

SECOND DIVISION

[G.R. No. 135270, December 30, 2003]

**RAMON ARCILLA, JIMMY SALAZAR AND REYNALDO PERALTA,
PETITIONERS, VS. COURT OF APPEALS AND PEOPLE OF THE
PHILIPPINES, RESPONDENTS.**

D E C I S I O N

CALLEJO, SR., J.:

This is a petition for review on certiorari of the Decision of the Court of Appeals (CA) in CA-G.R. CR No. 20802 affirming with modification the Decision of the Regional Trial Court of Manila, Branch 54, in Criminal Cases Nos. 96-148018 to 96-148019 and 96-148021 for violation of Section 2(e)(f)(m)(q), Article 1 in relation to Section 21 of Republic Act No. 6425, as amended.

The Antecedents

The petitioners Jimmy Salazar, Reynaldo Peralta and Napolinario Villa were charged of violation of Rep. Act No. 6425, as amended, under three Informations docketed as Criminal Cases Nos. 96-148018, 96-148019 and 96-148021. The accusatory portion of each of the Informations and the corresponding docket numbers thereof are as follows:

CRIMINAL CASE NO. 96-148018 (People of the Philippines vs. Ramon Arcilla and Jimmy Salazar)

That on or about March 1, 1996 in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, not having been authorized by law to sell, dispose, deliver, transport and distribute any regulated drug, did then and there wilfully, and unlawfully sell or offer for sale one (1) small transparent plastic sachet containing fifty three (53 mg.) or 0.053 g. of white crystalline granules substance known as "shabu" containing metamphetamine hydrochloride.

Contrary to law.

CRIMINAL CASE NO. 96-148019 (People of the Philippines vs. Ramon Arcilla and Jimmy Salazar)

That on or about March 1, 1996 in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, not being authorized by law to possess, sell, deliver, give away to another or distribute any prohibited drug, did then and there wilfully and unlawfully possess for sale one (1) brick/block of compressed dried plant of marijuana weighing two hundred seventy five grams (275

grams) or 0.275 kilograms wrapped with newspaper, which are prohibited drugs.

Contrary to law.

CRIMINAL CASE NO. 96-148021 (People of the Philippines vs. Reynaldo Peralta)

That on or about March 1, 1996 in the City of Manila, Philippines, the said accused not being authorized by law to possess or use any prohibited drug, did then and there wilfully and knowingly have in their possession and their custody and control one (1) small transparent plastic sachet containing 50 mg. or 0.050 g. of white crystalline substance, one (1) improvised tooter/water pipe and two (2) pieces of aluminum foil with specks of white crystalline substance containing methamphetamine hydrochloride (*sic*), a regulated drug, without the corresponding license or prescription thereof.

Contrary to law.^[1]

On arraignment, the petitioners, assisted by counsel, pleaded not guilty to all the charges against them.

As synthesized by the CA, the case for the prosecution based on its evidence is as follows:

Testifying as principal witness for the prosecution, SPO1 Rodolfo Samoranos of the Western Police District (WPD), City Hall Detachment (CHD) gave the following version of the incident:

On the basis of a report on February 22, 1996 of the Barangay Chairman of Barangay 899, Zone 100 and Barangay 900, Zone 100 of Punta, Sta. Ana, Manila, he and SPO1 Bernardo O. were dispatched by their superior police officer on the same day to conduct surveillance on the illegal drug activities of two (2) persons by the name of Ramon Arcilla and Jimmy Salazar (TSN, pp. 3-4, October 15, 1996). After almost one (1) week of surveillance, they found out that the report was true and so on March 1, 1996, they conducted a buy-bust operation which was planned by Senior Inspector Abad Osit (TSN, pp. 4-5, October 15, 1996). With several police companions and himself (witness) as the poseur-buyer they went to the place of Arcilla at 1880 Mayon Street, Punta, Sta. Ana, Manila, at around 8:00 o'clock in the evening of March 1, 1996 (TSN, p. 5, October 15, 1996). When he and the confidential informant arrived in Mayon Street, they met Jimmy Salazar in an alley leading to the residence of Ramon Arcilla, who whispered to them if they were buying "gamot." After replying that they wanted to buy P500.00 worth of shabu and P500.00 worth of marijuana. Jimmy Salazar accompanied them to the house of Arcilla a few steps away and introduced them to Arcilla as buyers (TSN, pp. 6-7, October 15, 1996). Witness handed to

