **Main Issue:**

#### **Legality of the Search Undertaken**

Once again, this Court is confronted with a situation that involves a well-enshrined dogma in our Constitution: the inviolable right of the people to be secure in their persons and properties against unreasonable searches and seizures.<sup>[12]</sup> The exclusionary rule prescribed by Section 3(2), Article III of the Constitution, bars the admission of evidence obtained in violation of this right.<sup>[13]</sup>

The conviction or the acquittal of appellant hinges primarily on the validity of the police officers’ search and seizure, as well as the admissibility of the evidence obtained by virtue thereof. Without that evidence, the prosecution would not be able to prove his guilt beyond reasonable doubt.

#### **Ownership of the Subject House**

Appellant claims that the hut,<sup>[14]</sup> which was searched by the police and where the subject marijuana was recovered, does not belong to him. He points to another house<sup>[15]</sup> as his real residence. To support his claim, he presents a document<sup>[16]</sup> that shows that the subject hut was sold to his brother Leonardo C. Estella by one Odilon Eclarinal. The OSG, on the other hand, argues that just because “appellant has another house in a place away from the hut that was searched does not necessarily mean that the hut is not occupied by him or under his full control.”<sup>[17]</sup> The prosecution cites the testimony of Rey Barnachea, the barangay captain of that place, to show that the hut in question belongs to appellant.

The only link that can be made between appellant and the subject hut is that it was bought by his brother Leonardo a.k.a. “Narding” Estella.<sup>[18]</sup> We cannot sustain the OSG’s supposition that since it was being rented by the alleged live-in partner of appellant, it follows that he was also occupying it or was in full control of it. In the first place, other than SPO1 Buloron’s uncorroborated testimony, no other evidence was presented by the prosecution to prove that the person renting the hut was indeed the live-in partner of appellant -- if he indeed had any. Moreover, the testimony of Barnachea serves to undermine, not advance, the position of the prosecution. We quote from his testimony: