

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERIC ANSING Y CABANBAN, DEFENDANT-APPELLANT.

G.R. No. 86641. April 26, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

The accused-appellant was only nineteen years old when he was found guilty in 1989 of selling marijuana in violation of the Dangerous Drugs Act. He was sentenced to reclusion perpetua and all accessory penalties plus a P20,000.00 fine and the costs.[1] He was also not allowed the benefits of a youthful offender under the Child and Youth Welfare Code because of the degree of the punishment imposed upon him.[2]

Regrettably, we must affirm the conviction.

The evidence of the prosecution established that in the late afternoon of October 5, 1987, the Anti-Narcotics Unit of the Eastern Police District created a "buy-bust team" to ensnare the accused-appellant who, according to a confidential informer, was operating at E. Jacinto Street, Bambang, Pasig, Metro Manila. The team was composed of Patrolmen Isidro Mariano, Roberto Jocson, Mateo Garcia, Romeo Lavizo, and Silvino Gamboa. Upon arriving at the said place, Mariano, who was to pose as the buyer, sought their quarry while the other team members positioned themselves in various places where they could watch the transaction. Mariano found the accused-appellant at a store and asked him if he had marijuana to sell for P20.00. The accused-appellant said he had and left to get it, returning after five minutes with a brown packet. This he handed to Mariano, who paid him with a marked twenty peso bill. Mariano then gave the pre-arranged signal of scratching his head and the other team members closed in on the accused-appellant and arrested him. The marked money was recovered from the right front pocket of his pants.[3]

The accused-appellant was taken to police headquarters for interrogation but refused to give any statement except that his name was Eric Ansing. The substance in the brown packet was analyzed at the PC Crime Laboratory and found to be positive for marijuana.[4] This and the laboratory report, together with a photocopy of the marked money, were later submitted inter alia as exhibits for the People during the trial. The arresting officers also testified to affirm the joint affidavits they had prepared shortly after the accused-appellant's arrest. Capt. Luena Layador, PC forensic chemist, also described the results of the tests she had conducted.[5]

The defense was a flat denial. The accused-appellant testified that he was taking a snack that afternoon near a store at Bambang Street when the police arrived and simply arrested him without any warrant. One of the arresting officers even slapped him. It was only when they arrived at the police station that they informed him he was being charged with selling marijuana.[6]

The trial court, disbelieving him, declared him guilty beyond reasonable doubt and sentenced him as aforesated.

In his brief, the accused-appellant bases his entire appeal on what he calls fatal inconsistencies and contradictions in the testimonies of the prosecution witnesses. He points out that whereas the police officers described the

marijuana as dark brownish, the forensic chemist said it was colored green, and that although she said it consisted of flowering or fruiting tops, Mariano said what he got from Ansing was dried leaves. The arresting officers also said the marijuana was wrapped in a brown packet while the information said it was contained in a plastic bag.

This Court has stated time and again that minor inconsistencies in the narration of a witness do not detract from its essential credibility as long as it is on the whole coherent and intrinsically believable. Inaccuracies may in fact suggest that the witness is telling the truth and has not been rehearsed as it is not to be expected that he will be able to remember every single detail of an incident with perfect or total recall.

As we held only recently in *People v. Avila*:^[7]

As we have repeatedly declared, the witnesses testifying on the same event do not have to be consistent in every detail as differences in recollections or viewpoints or impressions are inevitable. Total recall or perfect symmetry is not required. As long as the witnesses concur on the material points, slight differences in their remembrance of the details do not reflect on the essential veracity of their testimonies.

No less significantly, it does not appear that the prosecution witnesses were motivated by any evil or ulterior purpose. On the contrary, it is presumed that they were performing their functions regularly when they conducted the buy-bust operation and entrapped the accused-appellant. There is absolutely no showing that the arresting officers were not merely discharging their duty as anti-narcotics agents when they entrapped and arrested the accused-appellant.

The submission that the accused-appellant had not been positively identified is also clearly baseless. The record shows that Mariano had a good look at the accused-appellant at the time of the entrapment by the light in the store where he was arrested. At any rate, the Court defers on matters like this to the findings of the trial judge, who has the advantage of observing the witnesses on the stand and to determine by their demeanor under questioning whether they are telling or distorting the truth.

The Court agrees with Judge Martin Villarama, Jr. that the accused-appellant did commit the crime charged and so should be sentenced accordingly. That sentence should be life imprisonment and not reclusion perpetua and its accessory penalties, plus a fine of P20,000.00 and the costs.

We deplore the lost future of this young man, who must spend it — deservedly — in the shadow of the prison bars. Nevertheless, we must also commend the campaign against the menace of drug addiction, which has damaged thousands of innocent lives because of predators like him.

WHEREFORE, the appealed judgment is **AFFIRMED** as modified. It is so ordered.

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

[1] By the Regional Trial Court of Pasig; rollo, pp. 15-21.

[2] Article 192.

[3] TSN, May 4, 1988, p. 27.

[4] Records, p. 177.

[5] TSN, March 28, 1988, pp. 15-18.

[6] TSN, December 6, 1988, pp. 63-64.

[7] G.R. No. 82374, December 10, 1990.

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