

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELIPE RAMOS Y CRUZ, ACCUSED-APPELLANT.*G.R. No. 103631. June 08, 1993*

Ponente: PADILLA, J.

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This is an appeal from the decision* of the Regional Trial Court of the National Capital Judicial Region, Branch 164, Pasig, Metro Manila, in Criminal Case No. 1517-D of said court, finding the accused guilty of violation of Section 15, Article III of Republic Act No. 6425, otherwise known as the Dangerous Drugs Act, and sentencing him to suffer the penalty of life imprisonment and to pay a fine of P20,000.00.

It appears that on 8 March 1991, the police Narcotics Command based in Camp Crame, Quezon City, received information that the herein accused-appellant Felipe Ramos y Cruz was selling "shabu", a regulated drug, in his residence at No. 3 Interior Mamerto Street, Rosario, Pasig, Metro Manila. In view thereof, a police team was immediately formed to conduct a "buy-bust" operation in order to entrap Ramos. Police Officer Sol Otto was designated as the buyer and was furnished with a marked hundred peso bill.

The police team arrived at the place of the appellant at about 8:30 o'clock in the evening of the same day. After finding that the appellant was at home, the police informer and Police Officer Sol Otto knocked on the door. The appellant peeped from a window in the second floor of his house and moments later, he opened the front door and bade the police informer and Sol Otto to enter. Inside his house, Sol Otto was introduced to the appellant as a "user" of "shabu" who wanted to buy some of the stuff. Sol Otto then told the appellant that he wanted to buy P100.00 worth of "shabu" and gave the appellant the marked hundred peso bill. The appellant took the money and went to the second floor of his house. Upon his return, he gave a packet of crystalline powder to Sol Otto who thereafter introduced himself as a Narcotics Command agent and placed the appellant under arrest. Meanwhile, the police informer stepped out of the house and gave the pre-arranged signal to the other members of the police team who then entered the appellant's house.[1]

Sgt. Logan, a member of the police team, placed the handcuffs on the appellant while Sgt. Marino Gumabay took out the appellant's wallet from his back pocket and retrieved the marked hundred peso bill.[2]

The packet of white crystalline substance sold by the appellant to Sol Otto,[3] was forwarded to the crime laboratory of the Philippine National Police.[4] Upon examination, the said packet was found to contain methamphetamine hydrochloride (shabu), a regulated drug.[5]

Consequently, Felipe Ramos y Cruz was charged before the Regional Trial Court of the National Capital Region with violation of the Dangerous Drugs Act committed as follows:

"That on or about the 8th day of March 1991 in the Municipality of Pasig, 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 willfully, unlawfully and feloniously sell, deliver and give away to another 0.07 grams of white crystalline substance positive to the test for methamphetamine hydrochloride (shabu) which is a

regulated drug, in consideration of P100.00."[6]

When arraigned, the accused pleaded not guilty. At the trial, he denied having sold "shabu" to the police operative. He testified that at about 8:30 o'clock in the evening of 8 March 1991, while he was being given a manicure by Violeta Layson (Belmonte) and having a bottle of beer with his friend Joselito dela Cruz, in the sala of his house, he heard a loud knock at the door. So, he went upstairs and peeped through a window. He saw about 8 to 10 armed men inside his compound. He asked the armed men what they wanted and also told them not to break the door as he was coming down to open it for them. Immediately after he had opened the door, the armed men barged into the house and searched his room, as well as that of his son, for "shabu", but they were not able to find any. Thereafter, he was forcibly taken to Camp Crame where he was detained. Five (5) days later, he was brought before an inquest fiscal where he was informed of the charge against him.[7]

His testimony is corroborated by Violeta Belmonte, a beautician who claimed she was giving the accused a manicure at the time. She declared, moreover, that the armed men introduced themselves as "NARCOM" before they entered the house of the accused Felipe Ramos.[8] She also affirmed that she executed a joint affidavit[9] with Joselito dela Cruz about the events that transpired in the evening of 8 March 1991 in the house of Felipe Ramos.

The trial court, however, gave credence to the testimony of the Narcotics agents since "their action sustain the presumption that they have performed their duties in a regular manner and there is no evidence and nothing to indicate that the poseur-buyer PO3 Sol Otto was actuated by improper motives to falsely impute a serious and unfounded charge against the accused," and, accordingly, sentenced the accused to suffer the penalty of life imprisonment and to pay a fine of P20,000.00. From that sentence, the accused has appealed to this Court.

