

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUNE SANCHEZ Y CARMONA, DEFENDANT-APPELLANT.

G.R. No. 77588. May 12, 1989

Ponente: FELICIANO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-77588/>

FELICIANO, J.:

A Decision of the Regional Trial Court, National Capital Region, Branch 133, Makati, dated 15 June 1986, convicting the accused June Sanchez y Carmona of the crime of Violation of Article II, Section 4 of Republic Act No. 6425 known as the Dangerous Drugs Act of 1972, is before us on appeal.

The information, dated 3 June 1985, against the accused read as follows:

"I N F O R M A T I O N

The undersigned Assistant Fiscal accuses JUNE SANCHEZ y CARMONA, of the crime of Violation of Article II, Section 4 of R.A. 6425, committed as follows:

That on or about the 24th day of May 1985, in the Municipality of Makati, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there wilfully, unlawfully and feloniously sell sixteen (16) grams of marijuana leaves and seeds wrapped with a magazine page, which is prohibited drug, in violation of the above cited law.

Contrary to law."

Upon arraignment on 16 September 1985, the accused waived the reading of the information and pleaded not guilty.

After trial, the trial court rendered a decision dated 15 June 1986, the dispositive portion of which read as follows:

"WHEREFORE, the Court finds JUNE SANCHEZ y CARMONA guilty beyond reasonable doubt of violation of Article II, Section 4, R.A. 6425, as amended and is hereby sentenced to suffer life imprisonment, to pay a fine of P20,000.00 and pay the costs."

The marijuana leaves and seeds (Exhibits "F" to "F-5") are hereby confiscated and forfeited in favor of the government and turned over to the Dangerous Drugs Board for proper disposal.

SO ORDERED."

The present appeal assigns the following as errors allegedly committed by the trial court:

"I

The Court a quo gravely erred in giving weight and credence to the testimonies of the prosecution witnesses and in disregarding the theory of the defense.

II

The Court a quo gravely erred in holding that the appellant was indeed selling prohibited drug.

III

The Court a quo gravely erred in not finding that there was an inducement to commit the crime.

IV

The Court a quo gravely erred in convicting the appellant for violation of Section 4 of Article II, R.A. 6425, as amended, despite the failure of the prosecution to prove his guilt beyond reasonable doubt."^[1]

The evidence for the prosecution consisted principally of the testimonies of Sgts. Axelito Palmero and Artemio Serrano and of Teresa Ann Bugayong Cid.

The testimony of Sgt. Palmero, a Philippine Constabulary Non-Commissioned Officer with the Narcotics Command, and that of Sgt. Serrano, a Philippine Marine also connected with the Regional Unit of the Narcotics Command, may be summarized in the following terms:

At about 1:00 p.m. on 24 May 1985, a police informer (whose identity was never revealed) reported to Capt. Gabriel Paile, a Detachment Chief of the Narcotics Command, that one "Boy" Sanchez was selling marijuana at Zobel St., Barangay La Paz, Makati. Capt. Paile dispatched Sgts. Palmero, Serrano and Lachica to carry out a "buy-bust" operation. The team proceeded to the place in Makati designated by the former and there they found the accused together with one Jimmy Mirabueno. Sgt. Serrano, having been assigned to act as poseur-buyer, and the informer proceeded to negotiate with the accused for the sale of marijuana, while Sgts. Palmero and Lachica positioned themselves some ten (10) to fifteen (15) meters away from the group. The accused and his companion Jimmy left the scene and returned some twenty (20) minutes later with the marijuana. Jimmy Mirabueno handed over to Sgt. Serrano about twenty-five (25) grams of marijuana worth about P50.00. At that particular moment, Sgt. Serrano revealed himself to the accused and Mirabueno as an agent of the Narcotics Command. The other members of the team then closed in on the group and arrested the accused and Jimmy Mirabueno. Upon prodding of the team members to reveal his supplier of marijuana, Mirabueno accompanied the team to his house in Topacio St. where the team found and confiscated an additional fifty (50) to one hundred (100) grams of marijuana. The team then brought Mirabueno^[2] and the accused to their Detachment Headquarters for investigation and booking.

