

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFREDO NARITO Y SUNGA DEFENDANT-APPELLANT.

G.R. No. 96949. March 08, 1993

Ponente: BIDIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-96949/>

BIDIN, J.:

This is an appeal from the decision of the Regional Trial Court of Binan, Laguna, Branch 25 in Criminal Case No. 4479-B entitled "People of the Philippines vs. Alfredo Narito y Sunga and Edith Amado alias Aling Edith (at-large)," promulgated on October 29, 1990, finding herein accused-appellant Alfredo Narito guilty beyond reasonable doubt of violation of Sec. 21 in relation to Sec. 4 of Republic Act No. 6425 (Dangerous Drugs Act of 1972), as amended, and sentencing him to suffer the penalty of reclusion perpetua.

The Information filed by Second Assistant Provincial Fiscal Benjamin E. Agarao, Sr. against accused-appellant reads as follows:

"That on or about November 10, 1986, in the Municipality of San Pedro, Province of Laguna, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the accused ALFREDO NARITO Y SUNGA conspiring and confederating with EDITH AMADO alias "ALING EDITH", who is still at-large, and mutually helping one another, without being authorized by law did then and there wilfully, unlawfully, and feloniously sell two (2) aluminum foils and dried marijuana leaves and fruiting, otherwise known as Indian Hemp, a prohibited drug.

CONTRARY TO LAW." (Rollo, p. 15)

Upon arraignment, accused Alfredo Narito pleaded Not Guilty. Thereafter, trial ensued against accused Alfredo Narito only. His co-accused Edith Amado remains at-large. On October 29, 1990, the trial court rendered its decision, the dispositive portion of which reads, to wit:

"WHEREFORE, premises considered, judgment is hereby rendered finding accused Alfredo S. Narito GUILTY beyond reasonable doubt, as principal, of the offense of Violation of Section 21 in relation to Section 4 of Republic Act No. 6425 and hereby sentences him to suffer imprisonment of reclusion perpetua; to pay a fine of THIRTY THOUSAND PESOS P30,000.00 without subsidiary imprisonment in case of insolvency; and to pay the costs.

The two (2) foils of dried marijuana leaves and the marked money are confiscated in favor of the government.

SO ORDERED." (Rollo, p. 21)

The antecedent facts of the case, as narrated by the trial court, are as follows:

"At around 2:00 o'clock in the afternoon of November 10, 1986, x x x Major Vivencio Ramilo (Commanding Officer of the Fourth Narcotics Regional Command), received a report from a confidential informant that a certain "Aling Edith" of Sto. Nino, San Pedro, Laguna was engaged in selling marijuana.

Acting on such information, Major Ramilo hatched a plan and formed a team to conduct a buy-bust operation

composed of T/Sgt. Perucho as the poseur-buyer, with Sgt. Salaria, Delfin Enriquez and Sgt. Edgar Groyon as back-ups.

The team proceeded to Sto. Nino, San Pedro, Laguna and reached the exact location at about 5:00 o'clock in the afternoon. They parked their vehicle at the other side of the street near the town plaza, right across the supposed house of Edith Amado. From their parked vehicle, T/Sgt. Perucho and their informer walked about 15 to 16 meters towards the gate of a compound where they were met by their contact man known as "alias Taba" who was later identified as Alfredo S. Narito.

After a conversation with their informer, the latter introduced T/Sgt. Perucho to "alias Taba" as a buyer of marijuana. Unsuspecting, Narito told them to wait a while and proceeded back to the house. When he returned, he was with alias Aling Edith. Convinced that there was, indeed, a buyer, Aling Edith handed to Narito 2 foils of marijuana, who, in turn, passed it (sic) over to T/Sgt. Perucho who simultaneously gave the marked (a dot on the tip of the nose of Pres. Quezon) P20.00 bill to Narito as consideration for the purchased marijuana. He then unwrapped the foil and when he saw dried marijuana, he signalled his back-up. Sensing that he was entrapped, Narito attempted to flee but was grabbed by T/Sgt. Perucho. Resisting his arrest, Narito tried to extricate himself from the hold of T/Sgt. Perucho. They grappled until they both fell on the ground. With the help of Sgt. Groyon, who immediately responded to the signal, they were able to subdue Narito and handcuffed him. When they were able to restrain his movements, Sgt. Groyon frisked accused Narito and confiscated from him another foil of dried marijuana leaves and the marked P20.00 bill. While the two were trying to overpower Narito, alias Aling Edith took the chance and escaped arrest from the NARCOM operatives.

Alfredo S. Narito was taken under custody and was detained at NARCOM Regional Unit in Calamba, Laguna, where he was investigated by Sgt. Edgar Groyon of said Unit.

