

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GILBERT SAN ANDRES Y SAN JUAN, ACCUSED-APPELLANT.

G.R. Nos. 101189-90. May 27, 1993

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-101189-90/>

REGALADO, J.:

In an information filed on November 2, 1989 with the Regional Trial Court of Morong, Rizal, Branch 79, docketed as Criminal Case No. 0612-M, herein accused-appellant Gilbert San Andres was charged with a violation of Section 4, Article II, of Republic Act No. 6425, as amended, which he allegedly committed as follows:

"That on or about the 26th day of October, 1989, in the Municipality of Morong, Rizal, Philippines and within the jurisdiction of this Honorable Court the above-named accused, without having been authorized by law, did then and there, wilfully, unlawfully and feloniously sell, deliver and give away to another two (2) rolls of dried marijuana fruiting tops having a total weight of 3.45 grams wrapped with a pad paper with markings, which is a prohibited drug.

On the same date 12.18 grams of dried marijuana fruiting tops placed in transparent plastic bag which (sic) were also found in the right pocket of the maong pants of accused Gilbert San Andres y San Juan.

CONTRARY TO LAW."[1]

During the arraignment, appellant pleaded not guilty to the offense charged, hence trial on the merits ensued. Appellant's case was tried jointly in the same court with Criminal Case No. 0613-M, entitled "People of the Philippines vs. Ramil Aquino," for violation of Section 8, Article II, of Republic Act No. 6425, as amended.

On February 5, 1991, the court a quo rendered judgment[2] finding appellant guilty beyond reasonable doubt of the offense charged and sentencing him to suffer life imprisonment and to pay a fine of P20,000.00, without subsidiary imprisonment in case of insolvency, and to pay the costs of suit. This portion of the trial court's joint decision is now the subject of our present appellate review. The second portion of the trial court's decision, finding accused Ramil Aquino guilty and sentencing him to imprisonment for six (6) years, to pay a fine of P6,000.00 but without subsidiary imprisonment in case of insolvency and to pay the costs of suit, was appealed to the Court of Appeals.

The records show that in the afternoon of October 25, 1989, Master Sgt. Angelito Manalo of the Fourth Narcotics Regional Unit, Rizal District, of the PC Narcotics Command, received information at their office at Gate 2, Karangalan Village, Cainta, Rizal, that one alias "Embit", herein appellant Gilbert San Andres, was selling marijuana and illegal drugs to students and teenagers along Tupas Street, Morong Rizal.[3] A chasing and surveillance operation was conducted in the morning of the following day, October 26, 1989, at Tupas Street, Morong, Rizal where the police informant was able to confirm that appellant is a drug pusher.[4] At around 3:00 P.M. of the same day, an arresting team was formed with Sgt. Alfredo Esguerra acting as the poseur-buyer.[5] The group then proceeded to Morong, Rizal and dropped off Sgt. Esguerra and the informant at Tupas Street. Sgt.

Manalo and the others positioned themselves between the Morong Municipal Hall and the creek at the right side of the street.[6]

At around 5:30 P.M., they saw Sgt. Esguerra and the informant talk to appellant in front of the bakery store, around 40 meters away from where Sgt. Manalo and his group were located. Then, Sgt. Manalo saw Sgt. Esguerra handing the P20.00 marked bill to appellant who took out two foils of marijuana from the front pocket of his pants and gave them to the poseur-buyer. Thereupon, Sgt. Esguerra gave the arrest signal and the arresting team, composed of Sgt. Manalo, Technical Sgt. Victorino Felix, C1C Rolando Visenio and C1C Manuel Mercader, apprehended herein appellant, together with Ramil Aquino and Gener Cruz who were arrested for possessing marijuana.[7] Sgt. Manalo personally searched appellant and found seven (7) foils of wrapped marijuana inside a transparent plastic bag and one marked P20.00 bill.[8]

Appellant, together with his companions, were then brought to the police station where they were investigated. All the marijuana confiscated from appellant, consisting of two (2) rolls of dried marijuana fruiting tops and seven (7) rolls of dried marijuana, were submitted to the PC Crime Laboratory for examination. Forensic Chemist Leslie Chambers submitted Chemistry Report No. D-1179-89[9] which certifies that the specimens submitted for examination were positive for marijuana.

