

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO CASTILLO Y MARTINEZ, ACCUSED-APPELLANT.

G.R. No. 93408. April 10, 1992

Ponente: REGALADO, J.

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REGALADO, J.:

Accused-appellant Rolando Castillo y Martinez was charged on January 10, 1990 in Criminal Case No. 10026-V-90 of the Regional Trial Court of Valenzuela, Metro Manila, Branch 172, with a violation of Section 4, Article II of Republic Act No. 6425, otherwise known as “The Dangerous Drugs Act of 1972,” as amended, for allegedly having wilfully and unlawfully sold five plastic bags of dried marijuana flowering tops in Valenzuela, Metro Manila on January 9, 1990.[1]

At the arraignment on January 24, 1990, appellant, assisted by counsel, pleaded not guilty[2] and continuous trial was conducted on January 29, February 7, 14 and 26, and March 2, 5, 7, 9 and 16, 1990.

The prosecution's documented presentation of this case, which is closely in accord with the findings of the court a quo, is as follows:

“At about 5:00 p.m. on May 9, 1990, the Anti-Narcotics Unit of the Valenzuela Police Station received a tip from an informer that a pusher was selling marijuana at Liwayway St., Marulas, Valenzuela. Pat. Wilfredo Quillan who received the information immediately relayed the same to his superior, P/Sgt. Loreto Rodriguez. Rodriguez formed a 'buy-bust' team composed of Pat. Quillan, P/Sgt. Loreto Rodriguez, P/Cpl. Victoriano Mercado, Pfc. Dante Dogoldogol, and Pat. Tamayo and Patag, to apprehend the pusher. Quillan was designated as the 'poseur-buyer' (pp. 1-2, *tsn*, Jan. 29, 1990, Quillan).

“The ‘buy-bust’ team prepared P30.00 as marked money, then proceeded to the place mentioned by the informer. There, after appellant was pointed out to them by the informer as the notorious pusher, Pat. Quillan approached appellant and bought P30.00 worth of marijuana from him (pp. 2-3, *ibid.*).

“After giving appellant the marked money and receiving three tea bags of marijuana, Pat. Quillan announced that he was a policeman and arrested appellant. He retrieved from appellant the marked money. Pat. Quillan then asked if appellant still had any marijuana. Appellant said he had two tea bags left and voluntarily surrendered the same to Pat. Quillan. Appellant was then taken to the Valenzuela police station for booking and investigation (p. 3, *id.*).”[3]

The defense, on the other hand, presents this version of the antecedent facts:

“The accused is 23 years old, married, and a tinsmith by occupation earning P90.00 a day as such. He is also a member of Kabataang Barangay (TSN, March 2, 1990, p. 6). On January 9, 1990, between 12:00 noon and 6:00 o'clock in the afternoon, he was in Quiapo as he is a devotee of the Black Nazarene of Quiapo. He has been such since 1979. As in the previous years, he was one of the devotees who carried the shrine during the procession.

“At about 6:00 o'clock that afternoon, after carrying the Black Nazarene barefoot for 4 hours (*Ibid*, p. 5), he

took a ride home, arriving at BBB, Marulas, Valenzuela, his place of residence, about forty-five minutes later. Because his feet were aching, he stopped for some refreshments and a little rest at a store three Meralco posts away from his house at Liwayway St.

“While he was seated facing the store, a jeep stopped behind him and Pat. Wilfredo R. Quillan alighted therefrom. Thereupon, Pat. Quillan arrested him, allegedly for drug pushing.

“At the time of the arrest when the accused was asking what he was being arrested for, he saw somebody inside Pat. Quillan's jeep who was pointing at him. Later, he found out that the man's name is Elmer Mapa. Elmer Mapa was in the company of Pat. Dogoldogol and many others inside the jeep.

“Pat. Quillan forced the accused to admit possession of the marijuana the former was holding but which the latter claims to have come from Elmer Mapa.

“The accused vehemently denies that Pat. Quillan bought 3 teabags of marijuana from him, nor that he ever surrendered to Pat. Quillan two more bags of the same. (Ibid, p. 3). He has no I.D. because when he was apprehended, it got lost along with his P1,000.00 which was taken by Pat. Quillan (p. 8, Ibid, p. 4, TSN, March 5, 1990).

“The accused is very familiar with Pat. Quillan as the latter, as well as Pat. Dogoldogol, frequently patrol their (accused's) place. Accused also used to see these policemen at the Municipal Hall in connection with the errands he used to run for the President of Kabataang Barangay (pp. 6-7, TSN, March 2, 1990).

