

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VICTORIANO CASTRO Y CALAGNO, ACCUSED-APPELLANT.

G.R. No. 106583. June 19, 1997

Ponente: ROMERO, J.

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ROMERO, J.:

Assuming monstrous proportions, the drug menace is increasingly posing a threat that apparently defies solution in our society. It seems to destroy everything it touches - the addict himself, his family, his victim, the community which feels it is constantly sitting on a volcano that is bound to erupt any time and the entire country that feels helpless to lick the problem.

Accused-appellant Victoriano Castro was charged before the Regional Trial Court of Pangasinan, Branch 38 in an information dated March 21, 1991, for violation of Section 4, Article II of Republic Act No. 6425 (Dangerous Drugs Act of 1972), allegedly committed as follows:

"That on or about the 19th day of March 1991 at 5:30 o'clock in the afternoon, in the Municipality of San Manuel, Province of Pangasinan and within the jurisdiction of this Honorable Court, the above-mentioned accused did then and there wilfully, unlawfully and feloniously sold (sic) to a NARCOM Agent who acted as poseur buyer, approximately One Thousand (1,000) grams of marijuana dried leaves, a prohibited drug, without corresponding permit or authority issued by proper authorities.

CONTRARY TO LAW."

After Castro entered a plea of not guilty, trial on the merits commenced.

The records show that at about 5:30 o'clock in the afternoon of March 19, 1991, Capt. Allyn Evasco together with Sgt. Rogelio Raguine, Sgt. Emilio de Guzman and CIC Julian Discargar formed a team for the purpose of conducting a buy-bust operation.

The team went to their target area in San Roque, San Miguel, Pangasinan and proceeded to deploy themselves as planned. Sgt. de Guzman who acted as poseur-buyer and civilian informer Discargar proceeded to Castro's house. Sgt. Raguine, meanwhile, hid in a grassy spot near the house. Discargar introduced Castro to Sgt. de Guzman who said that he wanted to purchase a kilo of dried marijuana leaves. After going inside the house, Castro emerged with a plastic bag which he handed to Sgt. de Guzman who, in turn, paid him P 600.00.

After the exchange, Sgt. de Guzman made the pre-arranged signal, indicating that the transaction was complete, by raising his right hand. Upon espying the signal, Sgt. Raguine and the other team members approached Castro, introduced themselves as NARCOM (Narcotics Command) agents, and arrested him. He was thereafter brought to the San Manuel Police Station.

While the arresting team went to San Fernando, La Union for further investigation, the marijuana leaves were sent to Camp Crame for examination where it was discovered that the actual weight of the confiscated marijuana leaves was 930 grams.

For his defense, Castro presented an altogether different version of what transpired on that fateful day. He testified that around 5:00 o'clock in the afternoon of that day, he was resting in his house when a certain Nolly Selga arrived and offered to sell to him some marijuana leaves, but he declined since he was not a marijuana user.

While they were conversing, NARCOM agents suddenly arrived and allegedly proceeded to search his house for illegal drugs but were not able to find any. Undaunted, the NARCOM agents asked him to go with them to the Headquarters for investigation. Instead of acceding to the agents' demand, he told them that it was Nolly Selga who actually possessed and sold marijuana. As a result, they were both taken to the San Manuel Police Station for investigation.

From there, they were brought to Brgy. Nancalabasan where Selga was allegedly able to bribe himself out of the predicament, thus, leaving Castro all alone to answer the charges. Subsequently, he was brought to the NARCOM Headquarters at San Fernando, La Union where he was further investigated and allegedly forced to sign a "Receipt for Property Seized"[1] without the assistance of counsel.

On April 29, 1992, the trial court rendered its decision[2] finding Castro guilty beyond reasonable doubt of the offense charged, the dispositive portion of which reads as follows:

"Wherefore, in the light of all the considerations discussed above, the court finds and holds the accused, Victoriano Castro y Calagno, guilty beyond reasonable doubt of the crime of Violation of Section 4, Article II of Republic Act No. 6425, known as the Dangerous Drugs Act of 1972, as amended, and conformable thereto, hereby sentences said accused to suffer the penalty of life imprisonment and to pay a fine of twenty five thousand (P25,000.00) pesos, without subsidiary imprisonment in case of insolvency and to pay the costs of the proceedings.

The court further orders that the dried marijuana leaves, subject of this case, be confiscated in favor of the government and be turned over to the Dangerous Drugs Board for proper disposal and/or destruction."

Castro is now before this Court to assert his innocence by claiming that the trial court erred: (a) "in giving credence to the unreliable testimonies of the prosecution witnesses and in rejecting the more credible evidence of the defense;" (b) "in admitting the Receipt of Property Seized as evidence against the accused despite the fact that it was signed by the accused without assistance of counsel;" and (c) in convicting him of the crime charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt.

