

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANILO CABANBAN, DEFENDANT-APPELLANT.

G.R. No. 83957. April 26, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

Danilo Cabanban and six other persons were jointly tried under the common charge of planting and cultivating marijuana in violation of Section 9 of the Dangerous Drugs Act. All his co-accused were acquitted; he alone was convicted.[1] In this appeal, he points out the alleged errors of the trial court and claims that he too should have been exonerated.

These are the facts as established by the prosecution.

On April 15, 1980, having received confidential information of the existence of a marijuana plantation at Sitio Bacayao, Barangay Ba-ay, Bagulin, La Union, Sgt. Lavenio Gapasin, sub-station commander of the police station of Bagulin, La Union, went to the said sitio with four of his policemen, arriving there at 10 o'clock in the morning. There they saw Danilo Cabanban with a can for watering plants which he was using or had just finished using on marijuana plants. Upon seeing the policemen, Cabanban started to run but was quickly apprehended. The policemen took pictures of Cabanban in the plantation and also of the plants themselves. Then they uprooted some 150 plants, taking some for examination at the PC Crime Laboratory.

The policemen went to other plantations in the area and arrested the other persons who were subsequently prosecuted with the accused-appellant. All of them were taken to the police station, where they signed confiscation receipts they later subscribed to before Mayor Fructuoso Jucutan of Bagulin.

The details of Cabanban's arrest were testified to by Sgt. Gapasin and the other members of his team, namely, P/Cpl. George Estepa, Pat. Henry Dangpilen, and Pat. Sabino Dumaguig. The chemistry report was prepared and later affirmed at the trial by Forensic Chemist Nelly Cariaga of the Philippine Constabulary.

At the joint trial, Cabanban denied he was cultivating the marijuana plants and claimed he was made to pose for the picture against his will. He said that a gun was aimed at him when the picture was taken (although he looked casual and cool enough to be posing at gunpoint). He also challenged the validity of the confiscation receipt as in effect an extrajudicial confession taken without the assistance of counsel.

The trial court rejected Cabanban's denials although it did readily reject the confiscation receipt, agreeing that it was violative of the Bill of Rights. In a decision extraordinary only for its tediousness and length (58 legal-size pages, single space, in which every step of the trial is recounted in tiresome detail), the trial court analyzed the evidence against Cabanban in one single page and declared him guilty.

The accused-appellant now maintains in his brief that his conviction was based on insufficient evidence vitiated by various contradictions and inconsistencies that rendered it unacceptable for being obviously fabricated.

Thus, he points out, Sgt. Gapasin said he saw Cabanban watering the plants, but Cpl. Estepa said he did not, although the two were together. There was also disagreement on this matter between Pat. Dumaguing and Pat. Dangpilen although they were also together.

Regarding the object Cabanban was holding, it was described by Gapasin as "a container of gasoline with a handle," by Estepa and Dumaguing as a "kerosene can," and by Dangpilen as a "tin can." Also, one witness said Cabanban dropped the container when he ran but another said the accused-appellant held on to it while running.

The defense also stresses that according to Gapasin, it was he and Dangpilen who arrested Cabanban but Dumaguing testified that it was Gapasin and Estepa, not Dangpilen, who did so. Gapasin also declared that it was when he and Dangpilen took hold of Cabanban that he attempted to run, while Dangpilen swore that the accused-appellant ran away as soon as he saw them.

A study of these supposed discrepancies shows that the accused-appellant is clutching at straws. The differences he cites are too insignificant to affect the substantial veracity of the prosecution evidence against him.

The descriptions of the container are not really dissimilar and in fact could each adequately refer to the same object, which was essentially a metal can for containing gasoline or kerosene. If one witness saw Cabanban watering the plants and the other did not, it would not necessarily follow that either or both of them were lying. Whoever actually placed Cabanban under custody is not really that material, nor is the fact of when Cabanban started to run. None of these inconsistencies is significant enough to relieve the accused-appellant of the conviction pronounced upon him.

The Court has remarked often enough that the same incident, when viewed from different angles or perspectives, may result in different impressions on the part of the several witnesses. The circumstances attending the incident may add to the confusion, as in the case at bar, where the quarry attempted to escape and the policemen all made an effort to detain him. Recollection of a particular happening, especially if it is unquiet or even tumultuous, is at best imperfect but not necessarily perjurious. The narration of the same event by different witnesses cannot be expected to be absolutely symmetrical, with all of them agreeing fully on every detail, as if recorded in their minds with computer accuracy.

The accused-appellant is obviously splitting hairs; but one cannot win an acquittal by simply nitpicking.

The findings of the trial court are factual, and it has not been shown that they are not based on substantial evidence pointing to the accused-appellant's culpability. The central issue is the credibility of the witnesses, a matter best left to the assessment of the trial court, which had the direct opportunity to observe their conduct on the stand and to draw the line between fact and fancy. We respect its decision to sustain the People's evidence. We agree that the prosecution witnesses were not motivated by an evil purpose against the accused-appellant. On the contrary, they were presumably only performing their duty to curb the evils of drug addiction. Their sincerity has not been successfully challenged and must in fact be commended.

The trial court correctly imposed upon Danilo Cabanban the penalty of life imprisonment and a fine of P30,000.00, while also ordering the confiscation and destruction of the marijuana plants. We note with regret that, for all its severity, such a punishment has not been effective in deterring the clandestine commerce of prohibited drugs, which continues apace.

All must join in the campaign against drug abuse. Every purveyor of illicit drugs must be ferreted out and punished to the full extent of the law, subject only to the safeguards in the Constitution for the protection of individual rights.

WHEREFORE, the appealed decision is AFFIRMED, with costs against the accused-appellant. It is so ordered.
Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Decision penned by Judge Avelino S. Quintos of the Regional Trial Court of Bauang, La Union.

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