“The accused, together with Elmer Mapa, who was apprehended allegedly for possession of cough syrup was brought to the police precinct. Elmer Mapa was released after paying P500.00, while the accused was detained for failure to cough up P20,000.00 grease money demanded by Pat. Quillan. The accused did not file any charges against Pat. Quillan because he was afraid as he had already been hit and hurt with a piece of yantok (p. 8, ibid).

“An eyewitness, Rolando Obugan, a barangay tanod in the same community, testifying for the accused testified that he saw the entire arrest incident. He corroborated the story of the accused on all material points.

“He met the accused at about 12:00 noon of January 9, 1990 who told him that he (accused) would be going to Quiapo by reason of the latter's devotion to the Black Nazarene. The accused was wearing white T-Shirt with the picture of the Black Nazarene printed on it.

“The accused was drinking soft drinks at the time he was arrested at about 7:00 o'clock in the evening. He was only 8 feet away from the scene of the arrest. No buy-bust operation took place. The accused was simply taken by the police. He (witness) had not heard that the accused was selling marijuana. He did not see any marijuana at the time of the arrest. (p. 3, TSN, March 7, 1990).”[4]

Forensic chemist Raquel P. Angeles of the National Bureau of Investigation testified that the five teabags reportedly seized from appellant and presented as evidence by the prosecution, after being subjected to microscopic, chemical and chromatographic examinations, gave positive results for marijuana. This is attested to by the certification she issued and Dangerous Drugs Report No. DDM--90-48 of their office, both dated January 10, 1990.[5]

After trial, the court below promulgated its decision, dated March 19, 1990,[6] finding the accused guilty of the crime charged, sentencing him to suffer the penalty of life imprisonment and to pay a fine of P20,000.00 and the costs, without subsidiary imprisonment in case of insolvency, and crediting him with the entire period of his preventive imprisonment.[7]

Appellant now comes to us for the reversal of the aforequoted judgment, faulting the trial court (1) for allegedly giving undue weight to the improbable, inconsistent and contradictory testimonies of prosecution witnesses

Wilfredo Quillan and Dante Dogologol; (2) in not giving due consideration to appellant's defense of denial; and (3) in finding appellant guilty beyond reasonable doubt despite the insufficiency of evidence against him. [8]

Once again, as in most criminal cases, the controversy here is reduced to one essentially of credibility, a weighing of the evidence of the prosecution against that of the defense. In this regard, the consistent teaching of our jurisprudence is that the findings of the trial court are given weight and the highest degree of respect by the appellate court.[9]

It is an entrenched rule founded on the fact that the matter of assigning value to declarations at the witness stand is best and most competently performed by the trial judge, who, unlike appellate magistrates, can weigh such testimony in the light of the declarant's demeanor, conduct and attitude at the trial and is thereby placed in a more competent position to discriminate between the true and the false.[10] Deviation from the rule is allowed only when the circumstances of the case show that the trial court has overlooked facts which will substantially alter the results of its adjudication.[11] We perceive nothing in this case which would warrant such diversion.

Pat. Quillan's testimony, on direct and cross-examination, categorically established the material points of the People's case against appellant, thus:

x x x

"Q How about the 3 teabags?

A These are the 3 teabags which I bought from the accused, and the specimen(s) bear my initials (referring to F-2 to F-4).

Q And the 2 teabags were marked F-6 and F-7. Why do you say that these are the same teabags bought by you and recovered by you?

A This Exh. A I bought from the accused with my WRQ.

x x x

Q Why do you say that these were recovered by you?

A This Exh. B are the same teabags which I recovered from the accused.

Q Why do you say so?

A Because I have placed my markings WRQ.

x x x

Q Pat. Quillan, you said that you bought how many teabags from the accused?

A 3 teabags of marijuana.

Q Did you make it clear from him when you said that you were buying 3 teabags?

A Yes, sir.

Q How did you say that?

A I told him, 'Boy Piso, pagbilhan nga ng 3 teabags ng marijuana sa halagang P30.00.'

Q What did he tell you?

A He asked me if I have P30.00, sir.

Q And in what place were you talking at the time you said you bought 3 teabags of marijuana?

A In a store at Liwayway St., sir.

Q What particular time of the day was that?

A Around 7: 30 p.m., sir.

Q And do you know how much one teabag of marijuana cost(s)?

A P10.00, sir.

Q How long did you talk to the suspect in this case when you said you bought 3 teabags of marijuana from him?

A Few minutes only, sir.

Q How many minutes?

A About 3 minutes, sir.

Q And did he get from you the 3 P10.00 as you said?

A Yes, sir, and then he handed the 3 teabags of marijuana.

COURT:

Q What about the 2 teabags?

A He surrendered the 2 teabags, ma'am. He said there is nothing more left except the 2 teabags.

Q Why did he surrender?

