

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONILO LABORTE Y PENALES @ DODONG, ACCUSED,

Ponente: LOPEZ, J.

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LOPEZ, J.:

Before Us is an appeal from the Joint Decision[1] dated September 23, 2009 of the Regional Trial Court (RTC) Branch 4, Tagbilaran City in Criminal Case No. 13106 convicting accused-appellant of Violation of Section 5, Article II of Republic Act No. 9165.[2] The dispositive portion of the said Decision states:

“WHEREFORE, premises considered, the Court renders judgment as follows:

1. In the above-entitled Criminal Case No. 13106, the Court finds both accused Ronilo Laborte y Penales alias Dodong and accused Mary Jane Neniely Bartiana guilty beyond reasonable doubt of violating Section 5, Article II of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 and, as penalized under paragraph 2 of the aforecited law, the said two accused are each sentenced to suffer the penalty of imprisonment ranging from Twelve (12) Years and One (1) Day, as minimum, to Twenty (20) Years, as maximum, and a fine of P200,000.00 each.

2. In the above-captioned Criminal Case No. 13107, accused Ronilo Laborte y Penales alias Dodong is acquitted of the instant charge for violation of Section 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, ascribed to him, on the ground of reasonable doubt.

The prosecution’s object evidences: - 1) one (1) heat-sealed transparent plastic sachet containing white crystalline substance (Exhibit E) in Criminal Case No. 13106; 2) Two (2) transparent cellophane packs and one (1) transparent cellophane sachet containing white crystalline substance which contains Methamphetamine Hydrochloride (Exhibits F, G, H) in Criminal Case No. 13107 – are ordered destroyed in accordance with the guidelines drawn up by the PDEA on the manner of proper disposition and destruction of such items pursuant to existing law, or governing rules.

The marked money in the amount of P1,500.00 consisting of 2 pcs 500-piso bill and 5 pcs 100-piso bill (Exhibits M, N, O, P, Q and S) in Criminal Case No. 13106 are hereby confiscated and forfeited in favor of the government.

The money amounting to P8,850.00 (Exh. V) and Two (2) pcs NOKIA cellphones 2600 and 1100 (Exhibits W and W-1, respectively) are ordered returned to accused Laborte and Neniely.

In the service of their sentence in Crim. Case No. 13106, accused Ronilo P. Laborte and accused Mary Jane B. Neniely, being detention prisoners shall be credited fully with their respective preventive imprisonments if they agreed in writing to abide by the rules on convicted prisoners; otherwise, only 4/5 of their preventive imprisonment shall be credited in their favor.

SO ORDERED.”

Accused Mary Jane Neniely Bartiana and her co-accused were charged with Violation of Section 5, Article II of

R.A. 9165 in an Information[3] dated March 9, 2006 which reads as follows:

“That on or about the 6[th] day of March 2006, in the City of Tagbilaran, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully, feloniously and knowingly, without any legal purpose, sell, transfer, deliver and give away one (1) heat-sealed transparent plastic sachet containing white crystalline substance weighing 0.32 gram to a poseur buyer for and in consideration of the amount of ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00), Philippine Currency, the accused knowing fully well that the above-mentioned substance which contains Methamphetamine Hydrochloride is a dangerous drug and that they did not have any lawful authority, permit or license to possess and sell the same, to the damage and prejudice of the Republic of the Philippines.

Acts committed contrary to the provisions of Sec. 5, Article II of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 repealing R.A. 6425, as amended.”

Upon her arrest, accused was detained at the Tagbilaran City PNP Lock-up Jail and was later transferred to the CTRC, Cabawan District.[4] On July 25, 2006, accused was arraigned with the assistance of Atty. Nicodemus A. Tago, and pleaded not guilty to the crime charged.[5] Thereafter, trial on the merits ensued.

