

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANILO GONZALES Y MATIAGA, ACCUSED-APPELLANT.

G.R. No. 93722. May 28, 1993

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-93722/>

NOCON, J.:

This is an appeal from the Decision[1] of the Regional Trial Court, Branch 124 of Caloocan City wherein accused-appellant Danilo Gonzales y Matiaga was found guilty beyond reasonable doubt of the crime penalized under Article II, Section 4 of Republic Act No. 6425, as amended by Presidential Decree No. 1675, otherwise known as the Dangerous Drugs Act of 1972, under the information which reads:

“That on or about the 8th day of February 1989, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused in violation of the above-mentioned Republic Act, did then and there willfully, unlawfully and feloniously sell and deliver to another marijuana flowering tops place in small transparent bag, a prohibited drug, without being authorized by law.”[2]

Upon arraignment, accused-appellant pleaded not guilty to the crime charged. After trial on the merits, the trial court rendered its decision, the dispositive portion of which reads:

“WHEREFORE, in view of the foregoing, this Court finds the accused DANILO GONZALES Y MATIAGA, guilty beyond reasonable doubt of Violation of Section 4, Article II, Republic Act No. 6425, as amended, as charged in the Information, and hereby sentences him to suffer the penalty of life imprisonment, to pay a fine of P20,000.00 and to pay the costs.

“The subject matter of this case, which are the marijuana flowering tops placed inside a small, transparent teabag, are forfeited in favor of the Government and the Deputy Sheriff of this Court is hereby directed to turn over the same to the Dangerous Drugs Board for disposition.”[3]

The facts as found by the trial court are as follows:

“At about 2:00 o’clock in the afternoon of February 8, 1989, a lady informant named ‘Nene’ called the Anti-Narcotics Unit of the Kalookan City Police Station and gave the information that one “Danny Pilay’ was openly selling marijuana along F. Acab Street, Kalookan City. Upon being so informed, Police Capt. Benjamin Dimaano created a team to arrest the suspect. The members of the team were Pat. Reynaldo Lechido who was designated as the team leader; Pat. Bienvenido Santianes, Jr. who was designated the pose-buyer; Pat. Reynaldo Beaño; Pat. Reynaldo Mendoza; Pat. Manuel Valdós and Police Aide Francisco Garcia, Jr. Capt. Benjamin Dimaano provided the team with money for the operation consisting of two five-peso bills. The serial numbers of these bills were recorded in the police blotter of the Anti-Narcotics Unit. Pat. Santianes shaded with a ballpen the two eyes of Emilio Aguinaldo on the face of a five-peso bill with serial no. QG-119690. The eyes of said Emilio Aguinaldo in the other five-bill with serial No. NM-478122 were not shaded.

“After the conference, the police team proceeded to the designated place at F. Acab Street aboard the owner-type jeep. The policemen parked their jeep near a market about 400 meters from the reported place of

residence of the suspect and proceeded to their destination on foot. The accused was first seen standing alone by the police team in front of his (accused's) residence. It was about 3:00 p.m. His appearance tallied with the description of the suspect which was previously given by the informant.

"Upon seeing the suspect, Pat. Santianes approached the said suspect while the rest of the members of the police team placed themselves at strategic positions. Pat. Santianes started the conversation with the suspect by saying: "Pare, baka pwedeng maka-skor, isang teabag." He then gave the two five-peso bills, the serial numbers of which were previously recorded at the police blotter, to the suspect. The suspect did not immediately accept the two five-peso bills. He appeared to be undecided but after two minutes, the suspect accepted the money without saying a word and went inside the house. After about five minutes, the suspect emerged from his house, approached Pat. Santianes and handed the latter a small plastic teabag.

"After receiving the teabag, Pat. Santianes looked over the contents which could be seen without opening the teabag because the tiny bag was transparent. When he was satisfied that the contents of the transparent teabag were most probably marijuana, Pat. Santianes scratched his neck and held the arm of the suspect. This was the pre-arranged signal. Immediately, the five other members of the police team approached Pat. Santianes and members of the police team approached Pat. Santianes and the suspect. At this point, Pat. Santianes introduced himself as police officer. The team then arrested the suspect. It was Pat. Lechido who first arrested the suspect by embracing the latter. It was Pat. Manuel Valdoz, however, who recovered the two-five peso bills from the right hand of the suspect.