A Because I introduced myself as a policeman."[12]

Pfc. Dante Dogoldogol amply corroborated[13] the foregoing narration of Pat. Quillan which likewise tallied with the "Sinumpaang Salaysay"[14] executed by the latter on January 9, 1990. The testimonies of said apprehending officers were straightforward and consistent. As expressly observed by the trial court, Quillan's demeanor was unchanged by anger or spite even in the face of the accusation of the defense that he demanded grease money from appellant.[15]

We have ruled that credence shall be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have performed their duties in a regular manner, there being no evidence to the contrary.[16] More so is this true in the present case where the buy-bust operation was methodically done, with surveillance operations transpiring for more or less one hour before the apprehension of the accused. The procedure adopted by the police officers in this case therefore jibes with the application of the presumption of regularity in the performance of official duties.[17]

It is appellant's submission that he would not have sold marijuana to Pat. Quillan whom he knew to be a law enforcer. He further alleges that it is hardly believable for him to sell marijuana cigarettes to a buyer he does not know.[18] In light of our judicial experience and pronouncements, these contentions cannot but be rejected.

Time and again, we have ruled that the liability of appellant lies not on the existing familiarity between the buyer and the seller, but on their agreement and the acts constituting the sale and delivery of the marijuana leaves.[19] In real life, pushers, especially small-quantity or retail pushers, sell their prohibited wares to customers, be they strangers or not, who have the price of the drug.[20] Drug pushers have become increasingly casual about their

activities and less cautious about isolated transactions like the one at bar.[21] It is not, therefore, unusual or improbable for a drug pusher to sell to a total stranger.[22]

Of late, we have likewise observed the practice of appellants raising the defense that, since they know that the prosecution witnesses are police officers, it is improbable that they would sell marijuana to them. As we have heretofore pointed out, aside from lack of corroboration, such a pretense is a matter that can be so easily contrived, since all that the malefactor has to do is to affect supposed knowledge of the identity of the peace officer and then seek refuge in that self-serving contention.[23] This is a stratagem that does not impress us.

In response to appellant's query as to why Pat. Quillan was so sure that he was selling marijuana by the teabags,[24] suffice it to say that Quillan is an experienced operative having been assigned to the Anti-Narcotics Unit of the Valenzuela Police Station since 1985.[25] Obviously availing of his experience, he won the confidence of appellant by addressing him with a show of familiarity in this manner: "Boy Piso, pagbilhan nga ng 3 teabags ng marijuana sa halagang P30.00." [26] Since appellant was addressed by name and Quillan did not look like a policeman, this further explains why he unhesitatingly sold marijuana to Quillan.

It is also not incredible that appellant readily yielded two more teabags of marijuana upon having been asked by Pat. Quillan whether he still has marijuana in his house. It will be noted that appellant surrendered the remaining teabags while being frisked by the law enforcers.[27] As appositely noted by the Solicitor General, after failing in his initial attempt to escape and knowing that he would be subjected to a body search, appellant must have thought it best to surrender what was left of his marijuana supply,[28] evidently because further resistance or manipulations would be unavailing.

Appellant's defense of denial was completely refuted by the officers and their uncontradicted testimony of his participation in the unlawful transaction.[29] Since he could not point to any ill motive of his arrestors in apprehending him, nor any grudge that would impel them to implicate him in the charge, such identification should be given weight since witnesses would not falsely impute to the accused a serious criminal offense if it is not the untarnished truth.[30]

Appellant's testimony is also flawed by its apparent inconsistency with common human experience. He claims that because his feet were aching, he stopped for some refreshment and a little rest at a store which was three electric posts away from his house at Liwayway Street. While he was seated facing the store, a jeep stopped behind him and Pat. Wilfredo R. Quillan alighted therefrom: Thereupon, Pat. Quillan arrested him, allegedly for drug pushing.[31] We quote with approval the observation of the trial court on the matter:

"x x x Likewise, with the un rebutted evidence of the prosecution that the accused is a 'talamak na pusher', x x x the Court believes that there is here a case of entrapment. For what was the accused doing in that store, seated alone, instead of going directly to his house after the (4) hour procession at Quiapo where he allegedly carried the Black Nazarene? A few more meters walk to his house would not be that too tiring (sic) and an extreme sacrifice for his alleged tired feet, especially when it would be more in the exercise of common sense that he would rather go direct home and lie down to give himself the much needed rest. x x x." [32]

Moreover, appellant admitted having been seated in the jeep on his way home.[33] The journey from Quiapo to Valenzuela of almost an hour was long enough to give him a breather from the long and tiring Black Nazarene procession, enough to dispense with the necessity of his still stopping to rest at the store on Liwayway Street before, and instead of, proceeding to his house.

