

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARMANDO L. PEPITO, ACCUSED-APPELLANT.

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HERNANDO, J:

Before Us is an Appeal from the Judgment[1] dated October 30, 2012 rendered by the Regional Trial Court (RTC), Branch 57 of Cebu City in Criminal Case No. CBU-86645, finding accused-appellant Armando L. Pepito guilty beyond reasonable doubt for Violation of Section 11, Article II of Republic Act (R.A.) No. 9165 otherwise known as “The Comprehensive Dangerous Drugs Act of 2002.” The dispositive portion of the assailed Judgment reads:

WHEREFORE, finding guilt beyond reasonable doubt of accused Armando L. Pepito, for Violation of Section 11 Art. II of RA 9165, he is hereby sentenced to suffer the penalty of twenty (20) years and one (1) day to life imprisonment and a fine of Php400,000.00.

The three (3) packs of shabu are forfeited in favor of the government.

SO ORDERED.[2]

The Antecedents:

An Amended Information[3] was filed against accused Armando L. Pepito charging him with violating Section 11, Article II of R.A No. 9165, the accusatory portion of which alleged that:

That on the 4[th] day of July 2009, at around 9:45 A.M., 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) medium transparent plastic sachet of white crystalline substance weighing 5.20 grams, and two heat-sealed transparent plastic sachets, each containing white crystalline substance and weighing 0.02 gram, all locally known as shabu, and containing methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.

When arraigned on September 24, 2009, said accused, duly assisted by his counsel, pleaded not guilty to the offense charged.[4] After the pre-trial was terminated, trial on the merits ensued.

To establish the guilt of the accused, the prosecution presented the following witnesses: (1) Police Officer 1 Esmeraldo Quillosa; (2) P/Supt. Mutchit Salinas; and (3) Police Officer 2 Philip Plasus. P/Insp. Jonas Tahanlangit was likewise presented as rebuttal witness.

On the other hand, accused himself, Armando Pepito, testified in court to refute the accusations against him and to prove his innocence, together with his witnesses, Alvin Pepito and Ma. Cielo Albores. Novelito Pepito was likewise presented as a sur-rebuttal witness.

Version of the Prosecution:

On July 4, 2009, PO1 Esmeraldo Quillosa, PO2 Philip Plasus, SPO1 Filomeno Mendaros, PO1 Michael Maucesa

and PO3 Jonas Tahanlangit were at Kasambagan, Labangon, Cebu City, in order to serve an arrest warrant against Spouses Allen and Marivic Violanda. For failure to serve the warrant, the team decided to go back to the police station and proceeded to their parked vehicle. On their way to the vehicle, PO1 Quillosa spotted two persons suspiciously talking with each other. As he approached them, PO1 Quillosa saw the accused showing to the other person two plastic packs containing suspected shabu on his open palm. Accordingly, PO1 Quillosa immediately effected the arrest of accused and confiscated the two packs of suspected shabu from his possession. The other person, on the other hand, managed to escape. Thereafter, PO2 Plasus frisked the body of the accused and recovered a big plastic pack of suspected shabu.

The police officers then brought the accused and the confiscated items to the police station. On their way to the station, the first two (2) small plastic packs of suspected shabu recovered from accused were in the custody of PO1 Quillosa while the other one (1) big plastic pack of suspected shabu was in the possession of PO2 Plasus. At the station, the three packets of suspected shabu were marked. The two (2) small packs of suspected shabu were marked with "ALP-1" and "ALP-2", respectively, while the other one (1) big pack of shabu was marked with "ALP-3". Thereafter, a Certificate of Inventory was prepared and duly signed by accused and one Esagani Jack Padon of DYAR-Sunshine Radio. The incident of arrest and the seized of illegal drugs were likewise reflected in the police blotter. Photographs of the accused and the seized packs of shabu were also taken by PO2 Plasus. A letter request was likewise prepared and the same was delivered by PO1 Quillosa to the PNP Crime Laboratory, together with the confiscated items for laboratory examination. The letter request and the confiscated items were duly received by Police Officer 1 Tiro which were later turned over to P/Supt. Mutchit Salinas for laboratory examination. After the examination, P/Supt. Salinas found that the subject specimens contained methamphetamine hydrochloride, a dangerous drug, per Chemistry Report No. D-633-2009. These specimens were later forwarded to Police Officer 2 Bucayan for safekeeping and then to Prosecutor Lapinid for their presentation in court.