"The suspect was then brought to the Anti-Narcotics Unit Office at the Kalookan City Police Headquarters for investigation. During the investigation, the members of the police team gave a joint sworn statement (Exhibit "D").

"Pat. Reynaldo Lechido was the designated leader of the police team which arrested the suspect on February 8, 1989. He was also the one designated afterwards to conduct an investigation of this case. He prepared the joint sworn statement of the apprehending policemen (Exhibit "D"). He also prepared a referral letter addressed to the NBI Forensic Laboratory Section requesting a laboratory examination of the alleged marijuana flowering tops. It was Pat. Reynaldo Beaño who brought back to the Kalookan City Police Anti-Narcotics Unit the certification prepared by NBI Forensic Biologist Beverly Eleria (Exhibit "C").

"He also prepared the referral slip for the Kalookan City Prosecutor (Exhibit "E").

"Beverly G. Eleria, a forensic biologist of the NBI, conducted the examination of the subject specimen to see if the specimen was positive for marijuana.

"She received a letter-request from the Kalookan City Police Station to examine the specimen on February 8, 1989, together with the specimen (See Exhibit "F"). She identified the specimen contained in a small transparent plastic teabag. The specimen was marked as Exhibit "G". The masking tape attached to the plastic teabag was marked as Exhibit "H". The plastic teabag was marked as Exhibit "I". The markings on the teabag itself which were made by Beverly Eleria were marked as Exhibit "I-1". The other markings on the teabag were marked as Exh. "I-2". A white coupon bond was used to wrap the plastic teabag with its contents and was marked as Exhibit "J". The markings on this coupon bond were made by Beverly Eleria and were marked as Exh. "J-1". The other markings on the coupon bond were marked as Exh. "J-2".

"The preliminary laboratory examination of the specimen was first conducted. The specimen gave positive results for marijuana. (See Certificate marked as Exhibit "C"). Beverly Eleria handed the original of this Certificate (Exhibit "C") to Pat. Reynaldo Beaño of the Kalookan City Police Station. Afterwards, Beverly Eleria conducted a chromatographic examination of the specimen. The specimen also gave positive results for marijuana. A final report was prepared (Exhibit "K"). After this, Beverly Eleria placed the specimen and the wrappers inside a white letter envelope which she sealed for safe-keeping (Exhibit "L").

“Pat. Bienvenido Santianes and Pat. Reynaldo Lechido were two of the Kalookan City policemen team who were chosen to arrest the suspect, Danilo Gonzales y Matiaga. Both of them testified on the facts and circumstances surrounding the arrest of the suspect.

“Pat. Santianes is a 27-year-old policeman who joined the Kalookan City Police Force on March 30, 1985. He was a member of the Anti-Narcotics Unit on February 8, 1989, when the suspect was arrested. He identified the suspect (now the accused) Danilo Gonzales inside the courtroom during the trial held on June 22, 1989. (TSN-June 22, 1989, p. 6). He also identified the two five-peso bills he used during the operation. He pointed at a five-peso bill with serial No. QG-119690 which serial number was recorded at the police blotter of the Anti-Narcotics Unit before the team left the office in the afternoon of February 9, 1989 (TSN-June 22, 1989, p. 17). The bill was marked as Exhibit “A”. He also pointed at the eyes of the picture of Gen. Emilio Aguinaldo on the face of the P5 bill which he blackened with a ballpen at his office before the arrest of the suspect. This blackened eyes of Gen. Aguinaldo were marked together as Exh. “A-1”. (TSN-June 22, 1989, p. 7) He identified the other P5 bill with serial no. NM-478122, and this was marked as Exhibit “B”. All the team members were present when Pat. Santianes received the two five-peso bills from Capt. Dimaano (TSN-June 22, 1989, p. 15). When asked during the cross-examination as to why he did not blacken the eyes of the picture of Gen. Aguinaldo on the face of exhibit “B”. Pat. Santianes explained that the accused might suspect he was a policeman if the eyes of Gen. Aguinaldo on both of the two five-peso bills used in the operation were blackened (TSN, June 22, 1989, p. 16).

