

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GINA SAHAGUN Y MENDOZA, ACCUSED-APPELLANT.

G.R. No. 62024. February 12, 1990

Ponente: FERNAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-62024/>

FERNAN, C.J.:

Courts must be extra vigilant in trying drug charges lest an innocent person is made to suffer the unusually severe penalties for drug offenses.[1]

Gina Sahagun was convicted by the Regional Trial Court of Zambales and Olongapo City, Branch III, for violation of Sec. 4, Republic Act No. 6425 (Dangerous Drugs Act of 1972, as amended by Presidential Decree No. 1675) and sentenced to suffer imprisonment for life and to pay a fine of twenty thousand (P20,000.00) pesos. She now appeals for the reversal of this decision.[2]

The information against the accused reads:[3]

"That on or about the 6th day of August, 1981 in the City of Olongapo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being lawfully authorized, did then and there wilfully, unlawfully and knowingly attempt to sell, deliver and give away to another and distribute one (1) aluminum tin foil of marijuana dried leaves weighing approximately fifteen (15) grams which is a prohibited drug."

Petitioner Gina Sahagun was working as an entertainer at the Aztec Club in Olongapo City at the time of the alleged incident, which according to the prosecution happened, thus:[4]

"Two or three days before August 6, 1981, Capt. Arturo Castillo, Commanding Officer of the Task Force Bagong Buhay Constabulary Anti-Narcotics Unit in Olongapo City received information from an unnamed American serviceman that marijuana is being used and being peddled at the Aztec Club in Olongapo City (TSN, Dec. 21, 1981, p. 5). Upon receiving the information, they conducted a surveillance inside the club (TSN, Dec. 21, 1981, p. 1).

"In the evening of August 6, 1981 between 11:35 and 12:00 o'clock, while seated three chairs (TSN, December 21, 1981, p. 2) or five (5) meters from where the accused and his American serviceman informer were (TSN, December 21, 1981, p. 6), he saw accused handed (sic) to his American informer marijuana dried leaves wrapped in tin foil (Exh. "B-1"). He thereupon arrested the accused and confiscated the marijuana (Exh. "B-2") from the American serviceman. The scene where the incident took place was dimly lighted (TSN, December 21, 1981, p. 2). In order to be sure, he, Capt. Castillo and his companion conducted a body search of the American serviceman informer."

Accused, on the other hand, presented the following version in her defense:[5]

"Inside the Aztec Bar at 11:00 o'clock in the evening of August 6, 1981, she met an unnamed American customer. She joined the American at his table. The American ordered drinks for her and a beer for him (sic). While thus seated, obviously drinking their drinks, the American asked if he (sic) was selling marijuana. She

told the American that she was not. While thus talking, the American drew from his pocket marijuana wrapped in tin foil and handed it to her. The American asked if the same can be sold.

"While in the possession of the tin foil, Capt. Arturo Castillo arrested her. She told Capt. Castillo that the marijuana was shown to her by the American. The American asked her to hold it. But she was brought to the CANU office. She did not know where the American was when she was brought to the CANU office."

Having been found guilty by the court a quo,[6] the appellant questions said verdict.

A careful scrutiny of the evidence shows that the guilt of the accused has not been proven beyond reasonable doubt.

The American serviceman who was alleged to be the informer was not presented before the trial court. Without his testimony, the conclusion of the court that the accused was seen delivering marijuana wrapped in a tin foil to the American is not supported by the evidence on hand. Who was delivering the marijuana and who was selling it? The accused pointed to the American as the one selling the prohibited goods. Such testimony was not rebutted by the prosecution since the American-informer was never presented as a witness. Captain Arturo Castillo, the apprehending officer, was not in a position to see or hear the goings-on at the table of the American and the accused. The officer was five meters away from the two persons. The place where the event took place was dimly lighted. And with all that noise, it would be impossible for him to hear the transactions happening at the table five meters away. There is thus a hiatus to the evidence fatal to a finding of guilt.[7]

In the case of *People v. Ale*,^[8] this Court held that the identity of the poseur-buyer is vital where the accused denies having sold marijuana to anyone. The failure to present the American is, to our mind, fatal to the prosecution's case for it is presumed that evidence willfully suppressed would be adverse if produced.^[9]

The prosecution's evidence leaves much to be desired. If the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction.^[10] The constitutional presumption of innocence stands until overthrown by strong and convincing evidence, one which will prove guilt beyond reasonable doubt.^[11]

WHEREFORE, the appealed decision of the Regional Trial Court is reversed and the appellant is acquitted on the ground of failure of the prosecution to prove her guilt beyond reasonable doubt.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin, and Cortes, JJ., concur.

[1] *People v. Taruc*, G.R. No. 74655, January 20, 1988.

[2] *Rollo*, p. 14.

[3] *Records*, p. 1.

[4] *Rollo*, p. 64.

[5] *Rollo*, p. 65.

[6] Presided over by Judge Domingo D. Panis.

[7] *People v. Fernando*, G.R. No. 66947, October 24, 1986, 145 SCRA 151.

[8] 145 SCRA 50.

[9] Rule 131, Sec. 5(e), Rules of Court.

[10] *People v. Parayno*, No. L-24804, July 5, 1968, 24 SCRA 3.

[11] Sec. 14 (par. 2), Constitution.

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.