Version of the Defense:

Accused declared that on July 4, 2009, he was requested by his father, Antonio Pepito, to look for his brother, Alvin Pepito, to inform him that their father had asked him to go home to Kawit, Medellin, Cebu. According to accused, their father was apprehensive that his brother Alvin, a member of a Crisp gang, would be shot again. Accused proceeded to Kasambagan, Labangon Cebu City where his brother would usually hang around. When accused saw his brother there with friends, he immediately told his brother that their father wanted him to go home in Kawit, Medellin, Cebu. Accused declared that Alvin agreed to go home but requested him that they would eat first at Joy's Eatery. Alvin's friend, a certain, GP Buot, also went with them.

While the three of them were eating, three other persons who were occupying the other table ran away upon seeing the arrival of police officers. Thereafter, a police officer, which accused later identified as PO2 Plasus, sat beside accused and asked him if he was Allen. When he gave a negative answer, accused opined that PO2 Plasus got angry, so he was made to stand up and was boxed. Thereafter, the three of them were bodily frisked.

Nothing was recovered from Alvin and his friend. On the other hand, accused insists that other than the amount of Php10,000.00 which he had in order to buy sandals, nothing was likewise recovered from him. He was then brought to the police station. There, Officer Tahanlangit allegedly approached him secretly and demanded Php100,000.00 for his release. He pleaded that the amount be lowered as it was difficult for him to raise such amount. So, he called up his other brother, Novelito Pepito, through the cellphone of the latter's wife, to seek help.

Accused's brother, Alvin and one Marie Cielo Bontores, a vendor who allegedly saw the incident, testified and corroborated in substance the statements of accused as to what had transpired at the time of his arrest on July 4,

2009 at Kasambagan, Labangon Cebu City.

In court, PO3 Tahanlangit testified to refute accused's allegation that he demanded the amount of Php100,000.00 in exchange for the accused's release and further denied that they recovered and seized the amount of Php10,000.00 from accused.

On sur-rebuttal, Novelito Pepito, accused's brother, substantiated the allegation of accused that police officer Tahanlangit demanded from them the amount of Php100,000.00. He declared that said police officer called him up through the cellphone of his wife and demanded from him to raise the amount of Php100,000.00. He was allegedly directed by said officer to meet him in V. Rama, Cebu City at three o'clock in the afternoon of July 4, 2009. There, he saw Officer Tahanlangit on board a green Pajero vehicle. When he approached Officer Tahanlangit, the latter opened the vehicle's window and told him to proceed to Abuhan (Restaurant), near Robinson's Place. When he arrived at the vicinity of Abuhan Restaurant, he boarded the vehicle and the police officer inside identified himself as Tahanlangit. Upon learning that he did not have the amount, Tahanlangit allegedly uttered bad words at him and ordered him to disembark otherwise, he would be kicked out. Thirty minutes later, Novelito arrived home and the same officer called him up and demanded that the amount must be produced otherwise a case would be filed against his brother. As no money was given to Police Officer Tahanlangit, a case was filed against accused for violation of R.A. 9165.

On October 30, 2012, the trial court rendered its assailed Judgment[5] finding accused Armando L. Pepito guilty as charged.

Hence, this appeal[6] by accused-appellant raising the following assignment of errors, to wit:

The Assigned Errors[7]:

I.

THE HONORABLE REGIONAL TRIAL COURT, BRANCH 57, CEBU CITY, THE COURT A QUO, GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE OFFENSE CHARGED BY GIVING FULL WEIGHT AND CREDENCE TO THE INCREDIBLE TESTIMONY OF THE POLICE OFFICERS;

II.

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE OFFENSE CHARGED DESPITE THE IRREGULARITY AND ILLEGALITY OF HIS ARREST;

III.

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE OFFENSE CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

The Court's Ruling:

The appeal is bereft of merit.