Appellant also claims having in his pocket P1,000.00 when he went to and as he mingled with the crowd in Quiapo.[34] Again, this is improbable, if not incredible. No reasonably sensible man would bring with him such an amount, for no purpose at all, during a Black Nazarene procession where thousands of devotees brave the heat

and the multitude just to join the Catholic faithful in paying homage on that occasion. It is of general knowledge that in that religious celebration, one has to contend with a large, closely-packed and moving horde, where pickpockets and opportunists abound and take advantage of the melee, as perceptively explained by the lower court in disbelieving appellant's claim that he had the alleged amount.[35]

Appellant's allegations that he was tortured and divested of his money by the apprehending officers[36] does not deserve any consideration. He utterly failed to substantiate the same and, if it were true, there could be no reason why he, either by himself or through his relatives, did not file any criminal or administrative charges against the erring police officers.[37]

The attempted corroboration through the testimony of defense witness Rolando Obugan falls far short of its intended purpose. Obugan claimed that he saw appellant at about 12:00 noon of January 9, 1990 and he learned that the latter was joining the procession for the Black Nazarene. The next time he saw appellant was at 7:00 P.M. of the same day when the latter was in a store around eight meters away. When asked what appellant was doing there, Obugan could only answer with uncertainty: "I think he was drinking soft drinks in the store at that time, sir." [38] Considering the darkness of the night and the distance involved, even assuming the truth of his presence at the scene, he could not have definitely or known what precisely transpired between appellant and Pat. Quillan.

Concluding, we digress to express our approval of the comparative dispatch with which this case has been handled, from the investigative through the prosecutorial and judicial stages, until the same was ready for our adjudication, all with provident care and concern for the procedural and evidentiary safeguards of our criminal justice system. The constitutional rights of appellant to speedy and impartial trial have been scrupulously observed and, at the same time, the authorities have acted in line with the penological theory that fair and expeditious dispensation of justice is a major deterrent against crime.

On the foregoing disquisition and considerations, we are thoroughly convinced that the guilt of accused-appellant Rolando Castillo y Martinez for the offense charged has been duly proven beyond reasonable doubt and that the court a quo did not err in its verdict and pronouncements.

ACCORDINGLY, the judgment appealed from is AFFIRMED in toto.

SO ORDERED.

Melencio- Herrera, Acting C.J., (Chairman), Paras, Padilla, and Nocon, JJ., concur.

[1] Original Record, 1.

[2] Ibid., 6.

[3] Brief for the Appellee, 4-5; Rollo, 73.

[4] Brief for the Appellant, 4-6; Rollo, 47.

[5] Rollo, 57; Exhibits D and E, Folder of Exhibits, 3-4.

[6] Per Judge Teresita Dizon-Capulung.

[7] Original Record, 59.

[8] Brief for the Appellant, 1; Rollo, 44.

[9] People vs. Caraig, G.R. No. 91162, October 3, 1991.

- [10] *People vs. Baluyot*, 170 SCRA 569 (1989).
- [11] *People vs. Turla*, 167 SCRA 278 (1988).
- [12] TSN, February 14, 1990, 2-3.
- [13] *Ibid.*, February 26, 1990, 2-6.
- [14] Exhibit G, Folder of Exhibits, 5-6.
- [15] Rollo, 58.
- [16] *People vs. Napat-a*, 179 SCRA 403 (1989).
- [17] *People vs. De Jesus*, G.R. No. 93852, January 24, 1992.
- [18] Brief for the Appellant, 6-7; Rollo, 49-50.
- [19] *People vs. Tejada*, 170 SCRA 497 (1989); *People vs. Rodriguez*, 172 SCRA 742 (1989).
- [20] *People vs. Odicta*, 197 SCRA 158 (1991).
- [21] *People vs. Bernardino*, 193 SCRA 448 (1991).
- [22] *People vs. Cina*, 190 SCRA 199 (1990).
- [23] *People vs. De Jesus*, *supra*, Fn. 18.
- [24] Brief for the Appellant, 7; Rollo, 50.
- [25] TSN, January 29, 1990, 1-2.
- [26] *Ibid.*, February 14, 1990, 3.
- [27] *Ibid.*, February 26, 1990, 4.
- [28] Brief for the Appellee, 14; Rollo, 73.
- [29] TSN, February 14, 1990, 5; TSN, February 26, 1990, 3.
- [30] *People vs. Caraig*, *supra*, Fn. 9.
- [31] Brief for the Appellant, 4; Rollo, 47.
- [32] Rollo, 18.
- [33] TSN, March 2, 1990, 5.
- [34] *Ibid.*, *id.*, 8.
- [35] Rollo, 18.
- [36] TSN, March 2, 1990, 7-8.
- [37] *Ibid.*, March 5, 1990, 3-4.
- [38] *Ibid.*, March 7, 1990, 3.

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