

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLOS DE GUZMAN Y PANALIGAN, ACCUSED-APPELLANT.*G.R. No. 106025. February 09, 1994*

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-106025/>**PUNO, J.:**

Accused-appellant has been in the watch list of the police authorities as a prohibited drug peddler. On two (2) occasions, they tried to entrap him without any success. The third time, however, his luck ran out.

The third attempt happened on September 23, 1991. P03 Arnaldo Manzon and Patrolman Eduardo Chiapoco of the Western Police District (WPD) decided to conduct the buy-bust operation against the accused-appellant along Coral and R. A. Reyes Streets, Tondo, Manila. Manzon acted as the poseur-buyer, with Chiapoco as the apprehending officer.[1]

The buy-bust operation was conducted at seven thirty (7:30) in the evening. Pat. Manzon posed as a Metro Manila aide. Together with a confidential informant, he casually approached accused de Guzman and asked if he could "score" (buy) a deck of "shabu." Accused de Guzman informed him that a deck would cost fifty pesos (P50.00). Manzon then handed the accused a previously marked P50.00 bill (Exhibit "D"). In exchange, the accused gave him an aluminum foil containing crystalline granules. Manzon scrutinized the contents of the foil and then executed the pre-arranged signal to his companion, Patrolman Chiapoco. The accused was forthwith arrested by Pat. Chiapoco. The accused was frisked and the search yielded four (4) aluminum foils containing white crystalline granules.[2] They escorted the accused to the WPD Narcotics Office and was turned over to Investigator Pat. Vicente Rodriguez. The latter, in turn, marked the seized articles and requested for its chemical analysis by the WPD Criminal Investigation Laboratory Division.[3] Accordingly, Patrolmen Manzon and Chiapoco executed a Joint Affidavit of Apprehension (Exhibit "E") relating in detail the events leading to the arrest of de Guzman.[4] The chemical analysis report (Exhibit "C") confirmed that the five (5) aluminum foils contained methylamphetamine hydrochloride.[5]

Consequently, an Information was filed against Carlos de Guzman y Panaligan for violation of Section 15, Article III of Republic Act 6425, as amended. It reads:

"That on or about September 23, 1991, in the City of Manila, Philippines, the said accused, not being authorized by law to sell, dispense, deliver, transport and distribute any regulated drug, did then and there willfully, unlawfully and knowingly sell or offer for sale one (1) deck of aluminum foil containing METHAMPHETAMINE HCl (shabu), which is a regulated drug.

"Contrary to law."[6]

After the prosecution rested its case, the defense presented its own version of the incident. The accused claimed that he, together with his three-year old son, went to his mother's house located at #770 Coral Street, Tondo, Manila, to ask for food. On the way, he passed by and talked for a while with their barangay chairman, Manolito Cabigting. Thereafter, accused proceeded to his mother's house. While waiting outside her mother's carinderia,

accused claimed that, for no apparent reason, he was suddenly apprehended by some police officers and brought by force to the police precinct. He was subsequently charged with illegal sale of "shabu." [7] In the meantime, Cabigting went up to his house. Intending to take a bath, he got a towel and a change of clothes. Suddenly, he heard a commotion outside the street. When he looked out of the window, he saw the accused inside a tricycle escorted by police authorities. Later, he found out from the people outside that the accused was apprehended for drug-pushing. [8]

After trial, the Regional Trial Court of Manila, Branch 16, [9] rendered a decision finding the accused, Carlos de Guzman y Panaligan, guilty beyond reasonable doubt of the crime of unlawfully selling methamphetamine hydrochloride or "shabu," in violation of Section 15, Article III of Republic Act 6425, as amended, and sentenced him to suffer the penalty of life imprisonment, to pay a fine of twenty thousand pesos (P20,000.00) and to pay the cost.

Hence this appeal.

