

CERTIFIED TRUE COPY  
*Wilfredo V. Lapid*  
WILFREDO V. LAPIDAN  
Division Clerk of Court  
Third Division  
JUL 24 2018



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES    G.R. No. 220141  
*Plaintiff-Appellee,*

Present:

- versus -

VELASCO, JR., J., *Chairperson,*  
BERSAMIN,  
LEONEN,  
MARTIRES, and  
GESMUNDO, JJ.

ARNULFO BALENTONG  
BERINGUIL,  
*Accused-Appellant.*

Promulgated:

June 27, 2018

X-----*Wilfredo V. Lapid*-----X

DECISION

MARTIRES, J.:

We resolve in this appeal the challenge to the 27 February 2015 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01624. The CA affirmed the 11 March 2013 Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 3, Guiuan, Eastern Samar, in Criminal Case No. 2404, finding accused-appellant Arnulfo Balentong Beringuil (*Beringuil*) guilty beyond reasonable doubt of violating Section 5, Article II of R.A. No. 9165, imposing on him the penalty of life imprisonment and a fine of ₱500,000.00. *Paul*

<sup>1</sup> *Rollo*, pp. 4-21, penned by Associate Justice Marie Christine Azcarraga-Jacob, and concurred in by Associate Justices Edgardo L. Delos Santos and Ma. Luisa C. Quijano-Padilla.

<sup>2</sup> *CA rollo*, pp. 37-49, penned by Judge Rolando M. Laco-o.

## THE FACTS

The prosecution charged Beringuil before the RTC for the illegal sale of one (1) brick of cocaine, a dangerous drug, weighing 993.00 grams. The information reads:

That on or about the 8th day of February 2010 at about 9:00 o'clock in the evening at the Salcedo Public Market, Salcedo, Eastern Samar, Philippines, within the jurisdiction of this Honorable Court, the aforementioned accused who acted without the necessary permit or authority whatsoever, did then and there wilfully, unlawfully and criminally sell, deliver and dispense one (1) brick of cocaine weighing 993.00 grams, a dangerous drug.

CONTRARY TO LAW.<sup>3</sup>

Beringuil pleaded not guilty during his arraignment.

### *The Evidence for the Prosecution*

The evidence for the prosecution shows that Beringuil was caught in a buy-bust operation conducted by PDEA, Region VIII agents on 8 February 2010. At about 9:00 P.M. at the Salcedo Public Market, Salcedo, Eastern Samar, Intelligence Officer 1 Germiniano Laus, Jr. (*IO1 Laus*) and a confidential informant were waiting for Beringuil whom they knew was looking for a buyer of cocaine worth ₱20,000.00. Not long after they arrived, a certain Sammy Macajeto (*Sammy*) arrived on a motorcycle and approached IO1 Laus and the confidential informant. Sammy then told IO1 Laus to give him the ₱20,000.00 but the latter refused because he wanted to give the money to Beringuil himself. Sammy left and returned with Beringuil who then invited IO1 Laus and the confidential informant to a dimly lit area. There, Beringuil showed IO1 Laus the brick of cocaine wrapped in manila paper with a Coca-Cola sticker. In turn, IO1 Laus gave him the boodle money which Beringuil put inside his right pocket. At this moment, IO1 Laus took off his hat as the prearranged signal that the sale had already been consummated.

When the backup team arrived, Beringuil was arrested and the boodle money was recovered from him. Meanwhile, IO1 Laus took possession of the bag containing the brick of cocaine. During the commotion, however, Sammy was able to escape.



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<sup>3</sup> Records, p. 1.

Considering that the crime scene was poorly lit and surrounded by people, the team brought Beringuil and the confiscated items to the police station at Salcedo about five hundred (500) meters away.

During the inventory, IO1 Laus marked the confiscated drug with "ABB-1" in the presence of Beringuil and an elected barangay official. Another team member took pictures of the inventory proceedings. Although Beringuil did not sign the certificate of inventory, the elected barangay official signed as a witness.

After the incident was recorded in the blotter of the police station, the buy-bust team brought Beringuil to the PDEA Regional Office at Palo, Leyte. IO1 Laus kept the confiscated items in his possession on their way to their office. Upon arrival, a final inventory was done, this time in the presence of representatives from the media and the DOJ.

