

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFRED M. MARGAJA, ACCUSED-APPELLANT.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is an appeal from the Decision[1] dated September 21, 2011 of the Regional Trial Court, 7[th] Judicial Region, Branch 8, Cebu City, convicting accused-appellant Alfred M. Margaja for violation of Secion 11, Article II, of RA 9165 or the Comprehensive Dangerous Drugs Act of 2002, docketed as Crim. Case No. CBU-89041.

The Facts

On May 29, 2010, accused-appellant Alfred Marson Margaja [Margaja] was charged in an Information[2] for violation of Section 11, Article II, of RA 9165, the accusatory portion thereof, reads:

“That on or about the 28[th] day of May, 2010, at about 2:50 a.m., in the City of Cebu, Philippines and within the jurisdiction of this Honorable Court the above-named accused, with deliberate intent, did then and there have in his possession and under his control one (1) partially consumed white handrolled cigarette containing 0.07 gram burned dried marijuana fruiting taps or indian hemp, which after laboratory examination conducted gave positive result to the tests for the presence of marijuana, a dangerous drug.

CONTRARY TO LAW.”

An Information for the same offense was filed against Jerome B. Gonzaga [Gonzaga].[3] The RTC acquitted Gonzaga based on reasonable doubt.[4]

During Margaja's arraignment on July 8, 2010, with the assistance of his counsel, he pleaded not guilty to the offense charged.

During pre-trial[5] on August 10, 2010, the parties stipulated on the identities of the accused-appellant Alfred and Jerome, the existence and authenticity of Chemistry Report No. D-444-2010 prepared by Police Inspector Ryan Ace Sala and that the latter has no personal knowledge from whom and in what manner the arresting officers obtained the subject specimen evidence as well as the request for laboratory examination.

Thereafter, trial on the merits ensued.

VERSION OF THE PROSECUTION

The prosecution presented the three [3] arresting officers namely: PO3 Celso Sarona, PO2 Ramon Balongaita and PO2 Carlo Magno Jimenez, Jr., who testified to the following:

On May 28, 2010 at around 2:50 in the morning, SPO2 Rolando Manalili, the desk officer of PNP Police Station 11, Cebu City received a telephone call informing him that there were two [2] armed men at C. Padilla Street, Cebu City. Acting on that information, PO3 Celso Sarona [PO2 Sarona], PO2 Ramon Bolongaita [PO2 Bolongaita] and PO2 Carlo Magno Jimenez [PO2 Jimenez] went to the said area.[6]

Upon arriving at the area, true to the report, the police officers saw two [2] persons standing near Caltex gasoline station. The said persons were visible due to the illumination coming from the VECO lamppost nearby. When the police officers were in close proximity to the two [2] persons, who were later identified as herein accused-appellant Margaja and Gonzales, they saw the handle of hand guns protruding from their waists. Thus, the police officers immediately placed them under arrest[7] and confiscated the firearms from both accused.[8]

After both accused were placed under arrest, the police officers as a standard operating procedure, conducted a body search on them, PO2 Jimenez conducted the body search on accused-appellant Margaja while PO2 Sarona frisked accused Gonzaga. The police officers recovered one half consumed marijuana from each of the accused.[9] They immediately marked the same, the marijuana recovered from Margaja as "A-M-M-5-28-10"[10] while the marijuana recovered from Gonzales was marked as "J-G-B-05-28-10".[11] Thereafter, they took photographs of the contraband and made an inventory.[12]

At the police station, PO2 Jimenez prepared the laboratory request[13] and together with PO3 Sarona delivered the same at the PNP Crime Lab.[14] The laboratory request was received by one PO1 Asoy at 8:00 o'clock in the morning. Thereafter, PO1 Asoy transmitted the request at the PNP Chemistry Branch and was received by Police Senior Inspector Ryan Ace Mabilen Sala [PSI Sala].[15] After receiving the request, PSI Sala conducted chemical examination of the specimen and in his Chemistry Report No. D-444-2010[16], it yielded positive result of marijuana weighing 0.07 gram.

Thereafter, prosecution formally offered Exhibits "A"- to "H"[17] with all their sub-markings which were all duly admitted by the RTC.

