

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERTO SAN JUAN Y PONTALERA, ACCUSED-APPELLANT.

G.R. No. 124525. February 15, 2002

Ponente: BUENA, J.

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BUENA, J.:

Accused-appellant Roberto San Juan was charged with violation of Section 4, Article III in relation to Section 2(e), (f), (m) and (o) of Article I of Republic Act No. 6425 otherwise known as the Dangerous Drugs Act, before the Regional Trial Court of Manila, Branch 35, in an Information[1] which reads:

“That on or about 04 March 1995, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, dispense, deliver, transport or distribute any prohibited drug, did then and there willfully and unlawfully sell or offer for sale 932.00 grams of dried flowering tops also known as ‘Marijuana’, which is a prohibited drug.”

Upon arraignment, accused-appellant pleaded not guilty to the offense charged. Thereafter, trial ensued.

The prosecution’s version of the incident is aptly summarized by the Solicitor General, in this wise:

“In the evening of March 3, 1995, a confidential police informant went to the Drug Enforcement Unit of the Western Police District Command reporting to the commanding officer about the presence of appellant, an alleged drug pusher, at Zaragoza Street corner del Pan, Tondo, Manila.

“The commanding officer formed a buy-bust team composed of SPO1 Carlos, SPO1 Samia, SPO1 Alfar and P03 Pinzon and made plans on their respective positions upon their arrival in the area near Zaragoza Street corner Del Pan in Tondo, Manila. SPO1 Carlos was designated as the poseur-buyer and was given two (2) five hundred peso bills by his commanding officer.

“At about 10:15 in the same evening, three (3) members of the buy-bust team were dispatched to Zaragoza Street and positioned themselves in the vicinity inconspicuously while SPO1 Carlos and the informant proceeded later.

“At Zaragoza Street corner del Pan, SPO1 Carlos stayed near an electric post while the informant proceeded to a small alley. After 15 minutes, the asset came back and told SPO1 Carlos that they will wait for appellant. Less than an hour later, appellant emerged coming from the same alley where the informant came. Appellant had with him a plastic bag under his armpit.

“After being introduced, SPO1 Carlos showed to appellant the two (2) five hundred peso bills. Appellant showed to him the contents of the plastic bag which contained a brick of compressed dried flowering tops of suspected marijuana wrapped in tin foil and said ‘this is the marijuana.’ Forthwith, appellant handed over the brick of marijuana to SPO1 Carlos. SPO1 Carlos was about to hand over the two (2) five hundred peso bills to appellant when an owner type jeep with its siren wailing passed by. Alarmed, appellant ran away but was met by SPO1 Samia and P03 Pinzon who were able to capture him.

“SPO1 Carlos marked the wrapped brick of marijuana with marking ‘RSJ’ and the date ‘March 3,1995.’

“The chemical analysis and examination on the suspected brick of marijuana conducted by the National Bureau of Investigation revealed that the same was indeed marijuana.”[2]

Accused-appellant denied the accusation against him alleging that in the evening of March 3, 1995, he was in his home at No. 860 Niño Street in Tondo, Manila watching television. At about 10:30, Gary Bautista, a new acquaintance, came to his house, invited him to go out to have a good time. They boarded Gary’s white Toyota car and headed towards Zaragoza Street. Upon reaching the corner of Zaragosa Street and Del Pan street, Gary told him not to proceed to where they were going because it was already late in the evening. Accused-appellant then alighted while Gary headed towards North Harbor. On his way home, he was accosted by three (3) men who alighted from a red car, and pointing their guns, he was forcibly dragged inside the car. While in the car, SPO1 Carlos frisked him and took his wallet containing P1,500.00. SPO1 Carlos informed him that he was suspect in a murder case and demanded P200,000.00 from him. When accused-appellant was unable to produce said amount, he was brought to the Narcotics Office where he was told that they recovered from him marijuana in a plastic bag.[3]

After considering the testimonies and documentary evidence of both the prosecution and the defense, the trial court disposed as follows:

“WHEREFORE, judgment is rendered pronouncing accused ROBERTO SAN JUAN y PONTALERA guilty beyond reasonable doubt of illegal sale and delivery of 932.00 grams of compressed dried flowering tops of marijuana, penalized under Section 4 of Republic Act No. 6425, as amended, and further amended by Section 13 in relation to Section 17 of Republic Act No. 7659, and sentencing the said accused to reclusion perpetua and to pay a fine of P1,000,000.00, plus the costs.

