

THIRD DIVISION

[G.R. No. 125510, July 21, 1997]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO LISING Y SANTIAGO, ACCUSED-APPELLANT.**

D E C I S I O N

MELO, J.:

Despite the stiff penalties we have been imposing for possession, dealing, or use of dangerous drugs, such activities continue to persist, taking their nefarious toll. A case of drug possession is unfolded by the record of this case.

For possession of 375 grams of methamphetamine hydrochloride (shabu), accused-appellant was charged with violation of Section 16, Article III of Republic Act 6425, as amended by Republic Act 7659, otherwise known as the Dangerous Drugs Act of 1972, in an Information reading as follows:

That on or about June 17, 1994, in Makati, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there, wilfully, unlawfully and feloniously have in his possession, custody and control, three hundred seventy five (375) grams of methamphetamine hydrochloride, commonly known as SHABU, a regulated drug, in violation of the aforesaid law.

(p. 9, Rollo.)

After due trial, accused-appellant was found guilty by the trial court in a decision dated October 24, 1995, disposing:

WHEREFORE, in view of the foregoing the Court finds the accused RENATO LISING y SANTIAGO GUILTY beyond reasonable doubt of the crime of violation of Section 16 of Republic Act No. 6425, as amended and further amended by Republic Act No. 7659, and sentences him to suffer the penalty of RECLUSION PERPETUA and to pay a fine of FIVE HUNDRED THOUSAND PESOS (P500,000.00).

The 375 grams of shabu which were forfeited in favor of the government have already been turned over by this Court to the Dangerous Drugs Board on August 25, 1995 for the latter's disposition in accordance with law.

The evidence custodian of the NBI is directed to turn over the P10,000.00 which were confiscated from the accused to the Clerk of Court of the Regional Trial Court of Makati who will receive the same in favor of the Government.

The NBI is directed to release or cause the release of the BMW car with Plate No. TJH 300 to its registered owner, Mr. Hernani Pascoguin. If the said car has already been released to Mr. Pascoguin, he is now considered relieved of the undertaking which he submitted in connection with said car.

(pp. 25-26, Rollo.)

In his appeal, accused-appellant imputes the following alleged errors to the trial court.

I. The trial court erred in giving weight to the incredible, inconsistent, improbable and hearsay testimonies of prosecution witnesses.

II. The trial court erred in disregarding the testimonies of the defense witnesses that appellant was not really caught in possession of shabu but was merely a victim of frame-up, vengeance and extortionate activity of the NBI operatives.

III. Court erred in admitting as evidence for the prosecution the following Exhibits:

a) EXHIBITS P to P-5 (The five transparent plastic bags allegedly containing the shabu and the red pouch allegedly containing the said drugs)

b) EXHIBIT C to C-5 (The Receipt of the Property Seized, and Inventory of the Money)

For being obtained in violation of appellant's constitutional rights.

(pp. 15-16, Appellant's Brief.)

A synthesis of the facts of the case, as borne out by the evidence, is accurately set forth in the appellee's brief as follows:

On June 17, 1994, at around 10 a.m., agents of the NBI, headed by one Atty. Benito, together with Atty. Justo Yap, Atty. Wilfredo Lucido, Melchor Dizon and Rolando Argabioso, were at Unit 1004-A Skyland Plaza Condominium, Buendia Avenue, cor. Tindalo St., Makati City for the purpose of serving a warrant of arrest on Raul Lacson. In the process of serving the warrant, the agents saw a substantial amount of shabu and assorted drug paraphernalia on top of a table inside Lacson's room. When asked about the source of the shabu, Lacson informed the agents that one Renato S. Lising, appellant herein, would be delivering to him a substantial amount of shabu at around 12 noon using a BMW car with Plate No. TJH-300 (TSN, Sept. 27, 1994, pp. 9 to 13).

The NBI agents requested their office for a record check on appellant's name. Per information gathered by the agents, appellant was previously charged with violating Sec. 16, Art. III of RA 6425 before the RTC of Pasig in Crim. Case No. 1929-D. The agents also learned that appellant was the same person they recommended to be prosecuted in 1992 for illegal possession of shabu (Ibid., pp. 14-15).