PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JONATHAN ALABAN Y JOSHEP, ACCUSED-APPELLANT.

G.R. No. 97431. September 28, 1992

Ponente: MELO, J.

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MELO, J.:

Dissatisfied with the sentence to suffer an imprison-ment term for life and to pay a fine of P20,000.00 imposed on him by the Regional Trial Court, Branch 24, Iloilo City for violation of Section 4, Article II of Republic Act 6425, otherwise known as the Dangerous Drugs Act of 1972, Jonathan Alaban comes to us questioning his conviction. He claims that the trial court committed reversible error in appreciating and assessing the credibility of the prosecution witnesses.

The evidence for the prosecution discloses that on the morning of February 24, 1990, the 6th Narcotics Command (NARCOM) Regional Unit stationed at General Luna Street, Iloilo City with Sgt. Francisco Allaga as the team leader, proceeded to Benedicto St., Jaro, Iloilo to conduct a buy-bust operation in response to telephone calls from concerned citizens that a tricycle driver named Jonathan Alaban was peddling marijuana. Agent Torres Recomono who was designated to act as the poseur-buyer was able to intercept Jonathan Alaban as he was about to leave his house. Striking a conversation with him, Agent Recomono let Jonathan know that he needed a “score”, meaning he needed marijuana. Jonathan initially feigned innocence but after being prodded and handed a twenty-peso (P20.00) bill by Agent Recomono, Jonathan went up to his house and then returned to Agent Recomono with a matchbox.

On seeing the contents of the matchbox to be marijuana, Agent Recomono ran his hand over his head, the pre-arranged signal for the apprehending NARCOM team to move in. Jonathan was promptly arrested and frisked. Recovered from him was the marked twenty (P20.00) peso bill bearing the initial of Sgt. Gabasa.

Jonathan was then taken to the NARCOM Headquarters where he signed a receipt of property or confiscation receipt. The matchbox was sent to the Philippine Constabulary Crime Laboratory for analysis of its contents. The results of the laboratory examination confirmed that the contents of the matchbox was marijuana.

The above narration was made at the trial by Sgt. Francisco Allaga and Agent Tomas Recomono. Captain Zenaida Sinfuego of the PC Crime Laboratory testified on the results of her laboratory examination of the contents of the matchbox.

Jonathan denied the charge. He said that on the morning in question, he was watching television in his house when suddenly four persons barged in led by Arthur Banzale, a tricycle driver, and Agent Tomas Recomono and that Arthur pointed to him (Jonathan) and he was immediately placed under arrest. Accused-appellant further claimed that the house was then searched for ten minutes but the searchers failed to find what they were looking for and that they then asked him to bring out the marijuana but he could not do so because he had none in the house. Nonetheless, he was then brought to the headquarters of the NARCOM and thereat, he was forced to sign a document, the contents of which he did not know.

After assessing the evidence of the parties, the Honorable Norberto E. Devera, Jr., in his now assailed decision dated October 10, 1990, found the accused-appellant guilty beyond reasonable doubt of the crime imputed to him. We defer to his decision in view of his superior opportunity to observe the demeanor of the witnesses and to test their credibility on the stand under direct and cross-examination. In the absence of a showing that they were reached arbitrarily or without sufficient basis, the factual findings of the trial judge are received with much respect by, and indeed are even binding on, this Court.

In his brief, the accused-appellant points to certain discrepancies in the testimony of the prosecution witnesses, but we find that these are only minor inconsistencies that do not militate against the correctness of his conviction. As we have repeatedly declared, the witnesses testifying on the same event do not have to be consistent in every detail as differences in recollection or viewpoints or impression are inevitable. Total recall or perfect symmetry is not required. As long as the witnesses concur on material points, slight differences in their remembrance of the details do not reflect on the essential veracity of their testimony.

The alleged contradiction pointed out by the accused-appellant in the testimony of Agent Recomono and Sgt. Gabasa -- in that the former allegedly testified that he had a difficult time looking for the house of accused-appellant on the day of the buy-bust operation, while the latter testified that on the said day, Agent Recomono went directly in front of accused-appellant's house without any apparent difficulty -- is too trivial to warrant an acquittal. Whether or not Agent Recomono had a difficult time looking for appellant's house does not change the fact that Agent Recomono eventually found accused-appellant and was able to buy marijuana from him.

Accused-appellant next assails the testimony of the prosecution witnesses for being incredible. He contends that it is contrary to human experience for a drug pusher (a) to sell to a total stranger and (b) to sell drugs in a public place.

This contention must be rejected. In People vs. Paco (170 SCRA, 681, 689), this Court observed:

> "Drug-pushing when done on a small level as in this case belongs to that class of crimes that may be committed at anytime and at any place. After the offer to buy is accepted and the exchange is made, the illegal transaction is completed in a few minutes. The fact that the parties are in a public place and in the presence of other people may not always discourage them from pursuing their illegal trade as these factors may even serve to camouflage the same. Hence, the Court has sustained the conviction of drug pushers caught selling illegal drugs in a billiard hall [People v. Rubio, G.R. No. 66875, June 19, 1986, 142 SCRA 329; People v. Sarmiento, G.R. No. 72141, January 12, 1987, 147 SCRA 252], in front of a store [People v. Khan, supra] along a street at 1:45 p.m. [People v. Toledo, G.R. No. 67609, November 22, 1985, 140 SCRA 259], and in front of a house [People v. Policarpio, G.R. No. 69844, February 23, 1988.]"

The Court also held in People v. Rodriquez y Teves, (172 SCRA 742):

> "What matters is not an existing familiarity between the buyer and the seller but their agreement and the acts constituting the sale and delivery of the marijuana leaves."

Finally, accused-appellant submits that because he was forced to sign the receipt of seized property or confiscation receipt at the NARCOM Headquarters, the said receipt should not have been admitted in evidence against him. This submission is likewise untenable.

It is apparent that the NARCOM operatives had no known motive or reason to falsely impute a serious and unfounded charge against accused-appellant. Their testimony, therefore, carry the presumption of regularity in the performance of official functions (People v. Dekingco, 189 SCRA 512). Nor should the above insinuation that accused-appellant was forced to sign the confiscation receipt merit any consideration. The unimpeached testimony

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of the prosecution witnesses, independent of the assailed confiscation receipt, sufficiently prove accused-appellant's guilt beyond reasonable doubt.

In the recent case of People v. Como (202 SCRA 200, 211), this Court stressed:

> "On appellant's final assertion that the receipt signed by him as the owner of the marijuana seized is inadmissible in evidence as his signature therein was procured in the absence of counsel, such supposed flaw does not overcome the prosecution's case. No useful purpose can be served by appellant's invoking such constitutional guarantee since it has been rendered unnecessary and inconsequential by the overwhelming evidence establishing his guilt. Where there is independent evidence, apart from the accused's uncounselled confession, that the accused is truly guilty, he accordingly faces a conviction."

All told, we see no reason to reverse the decision of the trial court. Compared to the baseless disclaimers of accused-appellant, the narration of the incident by the prosecution witnesses is far more worthy of belief coming as it does from law enforcers who are presumed to have regularly performed their duties in the absence of convincing proof to the contrary.

WHEREFORE, the judgment under review is hereby AFFIRMED.

SO ORDERED.

Bidin, Davide, Jr., and Romero, JJ., concur.
Gutierrez, Jr.,* J., (Chairman), on leave.

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* On official leave.

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