“The compressed dried flowering tops of marijuana (Exhibit B) involved in this case is confiscated and forfeited to the Government. Within ten (10) days following the promulgation of this judgment, the Branch Clerk of this Court, is ordered to turn over, under proper receipt, the said prohibited stuff to the Dangerous Drugs Custodian of the NBI, as appointed by the Dangerous Drugs Board, for appropriate disposition.

“Serve a copy of this decision on the Executive Director of the Dangerous Drugs Board for his information and guidance.”[4]

Aggrieved, accused-appellant now interposes this appeal arguing that the trial court erred:

“1.

....in finding that the accused-appellant sold or offered 932.00 grams of dried flowering tops also known as ‘Marijuana’ when there was no such sale or offer and these real evidences were only planted or fabricated.

“2.

....in conferring belief and credence to the testimonies of SPO1 Carlos whose testimonies, in truth and in fact, were unimpressive, unworthy and unreliable.

“3.

....in not believing to (sic) the true and straightforward testimonies of the accused-appellant and his witnesses.

“4.

....in not acquitting the accused-appellant whose guilt beyond reasonable doubt was not proven by the prosecution.”

Accused-appellant basically impugns the credibility of the prosecution witnesses contending that their testimonies are unworthy and unreliable.

The rule has been established in a long catena of cases that the trial court is in the best position to assess the credibility of witnesses and their testimonies because of their unique opportunity to observe the witnesses first hand and notice their demeanor, conduct and attitude under grueling examination. Thus, appellate courts will not generally disturb the credence, or lack of it, accorded by the trial court to the testimonies of witnesses, unless it be clearly shown that the latter court had overlooked or disregarded certain facts and circumstances of significance in the case.[5]

We have painstakingly gone over the record of this case and find no cogent reason to deviate from the findings of the trial court. The prosecution’s case which was anchored mainly on the testimony of SPO1 Carlos, the poseur-buyer in the buy-bust operation, deserves full faith and credit for being clear, precise and straightforward. Even the rigid cross-examination by the defense failed to disturb the essence of his testimony.[6]

Accused-appellant’s assertion that he should be acquitted because of the failure of the prosecution to prove the element of offering or selling marijuana has no leg to stand on.

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.[7]

These requirements were proven in the case at bar. Accused-appellant was positively identified as the person who sold the 932 grams of dried marijuana to SPO1 Carlos. His identity as the culprit cannot be doubted having been caught in flagranti delicto in an entrapment operation conducted by the police.[8] The offer to sell and the actual sale, can be discerned when accused-appellant showed the contents of the plastic bag containing the marijuana to SPO1 Carlos who previously showed his two (2) five hundred peso bills and accused-appellant’s handing over to SPO1 Carlos the marijuana. The mere showing of the said prohibited drug to SPO1 Carlos do not negate the existence of an offer to sell or an actual sale. Before accused-appellant met with SPO1 Carlos, the informant have already talked to the former of the poseur-buyer’s intention to buy the marijuana. Hence, when SPO1 Carlos and accused-appellant met, the latter had all the intention to sell his ware to the former. Thus, SPO1 Carlos narrated:

“Q

And when you arrived at this area, what did you do next, Mr. Witness?

“A

When we arrived at Zaragosa Street, I was left at the corner while he proceeded to a small alley, Ma’am.

“Q

Who proceeded to this small alley, Mr. Witness?

“A

Our asset, Ma’am.

“Q

And when he proceeded to the small alley, what did you do, Mr. Witness?

“A

I just waited outside at the corner of Zaragosa, Ma’am.

“Q

How long did you wait outside at the corner of Zaragosa?

“A

About 15 minutes, Ma’am.

“Q

After waiting for 15 minutes at the corner of Zaragosa, what happened next?

“A

The asset came back and told me to just wait for Roberto San Juan because he is coming, Ma’am.

“Q

How long did you wait at that corner for Roberto San Juan?

“A

Less than an hour, Ma’am.

“Q

And after waiting for less than an hour, what happened next, Mr. Witness?

“A

Roberto San Juan arrived coming from the same alley where the asset came, Ma’am.

“xxx xxx xxx xxx

“Q

And after the accused Roberto San Juan emerged from the alley, what happened next Mr. Witness?

“A

He was holding a plastic bag placed in his armpit and asked me if I have money, Ma’am.

“Q

And what was your reply, Mr. Witness?

“A

I showed to him my money which is two five hundred bills, Ma’am.