Appellant presented a different version. He testified that at around 4:00 P.M. of October 26, 1989, he was at the store of Gener Cruz resting because he just came from a funeral. He was with Gener Cruz, Ramil Aguino, Pepito Concepcion and Celso Trinidad. Two persons arrived, and he saw Pepito Concepcion and the two persons exchange something.[10] Thereafter, the two persons left, and Pepito Concepcion approached him and gave him P20.00 to buy liquor. However, he did not buy liquor and, instead, he and his companions went near the river bank which was around ten (10) steps away from the store, and watched the people fishing.[11]

Later, an owner-type jeep and a passenger jeep loaded with people arrived. The persons inside the jeep alighted and suddenly handcuffed them and pointed guns at them. One group chased Pepito Concepcion, while another went down the river bank and picked up something. Appellant, together with Gener Cruz and Ramil Aquino, were loaded inside the jeep where they were bodily searched.[12] The group found P40.00 in the possession of appellant. Subsequently, appellant and his companions were brought to the detachment office where they were detained and allegedly mauled.

Appellant alleges that he saw Sgt. Manalo for the first time at the detachment office and contends that the latter was not part of the group which arrested him and his companions.[13] He denies that he sold marijuana on October 26, 1989 and insists that, when he was searched by the military, there was no marijuana found in his possession and all they found on him was the sum of P40.00.[14] He also claims that the municipal hall where the arresting team was allegedly positioned is 500 to 600 meters away from the store of Gener Cruz where appellant was arrested and, therefore, it was impossible for the members of the arresting team to have seen and witnessed the alleged buy-bust operation conducted at said store of Gener Cruz.[15]

Before us, appellant submits that the court a quo gravely erred:

1. in appreciating and/or giving credence to the testimonies of the prosecution witnesses as against his testimony;
2. in not acquitting him, considering that the prosecution failed to present the best witness to prove its case, that is, the person who acted as poseur-buyer;
3. in not finding that the prosecution failed to overcome the presumption of innocence accorded to him under our laws; and

4. in concluding that since the prosecution witnesses had no misunderstanding with him, their testimonies should be relied upon.[16]

Appellant asserts that the testimonies of the two prosecution witnesses, Sgt. Angelito Manalo and C1C Manuel Mercader, are full of falsities, inconsistencies and contradictions. He avers that prosecution witness Sgt. Manalo made inconsistent statements as to the exact date and time when the information was received and the surveillance was conducted and, also, as to the distance between the store where the buy-bust operation was conducted and where said witness was positioned.

Appellant contends that if it were true, as testified to by Sgt. Manalo, that the information was received by the latter in his office at Karangalan village at 4:00 P.M. of October 26, 1989 and the buy-bust operation was conducted at 5:30 P.M. of the same day, it was physically impossible for the military to have conducted the surveillance, formed the arresting team and implemented the buy-bust operation all in two and a half (2 1/2) hours, considering that the distance between the Narcotics Command Office at Karangalan Village and Morong, Rizal is approximately 30 to 40 kilometers which will require at least one (1) to one and a half (1 1/2) hours for a car to negotiate.

Appellant further points out that on direct examination, Sgt. Manalo testified that he received the information at 4:00 P.M. on October 26, 1989 and that the surveillance was conducted after 4:00 P.M. of said date, but the said witness stated on cross-examination that he received the information on October 25, 1989 and conducted the surveillance in the morning of October 26, 1989. It is likewise contended that on direct examination, Sgt. Manalo declared that he was 20 meters away from the store, but he testified on cross-examination that he was 40 meters away.

Finally, appellant maintains that it was impossible for Sgt. Manalo to have witnessed the buy-bust operation because the distance between the municipal hall where the latter was allegedly positioned and the store where the buy-bust operation was conducted is 500 to 600 meters, aside from the fact that Tupas Street is a winding road with houses and trees on both sides thereof.

We hold that these alleged inconsistencies as to time and distance are too insignificant to merit any serious consideration.

In his cross-examination, Sgt. Manalo clarified that he was informed about the illegal activities of appellant in the afternoon of October 25, 1989 and that the surveillance and buy-bust operation were conducted the following day, that is, on October 26, 1989.[17] Furthermore, also during his cross-examination, he testified that he positioned himself between the municipal hall and the creek, not in front of the municipal hall as erroneously claimed by appellant, and that the arrest was effected near the creek.[18] That said witness was able to clearly see the buy-bust operation is further bolstered by the testimony of appellant himself to the effect that the store of Gener Cruz is only about ten steps away from the "river-bank." [19] This fact only serves to reinforce the testimony of the prosecution witness that appellant was apprehended near the creek.[20]

At any rate, assuming arguendo that there may be such inconsistencies, we definitely cannot construe the same to mean that the prosecution witness was not present at all during the commission of the crime. As long as they do not detract from the substantial truthfulness and credibility of the prosecution evidence, inconsistencies and contradictions in testimonies may not be considered material,[21] and the court is justified in disregarding such testimonial shortcomings.

