

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAUL PONFERADA AND EDUARDO BELTRAN (AT LARGE), ACCUSED, RAUL PONFERADA, ACCUSED-APPELLANT.

G.R. No. 101004. March 17, 1993

Ponente: CAMPOS, JR. J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-101004/>

CAMPOS, JR. J.:

This is an appeal from the decision[*] of the Regional Trial Court, Branch 8, Eighth Judicial Region, Palo, Leyte, convicting accused-appellant Raul Ponferada of violating Article II, Section 4 of Republic Act No. 6425, as amended, otherwise known as the Dangerous Drugs Act of 1972.

On August 31, 1989, the City Prosecutor filed the following information accusing Eduardo Beltran and Raul Ponferada of Violation of Article II, Section 4 of Republic Act No. 6425, as amended:

"That on or about the 11th day of July, 1989, in the City of Tacloban, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there wilfully, unlawfully and feloniously sell, deliver or distribute Six (6) sticks of marijuana cigarettes valued in the amount of Twenty (P20.00) Pesos to a Narcom Informant, the said marijuana cigarettes, being a prohibited drug.

CONTRARY TO LAW."[1]

On October 18, 1989, a warrant for the arrest of the two accused was issued.[2] Said warrant was however not served and this case was archived until such time that the accused can be arrested.[3]

On January 26, 1990, an alias warrant of arrest was issued.[4]

Accused Raul Ponferada was arrested on March 15, 1990 and detained at the Tacloban City Jail as per return by Major Edwin y Barlongay.[5] Accused Eduardo Beltran remained at large.

Upon arraignment, accused Raul Ponferada, assisted by his counsel, pleaded not guilty to the offense charged in the information.[6]

Trial ensued only as against accused Raul Ponferada.

The prosecution presented the following as witnesses: .Constable First Class (CIC) Pruz Mallari, the poseur-buyer; Sgt. Romeo Rabuya, the team leader and Captain Liza Sabong, the forensic chemist. On the other hand, accused Raul Ponferada was the lone witness for the defense.

As gathered from the testimonies of prosecution witnesses Sgt. Rabuya and CIC Pruz Mallari, it appears that on or about 3:00 o'clock in the afternoon of July 11, 1989, Major Edwin Barlongay, commanding officer of the Narcotics Command, received a report from their confidential informant that a certain alias "Raul" and a certain alias "Boyet" are active in selling marijuana at the PHHC Seaside, Tacloban City.[7]

Major Barlongay then formed a team, headed by Sgt. Romeo Rabuya, to verify the report.[8] Also part of said team was CIC Pruz Mallari. At 4:00 o'clock in the afternoon of the same day, the team and the confidential informant proceeded to the PHHC, Seaside, Tacloban City, to conduct a buy-bust operation[9] with CIC Pruz Mallari acting as the poseur-buyer.

CIC Pruz Mallari who acted as poseur-buyer testified that upon arriving at the PHHC Seaside, Sgt. Rabuya and the civilian informer positioned themselves somewhere while he was looking for the suspect alias "Boyot". He was able to find alias "Boyot" more or less six (6) to ten (10) meters from where his companions were. There were tall plants that obstructed his vision. He was introduced by the civilian, informer to alias "Boyot" with the former, informing the latter that he was interested in buying marijuana sticks. When asked how much, he said he was willing to buy twenty pesos (P20.00) worth. He gave P20.00 to alias "Boyot".[10] Alias "Boyot" left towards the direction of Tacloban aboard a motorcycle. Later, alias "Boyot" arrived together with alias "Raul". Alias "Raul" was about three (3) meters away from where he and alias. "Boyot" were conversing.[11] After receiving the sticks of marijuana cigarettes, he gave the pre-arranged signal of scratching his head with his right hand. Thereafter, his companions and Sgt. Rabuya immediately approached them. Sgt. Rabuya informed alias "Boyot" and "Raul" that they are being arrested because of selling illegal drugs.[12] However, alias "Boyot" thrust his bolo at Sgt. Rabuya but the latter was able to parry it. Alias "Boyot" and Alias "Raul" ran away. At that time, he did not know the complete names of Alias "Boyot" and alias "Raul". It was only after inquiring from the accused's neighbors did he come to learn that alias "Boyot" is Eduardo Beltran while alias "Raul" is Raul Ponferada.[13]

On the other hand, Sgt. Rabuya testified that it was alias "Raul" or Raul Ponferada who transacted with the poseur-buyer. It was also alias "Raul" who tried to stab him. He saw CIC Mallari approach alias "Raul" who, after a short conversation, handed the marked money to the latter. After receiving the money, alias "Raul" boarded a tricycle and left to the direction of where his 'barkadas' were standing which was more or less fifty (50) meters away from where CIC Mallari was.[14] At that instance, he followed alias "Raul" with his motorcycle but halted at about ten (10) meters away from where alias "Raul" stopped.[15] There he saw alias "Raul" giving the marked money to alias "Boyot". The two then went back on board a motorcycle to where CIC Mallari was waiting. Alias "Raul" gave the six (6) sticks of marijuana cigarettes to CIC Mallari, afterwards the latter made the pre-arranged signal. He immediately rushed to scene of the transaction and tried to effect the arrest of the two suspects. However, alias "Raul" drew his pointed dagger, aimed it at him but he was able to parry it. Thereafter, alias "Raul" and alias "Boyot" fled. He received the six (6) sticks of marijuana cigarettes from CIC Mallari.[16] Like CIC Mallari, he came to know of the names of alias "Raul" and alias "Boyot" only from their neighbors.

