

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DAVE CLAUDEL Y LUCAS ACCUSED-APPELLANT.

Ponente: SALANDANAN-MANAHAN, J.

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SALANDANAN-MANAHAN, J.:

Under consideration in this appeal is the Judgment[1] dated 31 October 2012 of the Regional Trial Court of Muntinlupa City Branch 204 in Criminal Case No. 09-149 finding accused-appellant Dave Claudel y Lucas guilty beyond reasonable doubt for Violation of Section 5, Article II of RA No. 9165 otherwise known as "Comprehensive Dangerous Drugs Act of 2002". The dispositive portion of which reads:

"WHEREFORE, premises considered and finding the accused GUILTY beyond reasonable doubt of the crime herein charged, DAVE CLAUDEL y LUCAS is sentenced to LIFE IMPRISONMENT and to pay a FINE of P500,000.00.

The preventive imprisonment undergone by the accused shall be credited in his favor.

The drug evidence is ordered transmitted to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

Issue a MITTIMUS committing accused DAVE CLAUDEL y LUCAS to the New Bilibid Prison (NBP) for the service of his sentence pending any appeal that he may file in this case.

SO ORDERED."

In an Information[2] dated 3 March 2009 accused-appellant Dave Claudel y Lucas was indicted for Violation of Section 5, Article II of RA 9165 allegedly committed as follows:

"That on or about the 26[th] day of February, 2009, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully, unlawfully and feloniously sell, deliver and give away to another a Methamphetamine hydrochloride, a dangerous drug, contained in one (1) heat-sealed transparent plastic sachet weighing 0.04 gram, in violation of the above-cite law.

Contrary law."

Upon arraignment, accused-appellant with assistance of counsel de officio, pleaded not guilty to the offense as charged.[3]

During pre-trial, the presentation of prosecution witness, Forensic Chemist PS/Insp. Abraham Verde Tecson was dispensed with after the parties stipulated on the following:

(1) That PS/Insp. Abraham Verde Tecson is a Forensic Chemist connected with the PNP Crime Laboratory, Makati City as of February 27, 2009 and that he is an expert in Forensic Chemistry;

(2) That pursuant to the Request For Laboratory Examination, he conducted the laboratory examination on the specimen which consist of: One (1) heat sealed transparent plastic sachet with markings "DC" containing 0.04

gram of white crystalline substance;

(3) That qualitative examination was conducted on the submitted specimen which yielded a positive result to the test of Methylamphetamine [sic] Hydrochloride or dangerous drug;

(4) The existence and due execution for the Request for Laboratory Examination and of the Physical Science Report No. D-122-09S[4]

After pre-trial, trial on the merits forthwith ensued.

Evidence for the Prosecution

The prosecution presented its witnesses, PO1 Rondivar Hernaez ("PO1 Hernaez") and PO2 Bob Yangson (PO2 Yangson), a member of the buy-bust team. Their combined testimonies established the following facts:

On 26 February 2009, a buy-bust operation was conducted by the operatives of Station Anti-Illegal Drugs-Special Operation Task Group (SAID-SOTG) Muntinlupa Police following a report that a certain Dave Claudel ("Dave") is engaged in illegal drug activities. Prior to the buy-bust operation, Dave was also previously arrested for Violation of RA 9165 involving illegal drugs.[5]

In preparation for the buy-bust-operation, the buy-bust team prepared the Pre-Operational Sheet[6] and Coordination Sheet[7] which they faxed to the Philippine Drug Enforcement Agency (PDEA). In turn, the buy-bust team received a Certificate of Coordination[8] from PDEA. [9]

Team Leader, Chief Inspector Paningbatan assigned PO1 Hernaez as the poseur buyer while PO1 Yangson was designated as the immediate back up.[10] C/Insp. Paningbatan handed PO1 Hernaez a Five Hundred Peso Bill buy-bust money on which the latter wrote his initials "RH" on the lower right portion of the bill.[11] It was agreed upon that PO1 Hernaez will light a cigarette as a pre-arranged signal that the sale of illegal drugs was consummated.[12]

PO1 Hernaez admitted that he was already familiar with Dave as he used to see him in court hearings.[13] However, he was not aware whether Dave could also remember him. At any rate, to prevent being recognized, PO1 Hernaez wore a disguise by changing his clothes. He wore a gray polo shirt, maong pants, leather shoes and a cap to cover his face.[14] He also needed an asset to accompany him as Dave would not sell drugs to anyone except those known to him.[15]

