

## THIRD DIVISION

[ G.R. No. 114198, November 19, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MATEO  
BALUDDA Y SUOY, DEFENDANT-APPELLANT.**

### DECISION

**PURISIMA, J.:**

This is an appeal from the Decision<sup>[1]</sup> dated January 13, 1994, of Branch 33 of the Regional Trial Court, Bauang, La Union, in Criminal Case No. 1217-BG finding Mateo Baludda y Suoy guilty of a violation of Section 4, Article II of Republic Act 6425, as amended,<sup>[2]</sup> and sentencing him thus:

*"WHEREFORE, judgment is hereby rendered finding the accused Mateo Baludda y Suoy guilty beyond reasonable doubt of the crime of Violation of Sec. 4, Art. II of R.A. 6425, as amended and hereby sentences him to suffer the penalty of life Imprisonment and to pay a fine of P20,000.00.*

*The court hereby orders the confiscation and forfeiture of the 30 kilos and 400 grams of dried marijuana leaves and the Clerk of Court of this Court is likewise ordered to destroy by burning the said marijuana leaves without delay.*

*SO ORDERED."*<sup>[3]</sup>

Filed on January 7, 1991, by 2nd Assistant Provincial Prosecutor Joven F. Costales, the Information indicting appellant alleges:

*"That on or about the 25th day of September, 1990, in the Municipality of Bagulin, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause or authority by law, conspiring, confederating and mutually helping one another did then and there willfully, unlawfully and feloniously have in their possession, control and custody thirty two (32) kilos of dried marijuana leaves valued at FOURTEEN THOUSAND FOUR HUNDRED (P14,400.00) PESOS, Philippine Currency whom (sic) they are transporting and/or delivering to any drug manufacturers which is a violation hereof.*

*CONTRARY TO SECTION 4, ART. II of R.A. No. 6425, as amended."*<sup>[4]</sup>

With the appellant pleading not guilty upon arraignment on February 7, 1991, trial

ensued.<sup>[5]</sup>

The version of the prosecution as summarized by the Solicitor General, runs thus:

*"In the morning of September 24, 1990, C1C Mauro Camat was at Sitio Dangdangla, Barangay Cardis, Bagulin, La Union together with other members of the Civilian Armed Forces Geographical Unit (CAFGU), a regular unit of the Philippine National Police composed of civilian volunteers, when they received information about people passing by the area carrying huge quantities of marijuana (tsn, Aug. 15, 1991, pp. 13-16). The CAFGU unit's Commanding Officer, First Lieutenant Manuel de Vera, immediately ordered Camat and his companions to patrol the area (Ibid., p. 17).*

*The following day, September 25, 1990, Camat and his companions encountered appellant together with Maximo Baludda, Domingo Atebew and Ben Baristo carrying sacks on their backs. The encounter with appellant and his companions took place in a forested area on the mountain of Sitio Dangdangla and it was noticed that the sacks they were carrying were bulging (Ibid., pp. 18-19).*

*About five (5) meters away from appellant and his companions, Camat halted them (appellant and his companions) and introduced themselves as CAFGUs. However, upon being told that the CAFGU unit merely wanted to see what was in the sacks they were carrying, appellant and his companions ran away except for Maximo Baludda who stayed behind (Ibid., p. 22).*

*Camat fired two (2) warning shots into the air with his Armalite rifle while another member of the CAFGU unit fired directly at appellant who was hit on his left shoulder and left foot (Ibid., p. 22-23).*

*Although Ben Baristo and Domingo Atebew were able to elude arrest, appellant and Maximo Baludda were apprehended (Ibid., pp. 31-32). The sacks carried by appellant and his companions were opened and found to contain marijuana leaves (Ibid., p. 34).*

*Sometime after the apprehension of appellant and Maximo Baludda, Ben Baristo surrendered to the police and was subsequently charged for violation of Republic Act 6425 (Ibid., p. 32).*

*Alberto Bancasen (sic), another member of the CAFGU unit that apprehended appellant and Maximo Baludda, corroborated the testimony of prosecution witness Mauro Camat in all its material points (tsn, Oct. 8, 1992, pp. 6-33).*

*Prosecution witness Teresa Ann Cid, a Forensic Chemist connected with the Philippine National Police Crime Laboratory Service, Region I, testified that on September 27, 1990, she conducted a laboratory examination on samples taken from the alleged marijuana leaves contained in the three (3) sacks recovered from appellant and his companions (Exhibits 'A', 'B'*

and `C') and found them positive for marijuana (Exhibit `H'; tsn, July 16, 1992, pp. 13-16).<sup>[6]</sup>

The defense theorized as follows:

