

SECOND DIVISION

[G.R. No. 106583, June 19, 1997]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VICTORIANO CASTRO Y CALAGNO, ACCUSED-APPELLANT.**

D E C I S I O N

ROMERO, J.:

Assuming monstrous proportions, the drug menace is increasingly posing a threat that apparently defies solution in our society. It seems to destroy everything it touches - the addict himself, his family, his victim, the community which feels it is constantly sitting on a volcano that is bound to erupt any time and the entire country that feels helpless to lick the problem.

Accused-appellant Victoriano Castro was charged before the Regional Trial Court of Pangasinan, Branch 38 in an information dated March 21, 1991, for violation of Section 4, Article II of Republic Act No. 6425 (Dangerous Drugs Act of 1972), allegedly committed as follows:

"That on or about the 19th day of March 1991 at 5:30 o'clock in the afternoon, in the Municipality of San Manuel, Province of Pangasinan and within the jurisdiction of this Honorable Court, the above-mentioned accused did then and there wilfully, unlawfully and feloniously sold (sic) to a NARCOM Agent who acted as poseur buyer, approximately One Thousand (1,000) grams of marijuana dried leaves, a prohibited drug, without corresponding permit or authority issued by proper authorities.

CONTRARY TO LAW."

After Castro entered a plea of not guilty, trial on the merits commenced.

The records show that at about 5:30 o'clock in the afternoon of March 19, 1991, Capt. Allyn Evasco together with Sgt. Rogelio Raguine, Sgt. Emilio de Guzman and CIC Julian Discargar formed a team for the purpose of conducting a buy-bust operation.

The team went to their target area in San Roque, San Miguel, Pangasinan and proceeded to deploy themselves as planned. Sgt. de Guzman who acted as poseur-buyer and civilian informer Discargar proceeded to Castro's house. Sgt. Raguine, meanwhile, hid in a grassy spot near the house. Discargar introduced Castro to Sgt. de Guzman who said that he wanted to purchase a kilo of dried marijuana leaves. After going inside the house, Castro emerged with a plastic bag which he handed to Sgt. de Guzman who, in turn, paid him P 600.00.

After the exchange, Sgt. de Guzman made the pre-arranged signal, indicating that the transaction was complete, by raising his right hand. Upon espying the signal,

Sgt. Raguine and the other team members approached Castro, introduced themselves as NARCOM (Narcotics Command) agents, and arrested him. He was thereafter brought to the San Manuel Police Station.

While the arresting team went to San Fernando, La Union for further investigation, the marijuana leaves were sent to Camp Crame for examination where it was discovered that the actual weight of the confiscated marijuana leaves was 930 grams.

For his defense, Castro presented an altogether different version of what transpired on that fateful day. He testified that around 5:00 o'clock in the afternoon of that day, he was resting in his house when a certain Nolly Selga arrived and offered to sell to him some marijuana leaves, but he declined since he was not a marijuana user.

While they were conversing, NARCOM agents suddenly arrived and allegedly proceeded to search his house for illegal drugs but were not able to find any. Undaunted, the NARCOM agents asked him to go with them to the Headquarters for investigation. Instead of acceding to the agents' demand, he told them that it was Nolly Selga who actually possessed and sold marijuana. As a result, they were both taken to the San Manuel Police Station for investigation.

From there, they were brought to Brgy. Nancalabasan where Selga was allegedly able to bribe himself out of the predicament, thus, leaving Castro all alone to answer the charges. Subsequently, he was brought to the NARCOM Headquarters at San Fernando, La Union where he was further investigated and allegedly forced to sign a "Receipt for Property Seized"^[1] without the assistance of counsel.

On April 29, 1992, the trial court rendered its decision^[2] finding Castro guilty beyond reasonable doubt of the offense charged, the dispositive portion of which reads as follows:

"Wherefore, in the light of all the considerations discussed above, the court finds and holds the accused, Victoriano Castro y Calagno, guilty beyond reasonable doubt of the crime of Violation of Section 4, Article II of Republic Act No. 6425, known as the Dangerous Drugs Act of 1972, as amended, and conformable thereto, hereby sentences said accused to suffer the penalty of life imprisonment and to pay a fine of twenty five thousand (P25,000.00) pesos, without subsidiary imprisonment in case of insolvency and to pay the costs of the proceedings.

The court further orders that the dried marijuana leaves, subject of this case, be confiscated in favor of the government and be turned over to the Dangerous Drugs Board for proper disposal and/or destruction."

Castro is now before this Court to assert his innocence by claiming that the trial court erred: (a) "in giving credence to the unreliable testimonies of the prosecution witnesses and in rejecting the more credible evidence of the defense;" (b) "in admitting the Receipt of Property Seized as evidence against the accused despite the fact that it was signed by the accused without assistance of counsel;" and (c) in convicting him of the crime charged despite the failure of the prosecution to prove