

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELIX BUENDIA Y JALIG AND FERDINAND BUENDIA Y JALIG, ACCUSED-APPELLANTS.*G.R. No. 100123. June 26, 1992*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-100123/>**PADILLA, J.:**

Appeal from the decision of the Regional Trial Court (RTC) of Quezon City, Br. 103,* in Criminal Case No. Q-89-8308 imposing the penalty of reclusion perpetua on the accused-appellants for violation of Sec. 15 (Sale, Administration, Dispensation, Delivery, Transportation & Distribution of Regulated Drugs), Art. III of R.A. 6425 (Dangerous Drugs Act), as amended.

The prosecution's version of the case is as follows:

A civilian informant reported the selling of shabu, a regulated drug (Metamphetamine hydrochloride) by one alias Ferdie and his runner alias Sito somewhere at Mapagkawang-gawa St., Bgy. Teacher's Village, Quezon City. Acting on the information, members of the Quezon City Police Station, Northern Police District/ Metropolitan Police Force (NPD/MPF) planned a buy-bust operation. On or about 4:45 p.m. of 13 November 1989, Pat. ELpidio Bondad acting as poseur-buyer made contact with a male person in front of a vacant lot.[1] After a brief talk where they came into an agreement for the purchase of shabu, Bondad handed over the prepared P400.00 marked money to the man named Ferdie; the latter went inside house no. 41 Mapagkawanggawa St., Teacher's Village, Quezon City. He came back with a male companion (later identified as Sito) who handed over to Bondad a small transparent bag with crystalline white powder. Bondad examined the contents of the bag and was able to verify that it was shabu.[2] He gave a pre-arranged signal to his companions who approached the two (2) suspects and effected their arrest.

Pat. Noemi Pangan frisked the two (2) suspects. Found in Sito's pants (right front pocket) was the marked money of P400.00 in P100 bills. The two (2) suspects were then brought to the Anti-Narcotics Unit (ANU) of the Quezon City Police Station in Kamuning, Quezon City. Ferdie was formally identified as herein appellant Ferdinand Buendia, 34 years old, married, jobless and Sito as herein appellant Felix Buendia, 31 years old, single, also jobless, both of #41 Mapagkawanggawa St., Teacher's Village, Quezon City. The article delivered by the appellants to Pat. Bondad was submitted for examination to forensic chemist Carlos Figueroa who certified that the same was positive for Methamphetamine Hydrochloride.[3] An information for violation of the Dangerous Drugs Act was filed. Upon arraignment, appellants pleaded not guilty; thereafter trial ensued.

Accused-appellants' version of the case is as follows:

At around 4:30 p.m. on 13 November 1989, Ferdinand Buendia, Tomas Mariano and a certain Francisco Chua were conversing in the sala on the first floor of a two-storey house located at 41 Mapagkawanggawa St. when a person knocked at the door. Tomas Mariano, also known as Pablito Canto a boarder in said house, opened the door. However, upon seeing armed persons outside, he tried to close said door but failed to do so as several

strangers were blocking the entrance. The strangers who introduced themselves as barangay councilmen barged in, aimed their guns at the people inside the house and asked for Ferdinand Buendia. Ferdinand stood up and identified himself. He was immediately handcuffed and ordered to accompany the men upstairs to see his brother Felix.[4] Upon reaching the second floor, the four (4) men knocked at the door of the room where Felix Buendia was. As soon as Felix opened the door, two (2) of the men kicked it wide open; they got inside, asked Felix to squat and handcuffed him with Ferdinand.

Two (2) of the four (4) strangers, later identified as Patrolmen Pangan and Bondad ransacked the room, opened doors and cabinets, got two (2) Ray Ban sunglasses and an attache case owned by Felix which when forcibly opened by Bondad yielded an oversized wallet containing P21,000.00, a Far East Bank & Trust Co. (FEBTC) and a Rizal Commercial Banking Corp. (RCBC) passbooks which the policeman confiscated and never returned. Accused appellants were then made to stand up; the handcuff was covered with a towel and they were escorted downstairs, then out of the house and on to the next block where they were asked to board a waiting owner-type jeepney at Malingap St.. They were brought to the Anti-Narcotics Unit at EDSA.

At the police station in EDSA, Cubao Station I, ANU office, in the room of a certain Sgt. Dizon accused-appellants were detained for four (4) hours, intimidated, threatened with "salvaging" should they complain, and were told by Pat. Pangan to raise P80,000.00 for their release, which amount was reduced to P50,000, and finally to P30,000.00. Ferdinand bargained with Pangan, Lopez and Bondad to include the P21,000 found in the attache case as part of the P50,000 and the policemen agreed. However, when told that the accused Ferdinand had to call on the phone outside to produce the balance, he was not given permission. After three (3) days of detention, they were brought to an inquest fiscal.