VERSION OF THE DEFENSE

The defense presented accused-appellant Margaja and Gonzaga,[18] who recounted that:

On May 28, 2010 at around 2:50 in the morning, Margaja was sitting at a store outside Alaska, Mambaling, Cebu City. While there, he saw the police officers who disembarked from their vehicle and pointed their firearms at him while informing him that there was a robbery alarm. He was then brought to the police station. While there, the police officers let the complainant identify him. Even if the complainant said that he was not the culprit, the police officers who wanted to detain him, planted evidence on him which paved a way for the filing of case against him. He denied knowing his co-accused Gonzaga.[19]

Gonzaga, on the other hand, claimed that on the said date and time, he was having his coffee at a nearby place when a vehicle blocked his pathway. The police officers in their civilian clothing alighted from the vehicle and told him that he is one of the suspects of a robbery incident and asked him to go with them at the police station. When they reached the station the victims of the robbery were asked to identify him, but the said victims said that he was not the one. He further claimed that he only knew Margaja at the police station when they were detained at the same prison cell. Banking on his innocence, he was convinced that the charge against him was fabricated.[20]

The RTC on September 21, 2011, rendered a decision, convicting accused-appellant Margaja and acquitting Gonzaga based on reasonable doubt. The dispositive portion of the decision, provides:

"WHEREFORE, finding the accused, ALFRED M. MARGAJA for CRIM. CASE NO. CBU-89041 guilty beyond reasonable doubt of unlawfully possessing 0.07 gram of Marijuana, a dangerous drug, in violation of Section 11, Article II of Republic Act 9165, he is hereby sentenced to suffer the penalty of imprisonment for a period of TWELVE (12) YEARS AND ONE (1) DAY as minimum to FIFTEEN (15) YEARS, as maximum, and to pay a FINE in the amount of P300,000.00.

However, this Court finds the evidence against accused JEROME B. GONZAGA for CRIM. CASE NO.

CBU-89044 insufficient, hence, he is hereby ordered ACQUITTED of (the) offense of which he is presently charged.

The Jail Warden of the Cebu City Jail is ordered to release accused JEROME B. GONZAGA from detention unless he is being detained for any other lawful cause, and to submit a report of compliance herewith within ten (10) days from notice of this Decision.

The subject Marijuana cigarettes with markings “A-M-M-5-28-10” and “G-G-B-5-28-10” (Exhibits “A-Margaja” and “A-Gonzaga,” respectively) are declared forfeited in favor of the Government, to be disposed of pursuant to the provisions of R.A. 9165 and related rules and regulations.

SO ORDERED.”[21]

On appeal, accused-appellant raised the lone assignment of error, which reads:

“THE TRIAL COURT ERRED IN PRONOUNCING THE GUILT OF THE ACCUSED DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.”[22]

Our Ruling

Accused-appellant hinges his appeal on PO3 Sarona and SPO1 Jimenez's failure to follow the procedure for the custody and disposition of the marijuana, outlined in Section 21 of Republic Act No. 9165, after these were seized and confiscated.[23] Margaja points out that there was no showing that the arresting officers marked, inventoried and photographed the evidence recovered in his presence and that of Gonzaga's presence.[24] Consequently, the chain of custody was not duly established.

Accordingly, the trial court even noticed the said discrepancy leading to the acquittal of Gonzaga. While it is true that no evidence was shown that the policemen were motivated to make up a story or falsely implicate him, it does not warrant an inference that their statements are gospel truth and to be received hook, line and sinker. The presumption of regularity in the performance of official duty cannot by itself overcome the presumption of innocence nor constitute proof beyond reasonable doubt.[25] It should be pointed out also that there was no valid arrest on his person, warranting a reversal of the decision of the RTC.

The conviction of Margaja stands.

We must determine if the search was lawful. If it was, then there would have been probable cause for the warrantless arrest of Margaja.[26]

Article III, Section 2 of the Philippine Constitution provides:

“Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.”