At the outset, appellant questions the validity of his arrest and the subsequent body search that was conducted by the police officers in the absence of a warrant. In essence, appellant asserts that his warrantless arrest was unlawful, hence, the subsequent search was likewise invalid. Accordingly, the alleged illegal drugs seized from him as a consequence thereof are inadmissible in evidence. He points out that it was his conversation with another

person that gave rise to PO1 Quillosa's suspicion. However, appellant avers that there was nothing to support the officer's observation. He avers that by no stretch of imagination could it be inferred from his act of conversing that an offense had just been committed, or was actually being committed, or at least was attempted to be committed. He maintains that there was at all no ground, probable or otherwise, to believe that appellant was in possession of the dangerous drugs. None was even visible to PO1 Quillosa because as the latter admitted, the illegal drugs were allegedly discovered only when appellant was made to open his hand and the other sachet of illegal drug was recovered from his pocket after he was bodily searched.

We are unpersuaded.

Section 5, Rule 113 of the Rules of Court lays down the basic rules on lawful warrantless arrests, either by a peace officer or a private person, as follows:

Sec. 5. Arrest without warrant; when lawful. – A peace officer or a private person may, without a warrant, arrest a person:

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

For the warrantless arrest under paragraph (a) of Section 5 to operate, two elements must concur: (1) the person to be arrested must execute an overt act indicating that he has just committed, is actually committing, or is attempting to commit a crime; and (2) such overt act is done in the presence or within the view of the arresting officer.[8] On the other hand, paragraph (b) of Section 5 requires for its application that at the time of the arrest, an offense had in fact just been committed and the arresting officer had personal knowledge of facts indicating that the appellant had committed it.[9]

In both instances, the officer's personal knowledge of the fact of the commission of an offense is absolutely required.[10] Under paragraph (a), the officer himself witnesses the crime while under paragraph (b), he knows for a fact that a crime has just been committed.[11] It has been held that “personal knowledge of facts” in arrests without a warrant must be based upon probable cause, which means an actual belief or reasonable grounds of suspicion.[12]

Here, after a careful review of the records of this case, We find that the warrantless arrest of appellant was valid as it was effected under Section 5(a), or the arrest of a suspect in flagrante delicto. This is evident from the declaration of PO1 Quillosa in court.

To recall, PO1 Quillosa categorically and positively recounted in details how he personally witnessed appellant in possession of two packets of shabu. At first, he noticed two persons conversing and were acting suspiciously. As he was suspicious, he approached the two and went nearer to them. There, he personally saw appellant in possession of plastic packs of shabu while he was showing to the other person. This prompted PO1 Quillosa to effect the arrest of appellant. The other person, however, was able to evade arrest. The testimony of PO1 Quillosa on the matter is worth reiterating, thus:

Q: And what transpired next, when you withdrew from the area?

A: When we went back to our vehicle, we passed through Sition Kasambagan, Brgy. Labangon, Cebu City, and we spotted two persons and one person having in his possession, the suspected shabu.

Q: So passing through Sitio Kasambagan, Brgy. Labangon, Cebu City, you saw a person having in possession of illegal drugs?

A: Yes, ma'am.

Q: What that persons doing the first time you actually saw them?

A: The first time I saw them, they were just talking to each other because they did not notice us that we are going to their position.

Q: How far was your vehicle pariked from this group of persons?

A: I am not sure of the distance because Sitio Kasambagan is interior part of Brgy. Labangon and our vehicle was parked outside the road.

Q: You said that you police officers were unnoticed by these two persons, am I correct?

A: Yes, ma'am.

Q: Were you in uniform when you went to the place?

A: We were in civilian attire.

Q: Is there any sign that can identify you as police officers?

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A: There was none.

Q: There was no badges neither?

A: Yes, ma'am.

Q: And what happened next, Mr. witness?

A: I myself, I was able to get closer to the persons having conversation with each other and I actually saw one of them showing to the other one an item and I recognized that it was shabu.

COURT:

Q: So there were only two persons?

A: There were only two persons talking to each other, Your Honor but there were many persons who were just passing by.

COURT: Proceed.

Pros. Lorete: Could you please describe to us the appearance of this shabu that you said you actually saw?

A: It was two heat-sealed transparent plastic pack containing white crystalline substance.

Q: Was it the first time that you saw that said substance?

A: No, ma'am.

Q: In your experience as a police officer, and considering that it was not your first time, what is that white crystalline substance?

A: It was shabu, ma'am.

Q: Could you please tell this Court how did this person whom you actually saw showed this plastic pack of shabu to the other person?

A: By showing to the person like that he let the other person choose which pack he wants.

INTERPRETER: The witness demonstrates how the other person showed the pack of shabu and the two packs of shabu were placed on his right open palm.

Pros. Lorete: So when you saw that, what did you do next?