*"1. That on September 25, 1990, the accused-appellant, Mateo Baludda, Maximo Baludda, Ben Baristo and Domingo Atebew were walking on a mountainous pathway at Ay-ayasakin, Dangdangla, Bagulin, La Union carrying sacks containing undetermined items. While walking on a single file thereat two shots rang out from the opposite direction hitting Mateo Baludda (Appellant) and felled (sic) him to the ground. Domingo Atebew was able to escape and withdrew to where they came from (sic). Maximo Baludda and Ben Baristo were left with Mateo lying wounded on the place of incident. After the shooting, the gunwielders surfaced and searched the sacks the four were carrying moments before. The gunwielders turned out to be Alberto Bacasen, CAGU members. Ben Baristo was allowed to go home to inform the fate of Mateo that same evening while Maximo was left to attend to the wounded Mateo. At around 9:00 a.m. the following day September 26, Mateo's neighbors arrived to where Mateo and Maximo stayed waiting for help. At about the same hour, Mauro Camat and some CAGUs also arrived. They helped the civilian neighbors of Mateo who carried him and along with Maximo and the sacks containing marijuanas to the PC Headquarters in the afternoon of the same day to Bagulin, La Union then brought to the PC Provincial Headquarters for disposition and investigation.*

*2. That on January 7, 1991, the four accused were charged under SECTION 4 of R.A. 6425 as amended on the strength of the complaint of the PC arresting team.*

*3. Meanwhile, also, Mateo Baludda filed a complaint of frustrated murder and robbery against Alberto Bacasen and Camilo Bacasen who shot him on that same incidence before the Provincial Fiscal of La Union."*<sup>[7]</sup>

On January 13, 1994, after trial, the lower court upheld the People's version, on the basis of which it handed down the judgment of conviction appealed from. Appellant contends that the trial court erred:

## I

IN HOLDING THAT THE ACCUSED-APPELLANT, MATEO BALUDDA TOOK PART IN THE ALLEGED SALE OR TRANSPORT OF THE SUBJECT MARIJUANA;

## II

IN FINDING THAT THE ARREST WAS LAWFUL AND THAT THE SEARCH

WAS A MERE INCIDENT TO A LAWFUL ARREST;

### III

IN NOT HOLDING THE GUILT OF THE ACCUSED-APPELLANT, MATEO BALUDDA WAS NOT PROVEN BEYOND REASONABLE DOUBT.<sup>[8]</sup>

Under the Rules of Evidence, it is disputably presumed that things which a person possesses or over which he exercises acts of ownership, are owned by him.<sup>[9]</sup> In *U.S. vs. Bandoc*,<sup>[10]</sup> the Court ruled that the finding of a dangerous drug in the house or within the premises of the house of the accused is *prima facie* evidence of knowledge or *animus possidendi* and is enough to convict in the absence of a satisfactory explanation.<sup>[11]</sup> The constitutional presumption of innocence will not apply as long as there is some logical connection between the fact proved and the ultimate fact presumed, and the inference of one fact from proof of another shall not be so unreasonable as to be a purely arbitrary mandate. The burden of evidence is thus shifted on the possessor of the dangerous drug to explain absence of *animus possidendi*.<sup>[12]</sup>

In the case under consideration, it is not disputed that appellant was apprehended while carrying a sack containing marijuana. Consequently, to warrant his acquittal, he must show that his act was innocent and done without intent to possess, i.e. without knowledge that what he possessed was a prohibited drug.<sup>[13]</sup>

Appellant theorized that he merely acceded to the request of Maximo Baludda, his uncle, to carry the sack without knowing that it contained marijuana. As ratiocinated below, it is contrary to human experience that a man, 32 years of age, would readily agree to carry the load of his uncle, without even knowing the place where to deliver such load, and without asking, while negotiating a forested area, how far is their destination and how long it would take them to reach the place, especially so because when they were apprehended at around 5:00 in the afternoon, they had already been walking for around three (3) hours. Indeed, the tale of appellant, too trite and hackneyed to be believed, does not suffice to overcome the *prima facie* evidence of appellant's awareness of his possession of prohibited drugs.<sup>[14]</sup> Worse still for appellant is the undeniable fact that he and his companions, except Maximo Baludda, fled towards different directions after the police authorities announced their presence. If appellant had nothing to do with the transporting of subject prohibited drugs, or if he really had no knowledge that the sack he carried contained marijuana, there would have been no cause for him to flee. If he had to run at all, it would have been more consistent with his protestation of innocence if he ran towards, and not away from, the police officers.<sup>[15]</sup> Obviously, what appellant did removed any shred of doubt over his guilt; exemplifying the biblical adage: "The wicked flee when no man pursueth: but the righteous are as bold as a lion."

Well-settled is the rule that the trial court, which has the distinct advantage of observing closely the demeanor and deportment of witnesses on the stand as well as the manner they testify, can better determine than anyone else if the witness is telling the truth or not. It is in an ideal position to weigh conflicting testimonies and