

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO ALVARADO Y GALON, ACCUSED-APPELLANT.

G.R. No. 104399. March 20, 1995

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-104399/>

BELLOSILLO, J.:

ANTONIO ALVARADO Y GALON was found guilty by the Regional Trial Court of Quezon City, Br. 103, of violating Sec. 15, Art. III, of R.A. 6425, [1] as amended, for selling 3.7 grams of methamphetamine hydrochloride, a regulated drug commonly known as shabu. [2]

Culled from the uncorroborated testimony of Pat. Jaime Gregorio the evidence for the prosecution tends to establish that on 7 February 1991, acting on the report of a confidential informant, a buy-bust team of the Special Task Force Unit, Quezon City Anti-Drug Abuse Council, was organized composed of Pat. Jaime Gregorio, Pfc. Jaime Santos and Pat. Placido Domingo to track down a certain Vicente "Itik" Galon at No. 10 Sta. Gertrudes St., Project 8, Quezon City. The report was that arrangements were already made with Galon's "aides," Antonio "Boy" Alvarado (herein appellant) and Manuel "Butch" Sevilla, for the purchase of shabu. Marked bills amounting to P2,100.00 were brought by the team to be used in the operation. [3]

At the given address, with the rest of the team positioned some distance away, Pat. Gregorio (as poseur-buyer) and his informant talked with "Butch" Sevilla and told him that they wanted to buy shabu. After telling the duo to wait at the front door of the house Sevilla left. A little later, Antonio Alvarado appeared and told them that what they wanted to buy was merely entrusted to him by "Itik." The two were again asked to wait. After a few minutes Alvarado reappeared with three (3) plastic bags of shabu which he handed over to Pat. Gregorio who in turn paid accused-appellant with the marked bills but who immediately gestured to his fellow officers the pre-arranged signal to indicate the completion of the transaction. Accused-appellant and Manuel "Butch" Sevilla were then arrested and brought to the office of the Quezon City Anti-Drug Abuse Council. [4] A laboratory examination conducted on the merchandise yielded positive results for methamphetamine hydrochloride. [5]

The version of the defense is different. According to accused-appellant, on 7 February 1991 he was inside his residence when he heard the sound of a motor vehicle stopping suddenly in front. Then he noticed at least four (4) plainclothesmen armed with rifles alight from the vehicle and rushing towards his house. Before entering the men shouted that they were conducting a raid while one of them fired two warning shots in the air. Once inside they introduced themselves as police officers and started hollering the name "Itik," rounding up all the occupants of the house and ordering them to lie face downwards. [6] However, after searching the premises and realizing that "Itik" and a certain "Lino" they were looking for were nowhere to be found in the premises, the raiding team announced that they would take all those present to the office of the Quezon City Anti-Drug Abuse Council for formal investigation.

At this juncture accused-appellant asked why they were being arrested and whether the raiding team had any warrant to conduct the search. Instead of answering, one of the arresting officers showed him a plastic bag

containing shabu allegedly taken from the premises and reiterated that all those present would be brought to the police station. Later accused-appellant discovered that "Itik" was Vicente Galon, a tenant occupying a room on the second floor of his house. [7] Virginia Alvarado, mother of appellant, together with Manuel Sevilla corroborated the testimony of Antonio. [8]

On the basis of the report of the buy-bust team, accused-appellant Antonio Alvarado and Manuel Sevilla were charged before the court a quo for selling shabu in violation of Sec. 15 of The Dangerous Drugs Act of 1972. [9]

On 24 July 1991, in a decision anchored principally on the uncorroborated testimony of Pat. Gregorio, the court a quo ruled that the evidence presented by the prosecution sufficiently established the guilt of accused-appellant beyond reasonable doubt and that he should suffer the penalty of "reclusion perpetua and to pay a fine of twenty-five thousand pesos (P25,000.00)." [10]

Manuel Sevilla was absolved from all liability on the ground that his participation in the negotiation and sale of the regulated drug was not properly established. [11]

Antonio Alvarado is now before us reasserting his innocence.