Teresa Ann Bugayong Cid, Forensic Chemist of the Philippine Constabulary-INP Crime Laboratory, testified that she had examined the contents of a package (Exhibit "F") seized from the accused. She stated that said contents consisted of marijuana and submitted a Chemistry Report (Exhibit "G") and Certification of Laboratory Result No. D-480-85 (Exhibit "G-1"), setting forth the results of her laboratory examination.

The accused had, as may be expected, a different version of the events of 24 May 1985. In his testimony, the accused said that between 1:00 and 2:00 p.m. on that day, he was waiting for a ride at the corner of Esmeralda and Zobel Sts. when, all of a sudden, two (2) men whom he did not previously know and who identified themselves as "persons in authority" approached him and "frisked him," searching him bodily for a firearm. Failing to find one but still insisting that he possessed a firearm, the police officers, according to the accused, brought him to the house of Capt. Paile where the latter threatened to file charges against him if he did not produce his gun. The accused denied that he had been caught selling marijuana leaves and that he knew or was a friend of Jimmy Mirabueno. He stated that he did not see Jimmy sell marijuana to the police officers; and that the police had insisted that he (accused) had a firearm which he did not.

The accused impugned the credibility of the prosecution eye witnesses, Sgts. Serrano and Palmero, as doubtful and questionable because of alleged discrepancies in the testimonies of the two (2) police officers. The accused claimed that Sgt. Serrano testified, on the one hand, that the accused and Mirabueno were brought to the Narcotics Command Detachment Office after their arrest, while, upon the other hand, Sgt. Palmero had testified that Mirabueno and the accused had been first brought to Mirabueno's house before they were taken to the Detachment Office after their arrest. The discrepancy in the testimony of the two (2) police officers is, however, more apparent than real. Sgt. Serrano did testify that he and the other Narcotics Command agents involved had brought the accused and Mirabueno to their Detachment Office after their arrest. His testimony did not, however, end there for he also testified that he and his companions had gone to the house of Mirabueno right after the accused and Mirabueno had been arrested:

"Q: Before the two suspects one of whom is June Sanchez, was (sic) brought for investigation did you conduct investigation as to the marijuana?

A: After they were arrested, we tried to prod these two to point to the rest of the marijuana and this Jimmy Mirabueno accompanied us to his house in Topacio, and told him that in order that others will not be using the same to bring out the rest, so he brought out some marijuana.

Q: In that particular occasion that Jimmy Mirabueno accompanied you in his house in Topacio where more marijuana were found by you, about June Sanchez, where was he?

A: He was with us when we went to the house of Jimmy Mirabueno."[3]

There appears no conflict in fact between the above testimony and that of Sgt. Palmero which read thus:

Q: What did you do after that when you were able to arrest accused Sanchez and this alias 'Jimmy'?

A: We were accompanied by this alias 'Jimmy' to his house and there we were able to get some marijuana.[4]

As is so common in criminal cases of this kind, there is here a direct conflict between the positive testimony of the arresting officers, Sgts. Palmero and Serrano, and the testimony of the accused. The trial court which had the opportunity to observe the detailed demeanor of the prosecution witnesses and of the accused on the witness stand, and to listen to their respective testimonies, gave more credence to the statements of the arresting officers, Sgts. Palmero and Serrano. The trial court pointed out that these government agents had no known motive or reason falsely to impute a serious and unfounded charge against the accused. The accused had been a complete stranger to the police officers until they encountered him in the course of performance of their duties as members of the Narcotics Command.[5] The testimony of the two (2) police agents carries with it the presumption of the regularity of the performance of official functions. The resulting applicable principle has been stated in *People v. Patog*[6] in the following terms:

Where there is no evidence and nothing to indicate the principal witness for the prosecution was [moved] by improper motives the presumption is that he was not so [moved] and his testimony is entitled to full faith and credit."[7]

The trial court found the testimony of Sgts. Palmero and Serrano had not been shaken on cross-examination; that the details of such testimony while "unsophisticated" were "logical" and "very plausible." We have carefully examined the records of this case and have found no substantial basis for overturning and disregarding the conclusions reached by the trial court.