Law and jurisprudence have laid down the instances when a warrantless search is valid. These are:

“1. Warrantless search incidental to a lawful arrest recognized under Section 12 [now Section 13], Rule 126 of the Rules of Court and by prevailing jurisprudence;

2. Seizure of evidence in “plain view,” the elements of which are:

(a) a prior valid intrusion based on the valid warrantless arrest in which the police are legally present in the pursuit of their official duties;

(b) the evidence was inadvertently discovered by the police who had the right to be where they are;

(c) the evidence must be immediately apparent[;] and;

(d) “plain view” justified mere seizure of evidence without further search.

3. Search of a moving vehicle. Highly regulated by the government, the vehicle's inherent mobility reduces expectation of privacy especially when its transit in public thoroughfares furnishes a highly reasonable suspicion amounting to probable cause that the occupant committed a criminal activity;

4. Consented warrantless search;

5. Customs search;

6. Stop and Frisk; and

7. Exigent and Emergency Circumstances.”[27]

The warrantless arrest of accused-appellant was effected under Sec. 5(a) Rule 113[28] of the Rules of Court, which is an arrest of a suspect in flagrante delicto.[29]

For this type of warrantless arrest to be valid, two 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.[30]

In the instant case, the arrest of Margaja was valid because at the time he was arrested, he was committing a crime in flagrante delicto. When the arresting officers arrived, they saw in plain view, the hand gun tucked in Margaja's waist. The carrying of firearm in a public place[31] is prohibited under RA 8294.[32] Likewise, Margaja is in violation of COMELEC Resolution No. 8714 otherwise known as The Rules and Regulations on the: (1) Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and (2) Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards, During the Election Period for the May 10, 2010 National and Local Elections. The pertinent provision of the COMELEC Resolution, reads:

“Section 1. General Guiding Principles –During the election period: (a) no person shall bear, carry or transport firearms or other deadly weapons in public places including all public buildings, streets, parks, and private vehicles or public conveyances, even if licensed to possess or carry the same; and (b) no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of or engage the services of security personnel or bodyguards are regular members of officers of the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP) or other law enforcement agency of the Government.

The transport of firearms of those who are engaged in the manufacture, importation, exportation, purchase, sale of firearms, explosives and their spare parts or those involving the transportation of firearms, explosives and their spare parts, may, with prior notice to the Commission, be authorized by the Director General of the PNP provided that the firearms, explosives and their spare parts are immediately transported to the Firearms and Explosives Division, CSG, PNP.

Section 2 Definition of Terms. - As used in this Resolution:

(a) Election Period refers to the election period prescribed in Comelec Resolution No. 8646 dated 14 July 2009 which is from January 2010 to 09 June 2010;

xxxxx”

Based on the following provisions, there is no gainsaying that Margaja committed an offense by carrying a gun without the necessary permits or license to carry and/or possess and was done during the 2010 election gun ban.

He was not able to present any authority to possess a firearm or to carry one outside his residence.[33] As such, his warrantless arrest was justified under the plain view doctrine. His arrest being valid, he may be searched for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense without a search warrant pursuant to Section 13, Rule 126[34] of the Rules of Court.

Thus, as part of the police officers' standard operating procedure after arresting a person, PO2 Jimenez searched Margaja and found marijuana in his possession.[35]

For the successful prosecution of illegal possession of dangerous drugs, like marijuana, the following essential elements must be established: (a) the accused is in possession of an item or object that is identified to be a prohibited or dangerous drug; (b) such possession is not authorized by law; and (c) the accused freely and consciously possessed the drug.[36]

As found out by the RTC, the prosecution proved beyond reasonable doubt all the elements for the illegal possession of dangerous drug. PO2 Jimenez during the conduct of his search on Margaja, found in his possession one half (1/2), partly consumed marijuana weighing 0.07 gram. Thus, PO2 Jimenez testified:

“Q: PO2 Jimenez, on May 28, 2019 were you already assigned at the Police Station 11, Cebu City?

A: Yes.

Q: At around 2:50 early morning of said date, do you recall where you were?

A: We were inside the police station.

Q: Now, while you were at your police station on said date and time what happened if any?

A: The desk officer received a telephone call, Sir.

