

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE QUINTANA Y CALIMAG AND JOHN DOE, ACCUSED-APPELLANTS.*G.R. No. 83888. June 30, 1989*

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-83888/>**CRUZ, J.:**

Trial judges should be especially careful in rendering judgments of conviction, particularly if as in this case the sentence is life imprisonment. Relying on judicial precedents is not enough, less so if the basic issues are factual questions of the credibility of the witnesses. The superior competence of the trial court in this regard is acknowledged because of its opportunity to observe them directly while they are testifying. But it should ever be borne in mind that in case of doubt it is the innocence of the accused and not his guilt that must be presumed.

In the case at bar, that constitutional presumption was made to yield to the statutory presumption of regularity in the discharge of official functions. The defense was disbelieved on the overriding conclusion of the trial judge that the police officers were simply doing their duty and had no motive in testifying against the accused.

The charge against Jose Quintana was violation of the Dangerous Drugs Act for his having sold 100 grams of dried marijuana leaves.[1] According to the prosecution, he was arrested in the course of a buy-bust operation conducted by the NARCOM team unit at Imus, Cavite, in the morning of April 27, 1987. The incident occurred at Bacoor, Cavite. The NARCOM had earlier received a tip from an informer that the accused-appellant was a drug pusher. At that aforementioned time and place, a team composed of Sgt. Angelito Manalo, CIC Roberto Genido and Pat. Allan Alcantara carried out the operation. As Alcantara and the informer talked to Quintana, Manalo and Genido obtrusively lay in wait nearby. At a pre-arranged signal, the two agents swooped down on Quintana and confiscated the marijuana, together with the marked P100.00 bill paid to him.[2]

The seized marijuana was later sent to the NBI for forensic examination and a report thereon was submitted at the trial and offered as an exhibit for the prosecution.[3]

Testifying for himself, Quintana denied that he was a drug pusher and that the alleged buy-bust operation ever happened. He said that on that morning of April 27, 1987, he saw the three prosecution witnesses chasing two persons, one of whom they caught while the other got away. Suddenly, the peace officers grabbed him and accused him of owning the marijuana leaves which Manalo was then carrying. Quintana says he was taken to the PC headquarters and made to sign several papers in blank, including what turned out later to be a receipt for the marijuana leaves supposedly taken from him. Alcantara also demanded P6,000.00 from him "para mawala na ang kaso" against him. He claimed that the other person arrested with him delivered the money demanded from him and was released. But as he himself could not comply, he was detained and later charged.[4]

The accused-appellant was corroborated by William Bajamundi,[5] a fellow tricycle driver. Additionally, Quintana presented a certification from the barangay captain of his place of residence that he had no derogatory record and was a law-abiding citizen.[6]

The averments of the three team members who narrated the prosecution version are flawed by several inconsistencies, such as the identity of the officer who ordered the operation, the exact place where it happened and their respective positions at the time, and the manner of the delivery of the marijuana leaves and the P100.00. But these are minor defects that do not necessarily invalidate their respective testimonies. What the Court does consider significant is the testimony of Alcantara that he asked Quintana to buy marijuana for him, on which vital matter the three witnesses agree.

On direct examination by the fiscal at the hearing of October 5, 1987, Alcantara declared:

Fiscal : What happened after you were instructed to contact Jose Quintana?

A. : We let him buy marijuana from a certain Erwin, notorious drug pusher in Talaba, Bacoar, and after that, we talked and said he will go to that place.[7]

Manalo corroborated Alcantara's statement on his own cross- examination at the hearing of December 10, 1987, thus:

Atty. Agcaoili : You were present when the accused agreed to the request of Pat. Alcantara that he will buy marijuana leaves for him, correct?

A. : Yes, sir.

Q. : After the accused agreed to buy marijuana leaves for Pat. Alcantara, he left the place, correct?

A. : Yes, sir.[8]

Genido was no less categorical when he declared in answer to the Court at the hearing of October 21, 1987:

Court : You were present when Pat. Alcantara told the accused that he was in need of dried marijuana leaves and he requested the accused to buy marijuana for him?

A. : We see and hear their conversation.

Q. : And the accused Jose Quintana agreed to the request of Pat. Alcantara that he will buy dried marijuana leaves for Pat. Alcantara?

