

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MAXIMO V. TANUDTANUD, ACCUSED-APPELLANT.

Ponente: INGLES, G. T., J.

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INGLES, G. T., J.:

The Case

This is an appeal filed by accused-appellant, of the Judgment[1] dated July 17, 2012 of the Regional Trial Court, Seventh Judicial Region, Branch 57, Cebu City in Crim Case No. CBU-89713 which found accused-appellant guilty beyond reasonable doubt of Violation of Sec. 11, Article II of RA No. 9165, otherwise known as the Dangerous Drugs Act of 2002.

The Facts

Version of the Prosecution

On August 2, 2010, SPO1 Deogenes Carillo received a tip from a confidential informant that illegal drug activities were rampant at Sitio Lacaron, Barangay Pitalo, San Fernando, Cebu. At around 10:20 in the evening of the same day, SPO1 Carillo and the confidential informant proceeded to the area to conduct a surveillance.

The confidential informant informed SPO1 Carillo that he saw accused-appellant playing tong-its with a gun tucked at his waist. SPO1 Carillo approached accused-appellant and saw him carrying a .357 caliber firearm. SPO1 Carillo then arrested accused-appellant. However, he resisted arrest by poking his gun on SPO1 Carillo. A scuffle subsequently ensued. With the help of bystanders, accused-appellant was subdued. Accused-appellant's firearm and five (5) live ammunitions were confiscated. Then accused-appellant was brought to the police station where PO3 Marjukin Misuari was assigned as desk officer at that time.

Upon arrival at the police station, accused-appellant was subjected to a mandatory body search. Two plastic sachets containing white crystalline substance were recovered from accused-appellant's right pocket. SPO1 Carillo marked the seized plastic sachets with accused-appellant's initials "MVT-1" and "MVT-2". Thereafter, SPO1 Carillo delivered the letter request for examination together with the seized plastic sachets to the PNP crime laboratory for chemical analysis. As per Chemistry Report[2] No. D-706-2010, P/Insp Atienza found the specimen positive for shabu.

The Charge

In the Information[3] dated August 5, 2010 filed against him, accused-appellant was charged with the crime of Violation of Section 11, Article II of RA No. 9165 as follows:

"That on the 2[nd] day of August 201 at about 10:20 o'clock in the evening, at Barangay Poblacion South, San Fernando, Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control two (2) heat sealed transparent plastic pack of white crystalline substance weighing 0.02 gram each, which when subjected for laboratory examination gave positive result for the presence of

methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.”

Accused-appellant was arraigned and pleaded “not guilty” to the crime charged.

Trial ensued. The prosecution presented the following as witnesses: P/Insp. Mary Sheila Atienza, SPO1 Deogenes Carillo and PO3 Marjukin Misuari. On the other hand, the defense presented accused-appellant as its lone witness.

Version of Accused-appellant

Accused-appellant narrated that on August 2, 2010, he was in Lacaron, San Fernando, Cebu and was playing cards at around 7:00 PM. Around 9:00 PM, five unknown persons arrived and two of them suddenly pointed their firearms at accused-appellant. One of them was brought to the roadside where a vehicle was also parked. Accused-appellant attempted to struggle but was handcuffed and brought to the police station. He claimed that he was asked about a certain Marlon Sabayton whom he does not know but was said to be engaged in selling illegal drugs. Accused-appellant denied being frisked. Nothing was recovered from his person and he denied being in possession of the two plastic packs containing shabu.

The RTC Ruling:

Thereafter, on July 17, 2012, the RTC, Seventh Judicial Region, Branch 57 rendered Judgment against accused-appellant, the pertinent portion of which reads:

“In its totality, the degree of proof to secure a conviction has been attained.

'The law requires only moral certainty or that degree of proof which produces conviction in an unprejudiced mind.' (People vs Bacalzo, 195 SCRA 557)

WHEREFORE, in view of the foregoing, accused Maximo Tanudtanod is hereby convicted beyond reasonable doubt of Violation of Section 11, Article II of RA 9165 and is sentenced to suffer the penalty of twelve (12) years and one (1) day to fifteen (15) years and to pay a fine of P 300,000.00.