Q: Who was the desk officer at that time?

A: SPO1 Rolando Manalili.

Q: Do you happen to know what was the telephone call all about?

A: That there were two armed person(s) at C. Padilla, Sir, near a gasoline station.

Q: After you station received that telephone call, what happened?

A: We proceeded to the area, Sir.

Q: You said “we” who were with you at that time?

A: PO3 Celso Sarona, PO2 Ramon Bolongaita and myself.

Q: When you arrived at the area, what happened next?[37]

A: We saw the two persons, Sir, standing near the Caltex gasoline station.

Q: Now, considering that it was already 2:50 early morning how were you able to see the two persons?

A: There was a VECO lamppost nearby, Sir.

Q: Now, how far were these two person(s) from the Caltex gasoline station when you saw them?

A: I could not recall how far, Sir, when we saw them.

Q: What happened next after you saw these two persons?

A: When we arrived at the area, the two persons were shocked and we immediately accosted them because we saw handguns protruding from their waistlines.

Q: How did you know at that time (that) it was a gun?

A: Because when we accosted them and we saw the gun (sic) that it's really (a) gun and it's not a toy gun.

Q: Now, after you saw the firearms what did you do next?

A: We arrested them, Sir, and confiscated the firearms and then as our standard operating procedure we conducted a body search on them.[38]

Q: Now, there were two persons at that time who (in) particular conducted the body search on these two persons?

A: I was the one who search(ed) Alfred Margaja and it was PO2 Sarona who frisked Gonzaga.

xxxxx

Q: So, what was the result of the body search you conducted on Alfred Margaja?

A: I recovered one half consumed marijuana and PO2 Sarona also recovered half consumed marijuana from Gonzaga.[39]

Q: Now what did you do next to that part(l)y consumed marijuana cigarette you recovered from the possession of Margaja?

A: We marked it, Sir.

Q: Right there at the place?

A: Yes, Sir.

Q: Now, what marking did you make on the marijuana you recovered from Margaja?

A: "AMM 05-28-10" which (is) the initial of the accused Alfred Margaja.

Q: Now, how about the half consumed marijuana recovered by PO2 Sarona from Gonzaga, what did you do to that marijuana?

A: PO2 Sarona marked the marijuana.

xxxx

Q: And what happened next after you said you took possession of those evidence?

A: We brought the evidence to our station together with the two arrested persons.[40]

Q: You also mentioned that PO2 Sarona also recovered a firearm and a half consumed marijuana from Gonzaga, what did PO2 Sarona do to these evidence he recovered?

A: He also marked them and took possession of them.

Q: Now, on your way to your station, who was in possession of the evidence you said you recovered from Margaja?

A: I was in custody of the items I recovered from Margaja.

Q: How about the items recovered from Gonzaga?

A: It was PO2 Sarona who was in custody of the evidence recovered from Gonzaga.

Q: Did you eventually arrive at your station?

A: Yes.

Q: As a matter of standard operating procedure what did you do with the evidence you recovered?

A: We prepared a laboratory request, Your Honor.

Q: If shown to you this laboratory request would you be able to identify it?

A: Yes.

Q: Take a look at this Letter Request dated 28-May 2010 what relation has this request to the request you said you prepared?

A: The same, Sir.[41]

xxxxx

Q: Now, you are required under RA 9165 to take photographs of the marijuana as well as to conduct an Inventory, in this case did you do that?

A: Yes, Sir.[42]

Q: Now, let's go first to the photographs, who took the photographs?

A: Me, Sir.

Q: At what point in time did you take the photographs on the evidence?

A: At the crime scene, Sir.

xxxxx

Q: Now, you mentioned that there was an Inventory conducted on the evidence confiscated, who made the Inventory?

A: I prepared the Inventory for evidence seized from Margaja.[43]

xxxxx

Q: Now let's go back to the letter request, what did you do next to the letter request?

A: We delivered it to the PNP Crime Lab together with the marijuana.

Q: When you said "we" who was your companion at the time?

A: PO3 Sarona.

Q: Now, when you went to the crime lab who was in possession of the marijuana and the letter request pertaining to Alfred Margaja?