Accused-appellant contends:

"ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN UPHOLDING THE CREDIBILITY OF THE POLICEMEN WITNESSES FOR THE PROSECUTION AND IN CONVICTING THE ACCUSED ON THE BASIS THEREOF."

Accused-appellant faults the trial court for favoring the arresting officers with the disputable presumption of regularity in the performance of their official duty. He urges that this presumption no longer subsist for certain irregularities were committed by the two officers in the discharge of their duty, i.e., (1) Chiapoco did not read the Joint Affidavit of Apprehension before signing it; and (2) the police bungled its two (2) previous operations against him.

A disputable presumption has been defined as a species of evidence that may be accepted and acted on where there is no other evidence to uphold the contention for which it stands, or one which may be overcome by other evidence. [10] One such disputable/rebuttable presumption is that an official act or duty has been regularly performed. [11] Presumption of this nature is indulged by the law for the following fundamental reasons: first, innocence, and not wrong-doing, is to be presumed; second, an official oath will not be violated; and third, a republican form of government cannot survive long unless a limit is placed upon controversies and certain trust and confidence reposed in each governmental department or agent by every other such department or agent, at least to the extent of such presumption. [12] Thus, this presumption evidences a rule of convenient public policy universally applied and without which great distress would spring in the affairs of men. [13]

The presumption of regularity of official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness. [14]

In the light of these baseline propositions, we hold that the trial court correctly gave the apprehending officers the presumption of regularity in the performance of their duty. The failure of Pat. Chiapoco to read the Joint Affidavit of Apprehension before signing it is of de minimis importance. This irregularity happened after the buy-bust operation has already been concluded and where accused-appellant was caught in flagrante delicto. On the other hand, the two (2) failed attempts of the police authorities to arrest accused-appellant happened long before the September 23, 1991 buy-bust operation. Evidently, they do not provide any evidence that any irregularity was

committed by the police authorities while conducting the September 23, 1991 buy-bust operation against the accused-appellant. Moreover, the record is not clear that the two (2) previous attempts to bag the accused-appellant floundered because the police blundered. It is not unusual for the police authorities to mount well-studied operations against criminals but circumstances beyond their control and factors beyond their foresight supervene to frustrate them. The wily ways of criminals are many and not infrequently they are able to momentarily elude the long arm of the law. These temporary setbacks of the police authorities, however, do not provide any justification to deprive them of the disputable presumption of regularity in the performance of official duty.

In the case at bench, what is clearly established is that the drug pushing activities of the accused-appellant have long before been brought to the attention of the police authorities and that accused-appellant had been the subject of a continuing surveillance. There is not an iota of evidence that the police authorities who apprehended accused-appellant had any ill-motive against him. The records clearly show that accused-appellant was finally caught in flagrante delicto selling "shabu", a regulated drug, without authority. He was rightfully convicted.

IN VIEW WHEREOF, the Court hereby affirms the decision of the trial court finding accused-appellant Carlos de Guzman y Panaligan guilty beyond reasonable doubt of the crime charged.

SO ORDERED.

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

[1] TSN, January 13, 1992, p. 3; TSN, January 20, 1992, pp. 2-3, 6.

[2] TSN, January 13, 1992, pp. 4-5; TSN, January 17, 1992, pp. 1-5.

[3] TSN, March 6, 1992, pp. 3-12.

[4] TSN, January 17, 1992, pp. 5-7.

[5] TSN, January 10, 1992, pp. 5-9.

[6] Original Records, p. 1.

[7] TSN, April 27, 1992, pp. 3-5.

[8] TSN, March 18, 1992, pp. 6-7; TSN, April 1, 1992, pp. 2-14.

[9] Presided by Judge Ramon O. Santiago.

[10] 31A C.J.S. p. 197.

[11] Section 5 (m), Rule 131, Rules of Court.

[12] 1 Jones on Evidence, Sec. 139.

[13] Grass v. Evans, 244 No. 329, 149 S.W. 628.

[14] 31A C.J.S. pp. 332-336.

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.