Accused-appellant has a different version of what transpired on July 11, 1989. He testified that he was a fish vendor at the Old Tacloban Supermarket. At about 3:00 o'clock in the afternoon of that day, he was the PHHC Seaside, around 200 meters from the National Highway. He had just delivered fish to one Elvira Price. While waiting for a motorcycle to take him back to the supermarket, he was approached by one Sgt. Rabuya who inquired from him whether he knew a person in the name of Eduardo Beltran. He said he did. While conversing with Sgt. Rabuya, Eduardo Beltran passed by but ran away upon being approached by Sgt. Rabuya. Sgt. Rabuya fired his gun and followed Eduardo Beltran to the house of the latter's father-in-law which was 100 meters away from where they were. Not finding him there, Sgt. Rabuya returned to the accused and invited the same to the police headquarters for questioning. After which, Sgt. Rabuya sent him home. He knew Eduardo Beltran because the latter married a woman from PHHC which place he has resided until 1987.[17] On March 1, 1989, while doing his job at the Supermarket, he was fetched and brought to RTC Stage, the Narcom office, by a certain Baoting, a civilian informant. This was at the instance of Sgt. Agner. Sgt. Rabuya and CIC Mallari were not at the Narcom office. He was then placed in jail and was ordered to stay there because Eduardo Beltran has not yet been arrested.[18]

From the foregoing testimonies, the trial court, on December 7, 1990, rendered its decision finding accused Raul Ponferada guilty beyond reasonable doubt of the offense charged, the dispositive portion of which reads as follows:

"WHEREFORE, in view of the foregoing, the accused, Raul Ponferada is found guilty beyond reasonable doubt of delivery of six (6) sticks of marijuana cigarettes, a prohibited drug, Article II of Republic Act No. 6425, as amended, and hereby sentences him to suffer life imprisonment as well as to pay a fine of TWENTY THOUSAND PESOS (P20,000.00) without subsidiary imprisonment, in case of insolvency. (As amended P.D. 1675, Feb. 17, 1980).

He shall be credited with the preventive imprisonment undergone by him subject to the conditions prescribed by Article 29 of the Revised Penal Code, as amended.

SO ORDERED." [19]

Aggrieved by the trial court's decision, accused Raul Ponferada comes to Us alleging the following assignment of errors: [20]

I

THE TRIAL COURT ERRED IN GIVING WEIGHT AND CREDENCE TO THE CONTRADICTING TESTIMONIES OF THE PRINCIPAL PROSECUTION WITNESSES IN IDENTIFYING ACCUSED RAUL PONFERADA.

II

THE TRIAL COURT ERRED IN CONVICTING ACCUSED RAUL PONFERADA DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

Accused-appellant assails the credibility of prosecution witnesses Sgt. Rabuya and CIC Mallari for their failure to identify him with certainty. He contends that the testimonies of the two principal government witnesses are diametrically opposed in identifying him. Sgt. Rabuya claimed that it was accused Raul Ponferada or alias "Raul" who made the transaction with CIC Mallari while on the other hand, CIC Mallari testified that it was Eduardo Beltran or alias "Boyet" who sold to him the six (6) sticks of marijuana cigarettes. [21]

We agree with the accused-appellant's contention.

This Court has laid down the rule that although it ordinarily relies on the factual findings of the trial court, recognizing its superior competence to assess the credibility of the witnesses through direct observation of their manner on the stand, [22] this policy will not be applied where the prosecution has not sufficiently established the guilt of the accused-appellant to the point of overcoming the constitutional presumption of innocence in his favor. [23] We find this doctrine to be very much applicable in the case at bar.

In *People vs. Dekingco*, [24] this Court held that:

"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 required merely the consummation of the selling transaction. What is important is that the poseur-buyer received the marijuana from the accused."

In the case at bar, poseur-buyer CIC Mallari identified Eduardo Beltran alias "Boyet" as the person who sold to him the six (6) sticks of marijuana cigarettes. There was no evidence linking Raul Ponferada to the sale of marijuana cigarettes. The trial court, however, convicted him for the delivery of marijuana cigarettes.

