

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VIRGILIO MANZANO Y OLEDAN, ACCUSED-APPELLANT.

G.R. No. 103393. August 24, 1993

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

This is an appeal from the decision dated January 13, 1992, of the Regional Trial Court of Pasig, Metro Manila which convicted appellant Virgilio Manzano of drug pushing, or violation of Section 20, Article IV of Republic Act No. 6425.

The facts of the case as recited in the decision of the trial court, are as follows:

"x x x. Acting on the information given by a confidential informant, and after a week-long surveillance, members of the Special Operations Group, Marikina Police Force, conducted a "buy-bust" operation at about 4 p.m., March 21, 1991 against accused Manzano. (Exhibit "C"). Observing the accused seated inside his tricycle, apparently waiting for customers, in front of his house at M. Gonzales Street, Barangka, Marikina, Pfc. Pasana, acting as poseur-buyer, approached the accused to buy marijuana. Saying 'bibili ako ng damo' to the accused. He was asked 'magkano ang bibilhin mo' by the accused to which the former replied 'sienta pesos' (P70.00). Pfc. Pasana gave accused a fifty-peso bill with Serial Number FF981849 (Exhibit 'A') and a twenty-peso bill (P20.00) with Serial Number QU859533 (Exh. 'B'), both bills having been marked with the initials 'AYP' on the respective upper corners (Exhs. 'A-1' and 'B--1'). Accused gave Pfc. Pasana four (4) plastic tea bags (Exhs. 'E-1' to 'E-4') which were taken out of accused's pockets. Pfc. Pasana then gave the pre-arranged signal by scratching his head with the small finger, which activated Pat. Balaui-tan and Hapin into assisting Pfc. Pasana in the arrest of the accused. Accused was then taken to the Headquarters.

"The marijuana specimens were then brought to the PNP Crime Laboratory Service, Camp Crame, Quezon City for laboratory testing. It was accompanied by a letter-request dated March 22, 1991 (Exh. 'F') signed by P/Capt. Elmer C. Guevara of the Marikina Police Station. When examined by Forensic Chemist P/Lt. Julita De Villa, the same specimens yielded positive result for marijuana. She confirmed this finding in her Chemistry Report No. D-291-91 (Exh. 'D') and in the Certificate of Laboratory Result (Exh. 'G'). Pat. Alfredo Pasana executed an Affidavit (Exh. 'A'). After completing all the evidence against the accused, the instant charge was instituted against him." (pp. 13-15, Rollo.)

An information was filed on March 26, 1991 against appellant charging him with violation of Section 4, Art. II of R.A. No. 6425, as follows:

"The undersigned Asst. Prosecutor accuses VIRGILIO MANZANO y OLEDAN of the crime Violation of RA 6425 Art. II, Sec. 4, As Amended, committed as follows:

"That on or about the 21st day of March 1991 in the Municipality of Marikina, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there wilfully, unlawfully and feloniously sell, deliver and give away to another person 5.42 grams of dried marijuana leaves and seeds, a prohibited drugs, in violation of the above-cited law." (p. 1,

Re-cords.)

After trial, wherein four (4) prosecution witnesses testified, namely police officers Sgt. Alfredo Pasa-na, P/Lt. Julita De Villa, Pat. Wilson Balautan and Pat. Wilfredo Hapin, judgment was rendered finding the appellant guilty of the crime charged. The dispositive portion of which reads as follows:

"WHEREFORE, the Court hereby sentences the accused, VIRGILIO MANZANO y OLEDAN to suffer the penalty of life imprisonment with all its accessory penalties, to pay a fine of P20,000.00 and to pay the costs.

"In the service of his sentence, the accused shall be credited in full with the period of his preventive imprisonment.

"Pursuant to Section 20, Article IV of Republic Act No. 6425, as amended, let the 5.42 grams of dried marijuana leaves and seeds subject matter of this case be confiscated and forfeited in favor of the Philippine Government and be turned over to the Dangerous Drugs Board Custodian, NBI, to be disposed of according to law." (p. 18, Rollo.)

Hence this appeal based on the lone assignment of error that the Court a quo erred in finding the accused guilty of the crime charged.

Appellant alleges that the trial court failed to consider certain facts tending to cast doubt regarding his guilt. He averred that he had known Pfc. Alfredo Pasana of the Marikina Police Station for the past eight (8) years, hence, it was improbable that he would sell dope to him.

Assuming that to be true, nevertheless, in this day and age when a number of police officers themselves have been involved in the drug trade, that argument does not convince anymore.

In *People vs. Simbulan*, 214 SCRA 537, 546-547, we observed that:

"Drug pushers have become increasingly casual about isolated transactions. They have come to consider the sale of drugs as ordinary transactions and the buyers as ordinary users. Drug pushing when done on a small scale belongs to that class of crimes which may be committed at any time and at any place. After the offer to buy is accepted and the exchange is made, the illegal transaction is completed in a few minutes. The fact that the parties are in a public place and in the presence of other people may not always discourage them from pursuing their illegal trade as such factors may even serve to camouflage the same. Hence, the court has sustained the conviction of drug pushers caught selling illegal drugs in a billiard hall, in front of a store, along a street, and in front of a house. Even the fact that the buyer is a total stranger is of no moment. In real life, pushers, especially small quantity or retail pushers, sell their prohibited wares to customers, be they strangers or not, who have the price of the drug."

Moreover, the appellant was duly identified by an informer before the police operatives conducted their "buy-bust" operation. They made a surveillance of the area where the appellant plied his trade as a drug pusher. The prosecution was able to establish that during the "buy-bust" operation, the appellant sold four (4) tea bags of dried marijuana leaves to Pasana for P70.00.

The trial court therefore did not err in giving credence to the prosecution's evidence for the law enforcers are presumed to have regularly performed their duty in the absence of convincing proof to the contrary.

WHEREFORE, finding no reversible error in the decision of the court a quo, the same is hereby **AFFIRMED** in toto.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., Bellosillo, and Quiason, JJ., concur.

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