In his testimony, Felix Buendia[5] claimed that the first time he saw the pocket of alleged "shabu" and the marked money was in court. Accused-appellants' sister Gina Palana testified that she visited her brothers at the Quezon City jail where they told her that they did not know why they were arrested. She was however warned not to ask the policemen about the P21,000 cash because of the "salvaging" threat, so she did not ask questions.

Ferdinand claimed that the case is a frame-up instigated by his father-in-law Dr. Aranez, who had previously charged him with qualified theft which was however dismissed, but refiled four (4) months later as robbery. The robbery case was later archived because Ferdinand could not be located. Actually, Ferdinand claimed that he left the house of his father-in-law and wanted to work in Cabanatuan City after the filing of the theft case. When the present case was being tried, Dr. Aranez was often present during the hearings at the trial court;[6] at the same time he also filed a motion to reactivate the robbery case. Once in the detention cell, said father-in-law allegedly told Ferdinand: "Ayan, mabubulok na kayo sa bilangguan, mahihirapan kayo dahil sa no bail iyang kaso ninyo."[7]

The Regional Trial Court believed the prosecution's version and in a decision dated 6 November 1990 held:

"Accordingly, judgment is hereby rendered finding Felix Buendia Y Jalig and Ferdinand Buendia Y Jalig guilty beyond reasonable doubt as principals for violation of Sec. 15, R.A. 6425 (Dangerous Drugs Act) for dope-pushing of Methamphetamine Hydrochloride, a regulated drug and they are sentenced to suffer a jail term of reclusion perpetua (life imprisonment) and each to pay a fine of P20,000.00. No cost."

A notice of appeal was filed on 3 December 1990 with the Regional Trial Court which, in an order dated 4 December 1990, officially forwarded the records of the case to the Supreme Court.

Assailing the Regional Trial Court's decision both on questions of law and fact, accused-appellants point to five (5) errors allegedly committed by the trial court, as follows:

I

The lower court erred in convicting accused-appellants based on a presumption of regularity in the performance of duties of police officers, which, under the peculiar facts and circumstances of this case, should not have prevailed over the time-honored principle of presumption of innocence of the accused in a criminal case until proven guilty.

II

The lower court erred in not believing the testimony of accused-appellant Ferdinand Buendia that his father-in-law had something to do with the unwarranted filing of the instant case against him.

III

The lower court erred in failing to consider the testimonies of defense witnesses in their entirety, which were convincing, as they were given spontaneously and were replete with details jibing on material points, thus, making them more credible.

IV

The lower court erred in relying on seeming inconsistencies and weak points on defense evidence, disregarding its credibility in essence and substance, in order to justify its finding that accused-appellants are guilty of the offense charged.

V

The lower court erred in not acquitting accused-appellants for failure of prosecution to prove their guilt beyond reasonable doubt."

The RTC decision is quite sketchy and appears to be hastily prepared but we have thoroughly examined the records of the proceedings before the court a quo and we find that its disposition of the case is correct.

Appellants question the application of the presumption of regularity in the performance of official duties by the police officers who were the prosecution's witnesses, but they have failed to adduce proof of irregularity in the performance of such duties.

In an attempt to rebut the presumption of regularity in the performance by the police of official duties in conducting the buy-bust operation, the following are pointed out by the appellants:

1. The police have no standard operating procedures for staging buy-bust operations; the mission order in this particular operation was not even in writing.
2. The money used in the operation was so clumsily and distinctly marked with big ball point markings as if for all the world to immediately see even without the use of fluorescent powder. There was also no pre-recording of the serial numbers of the buy-bust money in any police record; entry in the police blotter was made only after the operation.
3. While the prosecution claims that the buy-bust operation took place on a vacant lot near the house of the accused-appellants at no. 41 Mapagkawangawa St., Teacher's Village, witnesses testified, however, that there was no buy-bust operation and that what took place was a warrantless search, subsequent arrest and confiscation of cash and personal belongings. Furthermore, an affidavit of a homeowner certifies that there is no vacant lot in the vicinity of the buy-bust operation.[8]

4. The arresting officers, according to the appellants, tried to extort P80,000 in exchange for appellants' release from detention.

