

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELICIANO RUALO Y BELLEN, DEFENDANT-APPELLANT.*G.R. No. 70287. July 31, 1987*

Ponente: GUTIERREZ, JR., J.

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This is an appeal from the decision of the Regional Trial Court of Manila, Branch 22 which found Feliciano Rualo y Bellen guilty beyond reasonable doubt of violating Section 4, Article II of the Dangerous Drugs Act as amended and, accordingly, sentenced him to suffer the penalty of life imprisonment and to pay a fine of P20,000.00 and costs.

The factual findings of the trial court are recited in its decision as follows:

"From the evidence presented during the trial, the Court finds that in the evening of November 14, 1983, Lt. Francisco M. Fausto, Chief of the Investigation Division of the Drugs Enforcement Section, Western Police District, Manila acting upon previous information given by an informer and by police officers who subsequently conducted a surveillance to the effect that a certain person called Bong was engaged in the illegal sale of marijuana in the area of Lepanto and Galicia Streets in Sampaloc, Manila, organized a group of five policemen led by Sgt. Armando Inabangan to entrap and apprehend the suspect. Arriving at the appointed place, the informer approached the accused, together with Patrolman Wilfredo S. Ortega who disguised himself and posed as a buyer in need of marijuana for a party late that evening. A sale was arranged for Patrolman Ortega to buy P20.00 worth of the drug. He gave the accused two ten-peso bills which were previously marked with the initials of Patrolman Jose Bataller, one of the men in the apprehending team. The other policemen posted themselves in strategic places along Lepanto in readiness for the entrapment. After receiving the marked money, the accused left in the direction of Sulucan St. in Sampaloc where he lived. Presently he returned and gave Ortega 2 plastic tea bags containing dried leaves. Thereupon, the police-men closed in and Sgt. Inabangan arrested the accused and retrieved the two marked bills from the latter's pocket. The leaves were immediately submitted to the NBI and upon laboratory analysis by a forensic expert were found to be marijuana. The accused was forthwith charged under the present indictment." (Rollo, pp. 4-5).

The facts from the viewpoint of the accused appellant are:

"The accused testified that on November 14, 1982, he accompanied his visitors, Gener de Guzman and Antonia Cunanan, to get a ride. On his way home, while walking along Lepanto Street, a policeman approached him and invited him to the police headquarters. When he asked the reason why he was being invited to the police headquarters, the policeman replied that he (policeman) will explain it at the headquarters. At the head-quarters, he was forced to point to the police a person by the name of Al. When he refused, as he does not know the person, he was detained in jail. Inquiring the reason why he was being detained, the policeman told him that his refusal to point to that certain person named Al means that he was in cahoots with the latter. During the custodial investigation, the accused was not informed of his constitutional rights to remain silent and to counsel. Neither was the contents of the Booking Sheet and Arrest Report (Exh. "B" for the Prosecution) interpreted to him. The reason why he signed said document was that he was threatened. When he denied the source of the two ten (10) pesos bills, he was brought back to the jail (TSN, pp. 2 to 7, October 18,

1984).

"Gener de Guzman second witness for the defense testified that he and Antonia Cunanan were at the house of the accused on November 14, 1983 and that the latter accompanied them on their way home. He further stated that he has no knowledge or information that accused is a drug addict (TSN, pp. 3 to 6, October 30, 1984).

"Antonia Cunanan third witness for the defense testified that she was at the house of the accused together with Mr. de Guzman in the evening of November 14, 1983. She knows the accused for quite sometime and that the former is not engaged in selling marijuana (TSN, pp. 7 to 8, October 30, 1984)." (Appellant's brief, pp. 4-5. Rollo, p. 19).

The accused-appellant raised a sole assignment of error, namely:

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"THE COURT A QUO ERRED IN NOT GIVING WEIGHT AND CREDENCE TO THE TESTIMONY OF THE ACCUSED."

(Appellant's brief, p. 1).

A review of the records of this case and a careful consideration of the arguments raised by the accused-appellant in his brief indicate no reason why we should not accord the usual respect given to factual findings of trial courts. As repeatedly stressed in the majority of appeals in criminal cases, an appellate court gives great weight to the factual findings of trial courts and accords them respect if not finality unless the accused-appellant is able to show that the trial court overlooked or disregarded matters of substance which, if considered, would very likely change the results. (People v. Egas, 137 SCRA 188; People v. Amoncio, 122 SCRA 686; People v. Rosario, 134 SCRA 496; People v. Centeno, 130 SCRA 198; People v. Silfavan, G.R. No. 71510, June 30, 1987; and People v. Legaspi, G.R. No. 74953, June 30, 1987.)

The only defense put up by the accused-appellant is that he was framed-up.

The prosecution evidence is both substantial and convincing. Lt. Francisco Fausto of the Drugs Enforcement Section, Western Police District, Manila organized a group of five policemen to stop drug trafficking at the corner of Lepanto and Galicia Streets in Sampaloc. The buy-bust operation resulted in the apprehension of Feliciano Rualo. He accepted two ten peso bills from the poseur-buyer, went to his source of drugs, returned with the marijuana, and was forthwith arrested.

Rualo's contention that he was innocently walking home along Lepanto Street when arrested for refusing to act as an informant is hollow and obviously self-serving. Stronger proof is needed to overcome the findings of the trial court that the prosecution witnesses were telling the truth.

The trial court stated:

"The Court is not impressed by the defendant's testimony to the effect that he was at the time walking along Lepanto Street accompanying two visiting friends when he was arrested, and that he was framed up because of his refusal to cooperate and point out a certain "Al" to the police. This is quite an improbable motive for officers of the law to incriminate him with this serious offense. Admittedly, the accused had no previous misunderstanding or grudge with any of the police-men composing the apprehending team. In fact, its leader Sgt. Armando Inabangan was a previous acquaintance being a resident of the same area where accused lived. Also, it turned out from the testimonies of his two supposed companion friends whom accused called to testify to support his theory, that the latter learned of the accused's arrest only on the following morning, which means that they were not with the accused at the time of his apprehension and would not know of the cause of said arrest." (Rollo, p. 5).

The other argument of the accused-appellant in his brief refers to an alleged violation of his constitutional right to remain silent and to counsel.

The argument is irrelevant and frivolous. Mr. Rualo did not give any confession or extra-judicial statement. His conviction is based purely on the evidence adduced during trial. When an arrested person signs a booking sheet and arrest report at a police station, he does not admit the commission of an offense nor confess to any incriminating circumstance. The booking sheet is merely a statement of the accused's being booked and of the data which accompanies the fact of an arrest. It is a police report and may be useful in charges of arbitrary detention against the police themselves but it is not an extra-judicial statement and cannot be the basis of a judgment of conviction.

The trial court was aware of the gravity of the penalty in cases involving prohibited drugs. It states:

"It is well to state, in passing, that the law - Republic Act No. 6425, as amended - imposes a heavy penalty for the offense charged in this case. It is therefore difficult to understand, unless it be because of innate depravity, why persons like the accused herein would bargain their freedom for a measly sum of P20.00, and in their pernicious trade cause so much physical, mental and moral pain not only to the immediate victims of their greed, but also, more especially, to the family of said victims." (Rollo, p. 5).

The penalty imposed by law is based on legislative policy. Its harshness calls for extra careful attention to the evaluation of evidence either incriminating or exculpating an accused. We see no reason from the records to show that the trial court did not give such solicitous attention.

WHEREFORE, the judgment appealed from is hereby **AFFIRMED**.

SO ORDERED.

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

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