A. : Yes, sir.[9]

There is here a clear case of instigation, not entrapment. By his own declaration, Alcantara has admitted that he induced Quintana to buy marijuana leaves for him, which Quintana allegedly did although, curiously enough, he had not known Alcantara before.[10] The trial court dismissed the defense of instigation by observing that Quintana had been placed under surveillance two weeks before. But we do not see the connection. The surveillance did not necessarily lead to entrapment as the trial judge seems to suggest by some mysterious logic. What the Court clearly sees is that Quintana did not sell but was asked by Alcantara to buy the marijuana leaves for him.

There is a wide difference between entrapment and instigation, for while in the latter case the instigator practically induces the will-be accused into the commission of the offense and himself becomes a co-principal, in entrapment ways and means are resorted to for the purpose of trapping and capturing the law breaker in the execution of his criminal plan.[11]

Instigation and inducement must be distinguished from entrapment. The general rule is that instigation and inducement to commit a crime, for the purpose of filing criminal charges, is to be condemned as immoral, while entrapment, which is the employment of means and ways for the purpose of trapping and capturing the law breaker, is sanctioned and permissible. And the reason is obvious. Under the first instance, no crime has been committed, and to induce one to commit it makes of the instigator a co-criminal. Under the last instance, the crime has already been committed and all that is done is to entrap and capture the law breaker.[12]

And there is the evidence of the marijuana leaves themselves which also casts doubt on the accused-appellant's guilt. The team members claim they seized from Quintana 100 grams of dried marijuana leaves, otherwise known as "five finger" marijuana, in a plastic bag wrapped in a newspaper.[13] Yet, according to the certification made by Julieta Flores, the chemist of the National Bureau of Investigation who examined the package allegedly taken from Quintana, its contents were marijuana flowering tops weighing only 55.5280 grams[14] Considering that the examination took place on April 28, 1987, the day following Quintana's arrest, one can only wonder how the 100 grams of marijuana leaves with seeds suddenly bloomed overnight and at the same time dried up by 45%.

The prosecution points to Exhibit B and says the package of marijuana was duly receipted for by Quintana, who therefore can no longer deny its contents. But what it glosses over is that the receipt was signed in blank by Quintana who did not have counsel to advise him at the time. The receipt was clearly proscribed by the Constitution, having been obtained in violation of the rights of a person facing custodial investigation for the commission of a crime.[15]

We note that the Solicitor General, instead of filing an appellee's brief, has asked for the acquittal of the accused-appellant on the ground that his guilt has not been established beyond reasonable doubt.[16] We agree with the People's counsel, and also with the defense as ably represented by Atty. Victoriano M. Agcaoili, Jr., and shall act accordingly.

The Court encourages and supports every legitimate effort of the authorities to ferret out the vicious vendors of illicit drugs who prey on the lives and health of our people, especially the youth. Such vermin deserve the full punishment of the law for the immeasurable harm they are causing, by their greed and thoughtlessness, to thousands of our citizens who face only a bleak future in the clutches of their addiction. But as urgent as the campaign against the drug problem must be, so must we as urgently, if not more so, be vigilant in the protection of the rights of the accused as mandated by the Constitution. This is a different kind of addiction. This addiction to liberty covers those who, because of excessive zeal on the part of the law enforcers, may be unjustly accused

and convicted.

Judge Mariano M. Umali[17] was too quick and careless in finding the accused-appellant guilty on the flimsy evidence submitted by the prosecution. Instead of pronouncing the good faith of the NARCOM agents and readily accepting their testimony, such as it was, what he should have done, conformably to the Constitution, was to presume the innocence of the accused.

WHEREFORE, the appealed decision is REVERSED and the accused-appellant ACQUITTED on reasonable doubt. It is further ordered that he be RELEASED immediately.

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

[1] Decision, p. 1; rollo, pp. 9, 43 and 44.

[2] Rollo, pp. 26 and 47.

[3] Exhibit "G".

[4] Decision, pp. 79-80.

[5] Rollo, pp. 22, 23, 51 and 52.

[6] Exhibit "7".

[7] Rollo, p. 62.

[8] Ibid., p. 61.

[9] Id., pp. 61-62.

[10] Id., pp. 26 and 66.

[11] People v. Galicia, 40 O.G. 4476.

[12] People v. De Leon, 48 O.G. 4858.

[13] Rollo, pp. 48 and 60.

[14] Exhibit "G".

[15] Constitution, Art. III, Sec. 12(1), (3).

[16] Manifestation in lieu of Appellee's Brief.

[17] Regional Trial Court, Branch XIX, Bacoar, Cavite.

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.