“Q

And after showing him your money consisting of two five hundred bills, what happened next?

“A

He showed to me the contents of the plastic bag wrapped in tin foil and said, this is the marijuana, Ma’am.

“Q

And after showing you the contents of the plastic bag, marijuana wrapped in tin foil, what did you do next, Mr. Witness?

“A

He handed to me the marijuana wrapped in tin foil, Ma’am.

“Q

After receiving the tin foil of alleged marijuana, what did you do next?

“A

I again took my P1,000.00 money from my pocket about to hand to him, Ma’am.

“Q

And were you able to handed (sic) to him, Mr. Witness?

“A

No, ma’am.

“Q

Why, were you not able to handed (sic) to him the two five hundred peso bill?

“A

Because an owner suddenly passed by with a siren aboard of which there were two police officers, Ma’am.

“Q

What happened when this owner passed by with a siren, was the siren on?

“A

It was on, Ma’am.

“Q

So, what happened when this owner type jeep with a siren alarm going on passed by, what happened then?

“A

Then suddenly, Roberto San Juan got surprised and then, he ran away leave (sic) us behind, ma’am.

“Q

What happened when this Roberto San Juan ran away?

“A

I chased him, Ma’am.

“Q

And were you able to catch up with him?

“A

He met my two companions Samia and Pinzon, Ma’am.”[9]

In *People vs. Vocente*[10] we have emphatically held:

“The commission of the offense of illegal sale of marijuana requires merely the consummation of the selling transaction whereby in this case, the accused handed over the tea bag of marijuana upon the agreement with the poseur-buyer to exchange it for money. x x x What is important is the fact that the poseur-buyer received the marijuana from the appellant and that the contents were presented as evidence in court. Proof of the transaction suffices. The identity of the tea bag of marijuana which constitutes the corpus delicti was established before the court.” (Underscoring supplied)

Accused-appellant’s claim that he could not have sold 932 grams of the prohibited stuff, assuming that there was a sale, but only 100 grams because SPO1 Carlos had only P1,000.00 is equally unmeritorious.

The brick of dried marijuana when subjected to laboratory examination was tested positive for marijuana and had a total weight of 932 grams.[11] The weight of the marijuana was confirmed by Julieta Flores, Chemist of the National Bureau of Investigation who conducted a laboratory examination on the marijuana, when she testified in court, thus:

“FISCAL ALARAS:

“And upon receiving the letter request and this specimen, what did you do?

”A

I weigh the specimen and proceed to my laboratory examination, ma’am.

“Q

And what was the weight of the specimen?

“A

The weight is 932 grams

“COURT:

That is the net?

“A

Yes, your Honor,

“FISCAL ALARAS:

Upon weighing it, what did you do next?

“A

I conducted the microscopic, chemical and chromatographic examination it is found out that the specimen is positive for marijuana, ma’am.”[12]

Similarly, accused-appellant’s intimation that he was framed-up because of his failure to give P200,000.00 demanded by SPO1 Carlos is self-serving and uncorroborated.

Often we view with disfavor the defense of frame-up commonly raised in drug cases for it is easy to concoct but difficult to prove. Like alibi, this defense is inherently weak because of the ease and facility by which it could be fabricated.

The defense have not convincingly shown any evidence to prove the alleged “frame-up.” To repeat, accused-appellant’s arrest was in pursuance to a buy-bust operation after a confidential police informant went to the Drug Enforcement Unit of the Western Police District to report the presence of the accused-appellant, an alleged drug-pusher.

Moreover, the defense failed to show any intent on the part of SPO1 Carlos to falsely impute a serious crime against accused-appellant. Absent therefore, of any evidence to show that SPO1 Carlos was actuated with improper motive to testify falsely against accused-appellant, the presumption that public officers, including arresting officers, regularly perform their official duties[13] stays.

Finally, accused-appellant's denials that he did not commit the crime imputed against him is unworthy of any weight in law.[14] Mere denials cannot prevail against the positive identification of an accused as the seller of prohibited drugs.[15] In this regard, we agree with the trial court's observation:

"The defenses interposed by the accused are denials, police extortion, and the fact that he was a suspect in a murder case. He denied any knowledge about the source of the brick of marijuana in question. According to him he saw that stuff for the first time in court. He also averred that one of the reasons he was charged in this case was on account of his refusal to give P200,000.00 which SPO1 Edilberto Carlos demanded. The other reason was he was a suspect in a murder case.