On the request of Major Vivencio Ramilo, the confiscated foils of dried marijuana leaves were subjected to chemical examination by Captain Rosalinda Royales of the Philippine Constabulary Crime Laboratory at Camp Crame, Quezon City.

Testifying on her report, Captain Royales reiterated and confirmed her findings that the specimen submitted for qualitative examination "gave POSITIVE result to the tests for marijuana."

The physical and material evidence to support the charge were marked in evidence and submitted in Court as:

Exhibits "A" - marked P20.00;
"A-1" - signature of Alfredo Narito;
"A-2" - dot on the tip of the nose of President Quezon;
"A-3" - signature of Alfredo S. Narito;
"B" - Chemistry Report No. D-169-86;
"B-1" - signature of Capt. Rosalinda Royales;
"B-2" - signature of Capt. Roberto Rongavilla;
"B-3" - Findings
"C" - Marijuana;
"C-1" - -do"- (Rollo, pp. 16-17)

At the trial, the prosecution presented three witnesses, namely, T/Sgt. Juanito Perucho, Sgt. Edgar Groyon, and Capt. Rosalinda Royales. The first two witnesses testified on the events of the buy-bust operation which culminated in the arrest of appellant, while Capt. Royales, a forensic chemist of the PC-INP Crime Laboratory, testified on the results of the chemical examination she conducted on the contents of the aluminum foils confiscated from appellant, which she found positive for marijuana.

The defense, on the other hand, presented the accused-appellant himself and one Rodil Anchoriz as witnesses. These two witnesses presented a totally different version of the circumstances surrounding the arrest of appellant

and the consequent charge against him.

Appellant testified that on November 10, 1986, he was in the store of one "Aling Rosie," drinking beer with several friends, namely: Rodil Anchoriz, Noli Mendoza, Felimon Alindongan, Manolito Rodriguez and Ruben Amado, when a group of armed men arrived and declared "huli, huli, raid ito." He and some of his friends were arrested. They were accused of selling marijuana and brought to the PC Detachment in Calamba, Laguna. While under detention, appellant alleged that he was asked to produce P500.00 in consideration for his release. When he refused, he was physically punished by his captors and was forced to sign a written confession. Defense witness Rodil Anchoriz substantially corroborated the testimony of appellant. He testified, in part, that he was arrested and detained together with appellant; that he did not pay the P500.00 allegedly demanded by the police in exchange for his release; and that he was released because he was the son of a police sergeant.

In the instant petition, appellant raises two assignments of error, namely:

"I.

THE COURT A QUO ERRED IN GIVING CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES AND IN DISREGARDING THE THEORY OF THE DEFENSE.

II.

THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANT ALFREDO NARITO GUILTY BEYOND REASONABLE DOUBT OF VIOLATION OF REPUBLIC ACT NO. 6425 (DANGEROUS DRUGS ACT OF 1972), AS AMENDED." (Appellant's Brief, p. 1)

Appellant questions the credibility of the prosecution witnesses with respect to the escape of Edith Amado, appellant's co-accused and alleged co-conspirator during the buy-bust operation.

Appellant calls attention to the fact that there is no explanation on record how Edith Amado managed to escape despite the presence of police back-up members. He argues that this failure of the buy-bust team to explain their omission to arrest Edith Amado renders unreliable and unconvincing the entire version of the prosecution relating to the buy-bust operation.

Appellant notes that according to the testimonies of T/Sgt. Perucho and Sgt. Groyon, the scene of the buy-bust operation was near the house of appellant's co-accused, Edith Amado. The latter was admittedly present during the transaction and she was the one who handed over the aluminum foils of marijuana to appellant, who in turn, handed them over to T/Sgt. Perucho. However, despite Edith Amado's presence and participation in the transaction, and the presence of the back-up team, Edith Amado managed to escape and elude arrest. Appellant contends that taking into account the vicinity in which the operation took place, the logical escape route of Edith Amado would have been for her to go back inside the compound, and then proceed to her house. The absence of any proof of a determined effort on the part of the buy-bust team to apprehend Edith Amado, i.e. hot pursuit, lends credence to the conclusion that the alleged buy-bust operation is a mere concoction to secure the conviction of appellant.

Appellant's contentions are bereft of merit.

It is difficult to believe that the police operatives who testified for the prosecution would invent a wholly non-existent buy-bust operation in order to charge appellant with a crime he did not commit. We find no reason from the record why the prosecution witnesses should fabricate their testimonies and implicate appellant in such a serious crime (*People v. Bautista*, 147 SCRA 500 [1987]).

As correctly observed by the Solicitor General, the NARCOM operatives presented as prosecution witnesses were engaged in the official performance of their duties when they conducted the buy-bust operation. They acted upon a lawful order of their commanding officer. Consequently, they enjoy the presumption of regularity in the

performance of their functions.

