

## SECOND DIVISION

[ G.R. No. 130922, November 19, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ALFREDO REQUIZ ALIAS "FRED," ACCUSED-APPELLANT.**

### D E C I S I O N

**BELLOSILLO, J.:**

ALFREDO REQUIZ appeals from the Decision of the Regional Trial Court of Pasay City finding him guilty of violating Sec. 15 of RA 6425, *The Dangerous Drugs Act of 1972*, as amended by RA 7659,<sup>[1]</sup> and sentencing him to *reclusion perpetua* and to pay a fine of P5,000,000.00. The object of the crime consisting of one (1) pack of *methamphetamine hydrochloride* (commonly known as *shabu*) weighing 248.66 grams was ordered forfeited by the trial court in favor of the Government, to be turned over to the Dangerous Drugs Board for proper disposition.<sup>[2]</sup>

The facts: In the early morning of 2 July 1996 a police informant by the name of "Boy Mata" reported at the PARAC II headquarters in Quezon City that he met accused-appellant Alfredo Requiz who lived along Estrella Street in Pasay City and who could sell large quantities of *shabu*. Police Inspector Ferdinand Marticio, Deputy Intelligence Officer of PARAC II, immediately dispatched SPO4 Junvoy Yacat and "Boy Mata" to meet accused-appellant and conduct a "test-buy." They were further instructed, if the "test-buy" was successful, to close a deal for the purchase of about 250 grams of *shabu*. Marticio gave Yacat P200.00 and some expensive pieces of jewelry to convince accused-appellant of his capacity to buy large quantities of drugs.

Yacat and "Boy Mata" then proceeded to the house of accused-appellant Alfredo Requiz on Estrella St., Pasay City. Requiz was not at home, but one Conrado de la Cruz invited them in. "Boy Mata" immediately left the house to look for accused-appellant and returned after ten (10) minutes with someone who introduced himself as "Fred" (accused-appellant Alfredo Requiz). Yacat gave "Boy Mata" the P200.00 to buy *shabu* from Requiz for the group's consumption. Requiz immediately produced the stuff from his pocket and prepared the sniffing paraphernalia.

The group had a "jamming" session during which Yacat negotiated with Requiz for the sale of 250 grams of *shabu*, 50 grams of which, he explained, would be for his consumption and 200 grams would be sent to his cousins in Samar. Requiz agreed to deliver the drugs in the same place at 5:00 o'clock that afternoon.

Thereafter, Yacat and "Boy Mata" returned to the headquarters of PARAC II in Quezon City and reported to Marticio that the projected sale would be at 5:00 o'clock in the afternoon. Marticio immediately prepared the "buy-bust" money in the amount of P43,000.00 in paper bills which were laced with ultra-violet fluorescent powder on top and at the bottom of the bundle. Then he organized his

"buy-bust" team composed of Yacat, Police Officer Abelardo Ramos and himself as Team Leader.

At 1:30 in the afternoon the team proceeded to Harrison Plaza for the final briefing. Shortly before 5:00 o'clock, Yacat drove his car towards Estrella Street followed by Marticio and Ramos in another car. Upon reaching the place, Yacat parked his vehicle facing Harrison Street where Marticio and Ramos could see and observe him from a distance.

Yacat waited for about ten (10) minutes. Then accused-appellant Requiz appeared and asked Yacat if he had the money. Yacat showed him the bundle of money. Requiz then left and returned with something wrapped in a newspaper. He went into the car through the right front door and handed the illegal merchandise to Yacat who unwrapped the package and, after being satisfied that it was indeed *shabu*, handed the marked money to accused-appellant. Simultaneously, Yacat switched on the "hazard" lights of his car, a pre-arranged signal to Marticio and Ramos that the sale had been consummated.