This Court concedes that the lone testimony of a poseur-buyer may suffice to convict an accused provided that such testimony be both clear and convincing. [12] In such case it is essential only that the witness be able to recount and relate the actual events that transpired which justified the arrest of the accused. Thus it is imperative that the witness declares that there was a negotiation for the purchase of the drug and that the pusher sold and delivered the drug in view of some material consideration which in most cases takes the form of marked peso bills. Once these facts are clearly established through the testimony of a credible witness, the guilt of the accused can be deemed established with moral certainty. However, the assessment of the trial court regarding the credibility of a witness can be set aside if it is shown that certain facts of substance have been overlooked or circumstances of significance which may affect the result of the case have been arbitrarily disregarded. [13]

In the case at bench, the adjudication of the court a quo regarding the sufficiency of the evidence presented by the prosecution to prove the guilt of herein accused-appellant is specious. The lone testimony of Pat. Gregorio to prove the fact of entrapment is not without material contradictions. There is a significant discrepancy in his testimony regarding the fact of payment of the marked bills. Pat. Gregorio in his direct examination categorically stated that it was to accused-appellant Antonio Alvarado that he handed the marked money. Thus -

Q:

What about the money you were carrying with you?

A:

It was in my possession at that time.

Q:

What happened next after you waited?

A:

The suspect by the name of alias Boy Alvarado came down from the house and told me that (the) stuff was entrusted to one alias Tony. [14]

Q:

What happened when he told you that?

A:

I told him that I am (sic) the one intending to buy the stuff, so he took the stuff upstairs and then came down again and bringing with him the shabu I am (sic) intending to buy and he handed it to me.

Q:

How many plastic bags?

A:

Three.

Q:

What did you do with the money?

A:

I gave him the money. I gave him the buy-bust money. [15]

Thus it is apparent from the direct testimony of Pat. Gregorio that he gave the buy-bust money to Antonio Alvarado. However during his cross-examination Pat. Gregorio admitted negotiating with and handing over the marked bills to Manuel "Butch" Sevilla, and not to Antonio -

Q:

In this affidavit, Paragraph 5, you stated and I quote that at the doorsteps of house No. 10, Sta. Gertudes, 'I met alias Butch, the runner of alias Tony whom I was introduced by my informant as shabu user and he said he is (sic) intending it (sic) to purchase the drug, at this juncture, alias Butch ask (sic) how much and then demanding for the payment and I drew from my pocket the early mark(ed) money and gave the same after receiving the mark(ed) money and told us to wait and then went inside the house,' end of quote. Is (sic) this statement x x x prepare(d) by you?

A:

Yes sir.

Q:

And this is your statement?

A:

Yes sir. [16]

In the case at bench, the conviction of accused-appellant is based primarily on the uncorroborated testimony of Pat. Gregorio regarding the circumstances of the entrapment. From the aforequoted portions of such testimony, he claimed on direct examination that he met Manuel Sevilla by the doorsteps and informed the latter that he wanted to buy shabu, and that Manuel in turn asked him to wait and then proceeded to the second floor of the house. According further to Pat. Gregorio, after a while Antonio Alvarado appeared, negotiated for the sale of the drug

and received the buy-bust money. [17] However, during his cross-examination, Pat. Gregorio reaffirmed what he stated in his affidavit that he met Manuel Sevilla in front of the house, negotiated with him for the purchase of the shabu, handed the marked bills after which he was asked by Manuel to wait. Afterwards it was Antonio Alvarado who handed over the shabu to him. [18]

With respect to this material contradiction, we are baffled as to how the court a quo could have arrived at the conclusion that what Pat. Gregorio stated on direct examination was more believable than what he stated in his affidavit, and which he reaffirmed on cross-examination. It is indeed perplexing that the court a quo adjudged accused-appellant guilty while absolving Manuel Sevilla from all criminal liability. The trial court just concluded that Manuel's participation in the unlawful sale was not well-established [19] which conclusion, however, was based merely on the direct testimony of Pat. Gregorio that it was with accused-appellant that he negotiated the sale of shabu and to whom he handed the marked money without taking into consideration that it directly contradicted his statements on cross-examination that it was with Sevilla that the negotiation was effected. If the assertions of Pat. Gregorio were given the proper attention by the court a quo then it could not have failed to observe that different versions were given by the principal witness for the state.

