

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WINSTON GONZALES, DEFENDANT-APPELLANT.

G.R. No. 73725. November 13, 1992

Ponente: CRUZ, J.

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CRUZ, J.:

Winston Gonzales and Rebecca Ramos were charged with selling marijuana in violation of the Dangerous Drugs Act. After trial, Ramos was acquitted and Gonzales convicted.[1] The accused-appellant is now before us and asks that his conviction be reversed. We shall affirm.

Gonzales was caught red-handed. The evidence for the prosecution has proved his guilt beyond reasonable doubt. Absent any showing that the factual findings of the trial court are tainted with arbitrariness, we shall give them the respect and conclusiveness they deserve.

It has been established that in the morning of August 22, 1985, a buy-bust team was dispatched by Lt. Lazarte of the Western Police District to entrap a pusher reported to be operating in Barbosa, Quiapo, Manila. The team was composed of Pfc. Reynaldo Jaylo, Pat. Jesus Gesolgon, Pat. Tayo and Pat. Fidelis, Gesolgon was to pose as the buyer and was given for this purpose one P20 bill and one P10 bill. Both bills were marked with Lazartes's initials.[2]

As directed by their informer, the team proceeded to the house of the suspect, the herein accused-appellant, on the said street. Gesolgon went up to the third floor while the other team members waited on the second floor. Gesolgon came upon Gonzales selling a marijuana stick to Edgardo Rosal and Fredisbindo Valenzuela, who immediately lit it and took turns with Rosal in puffing on it. Gesolgon gave Gonzales the marked money in exchange for which the latter handed him 12 sticks of marijuana. It was then that Gesolgon signaled his companions and identified himself as a police officer. Gonzales ran to his room but was pursued by the team members who found a plastic bag containing what was later also determined to be marijuana. They confiscated this and the marijuana stick the two users were smoking. The marked money was retrieved from Gonzales's wallet. Gonzales, Rosal and Valenzuela were then taken to police headquarters.[3]

There is some disagreement about the involvement of Rebecca Ramos, but her case need not concern us here because of her acquittal. The defense would exploit this uncertainty to throw doubt on the credibility of the prosecution witnesses, but we are not persuaded.

In seeking to overturn his conviction, Gonzales insists on his testimony at the trial that he was arrested in his house on the day in question and charged with drug-pushing although no marijuana was found on him.[4] He also points out that the marijuana allegedly confiscated from him was not properly identified and that Lt. Lazarte, who supposedly marked the P20 and P10 bills, was not presented at the trial. The appellant's brief likewise underscores a number of inconsistencies to prove the unreliability of the prosecution witnesses. And in the supplemental brief, it is argued that the decision rendered by Judge Abelardo M. Dayrit did not conform to the constitutional requirement that it should state clearly and distinctly the facts and the law on which it is based.[5]

We readily reject the last objection as the decision is clearly not constitutionally deficient. The facts and the law are recited, followed by His Honor's conclusion, made "after careful evaluation of the evidence, oral and documentary," that the accused was guilty. Every judge has his own writing style, some tedious, some terse, some pedestrian, some elegant, depending upon his training and outlook. Each is acceptable as long as the factual and legal bases are clearly and distinctly stated therein, as in the questioned decision.

Gonzales's testimony, even as corroborated by his mother, cannot prevail against that of Gesolgon, who actually received the marijuana sticks from Gonzales, and of Jaylo, who was one of the police officers who placed the accused-appellant under arrest and confiscated the plastic bag in Gonzales's house. They had no known ulterior motive in testifying against Gonzales and had apparently acted only in obedience to the orders of their superior to look for the reported pusher.

The affidavits of Rosal and Valenzuela are inadmissible as hearsay, the affiants not having testified to affirm their declarations. However, the marked bills were correctly admitted and considered by the trial court even if they had not been identified by Lt. Lazarte as they were identified by Gesolgon, who received them from Lazarte, and by Jaylo. As for the marijuana, the defense is correct in insisting that, contrary to the allegations of the prosecution, the 12 sticks were not individually marked. However, the paper attached to the plastic bag containing the marijuana leaves and flower tops carried the name of the accused, the date and time the bag was taken from him, and the name of Jaylo, the investigating officer. There is therefore sufficient basis for concluding that the plastic bag submitted to the NBI for examination was the same article recovered from the accused during the buy-bust operation.

The inconsistencies cited by the defense in the testimonies of Gesolgon and Jaylo, such as the location of the agents at the time of Gonzales's arrest and the place where the plastic bag containing the marijuana was found, are minor discrepancies that do not impair the essential veracity of the prosecution evidence. We have remarked often enough that the witnesses may vary regarding some details of an incident, especially where it is attended with some confusion, as in the case at bar, where Gonzales attempted to flee when the police officers closed in on him.

The Court is convinced that the accused-appellant is guilty and was correctly convicted. The trial court did not err in sentencing him to life imprisonment, but it should also have imposed the prescribed corresponding fine, which is not merely optional. Section 4 of Republic Act No. 6425 provides that the sale, administration, delivery, distribution or transportation of prohibited drugs is penalized with "life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos." The fine omitted by the trial court is hereby fixed by this Court at P20,000.00.

WHEREFORE, the appeal of Winston Gonzales is DISMISSED and the decision of the trial court is AFFIRMED as modified, with costs against the accused-appellant.

SO ORDERED.

Padilla, Griño-Aquino, and Bellosillo, JJ., concur.

[1] Rollo, pp. 16-19.

[2] Exhibits A-2, A-3.

[3] TSN, November 25, 1983, p. 17.

[4] TSN, November 25, 1983, p. 116.

[5] Rollo, pp. 93-97.

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