

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILLY BAGAWA Y PAGALLA, ACCUSED-APPELLANT.

G.R. Nos. 88515-16. April 07, 1992

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-88515-16/>

CRUZ, J.:

The accused was only eighteen years old when he was charged with illegal sale of a prohibited narcotic under Section 4, Article II, of the Dangerous Drugs Act. Subsequently tried and convicted, he was sentenced to life imprisonment and ordered to pay a fine of P20,000.00.[1] He is now before this Court and asks for a reversal of the judgment against him, pleading error on the part of the lower court and his own innocence.

The evidence for the prosecution showed that on April 14, 1987, an informer reported to the First Narcotic Regional Unit in Baguio City that a certain Willy (who was subsequently identified as the accused-appellant) was engaged in selling marijuana at Poliwes in front of the Milton Hotel on Kennon Road. A buy-bust team was forthwith organized, with A2C Serafin Artizona as poseur-buyer and Lt. Macusi, Sgt. Godofredo Fider and Sgt. Domingo Pejoro as back-up members. Artizona was provided with three P20.00 marked bills to be used in the sham purchase.

At 11 o'clock in the morning of the same date, the informer led the team to the accused-appellant who was then inside a billard hall. As the other team members deployed themselves covertly, the informer introduced Artizona to Willy as an interested buyer of marijuana. Willy told them to see him that afternoon at 5 o'clock.

The team was back at the appointed hour but Willy arrived about a half-hour late. He invited Artizona and the informer to a store about a hundred meters away where they could have some drinks. The other team members discreetly followed and later watched the three as they drank rum and talked. While Willy smoked a stick of marijuana cigarette, he quoted P20.00 as the price for a matchboxful of marijuana. Artizona ordered three boxes, and Willy asked the two to come with him to the back of the market in front of the Milton Hotel. The other team members went along from a distance without Willy noticing them.

When they reached the market, Willy drew three matchboxes from the right front pocket of his trousers and handed them to Artizona, who in turn gave him the three marked P20.00 bills. After checking the contents of the matchboxes and finding that they appeared to be marijuana, Artizona gave the pre-arranged signal to his teammates by scratching his head. He then identified himself as a NARCOM agent and placed the accused-appellant under arrest. Sgt. Fider, who had approached with the other two members of the team, searched Willy and took from him the marked money, a suspected marijuana cigarette butt, and a parcel of brown paper containing what looked like marijuana flowering tops.

The cigarette butt, dried leaves and flowering tops were examined by Capt. Elias R. Canapi III of the PC/INP Crime Laboratory at Camp Bado, Dangwa, La Trinidad, Benguet, and found to be positive for marijuana. A second examination was conducted by Carlos Figueroa, a forensic chemist in the same laboratory, who later testified that the specimens he had subjected to the Duquenes-Levine test and thin layer chromatography test

were positive for marijuana.[2] The examination reports[3] and the specimens themselves were submitted in evidence.[4]

The other witnesses for the prosecution were Artizona and Fider, who described the buy--bust operation. The three marked P20.00 bills were also offered as exhibits.[5]

In his defense, the accused-appellant flatly denied the charges against him. He said that in the morning of April 14, 1987, he was approached by Joseph Sumedca and Artizona and asked if he knew where they could buy marijuana. He said no. Later that afternoon, he met the two again and they drank gin at the Bacoco store. He wanted to go home afterwards, but the two asked him to accompany them to the parking lot nearby. On the way, Joseph gave him P60.00. As he was urinating at the back of the market, Joseph handed him a small parcel, and it was at this precise time that a policeman arrived and arrested him. He was forced to admit ownership of the marijuana wrapped in the parcel given to him by Joseph, and Sgt. Fider mauled him at the NARCOM station.

His mother, for her part, testified that she gave P5,000.00 to a certain Sgt. Domingo Pejoro in consideration of the withdrawal of the case against her son.[6]

It is plain from a comparison of the evidence of the parties that the prosecution had a more plausible case than the defense. The testimony of the accused-appellant is hardly believable and is obviously a tissue of lies. As for his mother, all she did was give the impression that she herself believed her son to be guilty and was willing to pay good money to prevent his imprisonment.

In the accused-appellant's brief, it is argued that the failure of the prosecution to present the informer was a fatal omission. We do not think so. The rule is well settled that each party has the prerogative to determine which witnesses to present and to dispense with the testimony of persons who will only give corroboration.[7] Artizona and Fider had already described the details of the buy-bust operation; the testimony of the informer was not really necessary. At any rate, if the defense felt that the prosecution did not call the informer to the stand for fear that he would give adverse testimony, there was nothing to prevent him from testifying for the accused-appellant. The informer was known to the defense as Joseph Sumedca. It would have been simple enough to have him subpoenaed for examination as a defense witness.

The defense suggests that if Willy really lighted a marijuana cigarette at the Bacoco store, Artizona should have immediately arrested him red-handed. It also asks why the team brought with it the exact amount of P60.00 when it did not know beforehand about the quantity and quality of the marijuana Willy would be selling.

If the NARCOM agents did not arrest Willy while he was smoking the marijuana cigarette at the Bacoco store, it was because they wanted to catch him for the more serious offense of drug-pushing. And if they brought with them only P60.00 for the operation, the explanation is that they knew Willy to be a small-time operator who would be selling only a limited quantity of the prohibited narcotic at the current price of P20.00 per matchboxful.

The defense also wonders why the agents and Willy first met at the billiard hall and says it was an unlikely place to transact the illicit sale. It forgets that only the initial approach was made there and that the actual sale was made at the back of the market, which was a less crowded place. In any event, we have already remarked on the growing recklessness of drug-pushers, who have plied their trade in the most open settings, regardless of conscience and consequences. Thus:

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 billard 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 vs. Policarpio, G.R. No. 69844, February 23, 1988).[8]

The claim of the accused-appellant that he was "framed" taxes credibility; more bluntly, it is absurd. He has not shown why the NARCOM agents, who did not know him before the operation and certainly had no grudge against him, would single him out and arrest him for a crime that could mean his imprisonment for life. By contrast, the agents enjoy the presumption of regularity in the discharge of their functions. This and the substantial evidence adduced against the accused-appellant have overcome the constitutional presumption of innocence in his favor and proved his guilt beyond the whisper of a doubt.

And so Willy Bagawe, now 23 years old, faces a life of punishment - and, it is hoped, also remorse - for his terrible offense. It is a lamentable future for one so young, but let us not forget the victims of his trade who, trapped in the clutches of drug addiction, suffer a fate more cruel than prison bars.

WHEREFORE, the appealed judgment is AFFIRMED in toto. It is so ordered.

Griño-Aquino and Medialdea, JJ., concur.

Narvasa, C.J., and Bellosillo, J., on leave.

[1] Through Judge Salvador J. Valdez, Jr.

[2] TSN, November 18, 1987, p. 8.

[3] Records, pp. 93-95.

[4] Exhibits "D," "E," "F," and "G."

[5] Exhibits "I," "J," and "K."

[6] TSN, November 22, 1988, p. 3.

[7] People vs. Gupo, 190 SCRA 7; People vs. Vocente, 188 SCRA 101; People vs. Andiza, 164 SCRA 642.

[8] People vs. Tandoy, 192 SCRA 28.

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.