

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SHAUN WAMAR REGIS, ACCUSED-APPELLANT.

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HERNANDO, J:

At bench is an Appeal[1] from the May 14, 2013 Judgment[2] of the Regional Trial Court (RTC), Branch 57, 7[th] Judicial Region, Cebu City, which adjudged accused-appellant Shaun Wamar Regis guilty for violation of Sections 11[3] and 12,[4] Article II of Republic Act (RA) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Facts

On October 6, 2009, two separate Informations were filed against accused, viz:

I. docketed in the RTC as Criminal Case No. CBU-87161:[5]

“That on or about the 4[th] day of October, 2009, at about 12:15 o’clock A. M., more or less, in the City of Cebu, Philippines and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, did then and there have in his possession and control one (1) heat sealed transparent plastic sachet of white crystalline substance weighing 0.02 gram, locally known as shabu, containing methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.”

II. docketed in the RTC as Criminal Case No. CBU-87162[6]

“That on or about the 4[th] day of October, 2009, at about 12:15 o’clock A.M., more or less, in the City of Cebu, Philippines and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, and without being authorized by law, did then and there have in his possession the following:

- 1 = one (1) rolled tin foil;
- 2 = disposable lighter and
- 3 = rolled tissue paper

which are instruments and/or equipments fit or intended for smoking, consumming [sic], administering, ingesting or introducing any dangerous drug into the body.

CONTRARY TO LAW.”

When arraigned with the assistance of counsel, accused pleaded not guilty to both charges.[7] After the pre-trial conference,[8] trial ensued.

The prosecution first presented the forensic chemist of the Philippine National Police (PNP) Regional Crime Laboratory Office 7, Police Senior Inspector (P/SInsp.) Rendielyn Lugtu Sahagun, who conducted the chemical analysis and examination on the white crystalline substance contained in a small plastic packet that was allegedly recovered from the possession of accused-appellant. When P/SInsp. Sahagun was presented, the defense admitted the following:[9]

- P/SInsp. Sahagun's competence and expertise;
- the existence and due execution of the October 4, 2009 letter-request¹⁰ for laboratory examination;
- that the small plastic sachet containing white crystalline substance^[11] perceived to be shabu was delivered by PO2 Ybañez to the PNP Region 7 Crime Laboratory on October 4, 2009 at 1:15 a.m.;^[12]
- that the PNP Region 7 Crime Laboratory received, through PO2 Sagun,^[13] the specimen, together with the October 4, 2009 letter-request for laboratory examination;
- that upon receipt by P/SInsp. Sahagun of the specimen, together with the October 4, 2009 letter-request for laboratory examination, from PO2 Sagun, P/SInsp. Sahagun indicated the weight of the specimen on the letter-request and affixed her signature beside the entry;
- that P/SInsp. Sahagun examined the specimen submitted and that the examination on the specimen yielded positive for the presence of methamphetamine hydrochloride as indicated in Chemistry Report No. D-932-2009;^[14]
- that after P/SInsp. Sahagun examined the specimen and prepared the chemistry report, she turned over the specimen, the letter-request and the chemistry report to the evidence custodian, PO1 Joseph Bucayan, and retrieved them prior to presenting them to the trial court; and
- that P/SInsp. Sahagun will be able to identify the specimen, the letter-request and the chemistry report which she all presented to the trial court.

In their capacity as arresting officers, PO2 Roy Carlo Veloso and PO2 Frederick Ybañez^[15] of the PNP Cebu City Police Station, assigned at the Investigation and Detective Management Branch (IDMB), testified for the prosecution and established the following facts:^[16]