“The two five-peso bills and their serial numbers used in the operation were mentioned in the joint sworn statement of Pat. Santianes, Pat. Reynaldo Lechido, Pat. Manuel Baldoz and Pat. Reynaldo Beaño (Exhibit “D”). This was prepared at about 5:00 p.m. of February 8, 1989, just after the police team brought the accused to the Anti-Narcotics Unit of the Kalookan City Police Headquarters. The two five-peso bills and their respective serial number were also mentioned in the referral letter dated February 8, 1989 addressed to the Kalookan City Fiscal (Exhibit “E”).

“Pat. Santianes identified the marijuana flowering tops (Exhibit “G”) which are contained inside a transparent teabag which he purchased from the accused. He pointed at his initials “BCS” which he wrote on the plastic teabag itself for identification purposes. This was marked as Exhibit “I-2”. He also identified the rolling papers (3) found inside the plastic teabag (TSN-June 29, 1989, pp. 22-23).

“Pat. Santianes emphasized that he did not know the accused before the latter was arrested on February 8, 1989 (TSN-June 22, 1989, p. 19).

“Pat. Reynaldo Lechido was assigned to the Anti-Narcotics Unit of the Kalookan City Police Station on February 8, 1989. He was named as the leader of the team which was organized on said date to arrest the accused (TSN-June 23, 1989, p. 4). He was hiding and was ten meters away when Pat. Santianes was transacting with the accused (TSN-June 23, 1989, p. 8). He was able to identify the two five-peso bills which were used in the operation. He recognized and pointed at a five-peso bill with serial No. QG-119690 marked as Exhibit “A” because he was present when Pat. Santianes shaded the two eyes of the picture of Gen. Aguinaldo on the face of the bill. He was also able to identify the other five-peso bill with serial no. NM-478122 which was marked as Exhibit “B”. He was the one who stapled these two bills on a white coupon bond and placed the name of the accused, Danilo Gonzales, at the bottom of the coupon bond paper (TSN-June 23, 1989, pp. 7-8). Pat. Valdoza retrieved the two five-peso bills used in the operation from the right hand of the accused, and Pat. Valdoz turned over the said two five-peso bills used in the operation from the right hand of the accused, and Pat. Valdoz turned over the said two five-peso bills to team leader Pat. Reynaldo Lechido immediately after the arrest, Pat. Santianes also turned over the teabag of marijuana flowering tops he bought from the accused to Pat. Lechido immediately after the arrest of the accused. Pat. Lechido brought personally with him the two five-peso bills and the teabag of marijuana flowering tops from the place of the arrest of the accused where these items were turned over to him up to the Anti-Narcotics Unit of the Kalookan City Police Headquarters (TSN-June 23, 1989, pp. 34-36).

“Pat. Lechido identified during the trial the marijuana flowering tops (Exhibit “G”) contained in a small, transparent teabag which were turned over to him by Pat. Santianes after the arrest of the accused. Pat. Lechido placed his initials “R.L.” on the plastic teabag itself. These initials of Pat. Lechido and the initials of Pat. Santianes were bracketed and were marked as Exhibit “I-2”. He also identified the accused inside the Courtroom.

“Pat. Lechido was questioned on cross-examination why he had the joint affidavit of the apprehending officers (Exhibit “D”) prepared as early as 5:00 p.m. of February 2, 1989 stating that the teabag bought from the accused contained marijuana flowering tops when the preliminary certificate coming from the NBI Forensic Laboratory (Exhibit “C”) showing that the subject of the laboratory examination gave positive results for marijuana was issued only after 8:25 p.m. on February 8, 1989. Pat. Lechido explained that he and his policemen companions were almost certain that the contents of the teabag were marijuana because of experience and in order to expedite matters. However, they waited for the certification from the NBI Forensic Laboratory Unit before the apprehending policemen swore to the truth of their joint sworn statement before the Inquest Fiscal at 11:30 p.m. of February 8, 1989 (TSN-June 23, 1989, pp. 44-48).[4]