The records also reveal other instances when Pat. Gregorio directly contradicted himself. In his affidavit of 10 February 1991 he stated -

5. x x x Butch asked how much shabu I am (sic) intending to buy x x x demanded for the payment x x x and after receiving the marked money, told us to wait and then went inside the house.

6. That after a few minutes, alias Butch came out with a male companion whom he introduced to me as Tony. After learning that I am (sic) the purchaser of shabu, alias Tony drew from his pocket three (3) self-heat transparent plastic bags and gave the same to me x x x

7. That my co-STFU operatives upon seeing my signal quickly made their approach to effect the arrest of the two (2) suspected drug pushers. [20]

It is obvious from the foregoing that Pat. Gregorio unequivocally claims to have purchased the drug from both Manuel and Antonio. A cursory reading of the transcript of his direct testimony however reveals that Pat. Gregorio claimed in open court that he acquired and paid for the drug only from accused-appellant. [21]

Finally, Pat. Gregorio again contradicted himself when asked as to whom the buy-bust operation was directed. In open court he admitted that the mission was to entrap a certain Vicente "Itik" Galon. According to him, he purchased the shabu from Alvarado because the latter claimed that the drug was merely entrusted to him by "Itik." [22] However, in his affidavit, he alleged that his confidential informant reported to him that it was only "the tandem of alias Tony (Alvarado) and Butch (Sevilla) (who) were conspiringly engaged in selling shabu at Project 8 x x x" [23]

Although the general rule is that contradictions and discrepancies between the testimony of a witness and his statements in an affidavit do not necessarily discredit him, this rule is not without exception, as when the omission in the affidavit refers to a very important detail of the incident that one relating the incident as an eyewitness would not be expected to fail to mention, or when the narration in the sworn statement substantially contradicts the testimony in court. [24] The contradictory statements of Pat. Jaime Gregorio, the lone police witness in this case, cast doubt on the accuracy and veracity of his testimony which was principally relied upon by the trial court in convicting accused-appellant.

We are disturbed by the fact that Pat. Gregorio who acted as poseur-buyer in the alleged buy-bust operation could not even give an accurate account, that is, one free from material and serious contradictions, of the actual

transaction that transpired in his very presence. His testimony given a little over two (2) months after the buy-bust operation is irreconcilable with his affidavit executed three (3) days after the incident. [25] Considering that his testimony was the only evidence presented to prove the alleged illegal sale, it ought to have been scrutinized more carefully and accepted with extreme caution by the court a quo. Admittedly, an affidavit does not purport to contain a complete compendium of the details of an event and may contain discrepancies with statements made on the witness stand. [26] However, unexplained disparities between a previously executed sworn statement of a witness and his testimonial declarations regarding the participation of an accused in a crime erode the veracity of his account thereon. [27] Indeed where there are weighty discrepancies on material points between a police officer's testimony regarding the transaction and his affidavit, the fact of entrapment cannot be established with moral certitude. [28] In this case, we cannot ignore the fact that the guilt of accused-appellant was adjudged on the basis of such a defective testimony and that the conflicting accounts are of material and substantial importance since they involve the very acts of negotiation and drug-sale complained of as felonious.

