

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO ACELAJADO, DEFENDANT-APPELLANT.

G.R. No. 66885. February 27, 1987

Ponente: PARAS, J.

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PARAS, J.:

Reynaldo Acelajado was charged before the Regional Trial Court,[1] Branch XXXIII, Fourth Judicial Region, Siniloan, Laguna, with the "Violation of Section 4 of RA 6425 as amended by PD No. 44" under the following information:

"That on or about 12:00 o'clock in the afternoon of November 30, 1982, in the Municipality of Siniloan, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully and feloniously sell three (3) sticks of marijuana cigarettes to Herminigildo Caraan, in the amount of TEN (P10.00) a prohibited drug, without being authorized by law."

After trial he was found guilty beyond reasonable doubt of the crime charged and sentenced as follows:

"WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime of violation of Sec. 4, The Dangerous Drugs Act of 1972 as amended by P.D. No. 1675, Feb. 17, 1980, without the attendance of either mitigating or aggravating circumstance, the Court hereby sentences the accused to suffer the penalty of reclusion perpetua and to pay a fine of twenty thousand pesos. No costs.

SO ORDERED."

From the aforesaid decision, accused appealed the case to Us assigning the following alleged errors:

- The lower court erred in accepting the confession of Herminigildo Caraan as part of his testimony;
- The lower court erred in giving weight to the testimony of witness Herminigildo Caraan;
- The lower court erred in not accepting the fact that accused was not in Siniloan Laguna on November 30, 1982; and
- The lower court erred in not giving credence to the testimonies of Barangay Captain Felix Paz and Police Station Commander Bartolome Jameto.

The evidence on record discloses that on November 30, 1982 at around 11:00 o'clock in the morning, Herminigildo Caraan went to one of the "carinderias" in front of the Caltex Station in Siniloan, Laguna to take his lunch. (tsn, pp. 2-3, March 22, 1983). While Caraan was eating, Reynaldo Acelajado approached him and offered to sell marijuana to the latter. The transaction was consummated with Caraan buying one (1) plastic bag of marijuana for which he paid P10.00 (tsn, pp. 3-4, *ibid.*).

After partaking of his lunch, Caraan proceeded to the nearby Relan Theater to watch a movie (tsn, pp. 4-5, *ibid.*). Inside the theater, he rolled the contents of the plastic bag in cigarette paper. Not long afterwards, he was frisked

by Pat. Rolando Ambojia who confiscated from him three (3) rolls of marijuana leaves (tsn, pp. 5-6, *ibid.*).

Caraan was thereafter brought to police headquarters where his statement was taken and where he pointed to Reynaldo Acelajado as the person from whom he had bought the marijuana leaves. (tsn, pp. 6-7, *ibid.*).

In the meantime, the three (3) sticks of marijuana cigarettes confiscated from Herminigildo Caraan were sent to the National Bureau of Investigation (NBI) for analysis. Florencia M. Fajardo, chemist of the NBI, confirmed that the specimens submitted were marijuana. (tsn, pp. 6-8 June 29, 1983).

The assigned errors raised by accused-appellant revolve around the issue of credibility. A careful examination of the records shows that this case furnishes another occasion to reiterate the settled doctrine that when the issue is one of credibility of witnesses, We have always accorded the highest degree of respect for the findings of the trial court. The lower court was in a better position to decide the question, having heard the witnesses themselves and having observed their deportment and manner of testifying during the trial. Unless the court has plainly overlooked certain facts of substance and value, that if considered, might affect the results of the case, We do not disturb its factual findings. (*People vs. Tuscano*, 137 SCRA 203; *People vs. Egas*, 137 SCRA 188; *People vs. Millarpe*, 134 SCRA 555).

We have considered the arguments of the accused-appellant on appeal in the light of the evidence and We see no reason to depart from this established doctrine.

