

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONARDO PERIODICA, JR., ACCUSED-APPELLANT. PARUT VILLARIN ALIAS “BOY,” ACCUSED (AT LARGE).

G.R. No. 73006. September 29, 1989

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73006/>

CRUZ, J.:

That year certainly did not start well for Leonardo Periodica, Jr., the herein accused-appellant. On January 1, 1983, he was arrested in Paete, Laguna, for alleged violation of the Dangerous Drugs Act. This arrest would lead in due time to his prosecution and conviction and to a sentence of life imprisonment plus a fine of P20,000.00.[1] It is this judgment he now asks us to reverse on the ground that he is innocent.

The alleged offense was the barter by Periodica and his companion of 50 pieces of marijuana leaves with a .45 caliber pistol on that New Year's Day. The transaction was consummated on a hill in Paete, Laguna, and was observed by two prosecution witnesses, C2C Filemon Togado and Pat. Juanito Damayo, who claimed they were about 50 meters away.[2] The exchange was made between the accused-appellant and Parut Villarín, at one end, and the PC informant. The PC informant handed Periodica the gun and received a box in return. Togado and Damayo were unable to arrest Periodica on the hill because he took a different route going down, but they radioed Pat. Edgardo Certifico and Sgt. Generoso Valera who apprehended him in the lowland. They found the gun in his possession.[3] Villarín escaped and remains at large. The box itself was later turned over by the informant to the PC Crime Laboratory, where its contents were analyzed by Lt. Rosalinda Rosales, a chemist. She found and reported them to be marijuana leaves.[4]

Against the evidence of the prosecution, the defense presented two witnesses, namely, Periodica's mother, Victoria Vitug, and the defendant himself. The mother merely related the arrest of her son and testified to his good character.[5] Periodica, for his part, denied the alleged barter. He insisted that the pistol had merely been entrusted to him by Villarín while he was in a drinking spree with some friends in the afternoon of the day in question.[6] However, neither Villarín or any of his drinking companions testified for him at the trial to corroborate this claim.

In a motion to dismiss, the defense insisted that the crime of drug trafficking had not been proved and that if at all the defendant could be charged only with illegal possession of firearms.[7] The trial court denied the motion and ultimately, after the defense had rested and the case was submitted for decision, held Periodica guilty as charged.

The defense in its brief now maintains that the alleged barter had not been sufficiently established and points to a number of inconsistencies in the testimonies of the government witnesses. As we have repeatedly held, however, minor contradictions are to be expected but must be disregarded if they do not affect the basic credibility of the evidence as a whole.[8]

The test of such evidence is the credibility of the witnesses as assessed at the trial. Such evaluation is properly made by the trial judge, who has the opportunity to observe the deportment of the persons on the stand and to

ascertain the line between the forthright declaration and the suspect prevarication. His findings on this matter are accorded great weight and even conclusiveness unless proved to be without substantial basis.

The Court finds that the government agents had no evil motive in testifying against the accused-appellant. There is no doubt that when they entrapped Periodica and Villarin, they were merely discharging their duties in the campaign against drug abuse. As for Periodica, it is noteworthy that no one supported his testimony except his own mother, whose motives, like his own, were obvious. Their declarations are for this reason less than persuasive.

Coming back to the entrapment, the Court cannot accept the defense submission that it was actually an instigation that should absolve Periodica of criminal responsibility. The evidence showed that the accused-appellant and Villarin had been under surveillance weeks before the incident in question.[9] The authorities decided on the operation when they learned that the two were interested in bartering marijuana leaves for a pistol. The idea for the exchange came from the two, not the agents.[10] The operatives merely saw this as a chance to entrap Periodica and Villarin, which was eventually done.

As the Court has held in *Araneta v. Court of Appeals*:^[11]

x x x

There is entrapment when law officers employ ruses and schemes to ensure the apprehension of the criminal while in the actual commission of the crime. There is instigation when the accused was induced to commit the crime (*People v. Galicia*, [CA], 40 OG G.R. No. 4476). The difference in the nature of the two lies in the origin of the criminal intent. In entrapment, the mens rea originates from the mind of the criminal. The idea and the resolve to commit the crime comes from him. In instigation, the law officer conceives the commission of the crime and suggests to the accused who adopts the idea and carries it into execution.

The legal effect of entrapment and instigation are also different. As already stated, entrapment does not exempt the criminal from liability. Instigation does.

Finally, there is the accused-appellant's averment that he was manhandled during his police investigation and forced to sign an extrajudicial confession in the absence of counsel. While he has not offered any evidence of the claimed violence, there is no showing either that he had validly waived his right to counsel. This omission alone is sufficient to invalidate the confession.

But not the challenged decision itself. For nowhere does it suggest that the trial judge relied on that confession, even partly, in arriving at his conclusion. Indeed, even if the confession were completely disregarded, as in fact it was, there would still be enough evidence to sustain Periodica's conviction.

We are convinced from the declarations of the government witnesses that on the day in question, the accused-appellant delivered to the PC informer a box containing marijuana leaves for which he received in return the .45 caliber pistol later found in his possession. Periodica has failed to refute this evidence and so must stand convicted.

The laudable campaign of the government against the menace of drug addiction deserves the full support and encouragement of all the people. This is not to say, of course, that every person accused of violating the Dangerous Drugs Act should be summarily convicted. But as long as the evidence clearly shows that the person on the dock is guilty, the law must be enforced and its penalties imposed.

WHEREFORE, the challenged decision is **AFFIRMED** in toto, with costs against the accused-appellant. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Decision, penned by Judge Narciso D. Salcedo of the Regional Trial Court, Laguna; rollo, p. 21.

[2] TSN, February 8, 1984, p. 5.

[3] Ibid., p. 6.

[4] TSN, March 6, 1984, p. 6.

[5] TSN, June 27, 1984, p. 14.

[6] Ibid., pp. 21-22.

[7] Original Records, p. 87.

[8] People v. Ancheta, 148 SCRA 178; People v. Natipravat, 145 SCRA 483; People v. Naz, 138 SCRA 420.

[9] TSN, November 9, 1983, p. 3.

[10] Ibid., p. 10.

[11] 142 SCRA 534.

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.