A: I immediately approached the two persons and I confiscated the packs of shabu from the person that is holding the item.[13]

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The foregoing testimony indisputably proves that PO1 Quillosa in fact personally witnessed appellant in possession of plastic packs containing suspected shabu. Necessarily, PO1 Quillosa had personal knowledge that indeed, appellant was actually committing an offense. Parenthetically, contrary to the belief of appellant, there was sufficient basis for the police officers to effect his arrest as he was caught redhanded in the act of committing an offense.

It is well to note too that the cases cited by appellant to support his contentions are inapplicable in the present case. Firstly, it bears stressing that appellant was arrested not on the mere basis of PO1 Quillosa's observation that he and the other person were acting suspiciously. Rather, appellant was arrested because he was seen by a police officer in the act of possessing plastic packs containing white crystalline substance believed to be shabu. It must be recalled that PO1 Quillosa focused his attention to appellant and the other person, who from his point of view and past experiences as police officer, were acting suspiciously. Notwithstanding his observation on the two persons' demeanor, PO1 Quillosa did not immediately effect the arrest of appellant. Rather, he first approached them and got to about one meter away from the two. At that point, PO1 Quillosa clearly saw the plastic packs of suspected shabu on appellant's open palm that were being shown to the other person.[14] It was only after seeing the same that he and the rest of the team effected the arrest of appellant. Evidently then, the police officers had sufficient personal knowledge to effect appellant's arrest.

On the other hand, appellant foisted the standard defense of denial. This defense, when placed astride the positive and straightforward declaration of the police officers, pales in comparison and is given scant evidentiary value. This is all the more true in light of the accepted principle that the police officers are presumed to have performed their duties in a regular manner.

Consequently, considering that the prior warrantless arrest was lawful, the subsequent warrantless search on appellant's body where it yielded the discovery of another one (1) big sachet of suspected shabu, was also valid pursuant to Section 13, Rule 126 of the Rules of Court which provides:

Search incident to lawful arrest.-A person lawfully arrested may be searched for dangerous weapons or anything which may be used as proof of the commission of an offense, without a search warrant.

On another issue, the trial court, after weighing the testimonies of the prosecution witnesses vis-à-vis those of the defense, gave more credence to the version of the prosecution. It held that:

Prosecution's evidence disclosed that officer Quillosa saw the accused showed to another person two plastic sachets of shabu and confiscated the same from accused's hand. As incidental to the arrest, body search by officer Plasus led to the confiscation of one medium sachet of shabu. On this regard, accused claimed that he

was eating with his brod Alvin and the latter's friend, when the officer merely asked him if he is Allan. After giving a negative answer, office Plasus got angry because he did not stand. Despite the negative result of illegal items during body search on the accused, his brother, and latter's friend, accused was charged of this instant case.

Positive and direct testimony of the officers carry more weight than bare denial.

“As between the categorical testimonies that ring of truth on one hand and the bare denial on the other, the Court has strongly ruled that the former must prevail.

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Allegations of the accused that what officer Plasus got angry at him because he denied to be Allan, they were looking for and refusal to stand when ordered are flimsy reason that are not so convincing.

“It is important that the statements will not only came from the mouth of a credible witness, but must be credible in itself.” (Citation omitted)

We find no compelling reason to disagree.

In so ruling, We fully rely on the fundamental rule that findings of the trial courts which are factual in nature and which involve the credibility of witnesses are accorded respect when no glaring errors, gross misapprehension of facts and speculative, arbitrary and unsupported conclusions can be gathered from such findings.[15] The reason for this being that the trial court is in a better position to decide the credibility of witnesses, having heard their testimonies and observed their deportment and manner of testifying during the trial.[16]

Appellant argues that his purported act of showing to another person two (2) packets of shabu in broad daylight and in the presence of many people passing by is contrary to human nature and experience and that the use, possession and sale of illegal drugs are normally done in secret and in hiding to avoid being caught.

That is not so.