The Evidence for the Plaintiff-Appellee

From the testimonies of the prosecution witnesses, namely: P/Supt. Victoria Celis de Guzman, SPO3 Patrick Kibir, PO2 John Lynbert C. Yango, Bienvenido E. Navea and Manuel del Mundo, the following were established:

In the afternoon of March 6, 2006, PO2 Yango and other police officers PO3 Kibir, SPO4 Balistoy, SPO4 Bacus, PO3 Lumbab and PO2 Ramos, together with SPO3 Puagang, SPO1 Aniana, PO1 Garrote, PO3 Villapaz and PO2 Calimbayan, conducted a meeting for the operation of a buy-bust against accused-appellant and her co-accused, who are live-in partners, after learning of their illegal drug activities from an informant.[6] It was agreed that the informant would purchase P1,500.00 worth of shabu. Through text messaging, the informant placed her order and the sale was to take place at the entrance of BQ Mall.[7] At the mall, PO2 Yango positioned himself at a distance of about 3-5 meters from the poseur buyer while the rest of the team were in strategic areas within the mall. They were equipped with hand-held radios for communication.[8]

When accused-appellant and her co-accused Laborte arrived on a motorcycle, the poseur buyer, with PO2 Yango nearby, approached Laborte and handed the buy-bust money to accused-appellant who placed them in her wallet.[9] Co-accused Laborte then took something from his pocket which he handed to the poseur-buyer who, in turn, gave it to PO2 Yango. When PO2 Yango saw that the item looked suspiciously like shabu granules,[10] PO2 Yango said “go, go, go” which was the agreed signal that the transaction was already consummated. The police officers then rushed towards accused-appellant and her co-accused who both sped away on the motorcycle upon noticing that police officers were rushing towards them.[11] Police, however, caught up with them near McDonalds at the corner of Grupo and DPG Streets where both accused-appellant and her co-accused were arrested.[12] A search was conducted on their persons and the marked money was recovered from accused-appellant’s wallet. Two (2) packs and one (1) sachet of shabu granules were voluntarily surrendered by co-accused Laborte to the police officers. The packet subject of the sale had been turned over by the poseur buyer to PO2 Yango, marked by SPO1 Aniana and brought to the police station for laboratory examination. At the time of the search, there were civilian witnesses in the persons of Barangay Kagawad Navea and del Mundo as well as media representatives Maestrado, Capampangan and Castro.[13] These witnesses were also present during the conduct of the inventory of seized items.[14]

Thereafter, the suspected dangerous drug subject of the sale was submitted to the Crime Laboratory for

examination[15] by the Forensic Chemist who determined that the specimen was positive for methamphetamine hydrochloride as contained in Chemistry Report No. D-035-2006.[16] Drug tests were also conducted on the urine samples of accused-appellant and her co-accused. The examination on accused-appellant's sample yielded a negative result[17] while that of her co-accused was positive for the presence of a dangerous drug.[18]

After the witnesses' testimonies, the prosecution formally offered their Exhibits "A" to "W" with sub-markings[19] which were admitted by the trial court per Order of September 27, 2007.[20]

The Evidence for the Accused-Appellant

In her testimony, accused-appellant declared that her co-accused Ronilo Laborte is her live-in partner for the past seven (7) months until their arrest on March 6, 2006.[21] On that day, they were traveling on a motorcycle from Maribojoc, Bohol towards Panglao. While stopping for the red light, someone suddenly held the handle of the motorcycle and turned off the ignition.[22] Someone also suddenly took her hat and cellular phone. There were also several persons who surrounded their motorcycle. When she asked why she was told that it was because she had no helmet on and that the motorcycle's plate number was on the side of the vehicle.[23] She and her co-accused were then searched. The persons who took her cellphone also searched her pocket and opened the motorcycle's compartment. Despite the search, nothing was recovered from her.[24] It was when she and her co-accused were brought to the police station that she knew the persons were police officers.[25] At the police station, she was brought to a room where she was undressed and searched. There was nothing found and she was later brought out and led to a table where she saw her co-accused and on the table were money, wallet and other items including shabu.[26] Her wallet, which was also taken by the police officers, contained P10,000.00 which was supposed to be sent to her sick mother in Mindanao. The money was from her father who took out a loan from his office in order to send it to her mother.[27]

Jonathan Ungab stated that he saw the incident that occurred on March 6, 2006 as he was traveling on a motorcycle behind accused-appellant and her co-accused.[28] When they stopped at a red light at the intersection of Grupo and CPG, he saw that accused-appellant and her co-accused were held up and searched. He heard that they were arrested because of their involvement in drugs.[29] While he was traveling behind accused-appellant and her co-accused, he did not notice them pass or drop by the main entrance of BQ Mall.[30]