At around 11:00 p.m. of October 3, 2009, PO2 Veloso and PO2 Ybañez, together with P/SInsp. Juanito R. Pajantoy, PO3 Cesar S. Pandong and PO1 Albert N. Luardo, set off to conduct a checkpoint along New Road Imus Street, Barangay Day-as, Cebu City, specifically near the Barangay Day-as Sports Complex. In the course of their operation, at around 12:15 a.m. of October 4, 2009, they flagged down a taxicab. PO2 Ybañez approached the vehicle, which cabin light was already on, and with the use of a flashlight, conducted a visual search therein, starting at the passenger side of the vehicle. The team noticed two passengers at the backseat. PO2 Veloso and PO2 Ybañez then saw the passenger seated behind the front passenger seat, who was later identified as accused Shaun Wamar Regis, throwing a plastic pack containing white crystalline substance and sniffing paraphernalia on the floor of the cab. PO2 Ybañez immediately opened the back door of the vehicle, arrested accused and picked up the plastic pack containing white crystalline substance and the sniffing paraphernalia. Accused was then informed of the reason of his arrest and was apprised by PO2 Ybañez of his Constitutional rights. While still at the crime scene and in the presence of accused, the confiscated plastic pack containing white crystalline substance was right away marked by PO2 Ybañez with the initials of accused, "SR," and the sniffing paraphernalia, namely: a disposable lighter, a rolled tin foil and a rolled tissue paper, were collectively marked as "SR1."^[17] The team then brought accused, together with the seized items, to the IDMB office at Gorordo Avenue, Cebu City. On their way to their office, it was PO2 Ybañez who was in custody of all the seized items.

Upon their arrival at the police station, the incident was entered in the police blotter^[18] by PO1 Luardo. The seized items were inventoried^[19] by PO2 Ybañez who declared that he could not recall if the seized items were photographed because their team had no camera at that time. PO2 Ybañez then prepared the letter-request for laboratory examination^[20] of the white crystalline substance contained in the marked sachet and delivered the specimen, together with the letter-request, to the PNP Region 7 Crime Laboratory.^[21] The laboratory

examination on the submitted specimen yielded positive for methamphetamine hydrochloride.[22] Meanwhile, the confiscated drug paraphernalia were kept by PO2 Ybañez in his locker. These were only retrieved by him and turned over to PO2 Veloso for presentation in court during trial.

PO2 Veloso[23] and PO2 Ybañez[24] positively identified accused in court. The heat-sealed transparent plastic sachet containing what was perceived to be shabu and the drug paraphernalia were also positively identified by the two police officers in court.[25]

After the prosecution rested its case, the defense presented the accused himself.

In denying the allegation against him, accused, who was a hairstylist and resident of Barangay Perrelos, Carcar City, declared[26] that in the evening of October 3, 2009, he and his gay friend Amanda went to Carbon Market, Cebu City to buy flowers. They then boarded a taxicab to Golden Peak Hotel since accused was hired as make-up artist and florist in a wedding the following day. Later, the taxi driver advised them that there was a checkpoint about twenty (20) meters away, and the driver turned on the cabin light. When they pulled over, a police officer, whom accused identified in court as PO2 Ybañez, knocked at the car window prompting accused to roll it down. PO2 Ybañez asked him if he had bladed weapons and accused answered in the affirmative. PO2 Ybañez asked him to bring out the bladed items and accused obliged. He presented his pair of scissors and a cutter to be used in cutting flowers. PO2 Ybañez confiscated the pair of scissors and the cutter, and asked accused to disembark. Upon noticing that PO2 Ybañez was drunk, accused bad-mouthed him and this angered the police officer. Accused and Amanda were then brought to the police station, and while Amanda was immediately released, accused was detained. The following morning, the pair of scissors and the cutter were returned to him. It was only at the Prosecutor's Office that he knew of the actual charges against him. Accused further admitted that he was previously charged for reckless imprudence resulting to homicide.

Following its evaluation of the mass of evidence, the trial court accorded full credit to the version of the prosecution rather than that of the accused. The trial court thus pronounced his culpability in this wise:

“WHEREFORE, in view of the foregoing, accused SHAUN WAMAR REGIS is hereby found guilty beyond reasonable doubt of the crimes charged.

He is sentenced to suffer the following penalties:

- twelve (12) years and one (1) days [sic] to fifteen (15) years and a fine of P300,000.00, for Violation of Section 11, Article II of R[A] 9165;

- six (6) months and one (1) day to two (2) years and a fine of P20,000.00, for Violation of Section 12, Article II of RA 9165.

He is entitled to a credit for the period during his preventive imprisonment.

The packet of shabu and the drug paraphernalia are forfeited in favor of the government.