We find, however, that the accused-appellants' version does not overturn the prosecution's case, for the following reasons:

1. Accused-appellants failed to prove that a buy-bust operation requires a written mission order. The burden of proof was on the appellants to support their affirmative assertion. This, they failed to do. In *People v. Macuto*, G.R. No. 80112, 25 August 1989[9] the Court held:

"The court does not find as credible the allegation that the police officers framed-up the appellant through the buy bust operation by plant-ing evidence for the purpose of extorting money and filing charges in Court. This defense requires stronger proof to overcome the finding of the trial court that the prosecution witnesses were the ones who made truthful statements (*People v. Rualo*, 152 SCRA 635 [1987]). Since no such proofs of ill-motives on the part of the policemen to extort money and to impute a serious offense appear in the records, the presumption that there was regular performance of public duty by public officers was not overthrown.

x x x

The following explanation made in *People v. Agapito*, 154 SCRA 694, 700 (1987) justifies our conclusion:

In cases involving persons accused of being drug pushers or sellers, almost always the defense is that the accused was framed by the apprehending police officers. We realize the disastrous consequence on the enforcement of law and order, not to mention the well being of society, if the courts, solely on the basis of the policemen's alleged rotten reputation, accept in every instance this form of defense which can be so easily fabricated. It is precisely for this reason that the legal presumption that official duty has been regularly performed, exists."

Accused-appellants assert the primacy of the disputable presumption (Sec. 3, Rule 131, Rules of Court) that a person is innocent of a crime or wrong until proven otherwise over the other disputable presumption that official duty has been regularly performed.

"x x x. In order to sustain conviction for selling prohibited drugs, the element of sale must be unequivocally established. Also, what the law proscribes is not only the act of selling but also, albeit not limited to, the act of delivering. The commission of the offense of illegal sale of marijuana requires merely the consummation of the selling transaction. What is important is that the poseur-buyer received the marijuana from the accused. Sgt. Dionisio Magwale, who acted as poseur-buyer during the 'test-buy' operation, categorically asserted that he paid P25.00 to appellant in exchange for five (5) sticks of marijuana cigarettes." [10] (underscoring supplied)

In the present case, Pat. Bondad testified that the sale of the shabu was consummated not only because there was a delivery of the article to him (Bondad) by the accused-appellants, but that there was receipt by them (the appellants) of the price for the sold article.

2. Revenge, hatred, anger and resentment of his father-in-law is accused-appellant Ferdinand Buendia's main defense. It must be noted that Ferdinand's father-in-law initiated the robbery case (not this case) against Ferdinand (Criminal Case No. 89-2732, RTC, Quezon City, Br. 105) as early as November 1988, which case was later archived because the accused (Ferdinand) was in hiding [11] and he had a standing warrant for his arrest. [12] The trial court did not give weight or credence to this defense. We find no cogent reason in the records to disturb or set aside the trial court's stand on this matter.

3. The affidavits attached to the appellants' brief (Annexes "I" and "J") disputing the existence of a vacant lot near the scene of the buy-bust operation, are: (a) hearsay, affiants not having been presented as witnesses before the

court a quo to affirm the allegations contained therein; and (b) belatedly submitted, and therefore raising a nagging question as to their credibility; no explanation is even given why the affidavits were not submitted before the trial court.

4. Regarding the loss of the P21,000 cash and the FEBTC and RCBC bankbooks, assuming that the cash was indeed stolen by the policemen, why did not the appellants report at least the loss of the bankbooks to FEBTC or RCBC to show that there were indeed existing bank accounts, and thus substantiate their allegation of robbery by the policemen?

5. Lastly, and quite damaging to the appellants, is their witness, Tomas Mariano, also known as Pablito Canto. We find his identity dubious. He claims that he is known as Pablito Canto because the first name is a nickname while the surname is that of his wife, which he carries. This goes against the rules of civil law and common practice in this jurisdiction. Generally, a woman carries the surname of her husband; the husband does not carry the surname of his wife. And then why would a person have two (2) names totally different, both without any semblance or similarity in sound or graphics? His credibility as a witness is questionable, to say the least.

Finding no error in the Regional Trial Court's disposition of the case, the same will be upheld.

WHEREFORE, the decision appealed from is **AFFIRMED** with the sole modification that the imposable penalty is life imprisonment as provided in R.A. 6425, not reclusion perpetua. Costs against the accused-appellants.

SO ORDERED.

Narvasa, C.J., (Chairman), Paras, Regalado, and Nocon, JJ., concur.

* Judge Jaime N. Salazar, Jr. - presiding

[1] Joint Affidavit of Noemi Pangan, Chrycelindo Lopez and Domingo Placido - p. 97 RTC records and affidavit of Pat. Elpidio Bondad - ibid p. 90

[2] TSN, 30 March 1990, p. 11

[3] Appellees' Brief, p. 3.

[4] See narration of facts, appellants' brief, p. 15, and Tsn August 31, 1990, p. 9

[5] Tsn., Aug. 24, 1990, p. 64

[6] Brief, p. 19

[7] Tsn, August 31, 1990, p. 52

[8] Annexes I and J, Appellants' Brief

[9] 176 SCRA 762

[10] People v. Dekingco, G.R. No. 87685, 13 Sept. 1990, 189 SCRA 512

[11] Annex D-3, Appellant's Brief

[12] P. 96, Records of the RTC

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.