The defense however, presents a different story. Thus -

“At about 4:30 in the afternoon of February 9, 1989, appellant just woke up from sleep in the house at 44 F. Acab Street, Kalookan City (p. 5, tsn, August 9, 1989). He was boiling water in the kitchen (p. 5, tsn August 9, 1989), when two men who later turned out to be members of the Kalookan City Police climbed over the fence of the house of appellant (p. 14, tsn. July 6, 1989; p. 5, tsn, July 12, 1989; p. 4, tsn, August 11, 1989). One of the policemen poked his gun at appellant. Appellant asked the policeman why he was doing so. The policeman got irked and boxed appellant in the stomach (p. 5, tsn, August 9, 1989).

“The two other policemen entered the house through the main door in front of the house (p. 4, tsn, July 12, 1989; p. 6, tsn, August 9, 1989; p. 4, tsn, August 11, 1989). Without any search warrant (p. 10, tsn, July 12, 1989), the two policemen who climbed over the fence and the other two who entered the house through the door searched the house of appellant, including the upper floor, bathroom and kitchen (p. 6, tsn, August 9, 1989), while appellant was made to stay in the corner of the house (p. 5, tsn, August 9, 1989).

“After violating the sanctity of appellant’s house, the policemen compelled and dragged appellant to go with them (p. 4, tsn, August 11, 1989; p. 6, tsn, August 9, 1989). Not one of the relatives of appellant who wanted to go along with appellant was allowed to accompany him to be present during the investigation (p. 11, tsn, July 12, 1989; pp. 9 and 15, tsn, August 9, 1989).

“During the investigation, three of the policemen were reeking with the smell of liquor (p. 4, tsn, August 9, 1989).

“One of the policemen, whom appellant later came to know as Patrolman Lechido, took out a pair of socks from a locker and pulled out an envelope which contained what turned out to be marijuana (p. 9, tsn, August 9, 1989). Patrolman Lechido told appellant, ‘Yari ka na ngayon.’ (p. 7, tsn, August 9, 1989).

“Appellant was not allowed to leave the police headquarters but was detained in a cell. In the evening of February 8, 1989, a cousin’s wife named ‘Baby’ visited appellant in his cell. In consideration of the release of appellant, ‘Baby’ was asked by the policemen to produce P1,000.00 (p. 8, tsn, August 9, 1989).

“Another policeman, whom appellant later came to know as Patrolman Santianes asked money from appellant. Appellant pulled out his wallet. When the policeman saw two five peso bills, he took the bills from the wallet (p. 8, tsn, August 9, 1989). These bills were later presented as the money supposedly used to pay the tea bag.”[5]

Accused-appellant anchors his defense on denial and assigned the following as errors of the trial court:

I

THE HONORABLE TRIAL COURT GRAVELY ERRED IN DISREGARDING THE EVIDENCE FOR THE DEFENSE THAT THE POLICEMEN WHO WENT TO APPELLANT'S HOUSE CONDUCTED ILLEGAL SEARCH, UNLAWFULLY ARRESTED APPELLANT AND PLANTED EVIDENCE AGAINST HIM;

II

THE HONORABLE COURT GRAVELY ERRED IN CONSIDERING THE CIRCUMSTANCES PRESENTED BY THE PROSECUTION EVIDENCE AS MERE ENTRAPMENT AND NOT IN FACT AN INSTIGATION;

III

THE HONORABLE TRIAL COURT GRAVELY ERRED IN NOT CONSIDERING THE CIRCUMSTANCES OF THIS CASE, WHICH COULD HAVE LED TO ITS DISMISSAL AND ACQUITTAL OF APPELLANT.

We agree with the court a quo in finding accused-appellant Danilo Gonzales guilty of the crime charged.