This Court has taken notice that peddlers of illicit drugs have been known, with ever-increasing casualness and recklessness, to offer and sell for the right price their wares to anybody, be they strangers or not. Drug peddlers have become exceedingly daring and openly defiant of the law.[17] Drug pushing when done on a small-scale belongs to those types of crimes that may be committed any time and at any place.[18] 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.[19]

Finally, appellant protests that the prosecution failed to show compliance with Section 21, Art. II of R.A. No. 9165 regarding the custody and disposition of the evidence against him. He contends that the police authorities failed to submit the subject dangerous drugs to the Philippine Drug Enforcement Agency (PDEA) and that there had been no photographs of appellant together with the supposed seized drugs. He also points out that the prosecution failed to present any witness that would testify as to who received the subject drugs at the forensic laboratory as well as who had custody of the drugs after their examination by the forensic chemist pending their presentation in court and that no one testified with respect to the precautions taken to ensure that there had been no change in the condition of the drugs and no opportunity for someone not in the chain to have possessed the same.

Still, such contentions are untenable.

In the recent case of *People v. Robotazo*[20], the Supreme Court held that as a mode of authenticating evidence, the chain of custody rule requires that the presentation of the seized prohibited drugs as an exhibit must be

preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. This would ideally cover the testimony about every link in the chain, from seizure of the prohibited drug up to the time it is offered in evidence, in such a way that everyone who touched the exhibit would describe how and from whom it was received, to include, as much as possible, a description of the condition in which it was delivered to the next link in the chain.[21]

Here, it is Our firm belief that the prosecution has sufficiently established the chain of custody with respect to the illicit drug. The integrity and the evidentiary weight of the confiscated plastic packs of shabu had been adequately preserved.

The records reveal that other than the two (2) small packs containing suspected shabu that were confiscated by PO1 Quillosa from appellant, PO2 Plasus also recovered from appellant's right pocket another one (1) big (medium) plastic pack containing suspected shabu.[22] On their way to their service vehicle and later to the police station, PO1 Quillosa was in custody of said confiscated two (2) small plastic packs while PO2 Plasus was in possession of the subject one (1) big plastic pack all containing suspected shabu.[23] At the station, PO2 Plasus turned-over the big plastic pack to PO1 Quillosa and the latter marked[24] the plastic packs containing suspected shabu. The first two small packs were marked with "ALP-1" and "ALP-2"[25], respectively, and "ALP-3"[26] on the big plastic pack.[27] The letters "ALP" represents the initials of the appellant.[28] A letter Request for Laboratory Examination[29] dated July 4, 2009 was then prepared by the police officers' team leader, SPO1 Mendaros, and an Inventory of Receipt of Confiscated Items[30] was issued by PO1 Quillosa which inventory was signed by appellant and a certain Esagani Padon, a media representative. The incident of the arrest of appellant was likewise entered in the police blotter and photographs[31] on accused as well as the confiscated items were taken. And while We note that said photographs on accused and the confiscated items were taken separately, the same nonetheless is considered a substantial compliance with the rules. In like manner, the failure of the police authorities to submit to the PDEA the confiscated items did not render the same inadmissible nor the whole operation of the police officers invalid.

The records further reveal that the letter request and the three plastic packs of suspected shabu were delivered by PO1 Quillosa to the PNP Crime Laboratory. Contrary to the contention of appellant that the prosecution failed to state as to who received the letter request and the confiscated items, it was stipulated and admitted[32] by the defense that PO1 Tiro received them as shown in the rubber stamp "received"[33] found in the letter request. P/Insp. Salinas also recalled that PO1 Tiro turned-over to him the letter request with the confiscated items for laboratory examination.[34] The two (2) heat-sealed transparent plastic sachets containing white crystalline substance and weighing 0.02 gram each with markings "ALP-1" and "ALP-2", respectively, were labeled specimen "A" while the other medium transparent plastic pack with marking "ALP-3" containing white crystalline substance and weighing 5.20 grams was labeled specimen "B". After the conduct of the examination by P/Insp. Salinas, the subject specimens yielded positive for the presence of Methamphetamine Hydrochloride, a dangerous drug, per Chemistry Report No. D-633-2009[35] issued by P/Insp. Salinas himself. The latter also declared that after his examination on the subject specimen, he turned-over the subject specimen to PO2 Bucayan for safekeeping.[36] Later, the letter request, chemistry report and the subject specimen were turned-over to Prosecutor Lapinid for their presentation in court.[37]

Based on the foregoing, this Court finds that the chain of custody rule was substantially complied with. While there may have been some slight deviation from the rule, the rule is that non-compliance with Section 21, Art. II of R.A. 9165 does not necessarily render the arrest illegal or the items seized inadmissible.[38] What is essential is that the integrity and evidentiary value of the seized items are preserved which would be utilized in the determination of the guilt or innocence of the accused[39]. Such is obtaining in the present case. We find that the

prosecution's evidence sufficiently established that the integrity and the evidentiary value of the seized shabu was duly preserved consistent with the chain of custody rule.[40] It precluded the alteration, substitution or tampering of the subject shabu packs.