Marticio and Ramos inched their way towards the car of Yacat. Marticio then entered through the right front door and arrested Requiz, while Ramos entered through the rear door. Stunned, Requiz timidly submitted himself to the arresting officers. He was handcuffed. He was then ordered by Marticio to accompany him to the house where they had the "jamming" session earlier in the morning, and there he found Conrado de la Cruz whom he invited for questioning at the PARAC II headquarters in Quezon City.<sup>[3]</sup>

Acting on the request of PARAC II for laboratory examination,<sup>[4]</sup> Forensic Analyst Ophelia Sotelo of the PNP Crime Laboratory conducted examinations on both hands of Requiz and the specimen submitted by the arresting officers consisting of a white crystalline substance packed in cellophane. The examinations yielded positive results, i.e., ultraviolet fluorescent powder was found on both hands of Requiz and the white crystalline substance was identified as *methamphetamine hydrochloride* weighing 248.99 grams.<sup>[5]</sup>

Accused-appellant gave a different version. He denied having sold *shabu* to the police officers claiming that when he came to the house of Conrado de la Cruz at around 5:00 o'clock in the afternoon of 28 June 1996 he saw de la Cruz seated in a sofa with a short, stout man in civilian clothes who suddenly pulled a gun and arrested him together with de la Cruz allegedly for drug pushing. He claimed that during intense interrogation at the PARAC II headquarters in Quezon City he was forced to admit that he was a pusher. He was likewise brought to a crime laboratory at around 2:00 o'clock in the morning of 29 June 1996 where a forensic chemist placed two (2) P100.00 bills dusted with ultraviolet fluorescent powder on his hands to transfer the powder to his palms. He further alleged that after four (4) days from the date of his arrest the police decided to file the instant complaint, making it appear that he was apprehended on 2 July 1996 and not 28 June 1996 to escape criminal liability for detaining him for more than three (3) days without filing any charges against him. He contends in this appeal that the trial court erred in: (a) not finding that the Information was defective; (b) believing that the alleged "buy-bust" operation really took place; and, (c) finding that he was guilty beyond reasonable doubt of the crime charged.

The errors raised hinge on the credibility of witnesses. As we have consistently stressed in the majority of appeals in criminal cases, appellate courts give weight, and at times even finality, to the findings of the trial judge who is in a better position to determine the credibility of witnesses as he can observe firsthand their demeanor and deportment while testifying. Appellate courts do not have the vantage position of the trial judge. They only rely on the cold records of the case and on the judge's perception of the evidence before him.

There is no doubt from the records that accused-appellant was caught *in flagrante delicto*, i.e., in the act of selling *shabu*. The evidence for the prosecution is both substantial and convincing. At its core is the testimony of SPO4 Junvoy Yacat, the poseur-buyer in the "buy-bust" operation conducted by a team of police officers from PARAC II. He categorically pinpointed accused-appellant as the person who sold to him approximately 250 grams of *shabu*, thus -

- Q: What happened after Alfredo Requiz arrived? x x x x  
A: He asked me: "*dala mo ba ang pera?*" and I replied "*Oo naandito.*"  
Q: When you told him that you have (sic) the money, what was his reaction?  
A: Alfredo Requiz told me: "*hintayin mo ako sandali, babalik ako.*" x x x x  
Q: What happened when he returned?  
A: He went inside my car bringing with him the suspected *shabu* wrapped in a newspaper x x x x  
Q: How did you know that it was *methamphetamine hydrochloride* or *shabu*?  
A: After I unwrapped the same, your Honor.  
Q: After unwrapping the same, what did you see?  
A: Alfredo Requiz held (sic) to me the newspaper which I unwrapped and saw the physical appearance of the *shabu*.  
Q: Please describe to us the *shabu* after unwrapping the same?  
A: It was placed inside the sealed cellophane x x x x  
Q: After this thing was handed to you by Alfredo Requiz, what else transpired next?  
A: Alfredo Requiz demanded the money.  
Q: After demanding the money from you, what did you do?  
A: I handed to him the marked money and he received it with his bare hands.  
Q: How thick is the wad of money which you handed to him?  
A: Approximately 5 inches thick, sir.  
COURT: You said mark money, why do you say it is mark money?  
A: Because the same was dusted with ultraviolet powder, sir.

[6]

Such testimony of SPO4 Yacat was strongly reinforced by the individual testimonies of Police Inspector Marticio, team leader of the "buy-bust" operation who himself arrested accused-appellant, and Forensic Analyst Ophelia Sotelo who concluded on examination that what was taken from accused-appellant was *shabu* and that the latter was tested positive of ultraviolet fluorescent powder on both hands. As can be