

## THIRD DIVISION

[ G.R. No. 148919, December 17, 2002 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. TERESA CORPUZ Y VARGAS AND MARCY SANTOS Y JAVIER, APPELLANTS.**

### DECISION

**PANGANIBAN, J.:**

When the question boils down to the credibility of the witnesses and their testimonies, this Court almost always relies upon the assessment made by the trial court which had the distinct advantage of having observed their demeanor, conduct and manner of testifying.

#### The Case

For review before this Court is the May 30, 2001 Decision<sup>[1]</sup> of the Regional Trial Court (RTC) of Malabon City (Branch 170) in Criminal Case No. 20334-MN. The RTC found Teresa V. Corpuz and Marcy J. Santos guilty of violating Section 15 of Article III of Republic Act (RA) 6425, otherwise known as the Dangerous Drugs Act, as amended by Republic Act No. 7659 (RA 7659). The dispositive portion of the appealed Decision reads as follows:

"WHEREFORE, premises considered, the Court finds both accused Teresa Corpuz y Vargas and Marcy Santos y Javier guilty beyond reasonable doubt of Violation of Section 15, Article III of Republic Act No. 6425, as amended by Republic Act 7659, and considering that the total aggregate quantity of methamphetamine hydrochloride is 286.678 grams, and there being no modifying circumstances hereby sentences each of them to suffer penalty of reclusion perpetua and to pay jointly and severally the fine of One Hundred Thousand Pesos (P100,000.00), plus cost of the suit.

"The three (3) heat-sealed transparent plastic bags of methamphetamine hydrochloride subject matter of this case are hereby forfeited in favor of the government, and the Office-in-Charge, Office of the Branch Clerk of Court is hereby directed to turn over the aforesaid items to the Dangerous Drugs Board for proper disposition."<sup>[2]</sup>

The Information, dated January 6, 1999, charged appellants as follows:

"That on or about the 4th day of January, 1999 in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and helping one another, being private persons and without authority of law, did, then and there, willfully, unlawfully and feloniously sell and deliver in consideration of the amount of P300,000.00 to a poseur- buyer [t]hree (3) heat-sealed transparent plastic bags each marked Exhibit A-1,

A-2, & A-3, with white crystalline substance weighing 99.784, 105.812 and 81.082 grams when subjected to chemistry examination gave positive results for Methamphetamine Hydrochloride otherwise known as 'shabu' which is a regulated drug.”<sup>[3]</sup>

During their arraignment on February 18, 1999, appellants, assisted by their counsel,<sup>[4]</sup> pleaded not guilty.<sup>[5]</sup> After trial in due course, the lower court rendered its assailed Decision.

## **The Facts**

### **Prosecution's Version**

In its Brief, the Office of the Solicitor General (OSG) presents the prosecution's version of the facts as follows:

“On January 4, 1999, around 6 o'clock in the evening, a confidential police informant, a.k.a. 'Josie', went to the Special Anti-Narcotics Enforcement Team at Camp Gen. Pantaleon, Imus, Cavite and informed team leader Inspector Nolasco Cortez of a transaction that involved appellants Teresa Corpuz (alias 'Tess') and Marcy Santos (alias 'Mar') as sellers of three hundred (300) grams of *shabu* worth P300,000.00. It appears that prior to 'Josie's' arrival at Camp Pantaleon, the information was already relayed to Cortez through telephone.

“Acting on the information, Inspector Cortez formed a team to conduct a buy-bust operation designating PO3 Albert Colaler as the poseur-buyer with SPO2 Joseph Yatco and PO1 Aldrin Agravante as back-up arresting officers. Colaler was handed a marked P1,000-peso bill which he placed over a bundle of boodle money. The plan was for 'Josie' to introduce Colaler as an interested shabu buyer. As a pre-arranged signal, Colaler would remove his white b[a]ll cap to signify that the evidence was already with him.

“The buy-bust was to take place along Rizal Avenue in Malabon, near a Jollibee outlet and a church. Prior to the operation, the team coordinated with the Malabon Police Station.