Accused is credited for the period during his preventive imprisonment.

The two packets of shabu are forfeited in favor of the government.

SO ORDERED.”

Aggrieved, accused-appellant now comes to this Court seeking a reversal of his conviction and assigning the following as errors, viz:

I.“THAT THE COURT A QUO ERRED IN GIVING OVER-RELIANCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES DESPITE THEIR GLARING INCONSISTENCIES AND CONTRADICTIONS;

II.THAT THE COURT A QUO ERRED IN CONVICTING MAXIMO V. TANUDTANUD FOR VIOLATION OF SECTION 11 OF REPUBLIC ACT 9165 DESPITE FAILURE OF THE PROSECUTION TO PROVE THE IDENTITY OF THE CORPUS DELICTI;

IIITHAT THE COURT A QUO ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE FAILURE OF THE PROSECUTION TO ADDUCE EVIDENCE SUFFICIENTLY SHOWING GUILT BEYOND REASONABLE DOUBT .”

THIS COURT'S RULING:**I.**

Inconsistencies in the testimonies of the prosecution witnesses

It is the submission of accused-appellant that the court a quo erred in giving utmost credence to the testimonies of the prosecution witnesses because of their apparent contradictions and inconsistencies. According to accused-appellant, SPO1 Deogenes Carillo testified that Maximo Tanudtanud was arrested in possession of firearms and five (5) live ammunitions. However, accused-appellant points out that there was no ammunition reflected in the police blotter and identified by PO3 Marjukin Misuari. In his attempt to cover up such discrepancy, the prosecution witness suddenly overturned his earlier testimony and averred that four (4) live ammunitions were brought to him. The conflict in testimonies was left unexplained, thereby casting serious doubt on the veracity of the charge against accused-appellant. Since the inconsistency refers to the apprehension for possession of firearms and live ammunition and the recovery of prohibited drug, accused-appellant asserts that such circumstance is material and vital. He maintains that there were material and unexplained inconsistencies between the testimony of the two principal prosecution witnesses relating not to inconsequential details but to the alleged transaction itself warranting his acquittal.

Accused-appellant's argument is misplaced.

The record reveals that the testimonies of the prosecution witnesses are positive, credible and categorical. Time and time again, the Court has ruled that the witnesses' testimonies need only to corroborate one another on material details surrounding the actual commission of the crime. To emphasize, as long as the testimonies of the witnesses corroborate each other on material points, the minor inconsistencies therein cannot destroy their credibility[4]. The alleged inconsistencies and/or flaws pointed out by accused-appellant in the instant case are insufficient to overturn the judgment of conviction against him since those testimonies are consistent on material points. It bears to stress that in order to secure a reversal of the appealed judgment, such inconsistencies should pertain to that crucial moment when accused-appellant was caught in possession of shabu and not merely peripheral matters.

The inconsistencies referred to by accused-appellant are inconsequential. He capitalized on the discrepancy as to the number of ammunitions allegedly found on his person. However, such inconsistency does not pertain to the elements of the crime charged against accused-appellant. It should be emphasized that what is important is that the prosecution was able to establish the key elements needed for a conviction.

Verily, accused-appellant was convicted by the court a quo on the basis of the evidence established by the prosecution. During the trial, SPO1 Deogenes Carillo who arrested accused-appellant testified in a straightforward manner regarding accused-appellant's possession of shabu. He identified accused-appellant as the one who was found in possession of sachets of shabu from his right front pocket when he was frisked at the police station. The testimonies on record show that the prosecution witnesses were able to testify positively and categorically that accused-appellant was in possession of the dangerous drugs. Likewise, the prosecution was able to account that the evidence recovered from accused-appellant with the pertinent markings were the same evidence presented in court.

II.

Identity of the corpus delicti

Accused-appellant insists that the prosecution failed to prove the elements of the offense charged against him. He emphasizes the utmost importance in preserving the identity and integrity of the corpus delicti.

