

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GAVINO PLACIDO, JR., DEFENDANT-APPELLANT.

G.R. No. 86384. July 18, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

The accused-appellant is questioning the decision of the Regional Trial Court of Pasig convicting him of violating Section 4 of Article II of the Dangerous Drugs Act as amended and sentencing him to life imprisonment and a fine of P20,000.00.[1]

His conviction was based on the testimony of three prosecution witnesses, namely, Pat. Eduardo Reyes and Lt. Romeo de Castro of the Pateros Police Station, and Forensic Chemist Tita Advincula of the PC Crime Laboratory, and the several exhibits offered in evidence, including the seized marijuana,[2] the chemistry report thereon,[3] and the marked money.[4]

The principal prosecution witness was Pat. Reyes, who testified that about a week before May 29, 1988, he received a tip from a concerned citizen that certain persons, including a man with a limp, were selling marijuana at Sulit Street, Barangay Aguho, Pateros, Metro Manila. He reported the matter to Lt. de Castro, who forthwith planned a "buy-bust" operation by the team organized and led by him, with Reyes, Pat. V. Rivera, Pat. Antonio de la Rosa, and Pat. Armando de Villa as members.

On May 27, 1988, Reyes contacted Gavino Placido, Jr., the herein accused-appellant, a polio victim with one leg shorter than the other, who agreed to sell marijuana to him on May 29, 1988, for P100.00. De Castro, upon being informed of the arrangement, gave Reyes two P50 bills to be used in the entrapment. Reyes prudently photocopied the bills and recorded their serial numbers in De Castro's office.

Reyes met Placido again at 10 o'clock in the morning of May 29, 1988, at M. Almeda Street. The latter arranged still another meeting at 2 o'clock that afternoon at the corner of E. Quiogue and Sulit Streets.

Conformably, the team proceeded to the designated place shortly after noon to carry out their plan. Reyes stood on the street waiting for Placido, while the other policemen, who had deployed themselves about ten to fifteen meters away, watched covertly. Their quarry arrived at about two o'clock and seated himself at a bench in front of a store. When Reyes approached him, Placido stood up and walked to the side of the street. Reyes followed and gave the marked bills to Placido, who pocketed them. Placido then got a plastic bag attached to his right leg with rubber bands and concealed by his long denim pants.

When Placido handed the bag to him, Reyes identified himself as a police officer and detained the accused-appellant, holding him by his belt. Placido resisted and tried to escape but was subdued by the other team members who had closed in. Reyes retrieved the marked money from Placido and the team then took the suspect to the police station. The plastic bag seized from him was delivered that same day by Reyes to the PC Crime Laboratory for examination.

The details of the "buy-bust" operation were corroborated by Lt. de Castro, who was among those who arrested the accused-appellant. Advincula testified to affirm her chemistry report that the bag given to her for analysis contained 21.52 grams of marijuana as revealed by the microscopic, chemical and thin-layer chromatographic examinations she had conducted.

Placido's defense was a flat denial of the prosecution charge. He claimed he was employed as a helper in an ice cream factory and had gone to Sulit Street in the afternoon of May 29, 1988, on orders of his employer to collect empty ice cream containers from a customer. For no reason at all, he was arrested by Pat. de Villa and taken to the Pateros Police Station where, after about twenty minutes, a teen-ager arrived and pointed to him as a seller of marijuana. The accused-appellant said he could not understand why he had been arrested as he had no quarrel or misunderstanding with the policemen. Moreover, he would not have been so reckless as to sell marijuana to Reyes, whom he knew to be a policeman.

In addition to these assertions, the accused-appellant now argues in his brief that the trial court should not have given credence to the prosecution witnesses in view of certain inconsistencies and contradictions in their testimonies. These related to the time Reyes first met Placido, the planning of the operation, and the place in the street (at the side or the back) where the sale was actually made. Placido also argues that the prosecution merely "planted" the marijuana and that there was no proof that it actually came from him.

The imperfections in the testimony of Reyes referred only to minor matters and did not detract from the essential veracity of his narration of the entrapment. We have said often enough that a witness is not expected to remember an incident with perfect recollection, down to the insignificant and littlest details. As for Exhibit C-1, it has been established that the plastic bag Reyes turned over to the PC Crime Laboratory on May 29, 1988, was the same plastic bag earlier delivered to him by Placido and found after examination the following day by Advincula to contain marijuana.

The fact that Placido had lived all his life in Pateros did not necessarily mean he knew all the members of its police force. Reyes himself had been working in the town for only the past two years, having been detailed earlier at Fort Bonifacio. It is significant that by the accused-appellant's own admission, the policemen who arrested him had no personal quarrel with him and so had no improper motive in filing the charge against him. Finally, the testimony of Pablo Chavez that he had sent Placido on an errand adds nothing to his defense as it did not disprove what the accused-appellant was actually doing on Sulit Street at the time of his arrest.

We are satisfied that the constitutional presumption of innocence in favor of Placido has been overcome by the overwhelming evidence of his guilt as originally pronounced by the trial court. We sustain its factual findings, being based on the evidence of record and not having been shown to be tainted with arbitrariness or bias.

The accused-appellant is in his forties only, but he will have to spend the remaining years of his life behind bars because of the detestable offense he has committed. He should have known that for poisoning the health and future of his victims, no less than the highest penalty allowed by our Constitution would one day be properly imposed upon him.

WHEREFORE, the appeal is DISMISSED and the challenged judgment, AFFIRMED, with costs against the accused-appellant.

SO ORDERED.

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

[1] Rendered on November 22, 1988, by Judge Manuel A. Patron.

[2] Exhibit C-1.

[3] Exhibit B.

[4] Exhibits E - E-1.

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