

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO NARIO Y SANTOS, ACCUSED-APPELLANT.

G.R. No. 94863. July 19, 1993

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-94863/>

CRUZ, J.:

The appellant, who was convicted of selling shabu in violation of Section 15, Art. III, of the Dangerous Drugs Act and sentenced to life imprisonment and a fine of P20,000.00,[1] protests his innocence before this Court.

He faults the trial court for disbelieving his evidence and also argues that assuming there was a sale, it was the result of an instigation and not an entrapment.

In convicting him, the Regional Trial Court of Malabon, Metro Manila, relied heavily on the testimony of the prosecution witnesses who participated in the buy-bust operation that led to his arrest.

The operation was narrated by Pat. Roger Felices,[2] who acted as the buyer in the mock transaction that took place at about seven o'clock in the evening of January 24, 1990, at Cadorniga Street, in Navotas, Metro Manila.

The Navotas Police Station had earlier received confidential information that Reynaldo Nario was selling shabu in the street. A buy-bust team was immediately formed, with Felices, Pat. Nemesio Ira and Pat. Rizalito Francisco as members and Pat. Rolland Mabbun as leader. Two P100 bills were marked with the initials "REF" for use in the sham purchase.[3]

As the other team members deployed themselves, Felices approached Nario and said he wanted to buy shabu. Nario said he had some for sale at P100.00 a teabag. Felices gave the marked money to Nario, who handed him two teabags in return. Upon witnessing the exchange, the other policeman closed in on Nario and identified themselves as peace officers. They arrested him and recovered the marked money. Nario also surrendered another teabag he was carrying in his wallet.

The teabags were later sent to the National Bureau of Investigation for laboratory examination and found to contain methamphetamine hydrochloride, commonly known as shabu.[4]

Felices was corroborated by Rolland Mabbun[5] and the NBI forensic expert, Demelon de la Cruz, who affirmed his examination report.[6]

Nario denied the charge against him. He said that on the night in question he was in the store in front of his house when Felices and another policeman came. Without much ado, Felices grabbed his necklace and the other policeman took P1,000.00 from his pocket. They told him he was under arrest for drug-pushing. He refused to go with them because they had no warrant. However, he finally submitted when Pat. Rizalito Francisco, a childhood friend of his, arrived and advised him to obey them.[7]

At the police station, he was divested of his wallet containing P1,200.00. A lighter, a handkerchief, a bracelet and a ring were also taken from him but later returned. He was tortured to make him admit he was a drug pusher. His

genitals were electrified. He was hit in the head several times with a paperweight. Later, he was taken back to his house, which the policemen searched. They found no shabu there.[8]

Nario was corroborated by Virgilio Francisco,[9] who claimed to have witnessed his arrest.

The appeal must fail.

Nario's argument that he would not have sold shabu to the policemen because he knew them as such is not believable. His testimony is self-serving. Regarding Pat. Francisco, it appears from Nario's own words that his friend advised him to go with the other policemen after they had already arrested him. Francisco's subsequent appearance could not have forewarned him of the operation.

There is also no proof of his torture or of the theft of his money. No medical report of his injuries has been submitted. He did not complain about his maltreatment until he testified at his trial. He was not really that helpless in denouncing the policemen because he had the assistance of competent counsel.[10] Besides, he had the support of his family which, he points out, is respected and not without influence in the community.

The fact that the mock sale was transacted in an open place did not make the sale any less credible. We have decided many cases where the buy-bust operation was carried out in public places like markets and billiard halls, even in the daytime.[11] Indeed, drug pushers have become increasingly reckless and, worse, openly defiant of the law.

The search of Nario's house without a warrant does not disprove that he had earlier sold two teabags of shabu to Felices. That was a different operation. Felices testified that they searched the house with Nario's permission and so no warrant was necessary. At any rate, as no shabu was found there, the fruit-of-the-poisonous-tree rule has no application in this case.