Epifanio Neniell declared that he is accused-appellant's father and that he worked for AVM Construction from whom he made a cash advance in the amount of P10,000.00 on March 4, 2006.[31] He gave the money, which was intended for his wife's goiter operation, to accused-appellant on the following day, March 5, 2006. He doesn't know what happened to the money afterwards as he left for Cebu in the evening of March 5, 2006.[32]

Gely Estoque stated that she is the Secretary and acting cashier of AVM Construction. She prepared the cash voucher for the request of Epifanio Neniell, who is part of their mechanical staff, for a cash advance of P10,000.00 in March 2006.[33]

After the testimony of accused-appellant and her witnesses, she formally offered her Exhibits "1" to "5".[34]

On September 23, 2009, the RTC Branch 4, Tagbilaran City rendered its Decision. Accused-appellant filed a Notice of Appeal[35] which was given due course by the court a quo.[36]

In her appeal before Us, accused-appellant made the following assignment of errors, to wit:[37]

I

THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT DESPITE THE FACT THAT THE IDENTITY OF THE POSEUR-BUYER WAS NOT DULY PROVEN AND ESTABLISHED BY THE PROSECUTION DURING TRIAL;

II

THE LOWER COURT ERRED WHEN IT SIMPLY ASSUMED AND PRESUMED THAT ACCUSED-APPELLANT CONSPIRED WITH HER CO-ACCUSED IN COMMITTING THE ALLEGED ILLEGAL SALE OF SHABU;

III

THE TRIAL COURT ERRED WHEN IT FAILED TO APPRECIATE THE NEGATIVE PROBATIVE IMPACT OF DEFAULTS, DEFECTS, IRREGULARITIES AND INCONSISTENCIES IN THE POLICE OPERATIONS AGAINST THE ACCUSED-APPELLANT; and

IV

THE TRIAL COURT ERRED IT WHEN GAVE GREATEST WEIGHT AND IMPORT TO THE DOCTRINE OF PRESUMPTION OF REGULARITY IN THE PERFORMANCE OF OFFICIAL DUTY BY THE POLICE OFFICERS AGAINST THE MORE PARAMOUNT CONSTITUTIONALLY MANDATED PRESUMPTION OF INNOCENCE OF THE ACCUSED-APPELLANT.

Our Ruling

The appeal is without merit.

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 suggesting ill-motive on the part of the police officers.[38]

In this case, no such ill-motive had been shown. On the contrary, it was duly established by the prosecution that accused-appellant was validly caught in flagrante delicto violating Section 5 of the Dangerous Drugs Act pursuant to a buy-bust operation and in conspiracy with her co-accused.

Buy-bust operations are legally sanctioned procedures for apprehending drug peddlers and distributors. These operations are often utilized by law enforcers for the purpose of trapping and capturing lawbreakers in the execution of their nefarious activities. A buy-bust operation is one form of entrapment employed by peace officers as an effective way of apprehending a criminal in the act of committing an offense, and must be undertaken with due regard for constitutional and legal safeguards.[39]

However, while a buy-bust operation has been proven to be an effective way to flush out illegal transactions that are otherwise conducted covertly and in secrecy, it has a significant downside that has not escaped the attention of the framers of the law. It is susceptible to police abuse, the most notorious of which is its use as a tool for extortion. Thus, courts have been exhorted to be extra vigilant in trying drug cases, lest an innocent person is made to suffer the unusually severe penalties for drug offenses.[40]

Contrary to accused-appellant's contention, the procedural safeguards enunciated in Section 21 of R.A. 9165 had been complied with, as the prosecution was able to establish her guilt beyond reasonable doubt for violation of Section 5, Article II of R.A. 9165.