Accused-appellant's contention is untenable.

The records have shown that the prosecution has established the presence of all the elements of the crime of illegal possession of shabu. To successfully prosecute a case of illegal possession of dangerous drugs, the following elements must be established: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.[5]

First, while accused-appellant was subjected to a body search at the police station immediately after his arrest, accused-appellant was caught in possession of two sachets of shabu, a dangerous drug. Second, accused-appellant failed to show that he was authorized by law to possess said sachets of shabu. Third, accused-appellant freely and consciously possessed the sachets of shabu. He failed to prove that he has no knowledge of such shabu confiscated from him. Accused-appellant's bare denial does not suffice to prove his lack of knowledge or possession or animus possidendi of the seized drugs.

The pertinent testimony of SPO1 Carillo sufficiently depicts the circumstances surrounding the arrest of accused-appellant being caught in flagrante delicto in possession of shabu, as follows:

“Q: You said you were conducting a surveillance. Why were you conducting a surveillance?

A: Because sitio Lacaron is a place which is rampant of illegal drugs and my assignment is in San Fernando and I was the chief of intelligence.

Q: And while you were conducting surveillance, was there an unusual incident at that time?

A: There were many reports that sitio Lacaron and Barangay Pitalo were rampant of illegal drugs and I conducted surveillance.

Q: What happened next when you were conducting the surveillance?

A: My confidential agent tipped to me that there was Imuk Tanudtanud sitting playing tong-its at Sitio Lacaron, Brgy. Pitalo, San Fernando. My companion tipped to me that there was firearm on his waist.

Q: After knowing that information coming from your confidential agent, what did you do?

A: I immediately went to the area and then I confronted a certain Imuk Tanudtanud and I saw in his waist a firearm and I got the firearm and introduced myself as police officer.

Q: So when you confronted this Imuk Tanudtanud, do you mean to say that you are already familiar with this person prior to this incident?

A: Yes sir, because of many reports that Imuk Tanudtanud is engaged in robbery and illegal activities in San Fernando town, in Brgy. Balungag and Magsiko.

Q: In short, this Maximo V. Tanudtanud in which you referred as Imuk Tanudtanud is already notorious in that place?

A: Yes sir.

Q: Now after confronting this Imuk Tanudtanud, you said you hold the firearm in his waist, is that correct?

A: Yes sir.

Q: What was his reaction?

A: He wanted to resist arrest.

Q: What did you do?

A: The bystanders of sitio Lacaron helped me arrest Imuk Tanudtanud and I got the the firearm .357 and five

live ammunitions and I informed his constitutional rights.

Q: So you mean to say that prior to the fact that you had recovered this firearm and five live ammunitions there was a scuffle between you and this Imuk Tanudtanud?

A: Yes sir.

Q: And you want to impress upon this Honorable Court that the bystanders of the place helped you in suppressing the resistance of this Imuk Tanudtanud?

A: Yes sir.

Q: And when you recovered this firearm and five live ammunitions from Imuk Tanudtanud's possession, you said that you told him of his constitutional rights, is that correct?

A: Yes sir.

Q: After you have suppressed his resistance, what did you do next?

A: I brought him to the police station.

Q: When you brought him to the police, did you handcuff him?

A: Yes sir.

Q: From the place in sitio Lacaron, Brgy. Pitato, San Fernando Cebu, to the police station, how far was it?

A: More or less, two kilometers.

Q: And what mode of transportation did you take?

A: I have a private car.

Q: So you handcuffed this Maximo Tanudtanud and put him inside your private car and brought to the police station?

A: Yes sir.

Pros. Presas, Jr.

Who were with you in going to the police station aside from Maximo Tanudtanud?

A: My confidential agent.

Q: And what about the firearm and five live ammunitions, who was in possession of it from the place of the incident in going to the police station?

A: In my possession.

Q: Did you in fact arrive at the police station?

A: Yes sir.

Q: What happened at the police station?