At around 9:30 o'clock in the evening, the team proceeded to the target place in Tuazon Street, Barangay Poblacion.[16] As planned, PO1 Hernaez together with the asset walked towards Tuazon Street corner Rizal Street[17] where it was dark and there was no light.[18] The asset pointed alias Dave as the person selling illegal drugs.[19] Upon seeing each other, the asset nodded to Dave. The asset then introduced PO1 Hernaez to Dave as his kumpare from Parañaque who is interested in buying shabu as there was scarcity of shabu in Parañaque. Dave asked them how much would they buy from him to which PO1 Hernaez replied "Php500.00, pare".[20] Dave reached into the secret pocket of his maong pants and told PO1 Hernaez, "Tamang-tama pare huling kasa ko na lang 'to pauwi na rin ako". PO1 Hernaez handed Dave the buy-bust money while Dave handed him a transparent plastic sachet containing white crystalline substance. After examining the plastic sachet, PO1 Hernaez lit his cigarette.[21] PO2 Yangson, the assigned back-up of PO1 Hernaez immediately rushed to the scene and assisted in arresting Dave.[22]

After informing Dave of his rights, PO1 Hernaez and the rest of the buy-bust team brought Dave to their office where they recovered from him the buy-bust money. The plastic sachet remained in PO1 Hernaez's custody until they reached their office.[23] Upon arriving thereat, PO1 Hernaez placed the marking "DC" on the seized plastic

sachet.[24] They conducted an Inventory of the seized item in the presence of Dave and Rodolfo Baldobino, a DAPCO representative.

PO1 Hernaez explained that they contacted a representative from the media and the barangay but they received a negative reply as it was already around 10:00 or 11:00 o'clock in the evening.[25] Photographs of Dave, the buy-bust money, and the confiscated item were also taken.[26] They also prepared a Request for Laboratory Examination which PO1 Hernaez and PO2 Yangson submitted to the Crime Laboratory.[27] PO1 Hernaez also took custody of the seized item and submitted the same to the Custodian in the Crime Laboratory.[28]

Afterwards, PO1 Hernaez came to know that the result of the Laboratory Examination yielded positive for methamphetamine hydrochloride.[29] Thereafter, they executed a Joint Affidavit[30], a Booking Sheet[31] and Spot Report[32] of the incident.[33]

The prosecution formally offered Exhibits "A" to "M" and its sub-markings, which were admitted per Order dated 16 February 2011.[34]

Evidence for the Defense

The defense presented as its witnesses, the accused himself, Dave Claudel, Ligaya Santos and Emmerlyn Arellano. Their combined testimonies narrate the following facts:

On 26 February 2009 at about 6:00 o'clock in the evening in P. Tuazon Street, Poblacion, Muntinlupa City, Dave Claudel was fetching water near the store of his sister, Ligaya Santos ("Ligaya").[35] Ligaya was manning her store with her employee, Emmerlyn Arellano, when more or less six (6) armed men with guns and handcuffs arrived.[36] Dave eventually came to know that the two (2) of these men were police officers Yangson and Hernaez. Dave was surprised when instructed by the police officers to follow them. He was ordered to raise his hands and then he was handcuffed.[37] The police officers were looking for a can as they bodily searched him. Unaware as to what they were talking about, Dave failed to give an answer. Consequently, one of the men hit him on his face. Dave insisted that nothing was recovered from him. Her sister, on the other hand, was crying and trembling with fear as the police officers threatened them saying, "nagbebenta kayo ng drugs kaya ikukulong namin kayo". Dave and Ligaya were taken aboard the police vehicle and were brought to Muntinlupa police station.[38]

Upon arrival at the police station, one of the arresting officers spoke to Ligaya. The police officer informed her that she is suspected of being involved in her brother's illegal drug activities. Ligaya denied the said allegation and insisted that her brother is not selling drugs. Thereafter, the police officers turned their attention to Dave sitting next to her. The police officers questioned Dave about his illegal drug activities and forced him to admit as to the location of some cash. Dave denied having knowledge of what they were talking about.

Afterwards, another police officer talked to Ligaya and told her that she could go home but before she could leave the precinct she must give One Hundred Thousand Pesos (Php100,000.00) for Dave's release. Ligaya responded that they did not have that amount of money to which the police officer answered "tutuluyan nila si Dave". The police officer then showed her a sachet which they will use as evidence against Dave. Thereafter, she was released from the precinct while Dave remained incarcerated.[39]

After Ligaya left, PO1 Hernaez spoke to Dave and showed him one (1) plastic sachet and one (1) Five Hundred Peso bill that will be used as evidence against him. Dave questioned the evidence as the same was not his and was not recovered from him. However, PO1 Hernaez remained silent. Instead, he was put in jail. Dave only became aware of the charge against him when he was taken and presented before the Fiscal.[40]

There was no formal offer of exhibits from the defense.[41]

After hearing both sides, the trial court rendered the assailed Judgment[42] finding the accused guilty beyond reasonable doubt for the crime as charged and sentenced him accordingly.