The accused pleaded, alternatively, the defense of inducement or instigation. The distinction between inducement on one hand and entrapment on the other, is of course critical in the instant case. The accused was, however, totally unable to show that the arresting team had in fact induced him to commit a crime that he would not

otherwise have committed. The record shows that the accused and Mirabueno had a ready supply of marijuana for sale and disposition to anyone willing to pay the price asked for the prohibited material. Thus, it appears that the crime of illegal possession of prohibited drugs had already been committed by the accused and Mirabueno when the Narcotics Command agents resolved to entrap them into revealing such possession and selling the prohibited drugs. The acts of the arresting officers in the instant case constituted entrapment, a process or operation sanctioned by the Revised Penal Code.[8]

The accused also objected to the failure of the prosecution to submit in evidence the money utilized in the entrapment operation, and to present as a witness or even to identify the police informer whose report had triggered off the entrapment operation. The accused also complained that it was "contrary to human experience"[9] that a seller of prohibited drugs would agree to sell marijuana to a person unknown to the seller, and that the prosecution had not identified the person responsible for negotiation of the sale of the prohibited drugs. The presentation in evidence of the "buy-bust" money is not indispensable for conviction of the accused since the sale of marijuana had been adequately proven by the independent testimony of the two (2) police officers. Since the testimony of the police informer was similarly not essential for conviction of the accused, his identity may remain confidential: there are strong practical reasons for such continued secrecy, including the continued health and safety of the informer and the encouragement of others to report wrong doing to the police authorities. The accused's theory that it is "contrary to human experience" that a drug "pusher" would sell drugs to a total stranger is not persuasive. In real life, "pushers", especially small-quantity or retail "pushers", sell their prohibited wares to customers, be they strangers or not, who have the price of the drug and this the Court has recognized.[10] Finally, the prosecution had in fact presented an eye witness, indeed two (2) eye witnesses, who could and did identify the accused as the person responsible for negotiation of the sale of the prohibited drug in the instant case, in the persons of Sgts. Serrano and Palmero.

We conclude that the trial court did not commit any error in finding the accused guilty beyond reasonable doubt of violation of Section 4, Article II of R.A. No. 6425.

WHEREFORE, the Decision of the trial court convicting the accused and sentencing him to suffer life imprisonment and to pay a fine of P20,000.00 plus costs, is hereby AFFIRMED.

SO ORDERED.

Fernan, C.J., (Chairman), Gutierrez, Jr., Bidin, and Cortes, JJ., concur.

[1] Appellant's Brief, p. 1.

[2] Mirabueno, according to a manifestation of the trial fiscal in open court on 16 October 1985, was apparently charged in a separate information and had pleaded guilty. Records, p. 128.

[3] TSN, 30 November 1985, p. 144.

[4] TSN, 16 October 1985, p. 128.

[5] Rollo, p. 18.

[6] 144 SCRA 429 (1986).

[7] 144 SCRA at 437. See also *People v. Francia*, 154 SCRA 495 (1987); and *People v. Gamayon*, 121 SCRA 642 (1983).

[8] *People v. Valmores*, 122 SCRA 922 (1983),; and *People v. Gatong-O, et al.*, G.R. No. 78698, December 29, 1988.

[9] Appellant's brief p. 7.

[10] *People vs. Tejada*, G.R. No. 81520, 21 February 1989; *People vs. Paco*, G.R. No. 76893, 27 February 1989.

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.