

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANILO B. CAPULONG, DEFENDANT-APPELLANT.

G.R. No. 65674. April 15, 1988

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-65674/>

GUTIERREZ, JR., J.:

This is an appeal interposed by accused Danilo B. Capulong from the decision of the Regional Trial Court, 4th Judicial Region, Santa Cruz, Laguna, Branch XXVI finding him guilty beyond reasonable doubt of violating Section 4, Article II of Republic Act 6425, the Dangerous Drugs Act of the 1972 as amended and sentencing him to suffer the penalty of life imprisonment and to pay a fine of P20,000.00 without subsidiary imprisonment in case of insolvency, with all the accessory penalties provided by law, and to pay the costs.

The information filed against Capulong alleged:

"That on or about October 14, 1982 in the afternoon at Brgy. Santissima, Municipality of Santa Cruz, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without lawful authority and not being authorized by law, did then and there, wilfully and feloniously, sell six (6) small transparent plastic bags of dried marijuana, leaves in the amount of FIFTY (P50.00) PESOS, to a poseur buyer without any authority or license to sell said marijuana, which is a prohibited drug in Violation of Sec. 4, Art. II, of the Dangerous Drugs Act of 1972, as amended." (p. 8, Rollo)

When arraigned, the appellant pleaded not guilty. Thereafter, trial ensued.

The prosecution's evidence which formed the basis for the appellant's conviction can be summarized as follows:

On October 14, 1982, a special mission of the Constabulary Anti-Narcotics Unit composed of Sgt. Lino Jarilla as head, Sgt. Adjare Jasani and Patrolman Reynaldo Resurreccion as members proceeded to Santissima Cruz, Santa Cruz, Laguna to conduct a "buy bust" operation for the purpose of apprehending pushers who are engaged in the selling of marijuana. Their specific assignment was to locate Danilo Capulong, the accused-appellant who was the alleged number one pusher in the sale of marijuana in Santa Cruz, Laguna. The team arrived at Santissima Cruz at about 1:00 o'clock in the afternoon of the same day. With them was an informant, Larry Estacio. The informant was given instructions to contact the accused after which the team positioned themselves at strategic places.

Estacio then approached Capulong pretending to buy marijuana leaves for himself. Capulong agreed to sell six (6) plastic bags of dried marijuana for the price of P50.00 which was paid by Estacio. The transaction was witnessed by the team so that immediately after Capulong received the marked money (P50.00) from Estacio, the former arrested Capulong. With Capulong at the time was Bernardo Paynaganan who was also charged for violation of Section 8, Art. II of the Dangerous Drugs Act (Criminal Case No. SC-2816 of the Regional Trial Court, Santa Cruz, Laguna).

Found in the possession of Capulong was the marked money, a fifty peso bill with serial No. JF 247521, while one stick of marijuana was found in the possession of Paynaganan.

Capulong was brought to the headquarters at Calamba, Laguna where he was investigated. Thereafter, he executed an extra-judicial confession admitting his guilt. After a laboratory examination at the PC Laboratory, the bags containing dried leaves were found positive for marijuana.

On his part, Capulong's defense is summarized as follows:

On October 14, 1982 at about 5:00 o'clock in the afternoon, he was with Bernardo Paynaganan in Aling Nelia's store watching a basketball game in a vacant lot when Larry Estacio, who was drunk, arrived. Estacio was holding a fifty peso (P50.00) bill, and asked Capulong and Paynaganan if they had marijuana to which they replied in the negative. Estacio then left but returned a few minutes later carrying with him six (6) plastic bags of marijuana and one (1) stick of marijuana. After giving the stick of marijuana to Paynaganan, Estacio left.

A little later, Estacio returned with CANU officials riding in a jeep and Paynaganan and Capulong were immediately handcuffed.

The defense also tried to prove that Capulong was maltreated several times by the investigators forcing him to sign an extra-judicial confession admitting his guilt. In addition, he asserted that his pieces of jewelry amounting to P3,000.00, his new Adidas pair of shoes worth P500.00 and his Zeppo lighter worth P80.00 were taken by investigator, Lino Jarilla.

The trial court gave credence to the prosecution's evidence and rejected that of the appellant. Accordingly, Capulong was found guilty as charged.

The issues raised in this appeal can be categorized into the following: (1) whether or not the extrajudicial confession of Capulong is admissible in the light of the force, duress and intimidation which allegedly attended the execution thereof and (2) credibility of the witnesses.

The records are clear to the effect that the extrajudicial confession of Capulong was made without the assistance of counsel. Therefore, applying our pronouncements in the case of *People v. Benigno Pineda y Dimatulac*, (G.R. No. 72400, January 15, 1988), this issue has become academic. We said:

"A discussion of the alleged coercion and intimidation in the first assigned error has become academic with the change in the Bill of Rights of the 1987 Constitution regarding the rights of the accused. Article 3, Section 12 of the 1987 Constitution specifically provides that the rights of the accused, among them the right to counsel, cannot be waived except in writing and in the presence of counsel. Thus, even if the confession of the accused is gospel truth, since it was made without assistance of counsel, it becomes inadmissible in evidence regardless of the absence of coercion or even if it had been voluntarily given."