A careful perusal of the evidence reveals that the prosecution witnesses miserably failed to prove that the

accused-appellant delivered said marijuana cigarettes to the poseur-buyer CIC Mallari.

From the testimony of the poseur-buyer, the only instance wherein the name alias "Raul" was mentioned was when alias "Boyet" returned, bringing the six (6) sticks of marijuana cigarettes accompanied by alias "Raul". They were then on board a motorcycle. This circumstance alone does not prove delivery on the part of alias "Raul" or Raul Ponferada. The mere fact that they were together does not of itself prove that alias "Raul" had a hand in the delivery of the marijuana cigarettes absent any other concrete evidence linking him thereto.

Moreover, CIC Mallari testified that when alias "Boyet" or Eduardo Beltran gave him the marijuana cigarettes, alias "Raul" or Raul Ponferada was three (3) meters away from them.[25] Hence, it cannot be said with certainty that Raul Ponferada was the one who delivered the marijuana cigarettes.

Neither is the testimony of Sgt. Rabuya of any help to the prosecution's case. His testimony materially contradicted that of poseur-buyer CIC Mallari's as to the identities of the accused. While Sgt. Rabuya identified alias "Raul" or Raul Ponferada as the one who transacted with CIC Mallari, the latter positively and categorically identified alias "Boyet" or Eduardo Beltran as the person who sold and delivered to him the marijuana cigarettes.

We find the contention of Sgt. Rabuya that the accused Raul Ponferada changes his aliases from "Boyet" to "Raul" so as to mislead the government agents in identifying him a mere: afterthought. Such fact was divulged by Sgt. Rabuya for the first time only when he was made to explain the discrepancy between his testimony and affidavit as to who transacted with the poseur-buyer and tried to stab him (Sgt. Rabuya). In his testimony, he identified that person as Raul Ponferada or alias "Raul" while in his affidavit, he identified said person as Eduardo Beltran or alias "Boyet".

Neither did he mention such fact in his affidavit which he personally prepared and typed.[26]

"The general rule has always been that discrepancies between the statements of the affiant in his affidavit and those made by him on the witness stand do not necessarily discredit him since ex parte affidavits are generally incomplete. Affidavits are generally subordinated in importance to open Court declarations because they are oftentimes executed when an affiant's mental faculties are not in such a state as to afford him a fair opportunity of narrating in full the incident which has transpired. Further, affidavits are not complete reproductions of what the declarant has in mind because they are generally prepared by the administering officer and the affiant simply signs them after the same have been read to him." [27]

The exception to the above rule is where the omission in the affidavit refers to a very important detail such that the affiant would not have failed to mention it,[28] and which omission could affect the affiant's credibility.[29]

The identities of the accused are points so material in the evidence of the prosecution that Sgt. Rabuya's failure to mention the switching in their aliases, as he belatedly claims was a tactic employed by the accused to mislead the authorities, cannot be taken merely as insignificant.

WHEREFORE, the appealed decision is REVERSED and SET ASIDE. The accused-appellant is ACQUITTED and ordered immediately released unless he is detained for some other cause.
SO ORDERED.

Narvasa, C.J., Padilla, Regalado and Nocon, JJ., concur.

[*] Penned by Judge Lolita O. Gal-lang.

[1] Records, p. 1.

- [2] Ibid., p. 14.
- [3] Ibid., p. 15.
- [4] Ibid., p. 17.
- [5] Ibid., p. 18.
- [6] Ibid., p. 32.
- [7] TSN, July 3, 1990, p. 2.
- [8] Ibid.
- [9] Ibid.
- [10] TSN, July 4, 1990, p. 4.
- [11] Ibid., p. 5.
- [12] Ibid., p. 6.
- [13] Ibid., p. 7.
- [14] TSN, July 3, 1990, p. 3.
- [15] Ibid., p. 7.
- [16] Ibid., p. 5.
- [17] Ibid., p. 4.
- [18] Ibid., p. 6.
- [19] Records, p. 68.
- [20] Appellant's Brief, p. 1.
- [21] Ibid., p. 10.
- [22] *People vs. Tereso*, 194 SCRA 154 (1991).
- [23] Ibid.
- [24] 189 SCRA 512 (1990), citing *People vs. Fernandez, et al.*, 186 SCRA 830 (1990), *People vs. Ramos*, 186 SCRA 184 (1990), *People vs. de la Cruz, et al.*, 184 SCRA 415 (1990).
- [25] TSN, July 4, 1990, p. 5.
- [26] Exh. 1, p. 5; TSN, July 3, 1990, p. 9.
- [27] *People vs. Dumpe*, 183 SCRA 547, 553 (1990), citing *People vs. Gonzales*, 99 SCRA 697 (1980) and 2 REGALADO, REMEDIAL LAW COMPENDIUM, p. 558.
- [28] *People vs. Anggot*, 105 SCRA 168, 175 (1981).
- [29] *Supra*, note 27.

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.