A: In the police station, I introduced to the desk officer and we conducted body search. That is mandatory that we will first conduct body search on the suspect and then booked.

Court: (to witness)

Q: Excuse me. Could you give us reason why upon receiving that tip from the confidential agent, you did not ask the assistance of your co-police officers in going to the place?

A: I have no time, Your Honor to ask for assistance, because I then proceeded immediately to said place because I believe that this Maxino Tanudtanud would leave the place before I will arrive.

Court: (con't to witness)

Q: So in what particular place where you received that tip or information?

A: In Sitio Lacaraon near the chapel, Your Honor.

Q: SO why were you there?

A: I conducted surveillance, Your Honor.

Court: Proceed

Pros. Presas, Jr.

So you conducted surveillance on anything illegal?

A: Yes sir.

Q: Now Mr. witness, you said that the frisking of this accused was done inside the police station?

A: Yes sir.

Q: Were you not able to frisk him at the scene of the incident?

A: I frisked him by simply touching the outer garments in his waistline because I had already confiscated the firearm and five live ammunitions but I was not able to conduct thorough search on him.

Q: Perhaps also you were not able to conduct because he resisted and you had scuffled?

A: Yes sir and I had fear at that time.

Q: Now Mr. witness, you said that this accused is a notorious already at the place. Do you recall of any case that was filed against this accused prior to this incident?

A: Yes sir.

Q: Are you familiar with any case?

A: Yes sir. I conduct research and there is file copy of the case against Maximo Tanudtanud in 2005. He has also a case for Violation of Sec. 11 Art. 2 RA 9165 filed by the Fernando Police Station and I was not yet assigned at that time. They showed to me the records.

Pors. Presas Jr.

We just ask for the photocopy of the information, your honor. We just reserve your Honor as one of our exhibits.

Court: to Pros. Presas, Jr.

What is that document reserved?

Pros Presas, Jr.:

Information Your Honor. There is no branch, your Honor but it was filed on January 24, 2005, received by the OCC RTC Criminal Division of this Court, Your Honor, People of the Phils. Vs Maximo Tanudtanud accused for Criminal Case No. CBU-72405 for Violation of Sec. 11 Art 2 RA 9165 as Exhibit D reserved.

Pros Presas Jr.:

Mr. witness, who thoroughly frisked the accused at the police station?

A: Me sir.

Q: And what was the result of your frisking the accused at the police station?

A: When I conducted my body search, I recovered two pieces of sachet believed to be shabu in the right pocket of his pants in front of the desk officer.

Q: And who was the desk officer?

A: PO3 Marjukin Misuari.”[6]

It is apparent that accused-appellant's defense is mere denial which should fail in light of the positive identification and declarations made by the prosecution witnesses. Well-settled is the rule that greater weight is given to the positive testimony of the prosecution witnesses rather than the denials of the accused.[7] Mere denial just like alibi is a self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters. To merit credibility, denial must be

buttressed by strong evidence of non-culpability. It is well-settled that positive identification, where categorical, consistent and not attended by any showing of ill motive on the part of the eyewitnesses testifying on the matter, prevails over denial which, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law.[8]

Another presumption accused-appellant failed to overcome relates to the the police officers who performed their duties in a regular manner. In the absence of proof of motive to falsely impute a crime as serious as drug possession against accused-appellant, the presumption of regularity in the performance of official duty, as well as the findings of the trial court on the credibility of witnesses, shall prevail over accused-appellant's self-serving and uncorroborated denial.[9] The presumption holds true for the police officers in this case, as accused-appellant could not provide a credible and believable account on why he was being falsely accused. An allegation of frame-up and extortion by the police officers is a common and standard defense in most dangerous drugs cases. It is, however, viewed by this Court with disfavor, for such defenses can be easily concocted and fabricated. To prove such defenses, the evidence must be clear and convincing. In the instant case, there is nothing in the records to signify that the police officers were ill-motivated to fabricate a case against accused-appellant. Accused-appellant failed to adduce sufficient proof that the prosecution witnesses had any malicious or ulterior motive when they testified, or that the evidence submitted by the prosecution had been tampered with.