After a careful examination of the records, however, we find no reason to depart from the trial court's appreciation of the evidence of the prosecution and that of the defense.

On the credibility of the witnesses, the well-settled rule is that the trial court's findings are accorded the highest degree of respect, it being in the position to observe the demeanor and manner of testifying of the witnesses (*People v. de Jesus*, 145 SCRA 521).

In the instant case, the guilt of the accused was proven beyond reasonable doubt. He was caught in flagrante delicto by the CANU officers who were then on a mission to conduct a "buy bust" operation for the purpose of apprehending marijuana pushers in Santissima, Santa Cruz, Laguna. What the team did was to employ ways and means of entrapping and catching him in flagrante. The three CANU officers were eyewitnesses to the crime committed by the appellant. We give credence to the narration of the incident by the three officers of the team because they are law enforcers and are, therefore, presumed to have regularly performed their duty in the absence

of proof to the contrary [People v. Gamayon, 121 SCRA 642; People v. Patog, 144 SCRA 429; People v. Natipravat, 145 SCRA 483; People v. de Jesus, 145 SCRA 521]. The testimonies of the prosecution witnesses were accepted by the trial court as credible. Going over the details of said testimonies, we see no reason not to follow the conclusions of the trial court.

Moreover, the record does not show that the CANU officers who were responsible for the appellant's entrapment were motivated by any improper motives other than to accomplish their mission (See People vs. De Jesus, supra.)

The appellant alleges that he was a victim of a pre-planned extortion. To prove his allegation, the appellant cites the following circumstances: The complaint against him was filed only on October 20, 1982, six days after his arrest; that the complaint was filed without any supporting documents; affidavits of the accused were attached only on October 21, 1982; the alleged marijuana leaves were submitted for laboratory examination only on October 27, 1982 or after a period of 13 days from the arrest of the accused and 7 days after the complaint was filed. These delays according to the appellant were for the purpose of extorting money from him and his relatives especially his half-sister who was the common-law wife of a rich Chinese businessman. Thus, the appellant alleges that the filing of the complaint was completed only on October 27, 1982, after his sister failed to see Patrolman Resurreccion for the delivery of the money being demanded from the appellant in exchange for his freedom.

We are not inclined to believe his extortion angle of the case. As the lower courtsaid:

"In his attempt to weaken the evidence of the prosecution, the accused tried to prove that, in the course of the investigation, investigating officials, particularly a certain Pat. Reynaldo Resurreccion of the INP was extorting P30,000.00 from him in order to fix the case and that for their failure to raise the necessary amount, this case was fabricated against him. Be that as it may, that the investigator was extorting from the accused does not disprove the commission of the crime. In fact, it is even an admission of a crime. Why would anybody extort from another unless there is a case to be fixed? Bernardo Paynaganan, one of the witnesses for the accused, testified and was corroborated by Violeta Osano that the CANU officials were asking the sum of P30,000.00, but according to Violeta, she was not able to raise said amount and the case had already been filed. If it were true that the accused was not actually engaged in any illegal activity of selling prohibited drugs, the demand could have been rejected outright and they could have reported the matter to the higher authorities. While Violeta Osano alleged to have gone to Colonel Antonio to denounce the actuation of Resurreccion, she testified that she did not want to be responsible for the suspension of said officer from his work, because she had observed Resurreccion's poor economic condition. Between Resurreccion and her own brother, the accused in this case, it is against human nature that she would think of the effect of Resurreccion's suspension on his future life and disregard the would-be effect on that of her brother. Contrary to her allegation that the case was filed because they had failed to produce the required amount, she testified on cross that on October 20, she already knew about the case filed before the municipal court. Despite that fact, she mentioned having gone to Resurreccion's place on the 24th of said month but Resurreccion was not in his place at that time (tsn May 16, 1983, pp. 19-20). Another witness for the defense Bernardo Paynaganan, the companion of the accused at the time of the apprehension by the CANU officers, claimed that he was not able to produce the amount because he is only a fisherman." (p. 25-27, Rollo)

Finally, the appellant questions the non-presentation of Larry Estacio, the informant used by the CANU officers in entrapping him in flagrante. The number of witnesses to be presented and the nature of the facts to be established during the examination of those witnesses is a discretionary function of the prosecution.

The non-presentation of Estacio as witness is not fatal to the prosecution's case. His testimony would be merely corroborative and cumulative (See People v. Cerelegia, 147 SCRA 538).

WHEREFORE, the instant appeal is DISMISSED. The questioned decision of the Regional Trial Court, 4th Judicial District, Santa Cruz, Laguna, Branch XXVI is AFFIRMED.

SO ORDERED.

Fernan, (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

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.