

THIRD DIVISION

[G.R. No. 112797, July 08, 1997]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE,
VS. NIDA ALEGRO Y VILLARIN, ACCUSED-APPELLANT.**

DECISION

FRANCISCO, J.:

In a Joint Decision rendered by the Regional Trial Court (RTC) of Imus, Cavite dated June 22, 1993, herein appellant Nida Alegro, in criminal case no. 2335-92, was sentenced to suffer life imprisonment and pay a P20,000.00 fine after having been found guilty of selling P100.00 worth of methamphetamine hydrochloride ("shabu") in violation of Section 15, Article III of the Dangerous Drugs Act (R.A. 6425). The other criminal case, docketed as criminal case no. 2336-92, was likewise decided against accused therein Oscar Bautista who was found to be in possession of one (1) deck of "shabu" on the same occasion of Alegro's entrapment, and sentenced to imprisonment ranging from six (6) years and one (1) day to twelve (12) years and pay a P6,000.00 fine. This appeal concerns appellant Alegro only and thus, the present discussion shall be limited to her case.

The respective versions of the State and appellant are rather simple. According to the prosecution, appellant Alegro was apprehended following a buy-bust operation conducted on her by PO2 Nicomedes Carandang and PO3 Faustino Remo at about 8:00 p.m. of August 7, 1992 in Brgy. Salitran, Dasmariñas, Cavite. PO2 Carandang, acting as poseur-buyer, was in possession of a P100-bill bearing three perforations on its serial number, as marker. Soon after the exchange between Carandang and appellant, the latter was arrested.

Frame-up or denial was appellant's defense. She claimed she was merely an afterthought prey when police officers Carandang and Remo failed to collar their true target in the person of one Rita Alegro, appellant's sister.

Obviously, appellant's conviction resulted from the trial court's appreciation of the prosecution's account as the more credible story. Insistent on her innocence nonetheless, appellant now argues, as one of her two (2) assigned errors, that the trial court gravely erred in convicting her solely on the presumption that the apprehending officers performed their duties regularly and completely brushing aside her evidence. As to her second assigned error, appellant argues that assuming she in fact sold "shabu", the penalty of life imprisonment imposed on her should be modified pursuant to Republic Act No. 7659.

Appellant's conviction is in order.

The story of the successful entrapment of appellant was narrated with consistency by PO2 Carandang^[1] and PO3 Remo^[2] (actual participants in the buy-bust

operation) whom the trial court considered as trustworthy witnesses, upon the observations that 1) "not only because they testified in a straightforward manner but their demeanor on the witness stand exuded drops of truth and credibility"[3] and 2) "x x x the defense had not shown any evil motive on the part of the police officers to testify as they did against the accused."[4]

This assessment of the credibility of police officers Carandang and Remo deserves the highest respect of the Court, considering that the trial court had the direct opportunity to observe their deportment and manner of testifying and availed of the various aids to determine whether they were telling the truth or concocting lies.[5] Indeed, as law enforcers, Carandang and Remo's narration of the incident is worthy of belief and as such they are presumed to have performed their duties in a regular manner, there being no evidence to the contrary.[6]

It then becomes clear that appellant's defense of denial or frame-up must fail. Besides, such defense, like alibi, has been viewed by the court with disfavor for it can just as easily be concocted and is a common and standard defense ploy in most prosecutions for violation of the Dangerous Drugs Act.[7] That appellant's charge of "frame-up" is nothing more than pure concoction is made evident by Oscar Bautista (appellant's "kumpadre" and accused in Criminal Case No. 2336-92) who confirmed in court that the "shabu" seized by the policemen were bought from appellant. Thus:

Q: By the way, do you know the reason why they brought Nida Alegro?

A: Because it was from Nida Alegro from whom one of their companion (sic) bought shabu."[8]

With respect to appellant's claim that her awareness of Carandang being a police officer would certainly have deterred her from peddling "shabu" to him, suffice it to state once again that knowledge by the accused that the poseur-buyer is a policeman is not a ground to support the theory that accused could not have sold narcotics to the latter.[9] As this Court has noted many times, drug pushers have become increasingly daring in the operation of their illicit trade and have not hesitated to act openly, almost casually and even in scornful violation of the law, in selling prohibited drugs to any and all buyers.[10] In fact, drugs are sold even to police officers nowadays some of whom are users, if not pushers themselves.[11]

Summing up the preceding discussions, we advert to this Court's pronouncement in "People vs. Ponsica"[12] that: "In the absence of proof of any intent on the part of the police authorities falsely to impute such a serious crime against appellant, the presumption of regularity in the performance of official duty as well as the principle that findings of the trial court on the credibility of witnesses are entitled to great respect, must prevail over the self-serving and uncorroborated claim of appellant that he had been "framed".

Regarding the penalty of life imprisonment imposed on appellant, the same should indeed be modified as recommended by appellant and the Solicitor General himself. The Chemistry Report issued by the Crime Laboratory Service of the PNP[13] reveals that the total weight of "shabu" taken from appellant is 0.05 grams. Pursuant to R.A. 7659 amending the Dangerous Drugs Act and in line with the "People v. Simon"