The accused-appellant seeks the reversal of the appealed judgment, claiming that the evidence presented by the prosecution is not sufficient to support a conviction beyond reasonable doubt for the reason that the testimonies of the prosecution witnesses are implausible and conflicting.

After a meticulous perusal of the record of the case, the Court is convinced that the herein accused-appellant, Felipe Ramos y Cruz, had committed the crime imputed to him. The testimonial and documentary evidence presented by the prosecution has established his guilt beyond reasonable doubt. The crime of illegal sale of regulated drugs requires merely the consummation of the sale transaction whereby the accused hands over the drug upon agreement with the buyer to exchange it with money.[10] In the present case, prosecution witness Sol Otto, a policeman who acted as the "poseur-buyer" in the "buy-bust" operation, positively identified the accused-appellant as the person to whom he gave the marked money and who gave him, in exchange, a packet of white crystalline powder which, upon examination, was found to contain "shabu", a regulated drug. His testimony reads as follows:

"Q: When you said you proceeded to the area, what place are you referring to?

A: To the residence of Felipe Ramos.

Q: And what happened when you reached the place of Felipe Ramos?

A: Our CI introduced me to Felipe Ramos sir, as a buyer-user.

Q: And you said you were introduced by your confidential informant. To (sic) what particular place were you introduced?

A: Inside his house, sir.

Q: And what transpired inside the house of Felipe Ramos when you were introduced?

A: I told him that I would buy shabu worth P100.00.

Q: And what happened when you said you are going to buy shabu worth P100.00?

A: He received the money, then after he received the money from me, he went upstairs and got the shabu and he gave it to me, sir.

Q: When you said he gave it to you, what did he give to you?

A: The shabu, sir.

Q: I am showing to you Exhibit 'D' for the prosecution placed in a transparent plastic bag containing the word Evidence and tell the Honorable Court how is this related from (sic) the shabu that was given to you by Felipe Ramos?

A: (Witness examining Exhibit 'D') That was the same I bought from Felipe Ramos, sir (sic).

Q: And after this was given to you by Felipe Ramos, Exhibit 'D' for the prosecution, what did you gave him in return, if there be any?

A: I have given him first, sir, the 100-peso bill before he gave me the shabu.

Q: And after the shabu was given to you, what transpired next, if there be any?

A: I introduced myself, sir, as a Narcom agent."^[11]

Since there is nothing in the record to suggest that the said NARCOM agent was compelled by any motive other than to accomplish his mission to entrap and capture a drug pusher in the execution of a crime, credence should be accorded his testimony for it is presumed that he has regularly performed his duty in the absence of convincing proof to the contrary. And in this respect, the bare denial of the accused-appellant that he had sold "shabu" to the law-enforcer cannot overcome the clear, positive and convincing evidence of the prosecution. His claim of being framed, in the absence of clear and convincing evidence that the prosecution witnesses were vindictive or overzealous, cannot also rebut the presumption of regularity in the performance of official duties.

The discrepancies in the testimonies of the prosecution witnesses pointed out by the accused-appellant in his brief, refer to minor details which do not militate against their credibility. As the Court has repeatedly stated, the witnesses testifying on the same event do not have to be consistent in every detail as differences in recollection or viewpoints or impressions are inevitable. Total recall or perfect harmony is not required. As long as the witnesses concur on material points, slight differences in their remembrance of the details do not reflect on the essential veracity of their testimony.^[12]

The appellant's protest that he was arrested and searched without a warrant is a feeble afterthought. It appears that he was validly arrested while actually committing a crime and he was validly searched incidental to such arrest.

WHEREFORE, the judgment appealed from should be, as it is hereby, **AFFIRMED**, with costs against the accused-appellant.

SO ORDERED.

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

* Penned by Apolonio R. Chavez, Jr.

[1] pp. 4-8, tsn Paraiso, session of October 7, 1991

- [2] Exhibit E; also pp. 5-6, tsn Tesorero, Session of September 12, 1991
- [3] Exhibit D
- [4] Exhibit A
- [5] Exhibit C
- [6] See Information, p. 1, Original Records
- [7] Tsn Baiza, session of November 5, 1991, pp. 3-7
- [8] Tsn Tesorero, session of November 12, 1991, pp. 2-7
- [9] Exhibit 1, Original Records, pp. 36-37
- [10] People vs. Marcos, G.R. No. 91646, 212 SCRA 748, 754; August 21, 1992
- [11] Tsn Paraiso, session of October 7, 1991, p. 7
- [12] See People vs. Alaban, G.R. No. 97431, September 28, 1992

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