In every prosecution for the illegal sale of shabu, under Section 5, Article II of RA 9165, the following elements must be proved: "(1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment therefor. x x x What is material in a prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti" or the illicit drug in evidence.[41]

The fact that a sale through a buy-bust operation took place was duly established by the testimonies of prosecution witnesses PO2 Yango and SPO3 Kibir who are police officers. PO2 Yango was with the informant-poseur buyer and they met with accused-appellant and her co-accused Laborte at the agreed place in BQ mall main entrance. There, the poseur-buyer received a packet of shabu from accused-appellant's co-accused Laborte while accused-appellant received the marked money. Accused-appellant and her co-accused even attempted to flee by speeding away on their motorcycle but they were caught by the police officers in the ensuing chase. The drug subject of the sale was turned over to PO2 Yango and was marked by SPO1 Aniana, identified and established as a dangerous drug, and presented in court.

These same circumstances also highlight the fact that accused-appellant acted in conspiracy with one another. "An accepted badge of conspiracy is when the accused by their acts aimed at the same object, one performing one part and another performing another so as to complete it with a view to the attainment of the same object, and their acts though apparently independent were in fact concerted and cooperative, indicating closeness of personal association, concerted action and concurrence of sentiments." [42]

In this case, accused-appellant acted in concert with her co-accused in the illegal sale of dangerous drug. She, thus, cannot isolate her act of being in possession of the marked money since in a conspiracy, the act of one is the act of all. "To be a conspirator, one need not participate in every detail of the execution; he need not even take part in every act or need not even know the exact part to be performed by the others in the execution of the conspiracy." [43]

Questioning the seized item's admissibility, however, accused-appellant contended that the chain of custody had not been established. He likewise questions the lack of coordination with the Philippine Drug Enforcement Agency (PDEA) in the conduct of the buy-bust operation, in violation of Section 86 of R.A. 9165.

Such contentions cannot be sustained.

As rightly found by the court a quo in this case, and supported by the evidence on record, the identity, integrity and evidentiary value of the drug subject of the sale was duly established and preserved. PO2 Yango received the drug from the poseur-buyer and turned it over to SPO1 Aniana who marked the specimen and prepared an inventory of other seized items. [44] Photographs were also taken of the inventory proceedings. [45] P/Chief Inspector Jesus Acullador then made a request for laboratory examination [46] which was conducted by Forensic Chemist P/Supt. De Guzman and yielded positive result for the drug subject of the sale transaction. [47] The specimen was identified and presented in court. [48]

From the foregoing, it is clear that the requirements of the law on the preservation of the integrity of seized drugs had been substantially complied with. What is essential is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused. [49] In the present case, the succession of events, established by evidence, shows that the shabu seized from accused-appellant and her co-accused was the same one tested, subsequently identified and testified to in court.

As to the lack of coordination with the PDEA in the conduct of the buy-bust operation, such lack in itself cannot exculpate accused-appellant.

Section 86 of R.A. 9165 reads:

"Section 86. Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions. – The Narcotics Group of the PNP, the Narcotics Division of the NBI and the Customs Narcotics Interdiction Unit are hereby abolished; however they shall continue with the performance of their

task as detail service with the PDEA, subject to screening, until such time that the organizational structure of the Agency is fully operational and the number of graduates of the PDEA Academy is sufficient to do the task themselves: Provided, That such personnel who are affected shall have the option of either being integrated into the PDEA or remain with their original mother agencies and shall, thereafter, be immediately reassigned to other units therein by the head of such agencies. Such personnel who are transferred, absorbed and integrated in the PDEA shall be extended appointments to positions similar in rank, salary, and other emoluments and privileges granted to their respective positions in their original mother agencies.

The transfer, absorption and integration of the different offices and units provided for in this Section shall take effect within eighteen (18) months from the effectivity of this Act: Provided, That personnel absorbed and on detail service shall be given until five (5) years to finally decide to join the PDEA.

Nothing in this Act shall mean a diminution of the investigative powers of the NBI and the PNP on all other crimes as provided for in their respective organic laws: Provided, however, That when the investigation being conducted by the NBI, PNP or any ad hoc anti-drug task force is found to be a violation of any of the provisions of this Act, the PDEA shall be the lead agency. The NBI, PNP or any of the task force shall immediately transfer the same to the PDEA: Provided, further, That the NBI, PNP and the Bureau of Customs shall maintain close coordination with the PDEA on all drug related matters.”