Accused-appellant contends that the search conducted at his residence was illegal and in violation of his constitutional rights. But no formal complaint to the illegal search was filed by the appellant against the police officers concerned. What he did file was a complaint against some Kalookan City policemen with the National Police Commission for his alleged apprehension five (5) months thereafter or on June 28, 1989. Appellant never presented evidence on what happened to this complaint.

True, that three witnesses testified to the alleged illegal search at the house of the accused-appellant. But their testimonies are not only incredible but more of an afterthought. Rebecca Gonzales Hapa and Natividad Gonzales, are the sister and mother of appellant, respectively, and their testimonies in favor of the appellant were to be expected. With the exception of Rebecca Gonzales Hapa, Natividad Gonzales and Nenita de la Vega executed their respective sworn statements about the alleged illegal search only on April 7, 1989 or two (2) months after the incident.[6] No reason was given why it is so. On the other hand, Rebecca Hapa never executed a sworn statement at all on said illegal search.

The other contention of the accused-appellant is that the police authorities instigated him to commit the crime, a method which is not allowed by our penal laws hence, should entitle him to an acquittal.

Accused-appellant's arguments do not convince Us of his innocence.

The buy-bust operation conducted by the police authorities was a result of a "tip" from a lady informant named "Nene" that accused-appellant who is known as "Danny Pilay" was openly selling prohibited drugs along F. Acab St. in Caloocan City. The buy-bust operation conducted by the police authorities to catch the accused-appellant was an entrapment and allowed by law.[7] The evidence before Us clearly shows that the accused-appellant was not instigated by the police authorities to commit the crime. In fact, accused-appellant gave a tea bag of marijuana to the police authorities upon receipt of the two (2) marked bills.

The arresting officers who have no known motive or reason to falsely impute a serious charge against the accused are credible.[8] The prosecution witnesses are law enforcers. They are presumed to have regularly performed their duties in the absence of proof to the contrary.[9]

As held by the court below:

“The testimonies of the two principal witnesses of the Prosecution, Pat. Reynaldo Lechido and Pat. Bienvenido Santianes, Jr. may be relied upon. Their testimonies were positive, clear and convincing. There is in their favor the presumption that they performed their official duties in a regular manner. (Paragraph [m] of Section 3, Rule 131, Revised Rules on Evidence; People vs. De Jesus, 145 SCRA 521). This presumption was not overcome by the evidence adduced by the accused. Moreover, it has not been shown that these Prosecution witnesses had improper motives when they testified. The two policemen did not know the accused before the accused was arrested in the afternoon of February 8, 1989 (TSN-June 22, 1989, p. 19). In fact, the accused admitted in his testimony that he did not know either Pat. Lechido or Pat. Santianes before the incident of February 8, 1989 (TSN-August 9, 1989, p. 112). Thus, the ruling in the case of People vs. Asil (141 SCRA 286) is applicable here. The Supreme Court ruled here that where eyewitnesses had no grudge against the accused and they did not know him before the incident, their testimony is credible.”[10]

It would seem that the real issue of the case is the credibility of the witnesses. Jurisprudence teaches us that the findings of the trial court judge who tried the case and heard the witnesses are not to be disturbed on appeal unless there are substantial facts and circumstances which have been overlooked and which, if properly considered, might affect the result of the case.[11] The trial judge’s evaluation of the witnesses’ credibility deserves utmost respect in the absence of arbitrariness.[12] We find no reason to overrule such findings of the trial court.

WHEREFORE, there being no error in the judgment appealed herefrom, the same is hereby **AFFIRMED**.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, and Regalado, JJ., concur.

[1] Rollo, p. 17-24.

[2] Rollo, p. 7.

[3] Rollo, p. 24.

[4] Rollo, pp. 17-21.

[5] Appellant’s Brief, pp. 4-6.

[6] Exhibits “1” and “3”, Folder of Exhibits, pp. 1 and 4.

[7] People vs. Rumeral, 200 SCRA 194.

[8] People vs. Segwaban, 194 SCRA 239.

[9] Ibid.

[10] Rollo, p. 21.

[11] People vs. Yambao, 193 SCRA 571 (1991).

[12] People vs. Tongson, 194 SCRA 257 (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.