"xxx xxx xxx

"The denials and explanations of the accused cannot outweigh and overcome the version of the People which was persuasively established beyond reasonable doubt by the testimonies of SPO1 Edilberto Carlos and NBI forensic Chemist Julieta Flores. In weighing conflicting statements and declarations of opposing witnesses, the time honored rule is, where the testimony of the prosecution's eyewitnesses regarding the commission by the accused of the crime in question is clear, positive and reliable, the latter's denial and explanations cannot overwhelm and out weigh such clear, positive and trustworthy evidence of the People.

"xxx xxx xxx

"The testimony of defense witness Joseph Sabanal is equally unbelievable. According to this witness he is a sidecar driver, plying his route from 3:30 o'clock (sic) in the afternoon to 11:00 o'clock in the morning of the following day.

"On March 3, 1995, this defense witness started to ply his route at 3:30 o'clock (sic) in the afternoon. He lined-up his sidecar along Zaragosa Street with four others to wait for passengers.

"At about 4:00 o'clock the same afternoon, he noticed a green car and a truck parked in front of a vulcanizing shop. He observed that the passengers of the green car alighted and moved around their vehicle as if waiting for somebody. For this reason, he did not take any passenger anymore, although his sidecar remained lined-up with other sidecars at Zaragosa Street. Instead, he continuously watched the green car up to 11:00 o'clock in the evening , until the accused arrived, was apprehended by the men in the green car, and was taken away by those men.

"Defense witness Joseph Sabanal, however, omitted to tell the Court what was unusual about the green car and its passengers which induced him to abandon his job and in the process lost his earning. The tale of this defense witness that he watched the green car and its passengers for about seven and one-half hours without leaving the place even for just a second sounds unnatural, illogical and bereft of sense." [16]

In this specie of offense, we can neither underestimate nor overemphasize the havoc brought about by the deleterious effects of prohibited drugs on the moral fiber of our society, especially that of the youth. True enough, countless lives have been wasted and many dreams lost, as a result of the upsurge of prohibited drugs in both the mainstream of high society and its grassroots. To this end, this Court-as the staunch guardian of the citizen's rights and welfare- cradles no compassion to peddlers of death in our streets.

WHEREFORE, premises considered, the decision of the Regional Trial Court dated December 12, 1995 is hereby **AFFIRMED** en toto.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

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- [1] Records, p. 1.
- [2] Brief of the Appellee, pp. 2-4. End notes omitted.
- [3] TSN, October 6, 1995, pp. 7-12.
- [4] RTC Decision penned by Judge Ramon P. Makasiar, Records pp. 67-71.
- [5] *People vs. Quilang*, 312 SCRA 314 [1999]; *People vs. Bautista*, 312 SCRA 475 [1999]; *People vs. Domingo*, 312 SCRA 487 [1999]; *People vs. Dizon*, 312 SCRA 811 [1999]; *Edwin Cadua vs. Court of Appeals*, 312 SCRA 703; *Tecson vs. Sandiganbayan*, 318 SCRA 80 [1999]; *People vs. Patalinghug*, 318 SCRA 116 [1999].
- [6] *People vs. Requiz*, November 19, 1999.
- [7] *People vs. Bay*, 222 SCRA 723 [1993]; *People vs. Castro*, 274 SCRA 115, 122 [1997]; *People vs. Lacerna*, 278 SCRA 561 [1997]; *People vs. Lacbanes* 270 SCRA 201 [1997].
- [8] *People vs. De Vera*, *supra*.
- [9] TSN, September 29, 1995, pp. 12-17.
- [10] 188 SCRA 100 [1990] citing *People vs. Macuto*, 176 SCRA 762 [1989] and cited in *People vs. Lacbanes*, 270 SCRA 193, 200 [1997].
- [11] Certification issued by Julieta Flores, Forensic Chemist, NBI.
- “This certifies that on the above date at 3:15 pm. One SPO1 Edilberto Carlos of WPD, CIU, DES, United Nations Avenue, Manila. Submitted to this office for laboratory examination the following specimen to wit:
- “A block of compressed dried flowering tops wrapped in an aluminum foil marked ‘RSJ, 3-4-95.’
- “Net weight of specimen = 932.00 grams.”
- [12] TSN September 22, 1995, p. 8.
- [13] *People vs. Cheng Ho Chua*, 305 SCRA 28 [1999].
- [14] *People vs. Cobre*, 239 SCRA 159 [1994].
- [15] *People vs. Castro*, 274 SCRA 116 [1997].
- [16] RTC Decision p. 4.

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