

TENTH DIVISION

[CA-G.R. CR-H.C. NO. 05638, May 29, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
TERESITA MANIMTIM Y MORALES AND MARIO MORALES Y
ANICETE, ACCUSED-APPELLANTS.**

DECISION

CRUZ, S. C., J.:

Before Us is an appeal *via* Rule 122 of the *Revised Rules of Court* from the June 26 2012 Judgment^[1] of the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 31, in Criminal Case No. 6151-SPL, entitled "*People of the Philippines vs. Teresita Manimtim y Morales and Mario Morales y Anicete*", finding accused-appellants Teresita Manimtim and Mario Morales guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 (RA 9165), otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*". The *fallo* is quoted below, viz:

"**WHEREFORE**, judgment is hereby rendered finding TERESITA MANIMTIM y MORALES and MARIO MORALES y ANICETE **GUILTY** beyond reasonable doubt of violation of Section 5, Article II of RA 9165 and they are hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of Php500,000.00 each.

The Branch Clerk of Court is hereby ordered to transmit the illegal drugs to the Philippine Drug Enforcement Agency for proper disposition while the P500.00 buy-bust money is directed to be transmitted to the Office of the Clerk of Court for deposit to the National Treasury.

SO ORDERED."^[2]

THE CASE

Accused-appellants stand charged for violation of Section 5, Article II of Republic Act No. 9165 (RA 9165), otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*" under an Information^[3], the accusatory portion of which reads:

"That on or about April 19, 2007, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping another without any legal authority, did then and there willfully, unlawfully and feloniously sell, pass and deliver to a police poseur buyer one (1) heat-sealed transparent plastic sachet of METHAMPHETAMINE HYDROCHLORIDE ('shabu'), a dangerous drug, weighing zero point eleven (0.11) gram.

CONTRARY TO LAW."

Upon arraignment on June 13, 2007, accused-appellants Teresita Manimtim and Mario Morales separately pleaded **NOT GUILTY** to the offense charged.

The pre-trial conference was conducted on July 17, 2007. Thereafter, trial on the merits ensued.

THE FACTS

The prosecution presented two (2) witnesses, SPO2 Gerry Abalos^[4] and PO3 Maritess Villanueva^[5] to establish its case. It dispensed with the testimony of forensic chemist Lalaine Ong Rodrigo after the defense admitted the following:

1. That Forensic Chemist Lorna Tria is an expert witness;
2. The existence and due execution of the request for laboratory examination;
3. The existence, due execution, and authenticity of Final Chemistry Report;
4. The existence of Exhibit "M" with markings "GSA" and that said item was examined by the Forensic Chemist.^[6]

The inculpatory facts, as unveiled by the prosecution in its evidence given during the trial, are synthesized by the Office of the Solicitor General (OSG)^[7], as follows:

"On April 19, 2007, at around eight o'clock in the morning, Philippine Drug Enforcement Agency (PDEA) Police Superintendent Raul Bargamento received a report from a confidential informant that drug pushing is rampant in 957 Brgy. Cuyab, San Pedro, Laguna. At around nine o'clock in the morning, a team composed of PO3 Maritess Villanueva, SPO2 Gerry Abalos, and the confidential informant was formed to conduct surveillance in said barangay. After the surveillance, the team immediately reported their findings to Police Inspector Gregorio O. Caraig. A team composed of SPO2 Abalos, PO3 Villanueva, seven other police officers, and the confidential informant was formed to conduct a buy-bust operation. SPO2 Abalos was designated as the poseur-buyer. The team prepared a Five Hundred Peso (Php500.00) bill containing SPO2 Abalos' initials as marked money.

The team proceeded to the church of San Pedro on board a Toyota Revo and an Isuzu Crosswind. At the church, SPO2 Abalos and the confidential informant transferred to a tricycle. The tricycle, followed by the Revo and Crosswind, proceeded to Brgy. Cuyab. Upon reaching Brgy. Cuyab, SPO2 Abalos and the confidential informant alighted from the tricycle while the rest of the team remained in their vehicles parked around twenty meters away from SPO2 Abalos and the confidential informant.

The confidential informant met accused-appellants Teresita Manimtim and Mario Morales. The confidential informant introduced SPO2 Abalos as a buyer of the *shabu*. The confidential informant then left to act as a lookout. Accused-appellant Manimtim asked SPO2 Abalos how much 'stuff' he will buy. SPO2 Abalos responded that he wanted to buy shabu worth Five Hundred Pesos (Php500.00). Accused-appellant Manimtim then instructed accused-appellant Morales to get the 'stuff' inside their

house. After five minutes, accused-appellant Morales returned and handed over a plastic sachet containing white crystalline substance to SPO2 Abalos. SPO2 Abalos gave the marked money to accused-appellant Manimtim. Thereafter, SPO2 Abalos gave the pre-arranged signal to the team. The team rushed to the scene and arrested accused-appellants after they were informed of their constitutional rights. SPO2 Abalos recovered the marked money from accused-appellant Manimtim. SPO2 Abalos likewise marked the plastic sachet containing white crystalline substance with his initials and signature.

