

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAUL ESGUERRA, ACCUSED-APPELLANT.

Ponente: ELBINIAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/44d41826c9d9/>

ELBINIAS, J.:

At bench is an Appeal[1] from the Decision[2] of the Regional Trial Court (“trial court” for brevity) of Malolos, Bulacan, Branch 78 in Criminal Case No. 519-M-2002, for violation of Section 16, Article III (“Possession or Use of Regulated Drug”) of Republic Act No. 6425, as amended, (“R.A. 6425” for brevity) otherwise known as the “Dangerous Drugs Act of 1972”.

The conviction of accused-appellant Raul Esguerra (“accused-appellant” for brevity) arose from an Information[3] dated January 28, 2002 that read as follows:

“That on or about the 26[th] day of June, 2001, in the Municipality of Plaridel, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, without authority of law and legal justification, did then and there willfully, unlawfully, and feloniously have in his possession and control three (3) heat-sealed transparent plastic bags containing methamphetamine hydrochloride weighing 147.536 grams, which is [a] regulated drug.

Contrary to law”[4]

The prosecution presented three (3) witnesses, namely: SPO4 Felicito de Belen (“SPO4 de Belen” for brevity), PO2 Alexis Fajardo (“PO2 Fajardo” for brevity), and, Forensic Chemist Nellson Sta. Maria (“Sta. Maria” for brevity), in order to establish the following:

On June 12, 2001, at around 7:00 in the evening[5], the Philippine National Police of Bulacan Police Provincial Office (“PNP Bulacan” for brevity) conducted a “test-buy”, in order to verify a report that accused-appellant was engaged in “large scale illegal drugs”[6]. The PNP Bulacan proceeded to the house of accused-appellant in Sta. Ines, Plaridel, Bulacan. PO2 Fajardo acted as the poseur buyer. He was able to buy a sachet suspected of containing shabu from accused-appellant inside the latter's house. The sachet suspected to be containing shabu was subjected to laboratory examination.[7] The test yielded a positive result for Methamphetamine Hydrochloride or “shabu”.

Because of this, an application for Search Warrant against accused-appellant was filed by SPO4 de Belen before the Regional Trial Court of Bulacan, Branch 20 (“RTC Branch 20” for brevity). The Search Warrant was issued.[8]

On June 26, 2000, at around 2:30 in the afternoon, members of PNP Bulacan went to the house of accused-appellant to serve the Search Warrant.[9] The policemen were accompanied by the Barangay Chairman Socorro Constantino (“Barangay Chairman Constantino” for brevity), and two barangay tanods of Sta. Ines, Plaridel, Bulacan.[10]

Upon arriving at the house of accused-appellant, the policemen asked the permission of accused-appellant's wife,

Candida Esguerra (“Candida” for brevity), to enter and to conduct the search.[11] At that time, accused-appellant was not present.[12]

Before entering, the team leader, Col. Sevilla, conducted a bodily search of the members of the raiding team in order to avoid doubt as to the evidence that would be found. Nothing was recovered by Col. Sevilla from the members of the raiding team.[13] Afterwards, the policemen were allowed by Barangay Chairman Constantino and Candida to enter the house.[14]

Candida witnessed the search[15] by the members of the raiding team. When PO2 Fajardo opened a cabinet located inside a room, he saw three (3) plastic sachets which he suspected to contain shabu.[16] The plastic sachets were visible, because they were protruding from under the clothes inside the cabinet.[17]

SPO4 de Belen saw PO2 Fajardo recover the three (3) plastic sachets inside the cabinet.[18]

The policemen also recovered marijuana, live ammunition, valium tablets, and drug paraphernalia[19]. During the search, SPO4 Yabut took photos of the activities made and of the items seized.[20] The seized items were presented by the search team to Candida, Barangay Chairman Constantino, and to the two (2) barangay tanods.[21] A copy of a “RECEIPT FOR THE PROPERTY SEIZED”[22], which was signed by the witnesses, Barangay Chairman Constantino and the two (2) barangay tanods, was also given to Candida.[23]

SPO4 de Belen testified that he was present when the investigating officer SPO4 Yabut made the markings on the items recovered.[24]

According to SPO4 de Belen, the recovered items were brought by the police officers to their office for appropriate action.[25] The items were then submitted by SPO4 de Belen to the PNP Crime Laboratory[26] by virtue of a request for weighing the specimen, which was signed by Police Superintendent Sevilla[27].

On June 27, 2001, the recovered items were returned to the RTC Branch 20 that issued the Search Warrant.[28] RTC Branch 20 then requested for the chemical examination of the submitted items to the PNP crime laboratory.[29]

Among the pertinent results of the chemical examination conducted by Chemist Sta. Maria on the confiscated items were as follows:

“Chemistry Report Nr: D-829-2001

xxx

Qualitative examination conducted on the above-stated specimens gave the following results:

A-1 through A-3 – POSITIVE result to the test for Methamphetamine hydrochloride, a regulated drug.

B-1 – POSITIVE result to the test for Marijuana, a prohibited drug.

E-1 through E-14 – POSITIVE result to the test for Diazepam, a regulated drug.

C-1 and C-2, D-1 through D-3, F – NEGATIVE result to the test for prohibited and/or regulated drug.

xxx”[30] (Emphasis supplied)

The defense, on the other hand, presented accused-appellant, Candida, and Samuel Libu-on, in order to prove the following:

According to accused-appellant's wife, Candida, on June 26, 2001, she was inside their house in Sta. Ines, Plaridel, Bulacan. She was trying to put to sleep her 3-year old child, Jelsie.[31] Police authorities arrived and

were looking for her husband, accused-appellant Esguerra.[32] The policemen showed her a letter, but she was unable to read it thoroughly. According to Candida, she was nervous, since the policemen wanted to enter their house without her husband being around.[33]

Barangay Chairman Constantino who was with the police authorities, advised Candida to allow the police authorities to enter their house.[34]

At first, Candida refused to have their house searched by the policemen, but Barangay Chairman Constantino told her that the policemen would not leave until the search was conducted.[35]

Candida said that she was only at the sala together with Barangay Chairman Constantino when the policemen were conducting the search inside their room.[36] Afterwards, the policemen announced that they found drugs in the cabinet of their clothes.[37] Candida attempted to enter the room, but failed to do so because there were many people inside the room.[38]

Accused-appellant, for his part, testified that on June 26, 2001, at around 2:15 in the afternoon, he left Sta. Ines, Plaridel, Bulacan. He was on his way to Manila to meet a client named Rick Paras.[39] However, before he could do so, his wife, Candida called to inform him that there was a raid in their house[40], and that the policemen had alleged that they found drugs.[41]

Because accused-appellant became afraid, he went home only after one (1) week.[42]

By virtue of an Alias Warrant of Arrest[43] issued by the trial court on October 22, 2003, accused-appellant was subsequently arrested and detained at the Bureau of Jail Management and Penology in Plaridel, Bulacan.[44]

Accused-appellant pleaded “NOT GUILTY.”[45]

Accused-appellant Esguerra was eventually found guilty by the trial court in its Decision[46] of October 8, 2010 for violation of Section 16 (“Illegal Possession or Use of Regulated Drugs”) Article III of Republic Act No. 6425, as amended, otherwise known as “The Dangerous Drugs Act of 1972”. However, accused-appellant was acquitted of the other charge for violation of Section 8, (“Illegal Possession or Use of Prohibited Drugs”) Article II of R.A. 6425, as amended, otherwise known as “The Dangerous Drugs Act of 1972”. The dispositive portion of the Decision read:

“WHEREFORE, the foregoing considered, this Court hereby pronounced accused Raul Esguerra:

(1) In Criminal Case No. 518-M-2002, NOT GUILTY of violation of Section 8, Article II of Republic Act No. 6425, as amended.

(2) In Criminal Case No. 519-M-2002, GUILTY beyond reasonable doubt of violation of Section 16, Article III of Republic Act No. 6425, as amended, and is hereby SENTENCED to suffer an indeterminate penalty of SIX (6) YEARS AND ONE (1) DAY OF PRISION MAYOR AS MINIMUM TO FOURTEEN (14) YEARS AND (8) EIGHT MONTHS OF RECLUSION TEMPORAL AS MAXIMUM.

The drugs subject matter of this case is hereby forfeited in favor of the government. The Branch Clerk of Court is hereby directed to turn over the same to the Dangerous Drugs Board for proper disposal thereof.

SO ORDERED.”[47] (Emphasis and italics were made in the original)

Accused-appellant, in filing the Appeal at bench, prayed that “the Decision dated October 08, 2010, rendered by the Regional Trial Court of Malolos, Bulacan, Branch 78, be reversed and set aside and a new one be rendered ACQUITTING the accused-appellant of [Illegal Possession of Regulated Drugs].”[48]

Accused-appellant raised this sole assignment of error:

“THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED NOTWITHSTANDING THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.”[49]

In the prosecution of Illegal Possession of Regulated Drugs, such as the one charged in Crim. Case No. 519-M-2002 against accused-appellant, the following elements must concur: (1) the accused is found in possession of an item or object which is identified to be a regulated drug; (2) such possession is not authorized by law or by duly constituted authorities, and; (3) the accused freely and consciously possesses the regulated drug.[50]

Here, prosecution witnesses SPO2 de Belen and PO2 Fajardo positively identified accused-appellant as the lawful owner of the house where the three (3) sachets of shabu were recovered during the Search pursuant to a Search Warrant.[51]

Thus, even if accused-appellant was not present in his house during the conduct of such Search, accused-appellant's animus possidendi or his intent to possess was presumed by the fact of the discovery of the sachets of shabu in his house. That animus possidendi would suffice for conviction considering that accused-appellant was the lawful owner of the house where the plastic sachets of shabu were found, was as similarly declared by the Supreme Court in *People of the Philippines vs. Dexter Torres y dela Cruz*, G.R. No. 170837, September 12, 2006, to wit:

“The fact that appellant was not in his residence when it was searched nor caught in flagrante delicto possessing the illicit drugs and paraphernalia does not dent the case of the prosecution. As a matter of law, when prohibited and regulated drugs are found in a house or other building belonging to and occupied by a particular person, the presumption arises that such person is in possession of such drugs in violation of law, and the fact of finding the same is sufficient to convict. Otherwise stated, the finding of the illicit drugs and paraphernalia in the house owned by the appellant raised the presumption of knowledge and, standing alone, was sufficient to convict.

This Court, in *People v. Tira*, ruminated on the juridical concept of 'possession' under Section 16, Article III of R.A. No. 6425, as amended, and the evidence necessary to prove the said crime. The same principle applies to prohibited drugs.

x x x This crime is mala prohibita, and as such, criminal intent is not an essential element. However, the prosecution must prove that the accused had the intent to possess (animus possidendi) the drugs. Possession, under the law, includes not only actual possession, but also constructive possession. Actual possession exists when the drug is in the immediate physical possession or control of the accused. On the other hand, constructive possession exists when the drug is under the dominion and control of the accused or when he has the right to exercise dominion and control over the place where it is found. Exclusive possession or control is not necessary. The accused cannot avoid conviction if his right to exercise control and dominion over the place where the contraband is located, is shared with another.

Thus, conviction need not be predicated upon exclusive possession, and a showing of non-exclusive possession would not exonerate the accused. Such fact of possession may be proved by direct or circumstantial evidence and any reasonable inference drawn therefrom. However, the prosecution must prove that the accused had knowledge of the existence and presence of the drug in the place under his control and dominion and the character of the drug. Since knowledge by the accused of the existence and character of the drugs in the place where he exercises dominion and control is an internal act, the same may be presumed from the fact that the dangerous drugs is in the house or place over which the accused has control or dominion, or within such premises in the absence of any satisfactory explanation.” (Emphasis supplied)

This positive identification of accused-appellant by the prosecution witnesses prevails over accused-appellant's

defense of denial and frame-up[52]. This was, that “it is contrary to human nature for a person to store illegal drugs in a place where his children have easy access to it” and “is highly illogical and contrary to common sense”[53]. Such a defense on the other hand, is negative and self-serving evidence undeserving of weight in law.[54]

All of these were as similarly found by the trial court, to wit:

“On the other hand, the accused failed to present any evidence to rebut the existence of animus possidendi over the illicit drugs and paraphernalia found in his residence. His claim that he would not put such things in a place that could be easily reached by his children is insufficient. Such is merely a denial and self-serving. It is a well-settled rule that mere denial, just like alibi, is self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters.”[55] (Emphasis supplied)

At the same time, accused-appellant argued that the “manner [of] the search [that] was conducted in the room of the Esguerras violated the provisions of the Rules of Court on the implementation of a search warrant”[56], since his wife Candida was not present when the search was made in their room.

Defeating accused-appellant's arguments is the fact that his wife was present when the search was conducted. This was as revealed by the prosecution witnesses, particularly PO2 Fajardo, whose testimony was as follows:

“Q[:] When you were able to gain access to the house, how did you conduct the search?

A[:] The three (3) of us proceeded to the room of Raul Esguerra and we were together with the Barangay Captain and the Chief of Bantay Bayan who serve[d] as our witnesses.

Q[:] Where was Mrs. Esguerra at that time?

A[:] She was also inside the house and she was observing.

Q[:] Inside the house but outside the room?

A[:] She was with us.”[57] (Emphasis supplied)

All of these were as also found by the trial court, to wit:

“In the present case, this Court believes that a bona fide operation was conducted by the police. A valid search warrant was issued to them by the Honorable Oscar Herrera of Branch 20, RTC, Malolos, Bulacan. No departure to the Rules provided for by Rule 126 of the Rules of Court was found by this Court in the implementation of the same. The search was made in the presence of Mrs. Candida and the barangay officials. The warrant was served during daytime and within the date of its validity. Receipt for the property seized with the signature of the witnesses was given to Mrs. Esguerra, the lawful occupant of the house subjected to search. Lastly, the inventory of the property and specimens seized were returned to the Court within the ten (10) day period required by law. It is also important to note that no case to quash the warrant or to suppress evidence recovered was filed by the accused.

XXX

The attempt of the defense to show any irregularity during the search and seizure has failed to demolish the case presented by the State and even backfired at them as it contain several uncertainties on material points, and loopholes. Mrs. Esguerra testified that she was in the 'sala' and tending to her baby while the search was being conducted. On the other hand, defense witness Samuel Libu-on testified that Mrs. Esguerra was on the 'other room' of the house. Further, Mrs. Esguerra testified that two (2) days before the raid in their house, her husband had already left for Manila. But during the direct testimony of accused Esguerra, he stated that he had just left their house when the police arrived on June 26, 2001. Also, Mr. Libu-on testified during his direct

examination that his back was turned against these police officers during the conduct of search as he was also instructed by them to search. However, on cross-examination, he stated that he actually saw the police officer drawing out something under the clothes that looks like 'tawas'.”[58] (Emphasis supplied)

Moreover, the testimony of the prosecution witnesses were credible, considering also that no ill-motive was shown to have existed on their part to testify against accused-appellant.[59] In the absence of evidence of any ill-motive on the part of the police officers who apprehended accused-appellant, as was so here, the presumption of regularity in the performance of duty prevails.[60]

Contrary to accused-appellant's argument, there was also no irregularity in the marking of the seized items. Accused-appellant had argued that:

“The records of the case reveal that the seized items alleged to be shabu were not marked in the place where these were seized. The policemen who executed the search warrant were not even sure as to who placed the markings. Likewise, the photographs taken were that of the search and not the seized items per se (which should be marked when photographed), hence, this does not satisfy the requirement contemplated under Dangerous Drugs Board Regulation No. 3 Series of 1979. In addition, as already shown, the seized items were not inventoried and photographed in the presence of the accused-appellant or his representative. More importantly, the prosecution never gave any justification as to these lapses in handling the plastic sachets of shabu.

It bears to stress that the existence of dangerous drugs is a condition sine qua non for or conviction for the illegal possession of dangerous drugs, it being the very corpus delicti of the crime. In prosecutions involving narcotics, the narcotic substance itself constitutes the corpus delicti of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt. Of paramount importance therefore in these cases is that the identity of the dangerous drug be likewise established beyond reasonable doubt.”[61] (Emphasis supplied)

Defeating accused-appellant's averments however, is that the policemen took pictures of the seized items in the presence of Barangay Chairman Constantino.[62] An Inventory Receipt of the items recovered, which was prepared by PO3 Yabut[63], was also signed by the witnesses Barangay Chairman Constantino and the two (2) barangay tanods, during the conduct of the Search.[64]

Besides, any failure of the apprehending officers to conduct a physical inventory and to take photographs of the seized items after their seizure is not fatal for so long as the integrity and evidentiary value of the seized items are properly preserved, as was the situation here. This is pursuant to the following declaration of the Supreme Court in *People of the Philippines vs. Bertha Presas y Tolentino*, G.R. 182525, March 2, 2011, to wit:

“The failure of the prosecution to show that the police officers conducted the required physical inventory and photograph of the evidence confiscated pursuant to said guidelines, does not automatically render accused's arrest illegal or the items seized from him inadmissible. A proviso was added in the implementing rules that '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.' The same provision also states that it must still be shown that there exists justifiable grounds and proof that the integrity and evidentiary value of the evidence have been preserved.

xxx Pertinently, it is the preservation of the integrity and evidentiary value of the seized items which must be proven to establish the corpus delicti.” (Emphasis Supplied)

Here, the integrity and evidentiary value of the confiscated sachets of shabu were properly preserved by the police officers, and were proven to be the same ones seized from accused-appellant.

This is because the prosecution was able to prove the unbroken chain of custody of the regulated drug from the time PO2 Fajardo recovered the plastic sachets of shabu from accused-appellant's cabinet, to the time PO4 Yabut[65] marked the recovered items, until the time SPO2 de Belen[66] submitted the marked plastic sachets to PNP Crime Laboratory for weighing and were submitted to RTC Branch 20.

The flow of events led to no other conclusion than that the specimens examined by Chemist Sta. Maria, which tested positive for shabu,[67] was the same one taken from accused-appellant.

Absent any evidence showing that there was tampering with the evidence, the presumption of regularity that the integrity of the evidence has been preserved would be upheld, pursuant to the following pronouncement of the Supreme Court in *People of the Philippines vs. Emily Mendoza y Sartin*, G.R. No. 189327, February 29, 2012:

“This Court has, in many cases, held that while the chain of custody should ideally be perfect, in reality it is not, 'as it is almost always impossible to obtain an unbroken chain.' The most important factor is the preservation of the integrity and the evidentiary value of the seized items as they will be used to determine the guilt or innocence of the accused. Hence, the prosecution's failure to submit in evidence the physical inventory and photograph of the seized drugs as required under Article 21 of Republic Act No. 9165, will not render Mendoza's arrest illegal or the items seized from her inadmissible.

XXX

In any case, unless Mendoza can show that there was bad faith, ill will, or tampering with the evidence, the presumption that the integrity of the evidence has been preserved will be upheld. It is upon Mendoza to show the foregoing to overcome the presumption that the police officers handled the seized drugs with regularity, and that they properly performed their duties. This burden, she failed to discharge.” (Emphasis supplied)

No compelling or cogent reason was therefore shown to justify any deviation from the following findings of the trial court, which were pursuant to the facts and the law:

“On the chain of custody of the regulated drugs seized (shabu), this Court likewise did not find any departure from the rules as the evidence were duly marked and inventoried in the presence of the lawful occupant of the house and the barangay officials. Proper receipts were signed by the witnesses and given to the occupant of the house. These were submitted for weighing and duly returned to the court who issued the warrant. Later, it was submitted for laboratory examination and turned positive for regulated drugs. This Court believes that the evidence seized in the house was the same evidence offered during the trial of this case.

XXX

Furthermore, the defense has not presented any evidence of ill-motive on the part of these police officers for accusing and charging herein accused for the instant offenses. In the absence of evidence showing any reason or motive for a prosecution witness to perjure, the logical conclusion is that no such motive exist (*People vs. Acaya*, 327 SCRA 269) Hence, testimony of this (sic) police officers is thus worthy of full faith and credit. All told, with regard to Criminal Case no. 519-M-2002, the State was able to sufficiently establish the guilt of both (sic) accused beyond reasonable doubt.”[68] (Emphasis supplied)

The trial court's appreciation of facts and evaluation of testimonies and credibility of the witnesses, as is the deeply entrenched rule, deserves much weight and respect, and should not be disturbed.[69] This is because the trial court had the distinct opportunity, not available to the reviewing courts, to hear the testimonies of the witnesses and to observe their conduct and demeanor on the stand.[70]

Thus, contrary to accused-appellant's sole assignment of error, accused-appellant was properly found to be guilty beyond reasonable doubt.

The trial court was also correct in meting out to accused-appellant the indeterminate penalty[71] of six (6) years and one (1) day of Prison Mayor as minimum, to fourteen (14) years and eight (8) months of Reclusion Temporal as maximum for illegal possession of 147.536 grams of shabu, pursuant to Section 16, Article III of R.A. No. 6425, as amended.

The imposition of the penalty is in line with Section 16, Article III of R.A. No. 6425, as amended, and is pursuant to the pronouncement of the Supreme Court in *Pedro Cupcupin vs. People of the Philippines*[72], which provides:

“For the crime of illegal possession of regulated drugs, the Court of Appeals correctly deleted the excess of 1 day in the maximum penalty imposed by the trial court, i.e., four (4) years, two (2) months, and one (1) day of prison correccional. In *People v. Medenilla*, the Court held that if the regulated drug weighs less than 66.67 grams, then the penalty is prison correccional, if 66.67 grams or more but less than 133.33 grams, then the penalty is prison mayor, and if 133.33 grams or more, but less than 200 grams, then the penalty is reclusion temporal. Considering that 38.0201 grams of Methamphetamine Hydrochloride, or shabu is involved in the case at bar, the proper penalty is prison correccional. There being no attendant modifying circumstance the maximum period of the imposable penalty, cannot exceed two (2) years, four (4) months and one (1) day to four (4) years and two (2) months, the medium period of prison correccional. Applying the Indeterminate Sentence Law, the minimum period of the imposable penalty shall be within the range of arresto mayor (1 month and 1 day to 6 months), the penalty next lower in degree to prison correccional.

Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act 2002, increased the penalty for illegal possession of 10 grams or more but less than 50 grams of methamphetamine hydrochloride or 'shabu' to life imprisonment and a fine ranging from four hundred thousand pesos (P400,000.00) to five hundred thousand pesos (P500,000.00). However, said law not being favorable to the accused, cannot be given retroactive application in the instant case.” (Emphasis supplied)

BECAUSE OF ALL THESE, the Appeal is DENIED. The Decision below is AFFIRMED.

SO ORDERED.

Dicdican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 70-95.

[2] Records, pp. 533-549.

[3] Records, p. 8

[4] Records, p. 8

[5] Records, p. 496

[6] Records, p. 92

[7] Records, pp. 89 – 90, 496

[8] Records, p. 491

[9] Records, pp. 58 - 59

[10] Records, p. 59

[11] Records, p. 60

- [12] Records, p. 83
- [13] Records, p. 114
- [14] Records, p. 114
- [15] Records, p. 140
- [16] Records, p. 115
- [17] Records, p. 146
- [18] Records, p. 60
- [19] Records, p. 61
- [20] Records, pp. 141 - 142
- [21] Records, pp. 62, 115
- [22] Records, p. 494
- [23] Id.
- [24] Records, pp. 63 - 64
- [25] Records, p. 62
- [26] Records, p. 65
- [27] Records, p. 490
- [28] Records, p. 493
- [29] Records, p. 166
- [30] Records, p. 506
- [31] Records, p. 238
- [32] Id.
- [33] Records, p. 239
- [34] Records, p. 240.
- [35] Records, p. 241
- [36] Records, p. 242
- [37] Records, p. 242
- [38] Records, p. 243
- [39] Records, p. 377
- [40] Records, pp. 377 - 378
- [41] Records, p. 380
- [42] Records, p. 379

[43] Records, p. 14

[44] Records, p. 33

[45] Records, p. 42

[46] Records, pp. 533 - 549

[47] Records, pp. 548 - 549

[48] Rollo, p. 94

[49] Rollo, p. 78

[50] The People of the Philippines vs. Dexter Torres y Dela Cruz, G.R. No. 170837, September 12, 2006; People of the Philippines vs. Ng Yik Bun, Kwok Wai Cheng, Chang Chaun Shi, Chua Shilou Hwan, Kan Shun Min, and Raymond S. Tan, G.R. No. 180452, January 10, 2011

[51] Records, pp. 68, 117

[52] People of the Philippines vs. Benjamin Amansec y Dona , G.R. No. 186131, December 14, 2011

[53] Rollo, p. 79

[54] People of the Philippines vs. Antonio Baldomar y Liscano, G.R. No. 197043, February 29, 2012

[55] Records, p. 546

[56] Rollo, p. 83

[57] Records, pp. 139-140; TSN, August 4, 2005, pp. 10 - 11

[58] Rollo, p. 111

[59] People of the Philippines vs. Paul Tagana, et al., G.R. No. 133027, March 4, 2004

[60] People of the Philippines vs. Angelito Ambrosio y Campos, et al., G.R. No. 135378, April 14, 2004

[61] Rollo, pp. 90 - 91

[62] Records, pp. 498 - 502

[63] Records, p. 84

[64] Records, p. 494

[65] Records, p. 63

[66] Records, pp. 65, 490

[67] Records, p. 506

[68] Rollo, p. 111

[69] People of the Philippines vs. Reynaldo Albalate, Jr., G.R. No. 174480, December 18, 2009

[70] People of the Philippines vs. Sammy Ramos, G.R. No. 172470, April 8, 2008

[71] People of the Philippines vs. John Brian Amarillo y Mapa a.k.a. Jao Mapa, G.R. No. 194721, August 15, 2012

[72] G.R. No. 132389, November 19, 2002

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.