III.

Non-compliance with chain of custody rule

In relation to the preservation of the identity of corpus delicti of offense, accused-appellant asserts that there was no strict compliance with the chain of custody rule which could have removed doubts as to the identity of the evidence – that the drugs seized from accused-appellant are the same drugs presented in court. According to accused-appellant, the testimonies of the police officers who handled the dangerous drugs described the manner of handling the items seized in utter disregard of the statutory requirements. Accused-appellant insists that the prosecution did not adequately show the preservation of their evidentiary value when it left the chain of custody untraceable. Specifically, accused-appellant points out that it dispensed with the testimony of the police officer who received the seized drugs from the crime laboratory. In short, accused-appellant submits that the manner of delivery, receipt, handling and disposal of the drugs was not described in detail by the police officers. This deficiency was not explained by the prosecution. In addition, accused-appellant claims that there was improper marking, inventory and failure to photograph the seized drugs. Lack of resources is not an excuse for the imperative requirement of the pertinent statute. Because of these substantial gaps in the chain of custody, accused-appellant posits that he is entitled to acquittal.

We are not persuaded.

As a general rule, non-compliance with Sec. 21 of RA No. 9165 will not render an accused's arrest illegal or the items seized or confiscated from the accused inadmissible. What is material is the preservation of the integrity and the evidentiary value of the seized items, as they would be utilized in the determination of the guilt or innocence of the accused.[10]. Here, We are convinced that the integrity and evidentiary value of the seized drugs were preserved.

Sec. 21 of RA 9165 mandates the procedure to be followed, thus:

“Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. - The PDEA shall take charge and have custody of all dangerous drugs, plant sources

of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination.”

We agree with the trial court's conclusion that the prosecution was able to prove an unbroken chain of custody. On this score, We adopt the findings of the court a quo, viz:

“As to the identity of the packs of shabu, the chain of custody had all the time (sic) with officer Carillo, who confiscated the packs of shabu, marked the same and finally delivered them to the PNP Crime Laboratory. The illegal drugs were received by PO3 Rosaldo, who turned them over to P/Insp Mary Shiela Garcia Atienza, who acknowledged the same for examination, all evidenced by their signatures, appearing on the letter request. P/Insp. Atienza made also her own markings on the shabu, which appears on the subject shabu. After examination, P/Insp Atienza turned over the letter-request, two packets of shabu and the chemistry report to officer Bucayan, the Evidence Custodian and retrieved them from the latter for presentation in court. Hence, there is no iota of doubt of the identity of shabu.”

During trial, SPO1 Carillo likewise identified the same specimen as the shabu he seized from accused-appellant which was later marked.

From the foregoing findings adopted by this Court, we are of the conclusion that the requirements of the law have been sufficiently adhered to in the instant case. What is more, the integrity of the evidence is presumed to be preserved unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with. Accused-appellant has the burden to show that the evidence was tampered or meddled with to overcome a presumption of regularity in the handling of exhibits by public officers. [11] This, accused-appellant omitted to do.

To further bolster his acquittal, accused-appellant continues to harp on the fact that the requirements of the pertinent Section were not strictly complied with. He emphasizes that the police officers failed to comply with the manner of conducting the inventory of the seized drugs. However, the invalidity of a confiscation receipt or inventory of the items confiscated from accused-appellant does not automatically warrant his acquittal. In fact, in *Teodosio vs. Court of Appeals and People of the Philippines*[12], the Supreme Court even made light of the argument that the prosecution's case was weakened by the fact that the police officers did not issue a receipt for the confiscated drugs and declared that issuing such a receipt is not essential to establishing a criminal case for selling drugs as it is not an element of the crime. Also, police stations and barangays are usually not equipped with cameras. The failure on the part of the police officers to take photographs or even make an inventory of the drugs seized from accused-appellant was considered not deemed fatal because the prosecution was able to preserve the integrity and evidentiary value of the said illegal drugs.[13] There is nothing in Republic Act No. 9165 or in its implementing rules, which requires each and everyone who came into contact with the seized drugs to testify in court. As long as the chain of custody of the seized drug was clearly established to have not been