The foregoing provision is silent as to the consequences of failure on the part of the law enforcers to transfer drug-related cases to the PDEA, in the same way that the Implementing Rules and Regulations (IRR) of Republic Act No. 9165 is also silent on the matter. But by no stretch of imagination could this silence be interpreted as a legislative intent to make an arrest without the participation of PDEA illegal nor evidence obtained pursuant to such an arrest inadmissible. Thus:

“It is a well-established rule of statutory construction that where great inconvenience will result from a particular construction, or great public interests would be endangered or sacrificed, or great mischief done, such construction is to be avoided, or the court ought to presume that such construction was not intended by the makers of the law, unless required by clear and unequivocal words.

As we see it, Section 86 is explicit only in saying that the PDEA shall be the "lead agency" in the investigations and prosecutions of drug-related cases. Therefore, other law enforcement bodies still possess authority to perform similar functions as the PDEA as long as illegal drugs cases will eventually be transferred to the latter. Additionally, the same provision states that PDEA, serving as the implementing arm of the Dangerous Drugs Board, "shall be responsible for the efficient and effective law enforcement of all the provisions on any dangerous drug and/or controlled precursor and essential chemical as provided in the Act." We find much logic in the Solicitor General's interpretation that it is only appropriate that drugs cases being handled by other law enforcement authorities be transferred or referred to the PDEA as the "lead agency" in the campaign against the menace of dangerous drugs. Section 86 is more of an administrative provision. By having a centralized law enforcement body, i.e., the PDEA, the Dangerous Drugs Board can enhance the efficiency of the law against dangerous drugs.”[50]

In other words, the lack of coordination with the PDEA cannot, in and of itself, exculpate accused-appellant. For as long as the mandatory requirements of R.A. 9165 have been complied with, the buy-bust operation remains legal, and accused-appellant's conviction shall be upheld. Absent a showing of bad faith, ill will, or proof of tampering with the evidence, the presumption that the integrity of the evidence had been preserved lies.[51]

Be that as it may, the police officers had coordinated with the PDEA for the conduct of a buy-bust operation against accused-appellant and her co-accused.[52]

Neither can accused-appellant's contention on the non-presentation of the poseur-buyer be sustained. The relevant information acquired by the poseur-buyer was equally known to the police officers who gave evidence

for the prosecution at the trial. They all took part in the planning and implementation of the buy-bust operation, and all were direct witnesses to the actual sale of the shabu, the arrest of the accused-appellant and her co-accused immediately thereafter, and the recovery from her of the marked money. The testimony of the poseur-buyer was not therefore indispensable or necessary; it would have been cumulative merely, or corroborative at best.[53] The poseur-buyer's testimony can therefore be dispensed with since the illicit transaction was actually witnessed and adequately proved by the prosecution witnesses. As against the prosecution's evidence, accused-appellant merely offers the defense of denial, claiming that she and her co-accused were merely held for a traffic violation. A mere denial, just like an alibi, is a self-serving negative evidence, which cannot be accorded greater evidentiary weight than the declarations of credible witnesses who testify on affirmative matters. As between a categorical testimony that has the ring of truth on the one hand and a bare denial on the other, the former is generally held to prevail.[54] Accused-appellant failed to show that the police officers deviated from the regular performance of their duties. Her defense of denial is weak and self-serving. Unless corroborated by other evidence, it cannot overcome the presumption that the police officers have performed their duties in a regular and proper manner. Credence is usually given to prosecution witnesses who are police officers and failure to impute ill motive on the part of the police officers who conducted the buy-bust operation will only sustain the conviction of the accused.[55]

Hence, while an accused in a criminal case is presumed innocent until proven guilty, the prosecution in this case was able to overcome such presumption by the requisite proof beyond reasonable doubt. The rule is that when the credibility of a witness is in issue, the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded high respect if not conclusive effect.[56]

WHEREFORE, the appeal is DISMISSED and the September 23, 2009 Joint Decision rendered by the Regional Trial Court, Branch 4, Tagbilaran City is AFFIRMED.

SO ORDERED.

Ingles, J., Chairman, and Lagura-Yap, JJ., concur.

[1] Record, page 228.