Thereafter, IO1 Laus, accompanied by two (2) other members of the buy-bust team, personally turned over the confiscated drugs and the request for the chemical analysis of its contents. The chemistry report revealed that the examined item tested positive for cocaine, a dangerous drug.

### ***The Version of the Defense***

In his defense, Beringuil denied the charges against him and claimed that the whole incident was a frame-up. He said that he went to the public market because a certain Melvin Fabe (*Melvin*) requested that he bring his personal belongings and carpentry tools with him. When he alighted from the motorcycle, Beringuil handed the bag to Melvin; at the same time, four (4) men approached and asked if he was Nonoy Beringuil. After he answered "yes," the men pinned his arms behind his back and made him get in a white van.

Beringuil insisted that there was no transfer of money whatsoever and that he did not have any drugs on him at that time. When he was shown the brick of cocaine at the police station, Beringuil denied the allegations that it was taken from him.

### ***The RTC Ruling***

The RTC found Beringuil guilty beyond reasonable doubt of the illegal sale of dangerous drugs. It was convinced that all the elements for the crime were present, even the existence of the *corpus delicti* or the drug itself, because all the testimonies of the prosecution witnesses were consistent with the rest of the evidence. The RTC also held that even if the



buy-bust team did not strictly observe the guidelines for proper custody and disposition of dangerous drugs, they were able to preserve the identity and integrity of the confiscated drugs. Lastly, the RTC did not give much credence to Beringuil's defenses as they were inherently weak and uncorroborated.

### ***The CA Ruling***

In the assailed CA decision, the appellate court affirmed the decision of the RTC *in toto*. The CA did not see any cogent reason to depart from the findings of the trial court as to the preservation of the evidentiary value of the confiscated drug from Beringuil. As regards the other elements of illegal sale, the CA affirmed the findings of the trial court with respect to the credibility of the prosecution witnesses. The CA considered the inconsistencies raised by Beringuil and saw beyond them because the totality of the prosecution's evidence effectively pointed to Beringuil's conviction.

### **OUR RULING**

After due consideration, we agree with the conclusions and the penalty imposed by the lower courts, and resolve to deny the appeal for lack of merit.

In the prosecution of illegal sale of drugs, what is material is proof that the transaction actually took place, coupled with the presentation in court of the *corpus delicti* as evidence. In the present case, we confirm the lower court findings that the prosecution clearly showed that the sale for one (1) brick of cocaine actually took place and that the authorities seized it; which thereafter passed through the proper custodial chain until it was identified and submitted to the court as evidence. Significantly, the present appeal raises only minor inconsistencies too trivial for us to disturb the findings and conclusions of the lower courts.

Beringuil said that there were inconsistencies as to: (1) the time of arrival at the area of operation, (2) where the buy-bust team met the informant, and (3) who communicated with him, to wit:

There are material inconsistencies in the testimonies of the prosecution witnesses. While PO Geminiano Laus, Jr. said that they arrived in the area of operation at around 6:30 in the evening of February 8, 2010, IO2 Jelou Anthony Paca said that they arrived at around 8:00 in the evening of that day.



While PO Geminiano Laus, Jr. said that the team only met with the confidential informant in the area of operation in the Salcedo Public Market on that day, IO2 Jelou Anthony Paca disclosed that the confidential informant was present as early as when the team conducted the briefing for the buy-bust in their office in Palo, Leyte.

While PO Geminiano Laus, Jr. claimed to have no involvement between the communication of the confidential informant and the accused over the sale transaction to take place on that day, IO2 Jelou Anthony Paca said it was PO Geminiano Laus, Jr., as the poseur-buyer, who communicated with the accused for the sale transaction.<sup>4</sup>

It is a settled rule that discrepancies and inconsistencies in the testimonies of witnesses referring to minor details, and not actually touching upon the central fact of the crime,<sup>5</sup> or the basic aspects of “the who, the how, and the when” of the crime committed,<sup>6</sup> do not impair their credibility because they are but natural and even enhance their truthfulness as they wipe out any suspicion of a counseled or rehearsed testimony;<sup>7</sup> and minor contradictions among witnesses are to be expected in view of differences of impressions, vantage points, memory, and other relevant factors.<sup>8</sup>