SO ORDERED.”[27]

The Issue

Aggrieved, accused-appellant now interposed this Appeal on the sole issue, viz:

“THE COURT A QUO ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT”[28]

Accused-appellant, in his Appeal Brief,[29] argues that the argument of the prosecution that he was caught in flagrante delicto of committing a crime which led to his warrantless arrest does not hold any semblance of truth.

Premised on the situation that accused-appellant was allegedly caught throwing a pack of shabu and drug paraphernalia on the floor of the taxicab during a conduct of a visual search, accused-appellant theorizes that no person in his right mind would throw pieces of incriminating evidence in a conspicuous manner when such may easily be hidden without detection. He further contends that the police officers did not observe the mandatory procedure of preserving the illegal items allegedly seized from him as required by Section 21, Article II of RA 9165. Hence, the integrity and the identity of the corpus delicti were not duly established.

On the other hand, plaintiff-appellee, through the Office of the Solicitor General (OSG),^[30] postulates that the warrantless arrest of accused-appellant was a valid one pursuant to Section 5 (a), Rule 113 of the Revised Rules of Criminal Procedure. Further, while there were no photographs taken on the confiscated items, the chain of custody of the seized shabu was not broken and the corpus delicti has been duly preserved and established by the prosecution.

The issues to be resolved then in this Appeal are: (1) Whether the version of the prosecution concerning the discovery of the illegal substance and drug paraphernalia is credible; and (2) Assuming that the prosecution's version is true, whether the identity of the prohibited drug and the chain of custody were established.

The Court's Ruling

The Appeal is bereft of merit.

First. We find that appellant's defense of denial and frame-up was supported by nothing more than his bare allegation. The testimony of the arresting officers showed that the sachet containing white crystalline substance and drug paraphernalia were thrown by appellant when the police officers started to conduct a visual search on the taxicab he was riding. As a result of chemical analysis thereof, the substance in the plastic sachet was confirmed to be shabu.

In *People v. Ventura*,^[31] the Supreme Court ruled:

"Accused-appellant failed to adduce evidence to substantiate her claim of irregularity in the performance of duty on the part of the police officers. This bare allegation of irregularity in the performance of duty remained self-serving and bereft of any supporting evidence.^[32] Neither was any ill motive imputed on the part of the police officers, thus failing to buttress the defense's claim of frame-up. Against the positive testimonies of the prosecution witnesses, accused-appellant's plain denial of the offenses charged, unsubstantiated by any credible and convincing evidence, must simply fail.^[33] This Court realizes the disastrous consequences on the enforcement of law and order, not to mention the well being of society, if the courts accept in every instance this form of defense, which can be so easily fabricated. It is precisely for this reason that the legal presumption that official duty has been regularly performed exists. If she were truly aggrieved, it is quite surprising why accused-appellant did not even attempt to file a criminal or an administrative complaint, e.g., for planting drugs, against the arresting officers. Such inaction runs counter to the normal human conduct and behavior of one who feels truly aggrieved by the act complained of.^[34]"

The Highest Tribunal further declared in *People v. Rosialda*:^[35]

"Thus, in *People v. Hernandez*,^[36] the Court dismissed the defense of frame-up relied upon by the accused for failing to present clear and convincing evidence to prove his allegations. The Court said:

The defense of denial and frame-up has been invariably viewed by this Court with disfavor, for it can easily be concocted and is a common and standard defense ploy in prosecutions for violation of the Dangerous Drugs Act. In order to prosper, the defense of denial and frame-up must be proved with strong and convincing evidence. In the case before us, appellants miserably failed to present any evidence in support of their claims. Aside from their self-serving assertions, no plausible proof was presented to bolster their allegations.

The Court held succinctly in *People v. Agulay*:^[37]

Apart from his defense that he is a victim of a frame-up and extortion by the police officers, accused-appellant could not present any other viable defense. Again, while the presumption of regularity in the performance of official duty by law enforcement agents should not by itself prevail over the presumption of innocence, for the claim of frame-up to prosper, the defense must be able to present clear and convincing evidence to overcome this presumption of regularity.”