The rule is well-settled that discrepancies on minor matters do not impair the essential integrity of the prosecution evidence as a whole or reflect on the witnesses' honesty. The inconsistencies may be caused by the natural fickleness of memory, which even tend to strengthen rather than weaken the credibility of the prosecution

witnesses because they erase any suspicion of rehearsed testimony having been given. What is important is that the testimonies agree on the essential facts and that the respective versions corroborate and substantially coincide with each other to make a consistent and coherent whole.[22]

The irrefutable fact is that appellant was caught in flagrante delicto as a result of the buy-bust operation. The inconsistencies asserted by appellant are too trivial to affect the credibility of the prosecution witnesses who are all law enforcers presumed to have regularly performed their duties in the absence of convincing proof to the contrary.[23] Furthermore, appellant failed to convincingly show any ill motive on the part of the prosecution witnesses to testify falsely and impute to him such a grave offense. Contrary to appellant's theory, the lack of such dubious motives is of considerable evidentiary weight in assessing the credibility of witnesses.

In addition, the alleged inconsistencies cannot prevail over the definitive evidence of the prosecution. It has been clearly established that appellant did sell marijuana and that the marked money, as well as seven (7) other foils of marijuana, were recovered from his person. Appellant miserably failed to come up with a credible explanation as to how the P20.00 marked bill came into his possession. What further aggravated and bolstered the proof of his culpability is the fact that the military recovered seven (7) more foils of marijuana from him. And, again, this he likewise failed to controvert or explain. When confronted with the marijuana confiscated from him during the search, appellant merely asseverated that he saw them for the first time only when he was investigated at the detachment. Definitely, the foregoing defensive counterpoise proffered by appellant, which consists purely of bare denials, cannot overcome the clear, logical and forthright testimonies of the prosecution witnesses.

Lastly, appellant submits that the non-presentation of the poseur-buyer as a witness is fatal to the case of the prosecution. We hold otherwise.

The testimony of the poseur-buyer, if it had been given, would at best be corroborative because Sgt. Manalo and C1C Mercader sufficiently established, as eyewitnesses, how the crime was committed. It would have been different if the police officers were unable to see the actual sale of the marijuana. In this latter situation, an exception arises and the poseur-buyer should be presented as a witness.[24]

However, in the case at bar, the relevant information acquired by said poseur-buyer was equally known to the police officers who gave evidence for the prosecution at the trial. They all took part in the planning and implementation of the operation, and all of them were direct witnesses to the actual sale of the marijuana, the appellant's arrest immediately thereafter, and the recovery from him of the marked money and other marijuana foils. The testimony of the poseur-buyer was, therefore, not indispensable or even necessary; it would have been merely cumulative or corroborative at best.[25]

ACCORDINGLY, the challenged judgment of the trial court is hereby AFFIRMED in toto.

SO ORDERED.

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

[1] Original Record, 1.

[2] Ibid., 133.

[3] TSN, Aug. 16, 1990, 8.

[4] TSN, id., 1990, 9-10.

[5] Ibid., Aug. 6, 1990, 11.

- [6] Ibid., Aug. 16, 1990, 12.
- [7] Ibid., Aug. 6, 1990, 12-14.
- [8] Ibid., Aug. 16, 1990, 13-14.
- [9] Exhibit E; Original Record, 177.
- [10] TSN, September 26, 1990, 7.
- [11] Ibid., id., 8.
- [12] Ibid., id., 9.
- [13] Ibid., id., 10.
- [14] Ibid., id., 12.
- [15] Ibid., id., 6.
- [16] Brief for Accused-Appellant, 5-6; Rollo, 77-78.
- [17] TSN, Aug. 16, 1990, 8-9.
- [18] Ibid., id., 12.
- [19] Ibid., Sept. 26, 1990, 8.
- [20] Ibid., Aug. 16, 1990, 12.
- [21] People vs. Gupo, et al., 190 SCRA 7 (1990).
- [22] People vs. Fernandez, 209 SCRA 1 (1992).
- [23] People vs. Mauyao, 207 SCRA 732 (1992).
- [24] People vs. Fernandez, 209 SCRA 1 (1992).
- [25] People vs. Dag-uman, 209 SCRA 407 (1992).

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.