"Credence is accorded to the prosecution's evidence, more so as it consisted mainly of testimonies of policemen. Law enforcers are presumed to have regularly performed their duty in the absence of proof to the contrary" (People v. Tejada, 170 SCRA 497 [1989], citing People v. De Jesus, 145 SCRA 521 [1986]).

Furthermore, a perusal of the record reveals no evidence of any ill motive on the part of the prosecution witnesses to impute to appellant the commission of the crime charged. The testimony of a witness should be given full faith and credit, in the absence of evidence that he was actuated by improper motive (People v. Melgar, 157 SCRA 718 [1988]); People v. Umali, 193 SCRA 493 [1991]).

Well-settled is the rule that findings of the trial court on the issue of credibility of witnesses are entitled to great respect and are accorded the highest consideration by appellate courts. Credibility "is a matter that is peculiarly within the province of the trial judge, who had first-hand opportunity to watch and observe the demeanor and behavior of witnesses both for the prosecution and the defense, at the time of their testimony" (People v. Turla, 167 SCRA 278 [1988]). Thus, in the absence of a showing by appellant that any of the exceptions to this rule obtains, the findings of the trial court must be upheld.

With regard to appellant's adoption of extortion as a defense, We likewise agree with the observations of the Solicitor General that the same is without merit. Appellant contends that he was arrested while drinking beer with several companions in front of Aling Rosie's store, that his captors demanded the sum of P500.00 in exchange for his release, and that as a result of his refusal and failure to pay the said amount, he was charged with violation of R.A. No. 6425. The allegation of extortion is a standard defense in prosecutions involving drug-related offenses (People v. Tejada, *supra*). Thus, it has been held that:

"x x x courts must be vigilant. A handy defense x x x is that it is a frame-up and that the police attempted to extort from the accused. Extreme caution must be exercised in appreciating such defense. It is just as easy to concoct as a frame-up. At all times, the prosecution and the courts must be always on guard against these hazards in the administration of criminal justice." (People vs. Rojo, 175 SCRA 119 [1989])

Assuming *arquendo* that appellant's claim of extortion is true, the alleged demand of P500.00 made upon him by the police officers occurred after he was arrested. Consequently, at the time of the alleged demand, the offense had already been consummated and therefore, is not determinative of the guilt or innocence of appellant.

Moreover, the inherent contradictions in the theory of appellant raises serious doubts as to its credibility. Witness Rodil Anchoriz testified that he did not pay the P500.00 demanded by the police on the strength of his being the son of a police sergeant. On the other hand, appellant is the son of a retired PC lieutenant, which fact was known to the NARCOM operatives when the former visited appellant while under detention at the PC detachment. Appellant's contention that P500.00 was being demanded from him in exchange for his release is not worthy of belief. For if relationship to a serviceman affects NARCOM agents' discretion in releasing arrested suspects, why was Anchoriz released, but not appellant, when both are the sons of police officers? Secondly, if the defense version were really true, then the other drinking companions alleged to have been with appellant at the time he was picked up, as well as the sari-sari store owner, should have been presented on the witness stand to corroborate the version of appellant.

Appellant was charged with violating Section 21 in relation to Section 4 of the Dangerous Drugs Act (R.A. No. 6425), for "conspiring and confederating with Edith Amado alias "Aling Edith," xxx and mutually helping one another, without being authorized by law xxx willfully, unlawfully and feloniously sell [sic] two (2) aluminum foils of dried marijuana leaves and fruiting xxx" (Information, Rollo, p. 15).

Section 4 of R.A. No. 6425 states:

"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, administer, deliver, give away to another, distribute, dispatch in transit or transport any prohibited drug, or shall act as a broker in any of such transactions. xxx"

Section 21 of the same Republic Act declares:

"Attempt and conspiracy. - The same penalty prescribed by this Act for the commission of the offense shall be imposed in case of any attempt or conspiracy to commit the same in the following cases:

"xxx;

"b) Sale, administration, delivery, distribution and transportation of prohibited drugs;

"xxx."

The prosecution evidence clearly establishes that during the buy-bust operation, appellant was apprehended after Edith Amado alias "Aling Edith" delivered the two (2) aluminum foils of dried marijuana leaves to the former, who, for a consideration of P20.00, handed the same to T/Sgt. Perucho acting as poseur-buyer.

It is indubitable from the foregoing considerations that the Court has no option but to declare that the trial court did not err in finding appellant guilty of the offense charged on the basis of the evidence on record.

WHEREFORE, the appealed decision is hereby AFFIRMED.

SO ORDERED.

Feliciano, (Acting Chairman), Davide, Jr., Romero, and Melo, JJ., concur.

Gutierrez, Jr., J., (Chairman), on terminal leave.

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.