It is argued in the appellant's brief that if Nario had really been caught red-handed, the policemen would not have found it necessary to torture him, or search his house, to force him to admit he was a drug pusher. But it is only the appellant who insists he was tortured; no corroborative evidence has been offered. As for the search of his house, the prosecutor explained that this was done not to fish for evidence of the already established entrapment. The purpose was to find out if he had more shabu in his possession.

The Court has held in a long line of cases that a buy-bust operation is not an instigation but an entrapment. In the case at bar, Nario was ready to sell to anyone who wanted to buy shabu and in fact had three teabags of the substance on his person. The criminal intent was already present. The operation merely affirmed, through his own act, that he was a drug pusher. We have repeatedly stressed that in entrapment, the idea to commit the crime originates from the accused.[12] In the case at bar, that idea was activated, so to speak, when Felices informed Nario that he was interested in buying shabu.

It is significant that the appellant has not imputed any false motive to the policemen in arresting him. This strengthens the presumption that they were in the regular discharge of their duties when they entrapped him and thereafter charged him with drug-pushing.

Finally, the Court notes two irrelevancies in the appellant's brief.

The first is the reference to the character of Nario's family which, it is stressed, includes responsible professionals and respected members of the community. This fact has no bearing at all on this case. It certainly does not add to the presumption of innocence in Nario's favor nor does it lessen the evidence of his guilt.

The second is the reference to another case in which the herein appellant's counsel is charging the Navotas police with violating the human rights of his client. This charge has yet to be proved and it is not even asserted that the

same policemen are involved. Moreover, Nario's allegation of maltreatment by the policemen who arrested him was dismissed by the trial court as a mere fabrication.

We are satisfied with Judge Marina L. Buzon that the evidence against Reynaldo Nario has overcome the constitutional presumption of innocence in his favor and established his guilt beyond reasonable doubt. His punishment is condign; it is here sustained.

Selling prohibited drugs is an especially vicious crime because it often breeds other crimes. It is not what we might call a "contained" crime whose consequences are limited to that crime alone, like swindling and bigamy. Court and police records show that a significant number of murders, rapes, and similar offenses have been committed by persons under the influence of dangerous drugs, or while they are "high." While spreading such drugs, the drug-pusher is also abetting, through his greed and irresponsibility, the commission of other crimes.

WHEREFORE, the appeal is DISMISSED and the challenged decision is AFFIRMED in full, with costs against the appellant.

SO ORDERED.

Griño-Aquino, Davide, Jr., Bellosillo, and Quason, JJ., concur.

[1] Decision penned by RTC Judge Marina L. Buzon, Branch 170, Malabon, Metro Manila, August 20, 1990.

[2] TSN, May 3, 1990, pp. 11-20.

[3] Exhibit G-1-A; Exhibit G-2-A.

[4] Exhibit "E," Records, p. 36.

[5] TSN, May 31, 1990, pp. 3-6.

[6] TSN, May 3, 1990, pp. 7-8.

[7] TSN, June 6, 1990, pp. 3-4.

[8] TSN, June 6, 1990, pp. 5-6.

[9] TSN, June 18, 1990, pp. 2-5.

[10] Atty. Ricardo C. Valmonte, an active human rights advocate.

[11] *People v. Bagawe*, 207 SCRA 761; *People v. Arceo*, 202 SCRA 170; *People v. Garcia*, 198 SCRA 603; *People v. Hilario*, 196 SCRA 716; *People v. Kalubiran*, 196 SCRA 644; *People v. Tandoy*, 192 SCRA 29; *People v. Paco*, 170 SCRA 681; *People v. Policarpio*, 158 SCRA 85; *People v. Sarmiento*, 147 SCRA 252; *People v. Rubio*, 142 SCRA 329; *People v. Toledo*, 140 SCRA 259.

[12] *People v. Ramos*, 203 SCRA 237.

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.