As for the evidentiary value of the confiscated item, Beringuil contends that the specimen examined was allegedly not the same item that was confiscated from him because a witness testified that other than the Coca-Cola sticker, no other markings were found on the suspected brick of cocaine. On this matter, after reviewing the records, we agree with the CA when it said that the witnesses’ testimony was made under a mistaken understanding of the question asked. However, based on the documentary evidence, the confiscated item was already marked with “ABB-1” at the Salcedo Police Station. This was supported by all the other documentary evidence as well as by the testimony of IO1 Laus.

We note in this regard that at no time during the trial did the defense question the integrity of the evidence: by questioning either the chain of custody or the evidence of bad faith or ill will on the part of the police, or by proof that the evidence had been tampered with. Under these circumstances, the presumption of regularity in the handling of the exhibits by the buy-bust team and the presumption that they had properly discharged their duties should apply.<sup>9</sup> As the record shows, the integrity of the adduced evidence has never been tainted, so that it should retain its full evidentiary value.

<sup>4</sup> CA rollo, p. 31.

<sup>5</sup> *People v. Magno*, 357 Phil. 439, 448 (1998).

<sup>6</sup> *People v. Baludda*, 376 Phil. 614, 625 (1999).

<sup>7</sup> *People v. Morico*, 316 Phil. 270, 275 (1995).

<sup>8</sup> *People v. Utinas*, 309 Phil. 334, 342 (1994); *People v. Santos*, 306 Phil. 705, 711 (1994).

<sup>9</sup> *People v. Domado*, 635 Phil. 74, 91 (2010); citing *People v. Miranda*, 560 Phil. 795, 810 (2007).




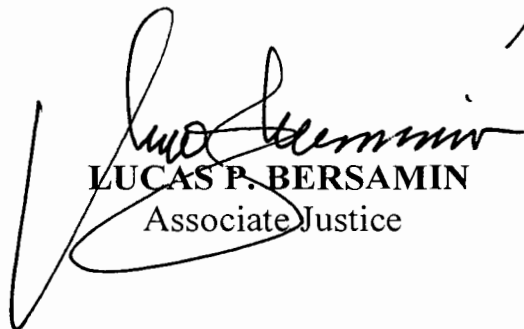
**WHEREFORE**, in the light of the foregoing, we **DENY** the appeal and **AFFIRM** the 27 February 2015 Decision of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01624 *in toto*.

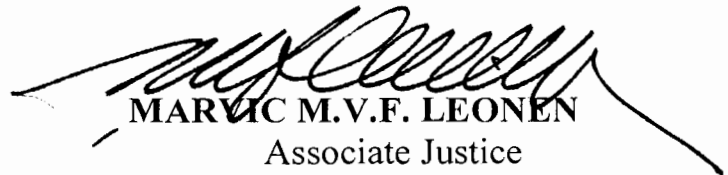
**SO ORDERED.**

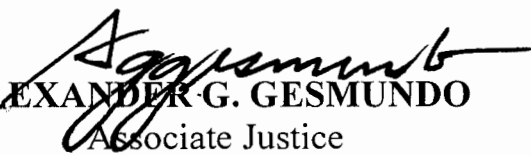
  
**SAMUEL R. MARTIRES**  
Associate Justice

**WE CONCUR:**

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

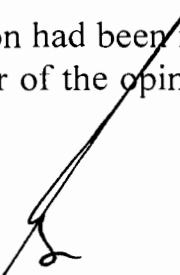
  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**ALEXANDER G. GESMUNDO**  
Associate Justice

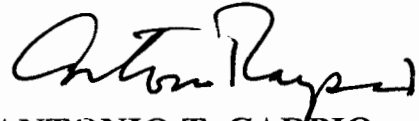
**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

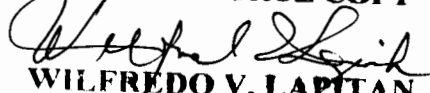
**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
(Per Section 12, R.A. 296,  
The Judiciary Act of 1948, as amended)

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Division Clerk of Court  
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