Applying case law to the instant case, while appellant alleged frame-up, he did not file any charge against the arresting police officers. In the absence of proof of any intent on the part of the police authorities to falsely impute a serious crime against appellant, the presumption of regularity in the performance of official duty must prevail over the claim of appellant that he has been framed-up. Moreover, there was no credible showing that the arresting police officers were impelled by any improper motive or intention in effecting the arrest of appellant.^[38]

In addition, mere denial by appellant cannot prevail over the positive testimonies of the prosecution witnesses. Denial is “self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters. As between the categorical testimony that rings of truth, on one hand, and a bare denial, on the other, the former is generally held to prevail.”^[39]

Second. We fully believe that the integrity and the evidentiary value of the seized shabu, as well as the drug paraphernalia, had been duly preserved by the policemen.

For illegal possession of a dangerous drug, like shabu, the elements are: (a) the accused is in possession of an item or object that is identified to be a prohibited or dangerous drug; (b) such possession is not authorized by law; and (c) the accused freely and consciously possessed the drug.^[40] In the crime of possession of prohibited drug, the drug is an integral part of the corpus delicti; hence, the identity thereof must, like all the elements of the offense, be proved beyond reasonable doubt. In *People v. Barba*,^[41] it was held:

“x x x The prohibited drug is an integral part of the corpus delicti of the crime of possession or selling of regulated/prohibited drug; proof of its identity, existence, and presentation in court are crucial. A conviction cannot be sustained if there is a persistent doubt on the identity of the drug. The identity of the prohibited drug must be established with moral certainty. Apart from showing that the elements of possession or sale are present, the fact that the substance illegally possessed and sold in the first place is the same substance offered in court as exhibit must likewise be established with the same degree of certitude as that needed to sustain a guilty verdict.

The identity of the subject substance is established by showing the chain of custody. In *Espinoza v. State*, an adequate foundation establishing a continuous chain of custody is said to have been established if the State accounts for the evidence at each stage from its acquisition to its testing, and to its introduction at trial.”

Thus, to preserve the identity of confiscated drugs, Section 21 of RA 9165 provides that the initial custody and control thereof must comply with the following requirements:

“Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the persons/s

from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;"

Admittedly, Section 21 imposes rigid and exacting requirements in order to establish the identity of the seized drug. It is obviously for this reason that Section 21 (a) of the Implementing Rules and Regulations of RA 9165 contains the following proviso:

"... Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items . . ."

However, the foregoing saving clause applies only where the prosecution recognized the procedural lapses and thereafter explained the justifiable grounds for non-compliance with the requirements. This is the doctrine laid down in *People v. Sanchez*[42] and reiterated in *People v. Garcia*[43] wherein it was held:

"To be sure, Section 21 (a), Article II of the IRR offers some flexibility in complying with the express requirements under paragraph 1, Section 21, Article II of R.A. No. 9165, i.e., 'non-compliance with these requirements under justifiable grounds as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items.' In *Sanchez*, we clarified that this saving clause applies only where the prosecution recognized the procedural lapses, and thereafter explained the cited justifiable grounds.[44] We also stressed in *Sanchez*, that in such case, the prosecution must show that the integrity and evidentiary value of the evidence seized have been preserved.[45]"

Hence, the links that the prosecution must establish in the chain of custody in a case of possession of illegal drugs are: first, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and fourth, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.[46]

In the case at bench, the evidence clearly shows that PO2 Ybañez, who had initial custody and control of the suspected shabu and the drug paraphernalia complied with the strict requirements of Section 21. PO2 Ybañez immediately marked the confiscated items right at the crime scene. This Court is satisfied that the evidence shows that indeed PO2 Ybañez immediately brought the confiscated packet of shabu to the police station, inventoried and delivered it, with the letter-request, to the PNP Crime Laboratory for examination; that P/SInsp. Sahagun conducted the chemical analysis and laboratory examination on the specimen which yielded positive for the presence of methamphetamine hydrochloride per Chemistry Report No. D-932-2009; and that the shabu contained in the small transparent sachet and the drug paraphernalia were presented to the court during trial. There is therefore no question at all that the prosecution's evidence sufficiently established the unbroken chain of custody of the seized illegal drug, as well as the drug paraphernalia, from its confiscation by the arresting officer until its presentation in court in accordance with the procedure under Section 21, Article II of RA 9165.