Accused-appellants and the marked plastic sachet were brought to the police station. SPO2 Abalos then conducted an inventory of the seized plastic sachet in the presence of accused-appellants, a media representative and a barangay official. The certificate of inventory was then signed by accused-appellants. After the inventory, the seized plastic sachet was brought to the Philippine National Police (PNP) Crime Laboratory for examination. Per Chemistry Report No. D-295-07, the specimen submitted turned out positive for *shabu*."

After the presentation of its testimonial evidence, the prosecution formally offered its documentary evidence, to wit:

Exhibit "A" - Affidavit of Poseur Buyer;
"A-1"

"A-2" - Signature of SPO2 Gerry S. Abalos;

Exhibit "B" - Affidavit of Back-Up Arresting Officer;
"B-1"

"B-2" - Signature of PO2 Maritess Villanueva;

Exhibit "C" - Request for Laboratory Examination dated April 19, 2007;

"C-1" - Stamp mark receipt by Crime Laboratory Office;

"C-1-A" - Signature of SPO2 Abalos;

Exhibit "D" - Chemistry Report No. D-295- 07;

"D-1" - Description of the specimen submitted to and received by the Crime Laboratory Office 4;

"D-2" - Findings that the specimen submitted and examined by the forensic chemist gave a positive result for the presence of Methamphetamine Hydrochloride;

Exhibit "E" - Request for Physical/Medical Examination;

Exhibit "F" - Physical Examination Report of Teresita Manimtim;

Exhibit "G" - Physical Examination Report of Mario Morales;

Exhibit "H" - Certificate of Inventory;

Exhibit "I" - Five Hundred Peso Bill with Serial No. FK287377;

Exhibit "I-1" - Initial "GSA";

Exhibits "J" - Pre-Operation Report;

"J-1" - Signature of Gregorio Caraig, Team Leader;

"J-2" - Signature of PSUPT Raul Bargamento, Regional Director;

"J-3" - Signature of PO3 Valdez and PO1 De Quiroz;

Exhibit "K" - Request for Drug Test dated April 19, 2007;

Exhibits "L", "L-1", "L-3", "L-4" and "L-5" - Pictures of the two (2) accused together with the Arresting Officers, Mediaman and Barangay Official;

Exhibit "L-2" and sub-markings - Pictures of the Certificate of Inventory, Specimen Marked Money;

Exhibit "M" - Heat-sealed transparent plastic sachet with markings EXH "A" GSA 04/19/07 and D-295-07, containing Methamphetamine Hydrochloride.^[8]

On the other hand, the defense presented three (3) witnesses: the accused-appellants Teresita Manimtim^[9] and Mario Morales^[10] and Noralyn Morales^[11], the niece of the accused-appellant Manimtim.

The defense version of facts^[12] is synthesized by the Public Attorney's Office (PAO), as follows:

"On April 19, 2007, at around 2 o'clock in the afternoon, while Teresita was sitting outside their house with her niece, Noralyn, a male person approached her and asked for Zaira, the wife of her nephew who lived at the back of their house. She told the man that she had not seen Zaira that day. The man left, and after a while, her *kumare* passed by and told her that several people were at her house. She then went to check and, indeed, there were people inside their house.

It was Mario who first saw the policemen inside his grandmother Teresita's house. While he was in the kitchen, cleaning and washing the dishes, five (5) to seven (7) people entered the house through the backdoor which was left open. They were carrying long firearms and they introduced themselves as police officers. He identified two (2) of the police officers who entered their house as prosecution witnesses SPO2 Abalos and PO3 Villanueva.

He asked them what they wanted but they ignored him at first. After repeatedly asking them what they wanted, they told him that they were looking for Teresita.

When they noticed that Teresita was sitting outside their house, they approached her, introduced themselves as policemen and immediately arrested her for selling drugs. Surprised, she tried to explain her side and insisted to them that the drugs were not hers as those were brought by the policemen themselves when they arrived.

The policemen forced her to go with them despite her protests and she, together with Mario, was brought to Camp Vicente Lim in Canlubang where they were detained. They do not know of any reason why the police officers arrested them and were not informed of their rights when they got arrested."

The defense did not mark any documentary evidence. After the presentation of its three (3) witnesses, it rested its case.

On June 26, 2012, the RTC rendered its assailed judgment finding accused-appellants Teresita Manimtim and Mario Morales **GUILTY** beyond reasonable doubt of the crime charged.

Hence, this appeal.

Now dealing with the instant appeal, accused-appellants assail the following assigned errors for the consideration of this Court:

THE ISSUES

"I.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS WHOSE GUILT HAVE NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II.

THE COURT A QUO GRAVELY ERRED IN REJECTING THE ACCUSED-APPELLANTS' DEFENSE.

III.

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE PROSECUTION ESTABLISHED THE CORPUS DELICTI OF THE OFFENSE CHARGED."^[13]

THE COURT'S RULING

We **AFFIRM** accused-appellants' conviction.

DISCUSSION

The first two (2) issues raised by accused-appellants, being interrelated, are discussed jointly.