

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO ANGELES Y BOMBITA, ACCUSED-APPELLANT.*G.R. No. 92850. June 15, 1992*

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-92850/>**REGALADO, J.:**

Appellant seeks the reversal of the decision of the Regional Trial Court, Branch 115, Pasay City, Metro Manila,[1] finding him guilty beyond reasonable doubt of violating Section 15, Article III of Republic Act No. 6425, as amended, otherwise known as the Dangerous Drugs Act of 1972, and sentencing him to suffer the penalty of life imprisonment and to pay a fine of P20,000.00, without subsidiary imprisonment in case of insolvency and the costs.[2]

In an information dated July 18, 1988, appellant Angeles was charged with the aforesated violation for having wilfully, unlawfully and feloniously sold and delivered 0.13 grams of methyl amphetamine hydrochloride, "shabu" in common parlance, which is a regulated drug.[3] At the arraignment, Angeles pleaded not guilty to the charge against him and trial on the merits thereafter proceeded.

The findings of the trial court reveal that on July 16, 1988, Lt. Reuben Theodore Sindac of the Narcotics Intelligence Operation Group based in Camp Crame, Quezon City received an intelligence report from a confidential informant that a certain Rolando Angeles was engaged in drug pushing in Pasay City. A brief surveillance was conducted to confirm the report, after which a team was formed to conduct the buy-bust operation. The team was composed of said Lt. Sindac, team leader; Sgt. Flordeliz Nocom, as the poseur-buyer; Sgt. Cesar Dalonos and Sgt. Jaime Sapon, the last two as support team members.[4]

At 2:00 P.M. of the same day, the team proceeded to San Juan Street in Pasay City, the place where the alleged drug pushing was taking place. The confidential informant introduced Sgt. Nocom to appellant Angeles. After a brief conversation, Sgt. Nocom asked Angeles if she can buy "shabu" worth P200.00. Angeles then left for a while and entered a compound. After ten minutes, he returned and showed Sgt. Nocom something wrapped in an aluminum foil.[5]

Angeles handed the foil to Sgt. Nocom who examined it. When she found that the foil contained crystalline granules, which she reasonably suspected to be "shabu," Sgt. Nocom gave the agreed signal by scratching her head; whereupon her companions, who were deployed in an area not far from where the transaction was taking place, immediately rushed forward. They took hold of Angeles, placed him under arrest, and subsequently brought him to their office at Camp Crame for investigation.[6]

On July 19, 1988, the arresting officers, Lt. Sindac and Sgts. Dalonos and Sapon, executed a "Joint Affidavit of Arrest" which was formally offered in evidence as Exhibit "F"[7] while Sgt. Nocom executed an "Affidavit of Poseur-Buyer" on the same date, which document was marked and presented as Exhibit "A".[8]

The suspected "shabu" was taken to the PC/INP Crime Laboratory Service for examination and was found

positive for methamphetamine hydrochloride, a regulated drug.[9] The prosecution submitted Chemistry Report No. D-665-88, dated July 18, 1988,[10] confirming said laboratory findings.

The evidence for the defense, on the other hand, avers that Angeles was 41 years old, married, an employee, and residing at 124 San Juan Street, Pasay City. His version is that on July 16, 1988, at around 10:00 A.M., he was at home with his child and was washing the dishes when four NARCOM agents barged into their house and handcuffed him. These NARCOM agents, who were then in civilian clothes, were looking for a certain person and they tried to force Angeles to tell them where they can find that person. When the NARCOM agents failed to extract information from him, Angeles was forced into a car, driven around the place, and was later brought to Camp Crame.[11]

During the investigation in Camp Crame, Angeles was allegedly mauled by the arresting officers. The investigation conducted there was reduced to writing and he signed the same the document being thereafter marked and admitted as Exhibit "2" for the defense.[12] Appellant's version on the matter of his arrest at their residence was corroborated by the testimony of his sister who was supposedly there when he was arrested by the NARCOM agents.[13]

After trial, the court a quo rendered a judgment of conviction as aforesated. In this appeal, appellant contends that the trial court erred in finding that methyl amphetamine hydrochloride is a regulated drug, and in considering him guilty of a violation of Section 15, Article III, Republic Act No. 6425, as amended, on the basis of the evidence submitted in the instant case.[14]

Appellant maintains that the trial court was without jurisdiction because he was "not charged of a valid offense," since methyl amphetamine hydrochloride is allegedly not listed as a regulated drug under Board Regulation No. 6, Series of 1972, issued by the Dangerous Drugs Board on December 11, 1972.