A: I was the one, Sir.

Q: And did you eventually delivered (sic) the letter request and the marijuana to the crime lab?

A: Yes, Sir.

Q: Do you have proof that you're the one who submitted the marijuana and the letter request pertaining to Alfred Margaja to the crime lab?

A: Yes.

Q: What is your proof?

A: My signature and the rubber stamp marked received, Sir."[44]

We agree with the OSG, when it pointed out that Margaja failed to show that his possession of marijuana at the time of its confiscation was authorized by law. The unexplained possession is already punishable by law. There is a prima facie evidence of animus possidendi on Margaja's part when he was caught in possession of marijuana. The burden is shifted to Margaja to prove lack of knowledge. Here, Margaja did not adduce sufficient evidence to show that he was unaware that the marijuana was in his possession.[45]

In claiming that the identity of the drugs subject of the charges was not proven beyond reasonable doubt, Margaja states that there was no marking of the substances seized immediately after the search and there was no proof that the drugs presented in court were the same drugs seized from his house. Yet a close reading of the records shows the exact opposite.[46]

Even if there was no strict compliance to the provisions of Section 21 of R.A. No. 9165, it is settled that the failure to strictly follow the directives of this section is not fatal and will not necessarily render the items confiscated from an accused 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.[47]

In the instant case, the chain of custody was established. To recall, after the arrest of Margaja and Gonzales, 0.07 gram of marijuana was confiscated from each of them, PO2 Jimenez immediately marked the marijuana recovered from Margaja at the crime scene as “A-M-M-5-28-10” and likewise took photographs of the contraband and made an inventory. Upon their arrival at the police station, PO2 Jimenez prepared a letter request for the laboratory examination and personally delivered the letter request together with the marijuana at the PNP Crime Laboratory which was received by one PO1 Asoy. PO1 Asoy personally delivered the letter request and the specimen to forensic chemist Ryan Ace Mabilen Sala, who found that the specimen yielded positive that it was marijuana. These findings were reduced as Chemistry Report NO. D-444-2010, which existence and veracity were stipulated by the parties. Verily, the prosecution had adduced ample evidence to account for the crucial links in the chain of custody of the seized items.[48]

In contrast to the presentation of the prosecution, Margaja’s roughly drawn scene is that of a frame up, and that he was eventually charged with illegal possession of marijuana. For good measure, Margaja argues that the police operatives did not perform their duties regularly.[49]

The argument fails to persuade.

It is a settled 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. It must be emphasized that their testimonies in open court are considered in line with the presumption that law enforcement officers have performed their duties in a regular manner. In the absence of proof of motive to impute falsely a crime as serious as violation of the Comprehensive Dangerous Drugs Act, the presumption of regularity in the performance of official duty, as well as the findings of the trial court on the credibility of the prosecution witnesses, shall prevail over Margaja’s self-serving and uncorroborated denial. Moreover, the factual findings of the trial court, is conclusive and binding on this Court.[50]

It must be remembered that the defenses of denial and frame-up have been invariably viewed by this Court with disfavor for it can easily be concocted and is a common and standard defense ploy in prosecutions for violation of Dangerous Drugs Act. In this case, Margaja was not able to present any concrete or strong evidence that would support his allegation that he was the victim of a frame-up. In order to prosper, the defenses of denial and frame-up must be proved with strong and convincing evidence.[51]

Lastly, Margaja could not rely on the insufficiency of evidence against Gonzaga as the basis for his own acquittal.[52] Gonzaga was acquitted because the whereabouts of the marijuana confiscated from him was not accounted for by the police officers. As decreed by the RTC:

“However, the whereabouts of the marijuana cigarette alleged(ly) seized from accused Gonzaga after the arresting officers reached their Station had not been accounted for as none of the prosecution’s witnesses testified such whereabouts. More so that PO3 Sarona said he marked it “J-G-B-05-28-10” while the one presented to this Court as Exhibit “A-Gonzaga” is marked “G-B-5-28-10”. Hence, there is no sufficient evidence that “G-B-5-28-10” (Exhibit “A-Gonzaga”) was the very same marijuana cigarette which was seized from accused-Gonzaga.”[53]

In contrast to his case, the prosecution through PO2 Jimenez was able to identify the marijuana seized from Margaja as “A-M-M-5-28-10” to be the same contraband presented in court.