Arcilla the amount of One Thousand (P1,000.00) Pesos and the latter instructed Salazar to get the stocks upstairs. Before Salazar went up, the witness noticed accused Reynaldo Peralta sniffing shabu from an aluminum foil at a corner of Arcilla's house which was then under construction. When Salazar came back, he handed Arcilla the stuff who handed the same to the witness. It was at this instant (*sic*) that witness gave the pre-arranged signal to the other members of the group who were at the residence of the Barangay Chairman five (5) to six (6) meters in front of the house of Arcilla to close-in, as the buy-bust operation was consummated. As his companions closed-in, witness drew his gun tucked at the back of his pants and poked it at Arcilla (TSN, pp. 7-9, October 15, 1996). The witness apprehended Arcilla, while SPO1 Charlie Magsanoc and PO3 de Leon arrested Reynaldo Peralta. They handcuffed all three (3) suspects and witness recovered from Arcilla the two (2) P500.00 peso bills (Exhibit "A" for Cases Nos. 96-148019/20) which had the markings of CHD (City Hall Detachment) at the left upper portion and at the lower right portion previously placed by witness (TSN, pp. 10-11, October 15, 1996).

SPO1 Bernardo O. and PO3 Feliciano de Leon, both of the Drug Enforcement Unit of the City Hall Detachment, WPD, corroborated the testimony of SPO1 Samoranos.^[2]

The case for the petitioners, on the other hand, was synthesized by the CA as follows:

Defendants claim that, instead of a buy-bust operation, what took place was a warrantless search, resulting in their arrest. In brief, the defense version is as follows:

On March 1, 1996 at about 8:00 o'clock in the evening, policemen from the Manila City Hall Detachment raided the house of accused-appellant Ramon Arcilla without the benefit of a search warrant. The policemen planted prohibited drugs and claimed that the same were confiscated from accused-appellants. Policemen forced accused-appellant Ramon Arcilla to admit ownership of marijuana wrapped with newspaper and when he denied ownership he was tortured.

In support of their appeal, the appellants contend that the court a quo erred, first, in admitting as evidence the things allegedly confiscated from them despite their inadmissibility, being products of an illegal search; second, in convicting them of violation of RA 6425 despite the inadmissibility of the corpus delicti; and third, in convicting them not on the basis of the strength of the prosecution's evidence but rather on the alleged weakness of the evidence for the defense.^[3]

On February 3, 1997, the trial court rendered a decision convicting the petitioners of the crimes charged. The decretal portion of the decision reads, thus:

WHEREFORE, judgment is hereby rendered against all of the accused in these four (4) cases, convicting them of the respective charges filed against them and imposes the penalty in Crim. Case No. 96-148018 sentencing the accused Ramon Arcilla and Jimmy Salazar each to serve a term of imprisonment of two (2) years, four (4) months and one (1) day as minimum to four (4) years and two (2) months as maximum of prision correccional; in Crim. Case No. 96-148019 sentencing the accused Ramon Arcilla and Jimmy Salazar each to a term of imprisonment of eight (8) years and one (1) day as minimum to ten (10) years as maximum of prision mayor; in Crim. Case No. 96-148020 sentencing accused Napolinario Villa a term of imprisonment of two (2) years, four (4) months and one (1) day as minimum to four (4) years and two (2) months as the maximum of prision correccional; in Crim. Case No. 96-148021 sentencing accused Reynaldo Peralta the same term of imprisonment as that imposed on Villa.

All the prohibited drugs subject of these cases are confiscated in favor of the government to be transferred to the Dangerous Drugs Board for proper disposal.

SO ORDERED.^[4]

On appeal, the CA affirmed with modification the decision of the trial court. The dispositive portion of the Decision dated August 25, 1998 reads as follows:

WHEREFORE, the Court hereby AFFIRMS the conviction of appellants but MODIFIES the penalty imposed on each of them, as follows:

1. In Criminal Case No. 96-148018, appellants RAMON ARCILLA and JIMMY SALAZAR are each sentenced to suffer an indeterminate penalty of SIX (6) MONTHS of arresto mayor as minimum to FOUR (4) YEARS and TWO (2) MONTHS of prision correccional as maximum;
2. In Criminal Case No. 96-148019, appellants RAMON ARCILLA and JIMMY SALAZAR are each sentenced to suffer an indeterminate penalty of FOUR (4) YEARS and TWO (2) MONTHS of prision correccional as minimum to TEN (10) YEARS of prision mayor as maximum; and
3. In Criminal Case No. 96-148021, appellant REYNALDO PERALTA is sentenced to suffer an indeterminate penalty of SIX (6) MONTHS of arresto mayor as minimum to FOUR (4) YEARS and TWO (2) MONTHS of prision correccionalu as maximum.

With the above modifications, the decision appealed from is AFFIRMED in all other respects.

No pronouncement as to costs.

SO ORDERED.^[5]

The petitioners raise a solitary issue for the Court's resolution: