PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HERSEL CABALLES Y CABANIT, ACCUSED-APPELLANT.

Ponente: AZCARRAGA-JACOB, J.

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AZCARRAGA-JACOB, J.:

On appeal is the 1 August 2011 Judgment[1] of the Regional Trial Court, Branch 52, Talibon, Bohol in Criminal Case No. 06-1683 entitled People of the Philippines v. Hersel Caballes y Cabanit which adjudged accused-appellant guilty beyond reasonable doubt for the crime of Violation of Section 11[2], Article II of Republic Act No. 9165, as amended, the decretal portion of which reads:

> WHEREFORE, accused Hersel Caballes y Cabanit is hereby found guilty beyond reasonable doubt of the offense of Violation of Sec. 11, Article II, R.A. No. 9165 for possession of 0.55 gram of marijuana. In accordance with the Indeterminate Sentence Law this Court sentences the accused to the indeterminate penalty of twelve (12) years and one (1) day to fourteen (14) years and eight (8) months imprisonment and to pay a fine of Three Hundred Thousand (P300,000.00) Pesos.
>
> The confiscated drugs shall be turned over to the Philippine Drug Enforcement Agency (PDEA) for destruction in accordance with law.
>
> Serve a copy of the decision on the LEGAL AND PROSECUTION SERVICE, Philippine Drug Enforcement Agency, 2F PDEA Building, NIA Northside Road, Pinyahan, Quezon City.
>
> SO ORDERED.

THE ANTECEDENTS

The Information[3] indicts accused-appellant Hersel Caballes y Cabanit (appellant) of Violation of Sec. 11, Art. II of Republic Act 9165 (The Comprehensive Dangerous Drugs Act of 2002) which reads:

> That on or about the 9[th] day of September, 2004 in the Municipality of Ubay, Province of Bohol, Philippines and within the jurisdiction of this Honorable Court, the above-named accused disregarding existing laws, did then and there willfully, unlawfully and feloniously and knowingly have in his possession, custody and control four (4) pieces of handrolled cigarettes each containing Marijuana, a dangerous drug, having a total weight of 0.02 gram or a total of 0.57 gram which when examined at the Crime Laboratory were positive to the test of for Marijuana, a dangerous drug, without a permit or license to possess the same from competent authority, to the damage and prejudice of the Republic of the Philippines.
>
> Acts committed contrary to the provisions of Section 11, Article II of the Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002
>
> CONTRARY TO LAW.

The established facts summarized by the court a quo in its challenged Decision are quoted as follows:

> Evidence for the Prosecution:

The first prosecution witness, Victoria Celes de Guzman, forensic chemical officer of the Provincial Crime Laboratory, Camp Dagohoy, Tagbilaran City testified that on September 10, 2004 the OIC of the Ubay Police Station submitted to her office four (4) hand-rolled suspected marijuana cigarettes each with a marking NCC-1 and one (1) piece of suspected marijuana roach marked NCC-2, for the purpose of having them examined (Exh. B, letter-request dated September 9, 2004); that her examination on all the specimens which were all placed in a cellophane pack (Exh. A, the cellophane pack) all gave a positive result for the presence of marijuana and the suspected marijuana roach also gave a positive result for the presence of marijuana; that she prepared Chemistry Report No. D-094-2004 (Exh. C).

The Chemistry Report states:

"CHEMISTRY REPORT NO. D-094-2004

CASE: Alleged Viol. Of RA 9165 SUSPECT/S:HERSEL CABALLES Y CABANIT

TIME/DATE RECEIVED: 1130H, 10 September 2004.

REQUESTING PARTY: Officer-In-charge
Ubay Police Station
Ubay, Bohol

SPECIMEN SUBMITTED:

Specimen "A"- Four (4) pieces of handrolled suspected Marijuana cigarettes, each marked NCC-1 having a total weight of 0.55 gram.

Specimen "B" - One (1) piece of suspected Marijuana roach marked NCC-2 weighing 0.02 gram.

Note: Specimen A and B are placed in a stapled sealed transparent plastic pack marked Exhibit: NCC-1.

PURPOSE OF EXAMINATION:

Determine the presence of any dangerous drugs.

FINDINGS:

Qualitative examination conducted on then above-mentioned specimens "A and B" gave POSITIVE result to the tests for the presence of MARIJUANA.

CONCLUSION:

Specimens "A and B" contain MARIJUANA, a dangerous drug.

REMARKS:

This office keeps the specimen submitted for future reference.

TIME DATE FINISHED: 1630H, 10 September 2004."

The second prosecution witness, SPO1 Ferdinand J. Vergara testified that on September 9, 2004 at 2:00 o'clock in the afternoon he was at the Ubay PNP Station when an information was received by Chief of Police Sabiniano Atupan about an ongoing pot session at Cabaasan, Tipolo, Ubay, Bohol; that Chief of Police Atupan then directed the Alert Team composed of SPO4 Villaflor, SPO3 Quilala, and the witness himself (the witness could not remember the other members) to verify the report at Cabaasan; at the place he saw a group of persons drinking tuba along the road and upon the police's arrival one of the group ran away; that the group composed of four to five persons were drinking in front and outside a house, at the side of the road; that he chased the person who ran away towards the back of the house but failed to overtake him so he returned to the

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place behind the house where he had noticed two marijuana plants and four meters away he also saw a plastic basin filled with dried marijuana leaves and other items; he then informed their team leader Quilala, and they took pictures, witnessed by Kagawad Lydia Moreno; that the accused, Hersel Caballes, was one of those drinking tuba and who was also about to run but was held down by team leader Quilala; that four rolled marijuana sticks were confiscated from the possession of accused Caballes by Quilala; that he saw Quilala investigating Caballes because he was bringing the plastic basin to Quilala. The witness identified accused, Hersel Caballes, in open court.

On cross-examination, Vergara said that the person he chased was Alfredo Damolo, the owner of the house. The witness admitted that because he was at the back of the house chasing Damolo he did not actually know what the other members of the drinking group were doing at that time and he did not see how Quilala confiscated the 4 sticks of rolled marijuana from the accused; that the plastic basin filled with dried marijuana was found after they searched the grassy area, 4 meters from where he found the marijuana plants; that he can no longer remember the other members of the team who conducted the search, that the taking of pictures happened at the police station; that Damolo was also charged but is at large. The witness identified his affidavit (Exh. D).

Senior Police Officer Quilala corroborated the testimony of witness Vergara and further testified that while he was holding Hersel Caballes who was attempting to run he picked up one white object which fell from Caballes' pocket and which he believed to be a marijuana stick so he asked the accused to pull out the pockets of his short pants and he recovered 3 sticks of rolled marijuana; that present at that time were his companions SPO4 Abueva, SPO3 Boca, and SPO3 Vergara. The witness identified the 4 sticks of rolled marijuana, previously marked as Exh. A, and stated that they were the same sticks confiscated from the accused because of the label NCC-1. The witness read from the marijuana roach the label made by the forensic chemical officer; that after the arrest of Caballes, the other members of the team searched the premises of the house of Damolo where other items (not the subject of this case) were recovered; that they then brought Caballes to the police station for further investigation.

On cross-examination, Quilala testified that it was SPO4 Villaflor who was the team leader, not him; that when the Alert Team arrived at the place near Damolo's house the 2 other persons who were drinking with Damolo and with the accused, scampered away towards the back of the house of Damolo; that the initials on the items confiscated were made by their investigator, SPO4 Curiba; that Caballes was accompanied to the crime laboratory for examination right after the arrest; that Damolo was also charged but was still at large.

The last witness for the prosecution SPO3 Eller Boca testified that he was a member of the Alert Team, as the back-up of SPO3 Quilala, which team was composed to verify the report that a pot session was being conducted at sitio Cabaasan, barangay Tipolo, Ubay, Bohol; that the team was composed of SPO4 Villaflor, SPO3 Quilala; SPO2 Abueva, PO3 Vergara, Boca himself and other PO1s; upon arrival at the place, about 3 to 4 persons including one Alfredo Damolo, the owner of the house in whose premises the pot session was alleged, according to the information, to be conducted immediately scampered away; the accused, Caballes, remained seated on a small stool and as Quilala and Boca drew near, the accused, Caballes, stood up and a white object fell to the ground; Quilala then requested the accused to pull out the pocket of his short pants and when the accused did, he had in his hand the 3 sticks of rolled marijuana; Quilala got the 3 sticks of marijuana and effected the arrest of the accused, informing him of his constitutional rights; then the suspect, together with the confiscated items, was brought to the PNP headquarters in Tagbilaran City for proper documentation and for laboratory examination.

On cross-examination, the witness testified that Damolo was one of their targets in their drive against illegal drugs; that upon arriving at the place the team saw 3 or 4 persons run away but the team did not pursue them because their attention was focused on the one remaining, the accused Caballes; that after the arrest of Caballes other members of the team proceeded to the grassy portion at the back outside of the house of Damolo where they recovered 2 marijuana plants, and a bundle of dried marijuana leaves; that Police Office Vergara was one

of those who went to the area at the back of the house but did not pursue Damolo; that he and Quilala went near Caballes and as Caballes stood up one white object fell to the ground and after Quilala picked it up he suspected it was marijuana; that upon the request of Quilala the accused himself voluntarily put his hand inside his right pocket and pulled out 3 sticks of rolled marijuana; that they brought Caballes and the items confiscated to the PNP crime laboratory in Tagbilaran for laboratory examination.

The witness identified Caballes in open court.

Evidence for the Defense:

The accused, Hersel Caballes, testified that he came to know Alfredo nicknamed Adik Damolo only on September 9, 2004 when he was introduced to him at the birthday celebration of his friend, Vicente Espera, who is a neighbor of Damolo; that he was at the house of Vicente at 1:00 o'clock in the afternoon; that 15 minutes after he was introduced to Damolo PNP members arrived near the place of Espera, which prompted Espera and his cousins and Damolo to run away. The police officers then conducted a search at the house of Espera and the 3 officers- Vergara, Boca and Quilala approached him asking why he did not run away; that he did not run away because he was not in possession of any illegal item and it was an illegitimate search because no barangay officials witnessed the search; the younger member of the team led by Quilala conducted a search at the house of Damolo and he saw a policeman carrying a marijuana plant coming from Damolo's house; that he learned it was a marijuana plant after he was brought to the crime laboratory in Tagbilaran City and learned of the result of the laboratory examination; that after the 3 policemen conversed with him, he was brought on board the PNP patrol car and shown 4 rolled marijuana which was said to be recovered from him but there was no barangay official present; that he was brought to the police station and put behind bars.

The second witness for the accused, Tonica Valleser, a motorcycle driver testified that he knows both Espera and Damolo as they are all residents of barangay Tipolo; that they all met on September 9, 2004 at the birthday celebration of Vicente Espera and Vicente introduced Damolo and Hersel to each other and after he ate he went home.

ASSIGNMENT OF ERRORS

After trial on the merits, the trial court rendered the assailed Judgment. Resolute to show his innocence, appellant pleads before this Court for a review thereof based on the following errors supposedly committed by the court a quo:

I.

THE HONORABLE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT BASED SOLELY ON THE TESTIMONIES OF THE PROSECUTION WITNESSES, AND IN GIVING FULL FAITH, WEIGHT AND CREDENCE TO THEIR TESTIMONIES DESPITE ITS PATENT AND MATERIAL INCONSISTENCIES WHICH CAST SERIOUS DOUBTS AS TO THE INTEGRITY AND IDENTITY OF THE CORPUS DELICTI OF THE OFFENSE CHARGED

II.

THE HONORABLE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT INSPITE OF PATENT LACK OF ADHERENCE TO THE PROCEDURAL MANDATE OF REPUBLIC ACT NO 9165, PARTICULARLY SECTION 21

III.

THE HONORABLE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE CLEAR FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

THE COURT'S RULING

On the first error.

In his Brief, appellant postulated that patent and fatal inconsistencies exist in the statements of the prosecution witnesses when Quilala claimed he saw one (1) white object falling from appellant's pocket urging him to ask the latter to pull-out his pockets and found three (3) more marijuana sticks. On the other hand, Boca during cross-examination admitted that he did not see the actual falling of the one (1) stick of marijuana. Instead, he only saw Quilala when he picked it up. Another inconsistency was the statement of Vergara that only Damolo ran while Boca stated that all, except appellant escaped during the pursuit. Moreover, appellant contended that it was unbelievable for the police officers not to chase their main target Damolo and instead focused their attention on appellant who did not even try to escape.

We can hardly be swayed.

The so-called inconsistencies in the testimonies of prosecution witnesses do not detract from the elements of the offense, which the prosecution adequately established. As long as testimonies of the witnesses corroborate each other on material points, the minor inconsistencies therein cannot destroy their credibility.[4] Such minor inconsistencies may even serve to strengthen their credibility as they negate any suspicion that their testimonies were fabricated or rehearsed. Even the most candid of witnesses commit mistakes and make confused and inconsistent statements.[5]

Certainly, greater evidentiary value must be accorded on convincing, straightforward, and probable testimony on affirmative matters.[6] An affirmative testimony coming from credible witnesses without motive to perjure is far stronger than a negative testimony.[7]

We agree with the OSG that the prosecution witnesses SPO1 Vergara, SPO3 Quilala and SPO3 Boca, who composed the apprehending team, are in the best position to testify on the issue whether or not the marijuana seized really came from appellant when he voluntarily pulled-out the contents of his pockets upon the request of SPO3 Quilala. Likewise, the alleged inconsistencies referring to the reason why the police officers did not pursue Damolo and as to who ran during the raid, are minor and trivial matters that do not in any way affect the credibility of the prosecution witnesses or the fact that appellant was caught in possession of four (4) sticks of marijuana.

At the outset, it must be emphasized that the record did not reflect any indication that prior to his arraignment, appellant challenged the irregularity of his arrest. Notwithstanding, his active participation in the trial can be deemed as submission to the jurisdiction of the trial court, thereby curing any defect in his arrest. However, the legality of an arrest affects only the jurisdiction of the court over his person.[8]

Settled is the rule that in cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers, for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary, suggestive of a sinister plot on the part of the police officers or deviation from the regular performance of their duties,[9] which We found wanting in the case at bench.

Thus, We subscribe to the trial court's findings that the elements of illegal possession of marijuana has been established by the prosecution witnesses' testimonies on the conduct of their operation, appellant's arrest and confiscation of the four (4) sticks of marijuana. Absent a clear showing that the trial court had overlooked, misunderstood or misapplied some facts or circumstances of weight and substance,[10] its findings ought to be respected and sustained.

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In cases involving violations of the Dangerous Drugs Law, appellate courts tend to rely heavily on the trial court's assessment of the credibility of witnesses, because the latter had the unique opportunity, denied to the appellate courts, to observe the witnesses and to note their demeanor, conduct, and attitude under direct and cross-examination. Hence, its factual findings are accorded great respect, even finality, absent any showing that certain facts of weight and substance bearing on the elements of the crime have been overlooked, misapprehended, or misapplied.[11]

On the second error.

Appellant also underscored some perceived deficiencies in prosecution’s evidence, viz: (1) failure to establish the chain of custody of the seized drug; (2) absence of proof on inventory, photographs and presence of representatives from the media, Department of Justice or elective officials; (3) the person who marked and turned-over the confiscated drugs to the crime laboratory is uncertain; and (4) the person who handled, stored and took custody of the seized items is unknown until its presentation in court. Appellant posited that these imperfections were clearly in violation of the mandates of the law. Consequently, he asserted that the presumption of regularity in the performance of official duty is inapplicable in view of the police officers’ deviation from the standard procedure.

We disagree.

Appellant’s expostulation on the lack of inventory, photographs and representatives from the media, DOJ or local government is bereft of merit inasmuch as it was neither raised during the proceedings before the trial court nor objected to when the prosecution formally offered its evidence. Apparently, the accused never raised a timely objection on the non-compliance with Section 21 of R.A. No. 9165, regarding the inventory, taking of photographs and witnesses.

In People v. Pringas[12], the appellant therein argued that non-compliance with Section 21 made the items inadmissible in evidence. The Supreme Court disagreed and elucidated in this wise:

> Its non-compliance will not render an accused's arrest illegal or the items seized/confiscated from him inadmissible. What is of utmost importance 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. In the case under consideration, we find that the integrity and the evidentiary value of the items involved were safeguarded. The seized/confiscated items were immediately marked for proper identification. Thereafter, they were forwarded to the Crime Laboratory for examination.
>
> x x x x x x x x x
>
> In no instance did appellant least intimate at the trial court that there were lapses in the safekeeping of seized items that affected their integrity and evidentiary value. Objection to evidence cannot be raised for the first time on appeal; when a party desires the court to reject the evidence offered, he must so state in the form of objection. Without such objection he cannot raise the question for the first time on appeal.[13]

Undoubtedly, appellant herein never interjected a timely objection on the alleged breach of Section 21 of R.A. No. 9165 and he questioned it only for the first time in this appeal. In accord with the above-quoted ruling, the protest cannot be entertained.[14]

Moreover, We are of the impression that the chain of custody of the recovered drug was thoroughly demonstrated by the testimonies of prosecution witnesses. The prosecution duly established that the four (4) marijuana sticks were seized from the appellant. The illegal drugs were then marked by SPO4 Curiba.[15] SPO3 Boca and his companions personally delivered to the PNP Crime Laboratory the appellant and the seized items for

examination.[16] After receipt of the request and the specimen submitted, PO2 Diola[17] turned-over to the forensic chemist PCI de Guzman for drug analysis, a representative sample of which produced a positive result for the presence of marijuana.[18] The rest of the specimen was retained at the laboratory for keeping and future reference until its turnover to the prosecutor and then to the court.[19]

PCI de Guzman's testimony on the corpus delicti can be quoted, thus:

> Q:
>
> Could your (sic) tell this court what were these items submitted by the police of Ubay, Bohol?
>
> A:
>
> The office received four hand rolled suspected marijuana cigarettes each with a marking NCC-1 and one piece of suspected marijuana roach marked NCC-2.
>
> Q:
>
> What was the purpose of the submission by the police of these items to your office, this Provincial Crime Laboratory?
>
> A:
>
> They requested for examination of the specimen submitted.
>
> Q:
>
> Now, did this – I reform. Did your office conducted examination on these specimens?
>
> A:
>
> Yes, Sir.
>
> Q:
>
> What was the result of the examination?
>
> A:
>
> After I conducted a process of the examination on these marijuana specimen all gave positive result of the presence of Marijuana and the suspected marijuana roach also gave positive result of the presence of Marijuana.[20]

The marking of the confiscated marijuana at the nearest police station rather than at the exact scene of the warrantless arrest of the appellant and the seizure of evidence, did not militate against the prosecution’s cause. Pertinently, Section 21 of the Implementing Rules and Regulations of R.A. No. 9165 provides that the marking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team.[21]

On the third error.

The elements for prosecution of illegal possession of dangerous drugs under Section 11, Article II of R.A. No. 9165 are: (1) the accused was in possession of an item or object which was identified to be a prohibited drug; (2) such possession was not authorized by law; and (3) the accused freely and consciously possessed the said drug.[22] All these elements were attendant in this case.

Lastly, We agree with the observation of the court a quo that the warrantless arrest was valid as the appellant was

caught in flagrante delicto possessing marijuana, a prohibited drug. As a rule, an arrest is considered legitimate if effected with a valid warrant of arrest. Section 5, Rule 113 of the Rules of Criminal Procedure, however, recognizes permissible warrantless arrests:

> "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 in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it; and
>
> (c) When the person to be arrested is a prisoner who escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another. (Emphasis supplied)

Section 5, above, provides three (3) instances when warrantless arrest may be lawfully effected: (a) arrest of a suspect in flagrante delicto; (b) arrest of a suspect where, based on personal knowledge of the arresting officer, there is probable cause that said suspect was the perpetrator of a crime which had just been committed; (c) arrest of a prisoner who has escaped from custody serving final judgment or temporarily confined during the pendency of his case or has escaped while being transferred from one confinement to another.

In arrest in flagrante delicto, the accused is apprehended at the very moment he is committing or attempting to commit or has just committed an offense in the presence of the arresting officer. Clearly, to constitute a valid in flagrante delicto arrest, two (2) requisites 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.[23]

In the case at bench, there is no gainsaying that appellant was caught by the police officers in the act of possessing marijuana, and, thus, can be lawfully arrested without a warrant. SPO3 Quilala positively identified appellant who dropped a stick of suspected marijuana while on the process of his investigation which prompted the former to search the latter for possible contrabands.

Hence, the consented search on appellant's person being incidental to his lawful arrest is undeniably valid. In retrospect, when the police officers arrived, the persons drinking tuba scampered away leaving appellant behind. When appellant tried to run, he was already held by SPO3 Quilala.[24] He was then investigated and during the process, appellant stood up. While appellant was standing, SPO3 Quilala noticed a white object believed to be marijuana fell from appellant's pocket.[25] SPO3 Quilala picked it and was prompted to search appellant's pockets which the latter voluntarily complied with[26] and found three (3) more marijuana sticks.[27]

As for appellants’ theory, the incantation of denial and frame-up have been invariably viewed by this Court with disfavor for they can easily be concocted and are common and standard ploys in prosecutions for violation of Dangerous Drugs Act. In order to prosper, defenses of denial and frame-up must be proved with strong and convincing evidence.[28] In the case before Us, the bare and uncorroborated allegations of appellant failed to overcome positive declarations of the police enforcers.

Besides, the fact that no administrative or criminal charges were filed against the police officers lends cogency to the conclusion that the alleged frame-up was merely concocted as a defense scheme.[29] This inaction clearly betrays appellant's claim of frame-up.

In the light of the foregoing and finding no reversible error in the Decision of the trial court, WE rule that the guilt

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of appellant for the crime charged was established beyond reasonable doubt and the said Decision must be upheld.

WHEREFORE, the 1 August 2011 Judgment[30] of the Regional Trial Court, Branch 52, Talibon, Bohol in Criminal Case No. 06-1683, which adjudged the guilt of accused-appellant HERSEL CABALLES y CABANIT for Violation of Section 11, Article II of R.A. No. 9165, is hereby AFFIRMED.

SO ORDERED.

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

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[*] Acting Chairman per Office Order No. 14-14-GTI dated 26 June 2014 vice Justice Hernando.

[1] Penned by Judge Irma Zita V. Masamayor, Records, pp. 155-164; Rollo, pp. 38-47.

[2] SECTION 11. Possession of Dangerous Drugs. — x x x x x x x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x x x x x x

(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 opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana. (Emphasis supplied)

[3] Appellant’s Brief, Id., pp. 18; Record, pp. 39-40.

[4] People v. Magbanua, G.R. No. 170137, 27 August 2009; People v. Rabutin, G.R. No. 118131-32, 5 May 1997.

[5] Id., Magbanua; People v. Bulan, G.R. No. 143404, 8 June 2005.

[6] People v. Politico, G.R. No. 191394, 18 October 2010, citing People v. Alberto, G.R. No. 179717, 5 February 2010, 611 SCRA 706, 713.

[7] Ibid. citing People v. Dilao, G.R. No. 170359, 27 July 2007, 528 SCRA 427, 440-441.

[8] Valdez v. People, G.R. No. 170180, 23 November 2007 citing People v. Bacla-an, 445 Phil. 445 Phil. 729, 748 (2003); See also People v. Santos, G.R. No. 176735, 26 June 2008.

[9] Ibid. citing People v. Jocson, G.R. No. 169875, 18 December 2007, 540 SCRA 585, 592-593.

[10] People v. Mokammad, G.R. No. 180594, 19 August 2009.

[11] People v. De Mesa, G.R. No. 188570, 6 July 2010 citing People v. Almendras, 449 Phil. 587, 604 (2003).

[12] G.R. No. 175928, 31 August 2007.

[13] Ibid., citing People v. Sta. Maria, G.R. No. 171019, 23 February 2007.

[14] See People v. Domado, G.R. No. 172971, 16 June 2010, citing People v. Hernandez, G.R. No. 184804, 18 June 2009.

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[15] TSN dated 27 August 2007, p.6.

[16] Memorandum for the Chief of the Crime Laboratory dated 9 September 2004 signed by SPO4 Villaflor, Record, p. 62; TSN dated 26 July 2006, p. 6; TSN dated 29 June 2010, p. 7, 15.

[17] TSN dated 26 July 2006, p. 9.

[18] Chemistry Report No. D-094-2004, Record, p. 4.

[19] Receipt dated 26 July 2006, Record, p. 61 and Chemistry Report No. D-094-2004 Remarks: “This office keeps the specimen submitted for future reference,” Record, p. 6.

[20] TSN dated 26 July 2006, p. 5.

[21] People v. Resurreccion, G.R. No. 186380, 12 October 2009.

[22] People v. Gutierrez, G.R. No. 177777, 4 December 2009 citing People v. Pringas, G.R. No. 175928, 31 August 2007, 531 SCRA 828, 846.

[23] Cayuni v. People, G.R. No. 191532, 15 August 2012.

[24] TSN dated 16 March 2010, p. 4.

[25] Id., p. 5.

[26] TSN dated 27 August 2009, p. 5.

[27] TSN dated 16 March 2010, p. 5; TSN dated 29 July 2010, p. 6.

[28] People v. Lazaron, Jr., G.R. No. 186418, 6 October 2009, citing People v. Naquita, G.R. No. 180511, 28 July 2008, 560 SCRA 430, 449, People v. Santiago, G.R. No. 175326, 28 November 2007, 539 SCRA 198, 212, People v. Concepcion, G.R. No. 178876, 27 June 2008, 556 SCRA, 421, 440.

[29] Ching v. People, G.R. No. 177237, 17 October 2008.

[30] Penned by Judge Irma Zita V. Masamayor, Records, pp. 155-164; Rollo, pp. 38-47.

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