WHEREFORE, in view of the foregoing, the Decision dated September 21, 2011 of the Regional Trial Court, 7[th] Judicial Region, Branch 8, Cebu City, in Crim. Case No. CBU-89041 convicting accused-appellant Alfred

M. Margaja is hereby affirmed in toto.

SO ORDERED.

Ingles,[*] and Azcarraga-Jacob, JJ., concur.

[*] Acting Chairperson in lieu of J. Ramon Paul L. Hernando, per Office Order No. 19-14-GTI dated July 7, 2014.

[1] Records, pp. 103-111, penned by the Honorable Judge Macaundas M. Hadjirasul.

[2] Records, p. 1.

[3] Records, p. 104.

[4] Records, p. 110.

[5] Records, pp. 38-41.

[6] TSN, March 3, 2011, p. 4.

[7] TSN, April 26, 2011, p. 5.

[8] TSN, March 3, 2011, p. 5.

[9] TSN, March 3, 2011, p. 6.

[10] TSN, March 3, 2011, p. 7.

[11] TSN, April 26, 2011, p. 8.

[12] TSN, March 3, 2011, p. 10.

[13] Records, p. 11.

[14] TSN, March 3, 2011, p. 12.

[15] Records, p. 11.

[16] Records, p. 9.

[17] Records, pp. 71-72.

“A - Margaja”- 1 partly consumed marijuana cigarette with marking A-M-M-5-28-10;

“A - Gonzaga”- 1 partly consumed marijuana cigarette with marking G-G-B-5-28-10;

“B” - Letter request for laboratory examination;

“C” - Chemistry Report no. D-444-2010 and D-445-2010;

“D” - Police Blotter;

“E” - Joint affidavit;

“H” - Acknowledgment Receipt issued by the RTC Branch 8 for the specimen evidence.

[18] Records, p. 108.

[19] TSN, July 21, 2011, pp. 3-5.

[20] TSN, September 6, 2011, pp.3-5.

[21] Records, pp. 110-111.

[22] Rollo, p. 18.

[23] People v. Diwa, G.R. No. 194253, February 27, 2013.

[24] Rollo, p. 22.

[25] Rollo, p. 23.

[26] People v. Mariacos, G.R. No. 188611, June 16, 2010.

[27] People v. Mariacos, G.R. No. 188611, June 16, 2010.

[28] 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.

[29] People v. dela Cruz, G.R. No. 182348, November 20, 2008.

[30] People v. dela Cruz, G.R. No. 182348, November 20, 2008.

[31] Rollo, p. 59.

[32] AN ACT AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR RELEVANT PURPOSES."

[33] Rollo, p. 59.

[34] Sec. 13. Search incident to lawful arrest. – A person lawfully arrested may be searched for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense without a search warrant.

[35] Rollo, p. 59.

[36] Marquez v. People, G.R. No. 197207, March 13, 2013.

[37] TSN, March 3, 2011, p. 4.

[38] TSN, March 3, 2011, p. 5.

[39] TSN, March 3, 2011, p. 6.

- [40] TSN, March 3, 2011, p. 7.
- [41] TSN, March 3, 2011, p. 8.
- [42] TSN, March 3, 2011, p. 9.
- [43] TSN, March 3, 2011, p. 10.
- [44] TSN, March 3, 2011, p. 12.
- [45] Rollo, p. 55.
- [46] David v. People, G.R. No. 181861, October 17, 2011.
- [47] Marquez v. People, G.R. No. 197207, March 13, 2013.
- [48] Ambre v. People, G.R. No. 191532, August 15, 2012.
- [49] People v. Diwa, G.R. No. 194253, February 27, 2013.
- [50] David v. People, G.R. No. 181861, October 17, 2011.
- [51] David v. People, G.R. No. 181861, October 17, 2011.
- [52] Rollo, p. 56.
- [53] Records, p. 110.

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