“The buy-bust team arrived at the scene around 11:15 in the evening. The police back-up immediately positioned themselves at a strategic location while Colaler and 'Josie' waited. When appellants arrived, 'Josie' introduced Colaler who was asked by appellant Tess if he had the money with him. Colaler showed her the boodle money but told Tess he would not give it to her unless he saw the shabu first. Thereupon, appellant Mar[cy] took out from his belt three (3) transparent plastic containing white substance and gave them to Tess. The exchange was then consummated. Mar was about to open the plastic bag with the boodle money when Colaler immediately removed his white b[a]ll cap -- the pre-arranged signal. The two (2) back-up officers showed up and introduced themselves as police officers. They arrested appellants and recovered from them the boodle money. Appellants [were] thereafter taken and booked at Camp Pantaleon.

"Based on the chemistry report prepared by Inspector Mary Jean Geronimo of the PNP Crime Laboratory, the qualitative examination conducted on the specimen confiscated from appellants indicated that the same was indeed 'methamphetamine hydrochloride' otherwise known as *shabu*."<sup>[6]</sup> (Citations omitted)

### **Defense's Version**

Appellants, on the other hand, argue that their guilt has not been proven beyond reasonable doubt. Their version of the facts is as follows:

"On January 4, 1999 at around 5:30 P.M., [Appellant Teresa Corpuz] was sleeping at her house when awakened by a knock at the door. She stood and opened the door only to see Zeny and her three (3) female companions at the door step. Zeny said, her friends need her service being a 'manghihilot'. After she administered 'hilot' to a certain Josie, she went out to buy food. Upon her return, she saw one of the companions of Josie talking to somebody through the cellular phone by the doorstep. They then [talked] about their lives while drinking softdrinks and Josie took pity on her and promised to introduced [sic] her to her (Josie) boss who allegedly helps people like the accused. Josie then asked her to accompany them to Jollibee since they were unaccustomed to Malabon and for fear that they might be victimized by hold-uppers. However, Josie first asked her company in buying medicine at Mercury Drug Store, which is just nearby the food chain. This is because Josie had difficulty in breathing on account of asthma. Coming from the drug store, they proceeded to Jollibee. As soon as Josie's boss arrived, they went out of the store where she was introduced to the former whom she eventually came to know to be Lt. Cortez in Cavite. Moments [later] a tricycle came behind the car. There were three (3) persons on board. One of them approached Josie and gave [her] something gift-wrapped about three to six inches in size. She was surprised why the man has attempt[ed] to run away immediately after bringing out the wrapped thing. Nonetheless, Josie was able to take hold of the said thing before the man fled. She was only three steps behind Josie when she witnessed the shocking and swift incident. A shooting spree ensued in pursuit of the [speeding] tricycle. One of the female companion[s] of Josie then handcuffed her while another male person pushed her inside the car. She was not able to do anything except to cry after being told that not to speak a word against and just to explain her side when they arrived in Cavite. Reaching the place, Lt. Cortez showed to her the packets. She denied knowing anything [about] what was wrapped. Whereupon, Lt. Cortez open[ed] the pack and she saw three (3) separate plastic bags with white crystalline substance inside. She was told that the contents are 'Shabu'. Lt. Cortez also asked her whether she is aware of the penalty attached to the [possession] of illegal drugs which she denied knowing neither the identity of the owner of the same. The police officer then exhibited to her list of names wherein hers does not appear. She was queried whether she knows those persons listed and again she denied. Lt. Cortez finally read the names and forced her to single out a particular one in exchange for her freedom. She likewise added that she is not aware if Josie and her companions were also arrested.

