

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. REYNAN SANTIAGO Y CASTILLO, APPELLANT.

G.R. Nos. 137542-43. January 20, 2004

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-137542-43/>

SANDOVAL-GUTIERREZ, J.:

This is an appeal from the Joint Decision[1] of the Regional Trial Court, Branch 127, Caloocan City, in Criminal Cases Nos. C-53125 and C-53126, entitled “People of the Philippines vs. Reynan Santiago y Castillo” for violation of Section 8, Article II and Section 15, Article III of Republic Act No. 6425, as amended, otherwise known as The Dangerous Drugs Acts of 1991.

The Informations filed against appellant Reynan Santiago are quoted as follows:

- Criminal Case No. C-53125

“That on or about the 21[st] day of November, 1997 in Caloocan City, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously sell and deliver to PO1 JOSEPH DELOS SANTOS, who posed as buyer of methylamphetamine hydrochloride weighing 0.07 gram, a regulated drug, without the corresponding license or prescription therefore knowing the same to be such.

“CONTRARY TO LAW.”[2]

- Criminal Case No. C-53126

“That on or about the 21[st] day of November, 1997 in Caloocan City, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, feloniously have in his possession, custody and control one (1) transparent plastic bag with markings EX-C ETA containing four (4) bricks of dried marijuana fruiting tops weighing 911.1 grams, knowing the same to be a prohibited drug under the provisions of the above-cited law.

“CONTRARY TO LAW.”[3]

Upon arraignment, appellant assisted by counsel, pleaded not guilty.[4] Trial on the merits ensued.

The evidence for the prosecution established the following facts:

At about 10:00 o’clock in the evening of November 21, 1997, an informant arrived at the Northern Metro Narcotics District Office in Bagong Barrio East, Caloocan City. He reported to Major Jose Valencia, Officer-in-Charge, and P/Insp. Daniel Oamin the rampant trafficking of shabu by appellant at Sawata, Maypajo, Caloocan City.

Based on such information, the police formed a team led by P/Insp. Oamin, with PO1 Joseph delos Santos, PO2 Rommel Someros, PO1 Efferson Arceo and PO1 Emerson Adavilles, as members. PO1 delos Santos was assigned as the poseur buyer, PO2 Someros and PO1 Arceo as the back-up team, and PO1 Adavilles and P/Insp. Oamin as

perimeter security. P/Insp. Oamin handed PO1 delos Santos a P500.00 bill bearing serial number DH 464448 as poseur money.

It was understood that when the transaction was completed, PO1 delos Santos would place his left hand on his nape. Then, the back-up team would apprehend appellant.

Then the team and the informant, riding in a red Toyota car and a motorcycle, proceeded to Sawata, Maypajo, Caloocan City.

Upon seeing the appellant in the area waiting for customers, the informant briefed PO1 delos Santos then left. PO1 delos Santos approached appellant and asked, "Pare, may dala ka?" He showed appellant the P500.00 poseur money. After scrutinizing PO1 delos Santos, appellant took the money and handed him a small sachet containing white granules or shabu, saying, "Pare, lisa na lang." He then asked PO1 delos Santos if he wanted marijuana and pointed to a plastic bag hanging on the left handle of his hopper. Upon hearing this, PO1 delos Santos made the pre-arranged signal. Immediately, the back-up team apprehended appellant, at the same time informing him of his constitutional rights. They recovered from him the poseur money and four bricks of marijuana fruiting tops.

The team brought him to the Northern Metro Narcotics District Office at Bagong Barrio East, Caloocan City for investigation. Then the confiscated drugs were submitted for laboratory examination. They were positive for shabu and marijuana.

The defense presented as its witnesses appellant, Roberto de Leon, Marissa Jorda and Jaime Magtalas. Appellant and de Leon testified that at around 10:00 o'clock in the evening of November 21, 1997, they were traveling along Sawata St., Maypajo, Caloocan City going to the house of appellant's girlfriend on board a hopper or scooter, when two motorcycle riders chased and overtook them. They identified themselves as policemen, then handcuffed and frisked them. They found chocolates in their possession. The policemen brought them to the Caloocan City General Hospital and introduced them as drug addicts.

Both Marissa Jorda and Jaime Magtalas testified that on the night of November 21, 1997, they saw appellant and his companion being frisked by two policemen.