In seeking reversal of his conviction, accused-appellant interposed this present appeal anchored on this lone assignment of error[43], to wit:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY DESPITE THE FACT THAT HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

After a painstaking review and examination of the evidentiary records, the Court finds no compelling reason to reverse the findings of the trial court.

Jurisprudence has identified the elements that must be established for the successful prosecution of illegal sale of dangerous drugs under Section 5, Article II of RA 9165, to wit: (1) the identity of the buyer and the seller, the object, and consideration; and (2) the delivery of the thing sold and the payment for the same. What is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti. The delivery of the contraband to the poseur-buyer and the receipt of the marked money consummate the buy-bust transaction between the entrapping officers and the accused. In other words, the commission of the offense of illegal sale of dangerous drugs, like shabu, merely requires the consummation of the selling transaction, which happens the moment the exchange of money and drugs between the buyer and the seller takes place.[44]

In the case at bar, the foregoing elements has been amply proven by the prosecution to affirm the conviction of accused-appellant. The detailed testimony of PO1 Hernaez established that there was a consummated sale of shabu by Dave to PO1 Hernaez during the buy bust-operation. The testimony of PO1 Hernaez reveal that the buy-bust operation was planned and conducted following a report from an asset that Dave is engaged in the sale of illegal drugs.[45] This asset accompanied PO1 Hernaez to Dave at Tuazon Street, Barangay Poblacion. The asset introduced PO1 Hernaez to Dave as his kumpare from Parañaque who is interested in buying shabu. Dave asked them the amount of shabu they wish to buy to which PO1 Hernaez replied, "Php500.00 pare". Dave reached the secret pocket of his maong pants. PO1 Hernaez then gave Dave the buy-bust money while Dave handed to him one (1) transparent plastic sachet containing white crystalline substance. After examining the plastic sachet, PO1 Hernaez lit his cigarette as a pre-arranged signal that sale was consummated.[46] Thereafter, PO2 Bob Yangson and other members of the buy-bust operation came forward and assisted in arresting Dave.[47] PO1 Hernaez recovered the buy-bust money from Dave. Forensic testing would subsequently confirm that the contents of the sachet handed to PO1 Hernaez was indeed methamphetamine hydrochloride or shabu.[48]

In an attempt, however, to taint the credibility of the police officers, the defense avers that prior to the buy-bust operation, the arresting officers and accused-appellant were already familiar with each other as they have seen each other several times in court when accused-appellant was previously apprehended and imprisoned for violation of RA 9165. Given the familiarity between them, the defense submits that is highly unlikely for accused-appellant not to recognize the arresting officers and to sell illegal drugs to PO1 Hernaez.[49]

The Court is not swayed. A perusal of the records show that accused-appellant was not familiar with PO1 Hernaez as he only became familiar with PO1 Hernaez' face after his second arrest. There was also no categorical statement from accused-appellant that he could not have sold illegal drugs to PO1 Hernaez because of their familiarity. Pertinent portion of his testimony[50] is quoted as follows:

"Q: How about HERNAEZ, was he part of the team who arrested you before?

A: No sir, I just met him here.

Q: In court, when he testified?

A: Yes, sir.

Q: But before he testified in court in this case, you do not know him?

A: No, sir.

Q: Because you do not know him you were not able to recognize him?

A: I was familiar with his face.

Q: And that was when he testified in this court?

A: No, sir, when I was arrested I was already familiar with this face.

Q: And you mentioned your second arrest?

A: Yes, sir."

Moreover, the Court noted that prior to the buy-bust operation, PO1 Hernaez had already anticipated that accused-appellant might recognize him. Hence, to forestall the possibility of blowing his cover, PO1 Hernaez purposely wore civilian clothes and a cap to cover his face.[51] It must also be noted that the place where the buy-bust operation took place was dark. There was no light and it was already 9:30 in the evening.[52] Furthermore, PO1 Hernaez was accompanied by an asset known and trusted by Dave.[53] Given these circumstances, it was indeed not far-fetched that accused-appellant could not have recognized PO1 Hernaez and fell into the trap of selling illegal drugs to him.