We reject appellants submission and hereby rule that methyl amphetamine hydrochloride, commonly known as "shabu" or 'poor man's cocaine,' is a regulated drug. This is evident from the definition thereof in Section 2, paragraph (e)(2), Article I of the law, to wit:

"(2) 'Regulated drug,' which includes self-inducing sedatives, such as secobarbital, phenobarbital, pentobarbital, barbital, amobarbital and any other drug which contains a salt or a derivative of a salt of barbituric acid; and salt, isomer or salt of an isomer, of amphetamine, such as benzedrine or dexedrine, or any drug which produces a physiological action similar to amphetamine; and hypnotic drugs, such as methaqualone, netrazepam or any other compound producing similar physiological effects." [15] (Emphasis ours.)

Appellant is only partly correct in stating that the term methyl amphetamine hydrochloride has not been specifically mentioned in the law. It is, however, not only deemed included in the aforequoted provision because the same is a derivative of the generic drug known as amphetamines, but is in fact listed in the implementing regulation as a regulated drug, as hereinbelow explained. Actually, only the word "hydrochloride" is not mentioned since it merely denotes that the drug contains a compound of hydrochloric acid used with the names of organic bases for convenience in naming salts, and to distinguish it from chloride which is a compound of chlorine with another element or radical.[16]

The term amphetamine is not to be understood in its limited ordinary sense. Obviously, of course, only those who are fortunate enough to have been exposed to the study of the preparation, composition, and nature of this drug in the wider fields of medicine, pharmacology and forensic chemistry have a clear grasp of its effects and what it consists of. For this reason, we feel it worthwhile to briefly expound on the matter, for the satisfaction of appellant and those who would question the expertise of the Dangerous Drugs Board.

Amphetamines are synthetic amines which act with a pronounced stimulant effect on the central nervous system.[17] They are the first and last drugs which cause a subjective feeling of improved mood - true euphoria, in fact - and it is for this reason that they cause states of psychic dependence.[18]

There are about fifty amphetamines or amphetamine-like preparations available. They include, among others, methyl amphetamine (methedrine),[19] under which preparation the drug involved in this case is classified.

Furthermore, it is not true that methyl amphetamine hydrochloride is not contemplated by the Dangerous Drugs Board in its aforesaid Drugs Board Regulation No. 6. Said regulation, which lists down the regulated drugs under the law, specifically contains this item: "Methyl-amphetamine (e) - Methamphetamine, A," the classification "A" meaning that it is an amphetamine, as distinguished from other classifications, such as barbiturates, hypnotics, tranquilizers, and so forth.

On the issue of jurisdiction, we agree with appellant that where the information does not charge an offense, such objection may be raised or considered *motu proprio* by the court at any stage of the proceedings or on appeal.[20] This argument invoked by appellant is, however, of no consequence in the case at bar since, from the foregoing disquisition, the information validly charges an offense within the jurisdiction of the court below.

As regards the alleged non-consummation of the transaction between appellant and the poseur-buyer for lack of payment to the former, we reiterate our ruling in *People vs. De la Cruz*,[21] that the crime is consummated by the mere delivery of the prohibited drug. What the law prescribes is not only the act of selling but also, albeit not limited to, the act of delivering. In the aforesaid case, the act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration, consummates the offense. This is precisely the reason why the non-presentation of the marked money used in a buy-bust operation is not fatal to the case and is not indispensable for the conviction of the accused.

Furthermore, appellant Angeles is charged with a violation of Section 15, Article III, Republic Act No. 6425, as amended, which provides:

"SEC. 15. Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs. - The penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispose, deliver, transport or distribute any regulated drug. If the victim is a minor or should a regulated drug involved in any offense under this section be the proximate cause of the death of a victim thereof, the maximum penalty herein shall be imposed."