After hearing, the trial court issued a Joint Decision finding appellant guilty of the crimes charged, the dispositive portion of which reads:

"WHEREFORE, premises considered and the prosecution having established beyond an iota of doubt the guilt of the Accused of the offenses charged, this Court hereby renders judgment re above captioned cases as follows:

- In Grim. Case No. 53125 for Violation of Sec. 15, Art. III of RA 6425, as amended by RA 7659, this Court, in the absence of any modifying circumstance, hereby sentences Accused REYNAN SANTIAGO y CASTILLO to an indeterminate prison term of six (6) months of Arresto Mayor as minimum, to four (4) years and two (2) months of Prision Correccional, as maximum;

- In Crim. Case No. 53126 for Violation of Sec. 8, Art. II of the above-mentioned Act, this court, in the absence of any aggravating or mitigating circumstance, hereby sentences said Accused to suffer the penalty of Reclusion Perpetua; to pay a fine of P10,000,000.00; and to pay the costs in both cases.

"Subject drugs are hereby declared confiscated and forfeited in favor of the government to be dealt with in accordance with law. No similar pronouncement was made re the seized 'Hopper' motorcycle it appearing that the said property is owned by a third person, i.e., one Mrs. RODELIA MALICLIC, not liable for the offenses charged.

“Incidentally the ‘Urgent Motion to Order the Release of the Illegally Seized Hopper’ filed by the Accused, to which the special prosecutor handling this case was to submit his comment/recommendation thereon will be treated in a separate order/resolution of this Court.

“The preventive imprisonment suffered by the Accused shall be credited in full in the service of his sentence in accordance with Art. 29 of the Revised Penal Code.

“SO ORDERED.”[5]

In this appeal, appellant ascribes to the trial court the following assignments of error:

“I.

THE TRIAL COURT ERRED IN REQUIRING APPELLANT TO PROVE HIS INNOCENCE WITH STRONG AND CONVINCING EVIDENCE INSTEAD OF APPLYING THE RULE THAT CRIMINAL CASES RISE AND FALL ON THE STRENGTH OF THE EVIDENCE PRESENTED BY THE PROSECUTION AND NOT ON THE WEAKNESS OF THE DEFENSE.

“II.

THE TRIAL COURT ERRED IN ACTIVELY INTERFERING IN THE PROCEEDINGS OF THE CASE BY CONDUCTING ITS OWN DIRECT EXAMINATION AND CROSS-EXAMINATION OF WITNESSES INSTEAD OF LEAVING THIS MATTER TO THE PROSECUTION.

“III.

THE TRIAL COURT ERRED IN FINDING THAT THE PROSECUTION EVIDENCE HAS PROVEN THE GUILT OF APPELLANT BEYOND REASONABLE DOUBT.”[6]

On the first assigned error, records show that after the prosecution had adduced its evidence, appellant filed a motion to dismiss by way of a demurrer to evidence.[7] The trial court denied the demurrer, holding that the prosecution has sufficiently established a prima facie case to warrant the conviction of appellant.[8] In its Decision, the trial court mentioned the issue of whether the defense by its evidence was able to overcome the prima facie case established by the prosecution which tends to establish the guilt of appellant. Appellant bewails the fact that the trial court shifted the burden of proof from the prosecution to the defense. Our ruling in *Bautista vs. Sarmiento*,[9] is squarely in point, thus:

“There is no denying that in a criminal case, unless the guilt of the accused is established beyond reasonable doubt, he is entitled to acquittal. But when the trial court denies petitioners' motion to dismiss by way of demurrer to evidence on the ground that the prosecution had established a prima facie case against them, they assume a definite burden. It becomes incumbent upon petitioners to adduce evidence to meet and nullify, if not overthrow, the prima facie case against them. This is due to the shift in the burden of evidence, and not of the burden of proof as petitioners would seem to believe.

“When a prima facie case is established by the prosecution in a criminal case, as in the case at bar, the burden of proof does not shift to the defense. It remains throughout the trial with the party upon whom it is imposed—the prosecution. It is the burden of evidence which shifts from party to party depending upon the exigencies of the case in the course of the trial. This burden of going forward with the evidence is met by evidence which balances that introduced by the prosecution. Then the burden shifts back.

“A prima facie case need not be countered by a preponderance of evidence nor by evidence of greater weight. Defendant's evidence which equalizes the weight of plaintiff's evidence or puts the case in equipoise is sufficient. As a result, plaintiff will have to go forward with the proof. Should it happen that at the trial the

weight of evidence is equally balanced or at equilibrium and presumptions operate against plaintiff who has burden of proof, he cannot prevail.”