WHEREFORE, in the light of the foregoing, the October 30, 2012 Judgment of the Regional Trial Court, Branch 57 of Cebu City in Criminal Case No. CBU-86645 is hereby AFFIRMED. No costs.

SO ORDERED.

Salandanan-Manahan, and Quijano-Padilla, JJ., concur.

[1] Penned by Presiding Judge Enriqueta Loquillano-Belarmino; Rollo, pp. 42-46.

[2] Ibid. p. 46.

[3] Record, pp. 20-21.

[4] Per Certificate of Arraignment, Record, p. 27.

[5] Supra, at Note 1.

[6] Per Notice of Appeal; Record, p. 171.

[7] Rollo, Appellant's Brief, pp. 19-20.

[8] People v. Villareal, G.R. No. 201363, March 18, 2013.

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] People v. Cubcubin, Jr., G.R. No. 136267, July 10, 2001.

[13] Transcript of Stenographic Notes (TSN), June 22, 2010, pp. 6-9.

[14] PO1 Quillosa on cross-examination:

Q: Are you trying to say that it was only after you saw the accused showing to the other party, that is the time you start walking towards them?

A: No, sir. When I approached them, when I was already near the two persons who were having conversation, I saw that the accused showed to the other person the items and that is the time that I arrested him.

Q: Since it is ten meters, Mr. witness, how many steps if you could estimate from the place where you were standing and the place where you said you were near to the two persons?

A: I cannot recall, sir.

Q: If that is ten meters, that is ten steps. Would you agree with me?

COURT: (To Atty. Rival)

That is one step for every meter. Your question is, he was ten meters away when you saw the accused and the other person were talking. So you ask him how many steps, that would mean one step for every meter.

Atty. Rivalal: If he would agree with me, Your Honor.

A: I cannot recall because my attention was focused on the two persons.

Q: But of course, you would agree with me Mr. witness, there were perhaps more than five steps before reaching the two persons who were having a conversation?

A: Yes, sir.

Q: And when you made your first, second and third step, you have not seen the accused showing the alleged stuff to the other party?

A: Yes, sir.

Q: It was only after you were very near to the two accused that you said you allegedly saw the accused showing that stuff to the other party?

A: Yes, sir.

Q: How far were you Mr. witness, when you said you were very near to the accused and that other person?

COURT: (To Atty. Rivalal)

When he saw the accused showing the stuff to the other person?

Atty. Rivalal: Yes, Your Honor.

Witness: One meter, sir.

[15] People v. De Guzman, G.R. No. 177569, November 28, 2007.

[16] Ibid.

[17] People v. De Guzman, G.R. No. 177569, November 28, 2007.

[18] Ibid.

[19] People v. Nicart and Capanpan, G.R. No. 182059, July 04, 2012.

[20] G.R. No. 192913, June 13, 2013.

[21] Ibid.

[22] TSN, June 22, 2010, pp. 11-12; TSN, June 6, 2011, p. 7.

[23] Ibid.

[24] TSN, June 6, 2011, p. 8; RTC Judgment dated October 30, 2012, Rollo, p. 45.

[25] Exh. "C".

[26] Exh. "D".

[27] Ibid.

[28] TSN, June 22, 2010, p. 15.

[29] Record, Exh. "B", p. 93.

[30] Record, Exh. "E", p. 94.

[31] Per Exh. “H” and “L”; Record, p. 98 and p. 102, respectively.

[32] TSN, January 11, 2011, p. 4.

[33] Record, Exh. “B-1”, p. 93.

[34] TSN, April 5, 2011, p. 5; Record, Exh. “I”, p. 99.

[35] Record, Exh. “G”, p. 97.

[36] TSN, April 5, 2011, p. 5; Record, Exh. “J”, p. 100.

[37] TSN, April 5, 2011, p. 6; Record, Exh. “K”, p. 101.

[38] People v. Aneslag, et. al., G.R. No. 185386, November 21, 2012.

[39] Ibid.

[40] Ibid.

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