broken and the prosecution did not fail to identify properly the drugs seized, it is not indispensable that each and every person who came into possession of the drugs should take the witness stand. In *People vs Amansec*, [14], the Supreme Court held that the non-presentation as witnesses of other persons such as the evidence custodian or the officer on duty, is not a crucial point against the prosecution. The matter of presentation of witnesses by the prosecution is not for the court to decide. The prosecution, after all, has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses.

All told, there was substantial compliance with the required procedure on the custody and control of the confiscated items, which show that the integrity of the seized evidence was not compromised. The chain of custody of the subject drugs was not severed as revealed by the factual circumstances of this case.

Besides, it is well to remember that the Supreme Court clarified that Section 21 need not be followed with pedantic rigor and that what is essential is the preservation of the integrity and evidentiary value of the seized items since it would be utilized in the determination of the accused-appellant's guilt or innocence." [15] Moreover, jurisprudence is replete with rulings that non-compliance with Section 21 will not necessarily render an accused-appellant's arrest as illegal or the items seized from him as inadmissible.[16]

Verily, in *People v. Del Monte*[17], the Supreme Court emphasized that: "We do not find any provision or statement in said law or in any rule that will bring about the non-admissibility of the confiscated and/or seized drugs due to non-compliance with Section 21 of Republic Act No. 9165. The issue therefore, if there is non-compliance with said section, is not of admissibility, but of weight - evidentiary merit or probative value - to be given the evidence. The weight to be given by the courts on said evidence depends on the circumstances obtaining in each case." Again, the High Court elucidated in *People v. Pringas*,[18] that 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. Here, the integrity and the evidentiary value of the seized drugs involved were safeguarded. The seized plastic sachets of shabu were marked for proper identification. Thereafter, it was forwarded to the Crime Laboratory for examination.

Penalties

We sustain the penalty imposed by the trial court for violation of Section 11, Article II of Republic Act No. 9165, since the penalty of imprisonment of 12 years and 1 day to 20 years and a fine ranging from P300,000.00 to P400,000.00 are to be imposed, if the quantities of dangerous drugs are less than five (5) grams of shabu. Following the provisions of Republic Act No. 4103, otherwise known as the "Indeterminate Sentence Law", the indeterminate penalty of imprisonment of twelve (12) years and one (1) day as minimum to fifteen (15) years and a fine of P300,000.00.

WHEREFORE, the appeal is DENIED. The Judgment dated July 17, 2012 of the Regional Trial Court, Seventh Judicial Region, Branch 57, Cebu City in Crim Case No. CBU-89713 is AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Francisco, R.C., and Lopez, J.Y., JJ., concur.

[1] Rollo, p. 34

[2] Records, p. 6

[3] Records, p. 1

- [4] People v. Emilio Rabutin, G.R. Nos. 118131-32, May 5, 1997
- [5] People vs Alcuizar, GR No. 189980, April 6, 2011
- [6] TSN, April 29, 2011, pp. 6-13
- [7] People vs. Chua, GR No. 133789, August 23, 2001
- [8] People vs Ranin, 555 SCRA 297
- [9] People v. Llamado, G.R. No. 185278, March 13, 2009.
- [10] People v. Teodoro, G.R. No. 185164, June 22, 2009
- [11] People v. Macatingag, G.R. No. 181037, January 19, 2009.
- [12] G.R. No. 124346, June 8, 2004,
- [13] People vs Llamado, GR No. 185278, March 13, 2009
- [14] GR No. 186131 December 14, 2011
- [15] People vs Guiara, GR No. 186497, September 17, 2009
- [16] People vs Teodoro, GR No. 185164, June 22, 2009
- [17] G.R. No. 179940, April 23, 2008
- [18] GR No. 175928, August 31, 2007

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