Relative to the second assigned error, appellant laments the trial judge's active participation in the proceedings by conducting cross-examination, in violation of his constitutional right to due process as enunciated in *Tabuena vs. Sandiganbayan*.^[10]

We carefully perused the stenographic notes of this case and found the questions propounded by the trial judge to be merely clarificatory, intended to satisfy his mind upon material points arising during the witnesses' examination. The judge, being the arbiter, may properly intervene in the presentation of evidence to expedite the trial and prevent unnecessary waste of time.^[11] In *Barbers vs. Laguio, Jr.*^[12] citing *United States vs. Hudieres*,^[13] we held:

“The right of a trial judge to question the witnesses with a view to satisfying his mind upon any material point which presents itself during the trial of a case over which he presides is too well established to need discussion. The trial judges in this jurisdiction are judges of both the law and the facts, and they would be negligent in the performance of their duties if they permitted a miscarriage of justice as a result of a failure to propound a proper question to a witness which might develop some material facts upon which the judgment in the case should turn. So in a case where a trial judge sees that the degree of credit which he is to give the testimony of a given witness may have an important bearing upon the outcome, there can be no question that in the exercise of a sound discretion he may put such questions to the witness as will enable him to formulate a sound opinion as to the ability or the willingness of the witness to tell the truth, x x x”

As to the third assigned error, appellant insists that the trial court overlooked inconsistencies in the testimonies of the prosecution witnesses. He pointed out that they have different versions on: (1) the initial stages of the formation of the buy-bust team; (2) how the buy-bust team reached the target area; and (3) the initial encounter with appellant. Moreover, he assails the version of the prosecution that there were no preliminary discussions between the poseur-buyer and the appellant prior to the transaction, contrary to ordinary human experience.

Appellant's contentions must fail. The inconsistencies adverted to by the appellant are trivial and insignificant and refer only to minor details. Time and again, we have steadfastly ruled that inconsistencies on minor and trivial matters only serve to strengthen rather than weaken the credibility of witnesses for they erase the suspicion of rehearsed testimony.^[14] Furthermore, we cannot expect the testimonies of different witnesses to be completely identical and to coincide with each other since they have different impressions and recollections of the incident.

Hence, it is only natural that their testimonies are at variance on some minor details.

Appellant likewise calls our attention to the discrepancy between the testimony and the affidavit of PO1 delos Santos. He testified on cross-examination that when the team arrived at the target area, appellant was already there. However, in his affidavit, he stated that he and the informant waited for several minutes at the place before they saw appellant and his companion. We are not swayed. Discrepancies and/or inconsistencies between a witness' affidavit and testimony do not necessarily impair his credibility as affidavits are taken *ex parte* and are often incomplete or inaccurate for lack of or absence of searching inquiries by the investigating officer.^[15] Besides, it appears that the affidavit was executed by PO1 delos Santos jointly with the other members of the buy-bust team.

At this point it is apt to stress that the findings of the trial court, having had the opportunity to personally observe the demeanor of the witnesses, are entitled to great weight and respect, absent any showing that the trial court overlooked facts or circumstances which would substantially affect the result of the case.^[16] In the present case, the trial court found the evidence for the prosecution worthy of credence and we see no cogent reason to deviate

from such finding. The witnesses for the prosecution are law enforcement officers who, unless shown that they were inspired by an improper motive or were not properly performing their duty, have in their favor the legal presumption that official duty has been regularly performed.[17]

Thus, pitted against the categorical and positive testimonies of the prosecution witnesses, appellant's defense of denial and frame-up miserably fails. We have consistently held that courts invariably view with disfavor denials and allegations of frame-up for these are easily concocted. They are the usual and standard defenses in prosecutions involving violation of the dangerous drugs law.[18]

We therefore uphold the trial court's judgment finding appellant guilty beyond reasonable doubt of the crimes charged.

Pursuant to R.A. 6425, as amended, and in line with *People vs. Simon*,[19] the penalty for the sale of 0.07 gram of shabu is prision correctional. Applying the Indeterminate Sentence Law and there being no qualifying circumstance that attended the commission of the crime, the trial court properly imposed the penalty of six (6) months of arresto mayor, as minimum, to four (4) years and two (2) months of prision correctional, as maximum, in Criminal Case No. C-53125. Under the same law (R.A. 6425, as amended), possession of 911.1 grams of marijuana is punishable by reclusion perpetua to death. There being no mitigating or aggravating circumstance, and applying Sec. 63(2) of the Revised Penal Code,[20] the trial court's imposition of reclusion perpetua in Criminal Case No. C-53126 is in order.

As to the fine imposed, it is settled that courts may fix any amount within the limits established by law.[21] Under Section 8, Article II of the same law (R.A. 6425, as amended), in relation to Section 20, Article IV of R.A. 7659, as amended,[22] if the marijuana involved is 750 grams or more, the imposable fine is P500,000.00 to P10,000,000.00. Thus, in Criminal Case No. C-53126 where 911.11 grams of marijuana were confiscated from appellant, the fine often million pesos fixed by the trial court may be equitably reduced to five hundred thousand pesos.