"On other hand, Marcy Santos gave a different scenario:

"He said that he was on his way home after having gone [to] Monumento. He was not able to reach his destination because Inday a.k.a. Teresa Corpuz saw him in C-4 and requested him to go with her in going to Mercury Drug located at the town proper where they would buy medicine. Corpuz was with her son and two women companions. They went to Jollibee, afterwhich, he brought Teresa's son home by taking a ride near Seven Eleven Store where he [was] noticed and [they] immediately arrested him. He told them that he does [not] know anything but was instead advised to explain when they reach[ed] their office. He was then shoved inside the car and admonished not to shout. At Imus, Cavite, he was forced to admit that he was the one carrying the wrapped thing. He, however, claimed that he was only standing at the place. Santos denied having sold or received any money involving drug transaction."<sup>[7]</sup>

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

After a judicious assessment of the evidence submitted by both parties, the RTC ruled that the prosecution had been able to prove with certainty all the elements of the illegal sale of methamphetamine hydrochloride or shabu, a regulated drug. It described as clear and straightforward the poseur-buyer's testimony, which was amply corroborated by the other members of the buy-bust team.<sup>[8]</sup>

Further, the RTC rejected appellants' defense of denial. Not only was it inconsistent and contradictory, it also failed to achieve the intended purpose.<sup>[9]</sup> It likewise held that the entrapment and the arrest of appellants were not effected haphazardly. Furthermore, it held that no ill motive could be attributed to the police officers who had conducted the buy-bust operation.<sup>[10]</sup>

Hence, this appeal.<sup>[11]</sup>

### **The Issue**

In their Brief, appellants assign the following errors for the Court's consideration:

#### **I**

"Trial court erred in not finding that the buy-bust operation was in fact tainted by abuse on the part of the police authorities;

#### **II**

"The trial court also erred in finding that the case of the prosecution is strong and the version of the accused is weak."<sup>[12]</sup>

In the main, this Court will take up two issues: the sufficiency of the prosecution's evidence, particularly the buy-bust operation; and the defense of denial.

### **The Court's Ruling**

The appeal is not meritorious.

**Main Issue:**  
**Sufficiency of the Buy-Bust Operation**

Appellants argue that the buy-bust operation conducted was tainted with abuse of authority. They aver that if indeed they were validly arrested after having allegedly been caught in *flagrante delicto*, there was no reason for the police to ask Appellant Corpuz to single out a name from a list shown to her in exchange for her freedom -- a scheme known in street parlance as *palit ulo*.<sup>[13]</sup>

The contention is untenable.

Many times, this Court has already ruled that a buy-bust operation is "a form of entrapment which has repeatedly been accepted to be a valid means of arresting violators of the Dangerous Drugs Law."<sup>[14]</sup> The elements necessary for the prosecution of the illegal sale of drugs are as follows: (1) the identity of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor.<sup>[15]</sup>

What is essential in a prosecution for the illegal sale of prohibited drugs is proof that the transaction or sale actually took place and the presentation in court of the *corpus delicti*,<sup>[16]</sup> which has two elements: (1) proof of the occurrence of a certain event and (2) a person's criminal responsibility for the act.<sup>[17]</sup>

Further, in a prosecution for violation of the Dangerous Drugs Law, a case becomes a contest of credibility of witnesses and their testimonies. In such a situation, this Court generally relies upon the assessment by the trial court, which had the distinct advantage of observing the conduct or demeanor of the witnesses while they were testifying.<sup>[18]</sup> Hence, its factual findings are accorded respect -- even finality -- absent any showing that certain facts of weight and substance bearing on the elements of the crime have been overlooked, misapprehended or misapplied.<sup>[19]</sup> We find no reason to deviate from this rule in the case before us.<sup>[20]</sup>

The principal witnesses clearly established the elements of the crime: an illegal sale of the dangerous drug actually took place, and appellants were the authors thereof. The testimony of PO3 Albert Colaler, the poseur-buyer, was clear and straightforward. It was amply corroborated by the testimonies of SPO1 Joseph Yatco and PO1 Aldrin Agravante, the back-up police officers during the entrapment.<sup>[21]</sup> PO3 Colaler narrated the circumstances leading to the arrest of appellants as follows:

"Q Where were you assigned as policeman on January 4, 1999?

A I was assigned at Special Anti-Narcotics Enforcement Team, Camp Gen. Pataleon, Imus, Cavite, sir.

Q At around 6:00 o'clock in the morning on that day January 4, 1999 where were you?

A I was in our office, sir.

Q What happened while you were there?

A On or about 6:00 o'clock in the afternoon a confidential