Nevertheless, this Court is not unmindful that while there was a physical inventory of the confiscated illegal items, namely: the shabu and the drug paraphernalia, the inventory was merely signed by PO2 Ybañez and PO3 Pandong, with a notation that "respondent refused to sign." There was no indication that appellant was given a copy thereof. Further, the inventory was not signed by a representative from the media and the Department of Justice (DOJ), and any elected public official. Moreover, there were no photographs taken on the confiscated illegal items. However, evaluation of the testimonial evidence shows that the prosecution recognized such

procedural lapse due to unavailability of a camera.

In *People vs. Soriaga*,^[47] the Supreme Court expounded on the effect of non-compliance with Section 21, Article II of RA 9165, more particularly paragraph 1, thereof:

“ . . . The requirements under R.A. No. 9165 and its Implementing Rules and Regulations (IRR) are not inflexible. What is essential is ‘the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.’^[48] Thus, in the case of *People v. Domado*,^[49] it was written:

From the point of view of jurisprudence, we are not beating any new path by holding that the failure to undertake the required photography and immediate marking of seized items may be excused by the unique circumstances of a case. In *People v. Resurreccion*, we already stated that ‘marking upon immediate confiscation’ does not exclude the possibility that marking can be at the police station or office of the apprehending team. In the cases of *People v. Rusiana*, *People v. Hernandez*, and *People v. Gum-Oyen*, the apprehending team marked the confiscated items at the police station and not at the place of seizure. Nevertheless, we sustained the conviction because the evidence showed that the integrity and evidentiary value of the items seized had been preserved. To reiterate what we have held in past cases, we are not always looking for the strict step-by-step adherence to the procedural requirements; what is important is to ensure the preservation of the integrity and the evidentiary value of the seized items, as these would determine the guilt or innocence of the accused. We succinctly explained this in *People v. Del Monte* when we held:

We would like to add that non-compliance with Section 21 of said law, particularly the making of the inventory and the photographing of the drugs confiscated and/or seized, will not render the drugs inadmissible in evidence. Under Section 3 of Rule 128 of the Rules of Court, evidence is admissible when it is relevant to the issue and is not excluded by the law or these rules. For evidence to be inadmissible, there should be a law or rule which forbids its reception. If there is no such law or rule, the evidence must be admitted subject only to the evidentiary weight that will be accorded it by the courts. . .

We do not find any provision or statement in said law or in any rule that will bring about the non-admissibility of the confiscated and/or seized drugs due to non-compliance with Section 21 of Republic Act No. 9165. The issue therefore, if there is non-compliance with said section, is not of admissibility, but of weight — evidentiary merit or probative value — to be given the evidence. The weight to be given by the courts on said evidence depends on the circumstances obtaining in each case.” (emphasis supplied)

Therefore, this Court has no reason to doubt at all the police officers whose testimonies have more than adequately established the unbroken chain of custody of the seized drug, as well as the drug paraphernalia. By all accounts, the Court must affirm the judgment of conviction rendered by the trial court as to appellant.

WHEREFORE, premises considered, the Appeal is DENIED for lack of merit and the assailed Judgment dated May 14, 2013 of the RTC, Branch 57, 7th Judicial Region, Cebu City in Criminal Cases Nos. CBU-87161 and CBU-87162 is hereby AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Quijano-Padilla, and Lopez, JJ.,[*] concur.

[*] Third member vice Justice Marie Christine Azcarraga-Jacob per Office Order No. 01-15-GTI dated January 22, 2015.

[1] Notice of Appeal dated June 24, 2013; Record of Criminal Case No. CBU-87161, at pp. 105-106.

[2] Record of Criminal Case No. CBU-87161, at pp. 97-100; cf. Rollo., at pp. 17-20.

[3] SEC. 11. Possession of Dangerous Drugs. – xxx xxx xxx Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

xxx xxx xxx

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand Pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of . . . methamphetamine hydrochloride or “shabu”. . .

[4] SEC. 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs. – The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body: Provided, That in the case of medical practitioners and various professionals who are required to carry such equipment, instrument, apparatus and other paraphernalia in the practice of their profession, the Board shall prescribe the necessary implementing guidelines thereof.

The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be prima facie evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act.

[5] Record of Criminal Case No. CBU-87161, at pp. 1-2.

[6] Record of Criminal Case No. CBU-87162, at pp. 1-2.