WHEREFORE, the petition is DENIED. The assailed Joint Decision of the Regional Trial Court, Branch 127, Caloocan City in Criminal Cases Nos. C-53125 and C-53126, finding appellant Reynan Santiago guilty beyond reasonable doubt of violation of Sec. 8, Art. II and Sec. 15, Art. III of R.A. 6425, as amended, is AFFIRMED with the MODIFICATION in the sense that in Criminal Case No. C-53126, he is fined P500,000.00.

SO ORDERED.

Vitug, (Chairman), Corona, and Carpio-Morales, JJ., concur.

[1] Rollo at 20; Records at 199.

[2] Records at 1

[3] *Id.*, at 7.

[4] *Id.*, at 21.

[5] Rollo at 34; Records at 213.

[6] Brief for the Appellee at 1; Rollo at 58.

[7] Records at 130.

[8] Resolution dated September 25, 1998, Records at 144.

- [9] G. R. No. L-45137, September 23, 1985, 138 SCRA 587.
- [10] G.R. Nos. 103501-03 & 103507, February 17, 1997, 268 SCRA 332.
- [11] Cosep vs. People. G.R. No. 110353, May 21, 1998, 290 SCRA 378.
- [12] A.M. No. RTJ-00-1568, February 15, 2001, 351 SCRA 606.
- [13] 27 Phil. 45, 47-18(1914).
- [14] People vs. Mataro, G.R. No. 130378, March 8, 2001, 354 SCRA 27; People vs. Villadares, G.R. No. 137649, March 8, 2001, 354 SCRA 86; People vs. Mustapa, G.R. No. 141244, February 19, 2001, 352 SCRA 252; People vs. Navarro, G.R. Nos. 132696-97, February 12, 2001, 351 SCRA 462; People vs. De Leon, G.R. No. 129057, January 22, 2001, 350 SCRA 11.
- [15] People vs. Villadares. *supra*.
- [16] People vs. Remerata, G.R. No. 147230, April 29, 2003; People vs. Almendras, G.R. No. 145915, April 24, 2003, citing People vs. Chen Tiz Chang, G.R. No. 131872-73, 325 SCRA 776, 790 (2000); People vs. Sy, G.R. No. 147348, September 24, 2002, 389 SCRA 594; People vs. Julian-Fernandez, G.R. Nos. 143850-53, December 18, 2001, 372 SCRA 608; People vs. Lacap, G.R. No. 139114, October 23, 2001, 368 SCRA 124; People vs. Gonzales, G.R. No. 121877, September 12, 2001, 365 SCRA 17; People vs. Mustapa, *supra*, citing People vs. Salamat, G.R. No. 103295, 225 SCRA 499 (1993).
- [17] People vs. Remerata, *supra*, citing People vs. Padasin, G.R. No. 143671, February 12, 2003; People vs. Julian-Fernandez, *supra*, citing People vs. Uy, G.R. No. 128046, 327 SCRA 335 (2000).
- [18] People vs. Gonzales, *supra*, citing People vs. Sy Bing Yok, G.R. No. 121345, 309 SCRA 28 (1999).
- [19] G.R. No. 93028, July 29, 1994, 234 SCRA 555.
- [20] “Sec. 63. Rules for the application of indivisible penalties. - x x x

In all cases in which the law prescribes a penalty composed of two indivisible penalties the following rules shall be observed in the application thereof:

- xxx

- When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

x x x.”

[21] People vs. Canton, G.R. No. 148825, December 27, 2002; People vs. Johnson, G.R. No. 138881, December 18, 2000, 348 SCRA 526.

[22] “SEC. 8. Possession or Use of Prohibited Drug. -The penalty of reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall possess or use any prohibited drug subject to the provisions of Section 20 hereof.

xxx

“SEC. 15. Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs. - The penalty of reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport or

distribute any regulated drug.

xxx

SEC. 20. Application of Penalties, Confiscation and Forfeiture of the Proceeds or Instrument of the Crime. - The penalties for offenses under Sections 3, 4, 7, 8, and 9 of Article II and Sections 14, 14-a, 15 and 16 of Article III of this Act shall be applied if the dangerous drugs involved is in any of the following quantities:

xxx

- 750 grams or more of Indian hemp or marijuana;

xxx

Otherwise, if the quantity involved is less than the foregoing quantities, the penalty shall range from prision correctional to reclusion perpetua depending upon the quantity.

x x x.”

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.