[2] Comprehensive Dangerous Drugs Act of 2002.

[3] Record, page 1.

[4] Cf. Record, pp. 37-38.

[5] Record, page 72.

[6] TSN, April 11, 2007, pp 6-7; TSN dated January 11, 2007, pp. 6-7.

[7] Id., at pp. 8-10.

[8] Id., at page 10.

[9] Id., at page 11.

[10] Id., at pp. 11-12.

[11] TSN, January 11, 2007, pp. 14-17.

[12] *Id.*, at pp. 17-18.

[13] *Id.*, at pp. 19-21; cf. TSN, April 11, 2007, pp. 13-14.

[14] TSN, August 30, 2007, pp. 7-9; 18-19.

[15] Record, page 76.

[16] Record, page 77; TSN, November 29, 2006, pp. 6-8.

[17] Record, page 79.

[18] Record, page 78.

[19] TSN, September 6, 2007, pp. 2-7.

[20] Record, page 173.

[21] TSN, October 3, 2007, page 5.

[22] *Id.*, at pp. 6-7.

[23] *Id.*, at pp. 8-9.

[24] *Id.*, at pp. 10-11.

[25] *Id.*, at page 13.

[26] *Id.*, at pp. 14-15.

[27] *Id.*, at pp. 15-16.

[28] TSN, November 6, 2007, pp. 4-5.

[29] *Id.*, at page 6.

[30] *Id.*, at page 8.

[31] TSN, November 29, 2007, pp. 4-6.

[32] *Id.*, at pp. 7-8.

[33] TSN, February 27, 2008, pp. 5-7.

[34] Record, page 187.

[35] Record, page 244.

[36] Record, page 246.

[37] Appellant's Brief, page 8, Rollo, page 30.

[38] *People of the Philippines vs. Joel Gaspar*, G.R. No. 192816, July 6, 2011, citing *People v. De Guzman*, G.R. No. 177569, 28 November 2007.

[39] *People of the Philippines vs. Joel Rebotazo*, G.R. NO. 192913, June 13, 2013, citing *People vs. Chua Uy*, 384 Phil. 70 and *People vs. Jocson*, G.R. No. 169875, December 18, 2007.

[40] *People vs. Garcia*, G.R. No. 173480, February 25, 2009 and *People vs. Tan*, 401 Phil. 259, both cited in *People vs. Rebotazo*, *supra*.

- [41] People of the Philippines vs. Jay Montevirgen, G.R. No. 189840, December 11, 2013, citing People v. Sembrano, G.R. No. 185848, August 16, 2010.
- [42] People of the Philippines vs. Simpresueta M. Seraspe, G.R. No. 180919, January 9, 2013, citing People v. Serrano, G.R. No. 179038, May 6, 2010.
- [43] People v. Ebet, G.R. No. 181635, November 15, 2010. cited in People vs. Seraspe, supra.
- [44] Record, page 82, cf. TSN, February 14, 2007, page 6.
- [45] Record, page 83, cf. TSN, February 14, 2007, page 8.
- [46] Record, page 76.
- [47] Record, page 77.
- [48] TSN, November 29, 2006, pp. 7-9.
- [49] Marquez vs. People, supra.
- [50] People vs. Rebotazo, supra., citing People vs. Sta., Maria, 545 Phil. 520.
- [51] People of the Philippines vs. Zenaida Soriano, G.R. No. 189843, March 20, 2013, citing People v. Quiamanlon, G.R. No. 191198, 26 January 2011.
- [52] TSN, January 11, 2007, pp. 7-9; cf. Record, pp. 80-81.
- [53] People of the Philippines vs. Marissa Marcelo, G.R. No. 181541, August 18, 2014, citing People v. Dag-uman, G.R. No. 96548, May 28, 1992 and People vs. Doria, G.R. No. 125299, January 22, 1999.
- [54] People of the Philippines vs. Bernadette Pansacala, G.R. 194255, June 13, 2012 citing People vs. Villanueva, 440 Phil. 409.
- [55] People vs. Rebotazo, supra.
- [56] People of the Philippines vs. Jonathan Con-ui and Ramil Maca, G.R. No. 205442, December 11, 2013.

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