On this issue of credibility We quote with approval the following findings of the trial court, to wit:

"The issue, therefore, boils down to the credibility of prosecution witness, Herminigildo Caraan or the credibility of accused, Reynaldo Acelajado. This Court has no reason to doubt the credibility of witness, Herminigildo Caraan and finds no legal justification to disregard the testimony of said witness. In the first place there is not even such iota of evidence as to show or insinuate that this case was fabricated by the Police or anyone against the accused, Reynaldo Acelajado as to create a doubt in the mind of the Court and constrain it to make a finding of acquittal. In the second place, the alleged fight between accused, Reynaldo Acelajado and witness, Herminigildo Caraan which resulted in the former boxing the latter who retaliated by throwing a billiard ball against accused, Acelajado, but, however, failed to hit the accused, Acelajado, is not of such a serious nature as to make witness, Caraan falsely charge accused Acelajado of a crime which carries the heavy penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos. Such uncorroborated testimony of the accused is of such trivial nature as not to provoke the mind of the Court in giving it serious consideration.

The uncorroborated testimonies of Defense witness, Station Commander, Capt. Jamito, INP, Siniloan Laguna and Barangay Captain Felix Paz to the effect that both witnesses were told by prosecution witness Herminigildo Caraan that he only implicated accused, Reynaldo Acelajado in this case as a revenge because of their alleged quarrel at the billiard hall in Siniloan are likewise not given serious consideration by this Court because by their very nature, such testimonies are purely hearsay and therefore, of no probative value. Moreover, the matters testified to by said Capt. Jamito and Barangay Capt. Paz were already in existence at the time prosecution witness, Herminigildo Caraan was cross-examined by Accused's counsel. The omission to bring these matters out when Caraan was cross-examined by Accused's counsel raises the presumption that there is no truth regarding those matters testified to by defense witnesses, Capt. Jamito and Barangay Capt. Paz."(pp. 122-2123, Rec.)."

The defense interposed by accused-appellant is alibi. He claims that on November 29, 1982, he left Siniloan, Laguna for Malabon, Metro Manila where he stayed with his aunt, a certain Salvacion Mira, for one week. Surprisingly however, accused failed to present his aunt Salvacion Mira to corroborate his testimony and his failure to do so was not explained by his evidence.

Moreover, it is settled that alibi is inherently a weak defense. (People vs. Perante, Jr. 143 SCRA 56). The weak and uncorroborated denial of the accused cannot prevail over the clear, positive and straightforward testimony of the witness for the prosecution Herminigildo Caraan which is hereinbelow quoted as follows —

T

Ikaw din ba itong si Herminigildo Caraan na isang testigo dito kay Reynaldo Acelajado sa kaso may numero 2676, sa kasalanang Vio. of Sec. 4, of PD 72 as Amended by PD 44?

S Opo.

T

Bakit ka naman naging testigo sa kasong ito?

S Dahil po siya ang nagbili sa akin ng tatlong stick na marijuana na nahuli sa akin ni Pat. Rolando Ambojia sa loob ng sinihang Relan Theater, Siniloan, Laguna.

T

Kailan ka pinagbilhan ng tatlong stick ng marijuana nitong si Reynaldo Acelajado?

S Noon pong Nobyembre 30, 1982 mga bandang alas 12:00 ng tanghali."

x x x

x x x

x x x

Q

And would you please tell us what was that unusual incident all about?

A

I happened to buy a marijuana.

Q

From whom?

A

From Rey.

Q

And would you please tell us how are you able to buy marijuana from Rey that you are mentioning?

A

When I was eating he was the one selling at the place.

Q

And do you know the family name of this Rey?

A

Yes, sir.

Q

Please tell us.

A

Acelajado sir.

Q

Now if Reynaldo Acelajado is around will you be able to point to him?

Interpreter

Witness stepped down from the witness stand and touched the shoulder of a man who when asked answered or gave the name Reynaldo Acelajado." (tsn, pp. 3 to 4, trial, March 22, 1983)

WHEREFORE, the decision appealed from is hereby **AFFIRMED**. Costs against appellant.

SO ORDERED.

Fernan, (Chairman), Alampay, Padilla, Bidin, and Cortes, JJ., concur.

Gutierrez, Jr., J., on leave.

[1] Penned by Judge Narciso Salcedo.

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