Consequently, we hold that the uncorroborated account given by Pat. Gregorio of the alleged sale does not justify the conviction of accused-appellant. It is doctrinal that the prosecution has the burden of proving the guilt of the accused beyond reasonable doubt. [29] In this case, the prosecution has failed to overcome the constitutional presumption of innocence of the accused. The evidence relied upon by the prosecution falls short of the quantum of proof required for a conviction. Although the testimony of a police officer should ordinarily be accorded faith and credence still it cannot prevail over the constitutional presumption of innocence that an accused enjoys, particularly in cases where the testimony of the law officer concerned is ambiguous and vacillating hence unpersuasive, as in the instant case.

We emphasize that the penalty prescribed under Sec. 15, Art. III, of R.A. 6425, before the effectivity of R.A. 7659, [30] was life imprisonment and not reclusion perpetua. [31] In this case the court a quo also erred in imposing the penalty of reclusion perpetua instead of life imprisonment since these are two (2) distinct penalties which are not interchangeable. Life imprisonment does not carry with it the accessory penalties provided in the Revised Penal Code and does not appear to have any definite extent or duration unlike reclusion perpetua.

WHEREFORE, the decision of the court a quo declaring accused-appellant ANTONIO ALVARADO Y GALON guilty of violating Sec. 15, Art. III, of R.A. 6425, as amended, is REVERSED and SET ASIDE. Accused-appellant is ACQUITTED on reasonable doubt and ordered immediately released from custody unless held for some other lawful cause.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Quason, and Kapunan, JJ., concur.

[1] The Dangerous Drugs Act of 1972.

[2] Rollo , p. 48.

[3] TSN, 19 April 1991, pp. 9-13.

[4] Id., pp. 14-18.

[5] Chemistry Report No. D-057-91 dated 6 February 1991; Records, p. 64.

[6] TSN, 16 July 1991, pp. 8-12.

[7] Id., pp. 14-16.

[8] TSN, 15 July 1991, pp. 5-13, 24-27.

[9] Rollo , p. 3.

[10] Id., p. 12.

[11] Id., pp. 11-12.

[12] People v. de los Reyes, G.R. No. 106874, 21 January 1994, 229 SCRA 439; People v. Abelita, G.R. No. 96318, 26 June 1992, 210 SCRA 497.

[13] People v. Utinas, G.R. No. 105832, 22 December 1994; People v. Ibarra, G.R. No. 107837, 27 June 1994, 233 SCRA 427; People v. Lagrosa, G.R. Nos. 105956-57, 23 February 1994, 230 SCRA 298.

[14] There seems to be some confusion in the record as to whether Boy and Tony refer to the same accused Antonio Alvarado.

[15] TSN, 19 April 1991, pp. 15-16.

[16] Id., pp. 21-22.

[17] Id., pp. 14-16.

[18] Id., pp. 21-22.

[19] Rollo , p. 48.

[20] Records, p. 71.

[21] TSN, 19 April 1991, pp. 14-16.

[22] Id., p. 10.

[23] Records, p. 71.

[24] People v. Calegan, G.R. No. 93846, 30 June 1994, 233 SCRA 537, 545.

[25] Records, pp. 71-72.

[26] People v. Gabas, G.R. No. 96951, 13 June 1994, 233 SCRA 77; People v. Sarellana, G.R. Nos. 102056-57, 8 June 1994, 233 SCRA 31.

[27] People v. Calegan, G.R. No. 93846, 30 June 1994, 233 SCRA 537; People v. Uson, G.R. No. 101313, 5 July 1993, 224 SCRA 425.

[28] People v. Ibarra, G.R. No. 107837, 27 June 1994, 233 SCRA 427.

[29] People v. Cedon, G.R. No. 101117, 15 June 1994, 233 SCRA 187; People v. Camba, G.R. No. 97960, 10 May 1994, 232 SCRA 280.

[30] An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Code, as Amended, Other Special Penal Laws, and for Other Purposes.

[31] People v. Utinas, G.R. No. 105832, 22 December 1994; People v. Malakas, G.R. No. 92150, 8 December 1993, 228 SCRA 310; People v. Bautista, G.R. No. 102618, 12 October 1993, 227 SCRA 152.

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.