Therefore, since the information under which appellant was charged included the acts of sale or delivery, proof beyond reasonable doubt of the commission of any of said acts is sufficient for conviction under this provision of law.[22]

On the matter of credibility, we are inclined to give more credence to the testimonies of the prosecution witnesses as against those of the defense witnesses. The prosecution witnesses are law enforcers who performed the buy-bust operation in the performance of their official duty and pursuant to lawful orders of their superiors. As a rule and in the absence of proof to the contrary, these law enforcers are presumed to have regularly performed their duty.[23] It is on this premise that once again we accord more belief and credit to the narration of the incident by these witnesses, as the trial court itself has done, especially considering its vantage position in gauging the credibility of the witnesses by personal observation during the trial.

Further bolstering the cause of the prosecution, appellant merely anchored his defense on alibi. It is trite but necessary to again stress that, in accordance with existing jurisprudence, such defense is inherently weak because

it can easily be manufactured and fabricated.[24] For alibi to be given credence, we have interminably reiterated that it must not only appear that the accused interposing the same was at some other place but that it was physically impossible for him to be at the scene of the crime at the time of its commission.[25]

Applying such doctrinal rules in the instant case, it is clear that appellant failed to meet these requirements of place and time. He was precisely at the place where the alleged buy-bust operation took place and at almost the same time as alleged by the prosecution witnesses. The testimony of another defense witness corroborating that of the accused cannot be given weight as the same is tainted with demonstrable bias and prejudice. Moreover, in *People vs. Cabanit*, [26] we ruled that the defense of alibi is necessarily weak where it is established mainly by the accused himself and his immediate relatives, and not by impartial and credible persons.

Well entrenched is the rule that the conviction of an accused person must rest not on the weakness of the defense but on the strength of the evidence presented by the prosecution.[27] That rule has been clearly satisfied and duly complied with in the present case, the prosecution having amply proved the guilt of appellant beyond reasonable doubt. The documentary and testimonial evidence which it has presented engenders moral certainty and constitutes that degree of proof which produces conviction in an unprejudiced mind.[28]

WHEREFORE, on the foregoing premises, the appealed decision is hereby **AFFIRMED** in all respects, with costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Paras, and Padilla, JJ., concur.
Nocon, J., on leave.

[1] Per Judge Sergio I. Amonoy.

[2] Decision, 3; Rollo, 8.

[3] Original Record, 1.

[4] TSN, September 12, 1989, 3-4; TSN, February 21, 1989, 6-8.

[5] *Ibid.*, September 12, 1989, 4-5.

[6] TSN, September 12, 1988, 5-8; TSN, February 21, 1989, 9-10.

[7] Original Record, 105.

[8] *Ibid.*, 100.

[9] TSN, December 15, 1988, 3.

[10] Exhibit "D," Original Record, 103.

[11] TSN, March 31, 1989, 2-4.

[12] *Ibid.*, 5-6, 10.

[13] *Ibid.*, 7-10.

[14] Brief for the Appellant, 4.

[15] R.A. No. 6425, as amended by P.D. No. 1683 which took effect on March 14, 1980.

[16] Webster's Third New International Dictionary (1986), 1108.

[17] Richard R. Lingeman, *Drugs from A to Z, A Dictionary*, McGraw-Hill Book Company, New York (1969 ed.), 6.

[18] J.H. Willis, *Drug Dependence*. Faber and Faber, London, 1969, 42.

[19] *Op. cit.*, 42.

[20] *Suy Sui vs. People*, 92 Phil. 684 (1953).

[21] 184 SCRA 416 (1990).

[22] *People vs. Lo Ho Wing*, 193 SCRA 122 (1991).

[23] *People vs. Lopez, et al.*, 157 SCRA 304 (1988); *People vs. Napat-a*, 179 SCRA 403 (1989).

[24] *People vs. Eswan, et al.*, 186 SCRA 174 (1990); *People vs. Loveria*, 187 SCRA 47 (1990); *People vs. Bocatcat, Sr., et al.*, 188 SCRA 175 (1990).

[25] *People vs. Garcellano, et al.*, 23 SCRA 595 (1968); *People vs. Cortez, et al.*, 57 SCRA 308 (1974); *People vs. Cruz*, 142 SCRA 576 (1986); *People vs. Pasco, et al.*, 181 SCRA 233 (1990).

[26] 139 SCRA 94 (1985).

[27] *People vs. Co*, 163 SCRA 453 (1988); *People vs. Lim*, 190 SCRA 706 (1990).

[28] *People vs. Lucero, Jr.*, 197 SCRA 717 (1991).

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.