[7] Order dated November 5, 2009, Record of Criminal Case No. CBU-87161, at p. 10; Certificates of Arraignment dated November 5, 2009, Record of Criminal Case No. CBU-87161, at pp. 12 and 13.

[8] Order dated November 5, 2009, *supra*.

[9] TSN dated February 25, 2010, pp. 4-6.

[10] Exhibit “A,” Record of Criminal Case No. CBU-87161, at p. 83.

[11] Exhibit “B,” with the custody of the trial court, per Index of Exhibits, Record of Criminal Case No. CBU-87161.

[12] Exhibit “A-1,” *supra*.

[13] *Ibid*.

[14] Exhibit “C,” Record of Criminal Case No. CBU-87161, at p. 84.

[15] Joint Affidavit of Arrest of PO2 Veloso, PO2 Ybañez, P/SInsp. Juanito R. Pajantoy, PO3 Cesar S. Pandong and PO1 Albert N. Luardo dated October 5, 2009, Exhibit “F,” Record of Criminal Case No. CBU-87161, at p. 4.

[16] TSNs of PO2 Veloso dated July 1, 2010, pp. 5-14 and dated May 4, 2011, pp. 3-8; TSNs of PO2 Ybañez dated June 14, 2012, pp. 5-20 and dated January 30, 2013, pp. 3-11.

[17] Collectively marked as Exhibit “E,” all placed in a plastic pack, with the custody of the trial court, per Index of Exhibits, Record of Criminal Case No. CBU-87161.

[18] Exhibit “D,” Record of Criminal Case No. CBU-87161, at p. 6.

- [19] Exhibit “G,” Record of Criminal Case No. CBU-87161, at p. 85.
- [20] Exhibit “A,” *supra.*, note 10.
- [21] Exhibit “A-1,” *supra.*
- [22] Exhibit “C,” *supra.*, note 14.
- [23] TSN dated July 1, 2010, p. 5.
- [24] TSN dated June 14, 2012, p. 7.
- [25] TSNs of PO2 Veloso dated July 1, 2010, pp. 10-11 and dated May 4, 2011, p. 3; TSN of PO2 Ybañez dated June 14, 2012, pp. 10-12.
- [26] TSNs dated March 20, 2013, pp. 3-15, and dated April 12, 2013, pp. 4-15.
- [27] *Supra.*, note 2.
- [28] Rollo., at p. 8.
- [29] Rollo., at pp. 6-16 with annex.
- [30] Appellee’s Brief, Rollo., at pp. 32-48.
- [31] G. R. No. 184957, October 27, 2009.
- [32] *People v. Dumlao*, G. R. No. 181599, August 20, 2008, 562 SCRA 762, 770.
- [33] *People v. Capalad*, G. R. No. 184174, April 7, 2009.
- [34] *People v. Ahmad*, 464 Phil. 848, 870 (2004).
- [35] G. R. No. 188330, August 25, 2010.
- [36] G. R. No. 184804, June 18, 2009, 589 SCRA 625, 642-643.
- [37] G. R. No. 181747, September 26, 2008, 566 SCRA 571, 599-600.
- [38] *People vs. Mateo*, G. R. No. 179478, July 28, 2008.
- [39] *People vs. Serrano*, G. R. No. 179038, May 6, 2010, citing *People vs. Dumlao*, *supra.*, note 32, at 769.
- [40] *People vs. Bautista*, G. R. No. 177320, February 22, 2012, citing *People vs. Naquita*, G. R. No. 180511, July 28, 2008, 560 SCRA 430, 451.
- [41] G. R. No. 182420, July 23, 2009 (citations omitted).
- [42] G. R. No. 175832, October 15, 2008, 569 SCRA 194.
- [43] G. R. No. 173480, February 25, 2009.
- [44] *People vs. Sanchez*, *supra.*, note 42.
- [45] *Ibid.*
- [46] cf. *People vs. Salcena*, G. R. No. 192261, November 16, 2011, citing *People vs. Kamad*, G. R. No. 174198, January 19, 2010, 610 SCRA 295, 307-308.
- [47] G. R. No. 191392, March 14, 2011.

[48] People vs. Jakar Mapan Le, G. R. No. 188976, June 29, 2010.

[49] G. R. No. 172971, June 16, 2010.

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