

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARMANDO ADRIANO Y MALLORCA, ACCUSED-APPELLANT.

G.R. No. 65349. October 31, 1984

Ponente: AQUINO, J.

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AQUINO, J.:

Armando Adriano appealed from the decision of the Regional Trial Court of Manila, convicting him of peddling marijuana (pusher), sentencing him to reclusion perpetua and ordering him to pay a fine of P20,000.

Police officers testified that at about three o'clock in the afternoon of March 29, 1982, a civilian informer, upon instruction of a team of the drug enforcement section of the Manila police, bought from Armando Adriano at his house located at 2192 Hilom Street, Pandacan, Manila four plastic bags (tea-bag size) of marijuana or Indian hemp.

Three days later, or in the morning of April 1, a police team armed with a search warrant (Exh. A), asked the civilian informer to purchase marijuana again from Adriano. As he handed five plastic bags to the informer, the policemen arrested him.

They showed him the search warrant. They searched his house. They found in an aluminum casserole eight plastic bags of marijuana. He executed a confession admitting that he was a peddler of marijuana (Exh. D). The 17 bags were offered in evidence as Exhibit F. The forensic chemist certified that the bags contained marijuana (Exh. G).

At the trial, Adriano, 33, denied that he sold marijuana to a civilian informer. He denied knowledge of the marijuana found by the police in his aluminum casserole.

He said that he was a casual laborer in the Pandacan branch of San Miguel Corporation. He received P20 a day for washing and arranging empty bottles. He is married with five children. His wife has no steady income.

In this appeal, his counsel de officio contends that his conviction was based on the hearsay testimonies of three police officers because the informer, Severino Chang, did not testify in court. He avers that the crime was not proven beyond reasonable doubt.

Adriano cannot deny the ineluctable fact that marijuana was found in an aluminum casserole in his kitchen in the course of a legal search conducted by the police in his presence and in the presence of his wife and two neighbors (Exh. B and C). That reinforced the entrapment. If he had been framed up, then he should have vociferously objected then and there to any planting of evidence.

It is a clear case of *res ipsa loquitur*. His imputations to the police of attempted extortion and maltreatment do not weaken the fact that he was caught red-handed in possession of contraband. The presumption that the police performed their duties regularly was not overthrown.

The case is covered by section 4 of Republic Act No. 6245, the Dangerous Drugs Act of 1972, as amended by Presidential Decree No. 1675, effective February 17, 1980, which raised the penalty for selling prohibited drugs to

life imprisonment to death and a fine ranging from twenty to thirty thousand pesos.

WHEREFORE, the judgment of the trial court is affirmed. Costs against the appellant.

SO ORDERED.

Concepcion, Jr., Abad Santos, Escolin, and Cuevas, JJ., concur.

Makasiar, J., (Chairman), no part.

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