Castro maintains that the trial court erred in giving credence to the inconsistent testimonies of prosecution witnesses Sgt. Raguine and Sgt. de la Cruz. In his testimony, Sgt. Raguine allegedly stated that he showed the confiscated marijuana to Sgt. de la Cruz, the police officer on duty at the San Manuel police station. On the other hand, Sgt. de la Cruz testified that the confiscated marijuana was never presented to him.[3]

We see no compelling reason to disturb the trial court's factual findings. This Court has consistently maintained that questions concerning the credibility of witnesses are best addressed to the sound judgment of the trial court whose averments should rightly be accorded due respect on appeal.[4]

The inconsistency pointed out by Castro is so trivial as to merit our consideration or to cause a dent in the case of the prosecution.

It is well-entrenched in our jurisprudence that inconsistencies in the testimonies of prosecution witnesses with respect to minor details and collateral matters do not affect the substance of their declaration or the veracity or weight of their testimony.[5]

It must also be emphasized that the prosecution firmly established the fact of Castro's valid entrapment by the police operatives. Sgt. de Guzman, who acted as poseur-buyer, was presented in court and testified on Castro's

arrest and the reasons therefor. His testimony was bolstered by Sgt. Raguine who was present during the buy-bust operation and the apprehension of Castro. The latter, on the other hand, did not have any substantial defense other than his unsubstantiated and self-serving denial which is evidence unworthy of any weight in law.[6] Moreover, it is worth emphasizing that mere denials cannot prevail against the positive identification of an accused as the seller of prohibited drugs.[7]

It is indeed odd why Castro never made any effort to present "Nolly Selga," the person who, according to him, was the real drug dealer. Certainly, it is only to be expected that any individual wrongfully accused of crime would wish to exculpate himself by producing the real perpetrator of the offense.

Castro's allegation that the arresting officers were bribed by Nolly Selga deserves little consideration. Accusation is one thing; proving it is another. Unfortunately for Castro, there is no evidence to indicate that the arresting officers were motivated by dubious motives in apprehending him, or that a bribery indeed took place between Selga and the police. There is a presumption, uncontroverted in this case, that official duties have been regularly performed by said officers.[8]

This Court has laid down the unwavering rule that in the prosecution of the offense of illegal sale of prohibited drugs, what is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti as evidence.[9]

We are convinced that in the instant case these twin requirements were met.

The testimony of Sgt. de Guzman, the poseur-buyer, as to the facts and circumstances surrounding the "buy-bust" operation, was clear and straightforward.[10] This was corroborated by the undisputed statements of Sgt. Raguine as to the actual exchange of marijuana for cash (marked money).[11] Clearly, a sale of illicit drug was consummated between Castro and the poseur-buyer.

There is also no dispute that the seized marijuana was presented in court as evidence for the prosecution,[12] which drug Sgt. de Guzman categorically identified in court as the seized items confiscated from Castro during the buy-bust operation.[13]

Moreover, when the drug seized was submitted to the PNP Crime Laboratory at Camp Crame for examination, Major Teresita Ancid, Acting Chief of the Chemistry Division therein, confirmed in her Chemistry Report No. D-022-91 dated March 25, 1991, that the contents of the plastic bag confiscated from Castro were positively marijuana with a total weight of 930 grams.[14] Assuredly, the corpus delicti of the offense has been duly established.

We agree, however, with Castro's contention that his signature on the "Receipt of Property Seized" is inadmissible in evidence as there is no showing that he was assisted by counsel when he signed the same. Since this is a document tacitly admitting the offense charged, the constitutional safeguard must be observed.

Be that as it may, even disregarding this document, there is still ample evidence to prove Castro's guilt beyond reasonable doubt, the same having been shown by the detailed testimonies of the law officers who took part in the buy-bust operation.

The Court is, therefore, convinced that the requirements of law in order that a person may be validly charged with and convicted of the illegal sale of marijuana in violation of the Dangerous Drugs Act, have undoubtedly been complied with by the prosecution. The verdict of conviction must be upheld.

WHEREFORE, the appealed judgment is hereby **AFFIRMED** in toto. Costs against appellant.
SO ORDERED.

Regalado, (Chairman), Puno, Mendoza, and Torres, Jr., JJ., concur.

[1] Exhibit "F"; Records, p. 4.

[2] Rollo, pp. 87-93.

[3] Ibid., pp. 78-86.

[4] People v. Peralta, 251 SCRA 6 (1994); People v. Aboga, 147 SCRA 409 (1987).

[5] People v. Ang Chun Kit, 251 SCRA 660 (1995).

[6] People v. Cobre, 239 SCRA 159 (1994); People v. Cuachon, 238 SCRA 540 (1994); People v. Manyao, 207 SCRA 732 (1992).

[7] People v. Castiller, 188 SCRA 376 (1990).

[8] People v. Juma, 220 SCRA 432 (1993); People v. Balidiata, 222 SCRA 409 (1993).

[9] People v. Bay, 222 SCRA 723 (1993).

[10] TSN, December 17, 1991, pp. 3-7.

[11] Exhibit "B"; Records, p. 5.

[12] Exhibit "D."

[13] TSN, December 17, 1991, p. 8.

[14] Exhibit "E"; Records, p. 37.

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