On another point, accused-appellant demands for acquittal on the ground that the chain of custody set forth under Section 21 of RA No. 9165 was not complied with. In the appellant's brief, the defense cited the failure of the police officers to mark the seized item at the place of the arrest and in the presence of the accused. Further, the defense contend that there was no representative from the media, the Department of Justice (DOJ), or any barangay official who should have witnessed the physical inventory.[54] In essence, the defense posits that these procedural lapses on the part of the police officers raise uncertainty and doubts as to the identity and integrity of the article seized from accused-appellant.

Taking the aforementioned into consideration, We cite Section 21, Article II of R.A 9165 which provides for the specific procedures relating to the seizure and custody of dangerous drugs, to wit:

Sec. 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. (Emphasis supplied.)

The above rule is implemented by Section 21(a) of the Implementing Rules and Regulations which expounds on how it is to be applied, and notably, also provides for a saving mechanism in case the procedure laid down in the law is not strictly complied with:

(a) The apprehending officer/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: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said item. (Emphasis Supplied).

As highlighted by the foregoing, non-compliance with the strict directive of Section 21 of R.A. No. 9165 is not necessarily fatal to the prosecution's case. What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items. Relevant on this point is the disquisition of the Supreme Court in *People v. Ara*[55] where it held that:

RA 9165 and its subsequent Implementing Rules and Regulations (IRR) do not require strict compliance as to the chain of custody rule. xxx

We have emphasized that 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."

Briefly stated, non-compliance with the procedural requirements under RA 9165 and its IRR relative to the custody, photographing, and drug-testing of the apprehended persons, is not a serious flaw that can render void the seizures and custody of drugs in a buy-bust operation.

Conformably to the foregoing, the failure of the police officers to mark the seized item at the place of arrest will not render the same inadmissible in evidence or impair its chain of custody. In fact, jurisprudence dictates that RA9165 does not specify a time frame for "immediate marking", or where said marking should be done. Immediate confiscation" has no exact definition.[56]

Thus, in *People v. Gum-Oyen*[57], the Supreme Court ruled that marking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team.

In the same breadth, in *People v. Resurreccion*[58], the Supreme Court explained that marking of the seized items immediately after seizure and confiscation may be undertaken at the police station rather than at the place of arrest for as long as it is done in the presence of an accused in illegal drugs cases.

In this case, extant from the records is that the seized item was marked, inventoried and photographed in the presence of the accused-appellant at the police station where he was brought immediately after his arrest.[59]

As to the absence of representatives from the media, DOJ or elected public official, PO1 Hernaez satisfactorily explained that when the inventory of the seized item was conducted, it was already 10:00 or 11:00 o'clock in the evening. They exerted efforts to obtain the presence and signatures of the required witnesses but the same proved futile as they received a negative reply as it was already late at time. Consequently, the only witness available was Rodolfo Baldobino, a representative from DAPCO.[60]

On this note, the Court recognizes that the requirements of Section 21 may not always be possible under field conditions; the police operates under varied conditions, and cannot at all times attend to all the niceties of the procedures in the handling of confiscated evidence,[61] as in this case. Thus, the failure of the police officers to obtain the presence of the required witnesses will not automatically render void or invalid the seized item. To reiterate, what is of utmost importance is preservation of the integrity and the evidentiary value of the seized item as these would be utilized in the determination of the guilt or innocence of the accused.[62]

In this case, a scrutiny of the records indubitably show that earnest efforts were undertaken by the police officers to ensure that the integrity and evidentiary value of the seized item remained intact. As culled from the records, after accused-appellant's arrest, PO1 Hernaez lost no time and brought him and the confiscated item, a small transparent plastic sachet containing white crystalline substance to the police station. Immediately upon arrival, PO1 Hernaez placed the markings "DC" on the confiscated item and conducted an inventory and photograph of the seized item in the presence of the accused-appellant and a representative from DAPCO.[63] The buy-bust money recovered from accused-appellant during the buy bust operation was also photographed and photocopied.[64] They also prepared a Request for Laboratory Examination which PO1 Hernaez and PO2 Yangson submitted to the Crime Laboratory.[65] PO1 Hernaez also took custody of the seized item and submitted the same to the Custodian in the Crime Laboratory.

The laboratory examination of the seized item yielded positive result for methamphetamine hydrochloride or shabu.[66] When the prosecution presented in court a plastic sachet with the markings "DC", PO1 Hernaez positively identified that it is the same item seized from accused-appellant.[67]

Verily, the prosecution was able to establish the crucial link in the chain of custody of the seized item. To the unprejudiced mind, the testimonies of the police officers sufficiently established that the evidence seized from the accused-appellant at the time of his arrest was the same one tested, introduced, and identified in court.

It is a well entrenched rule that in cases involving violations of Dangerous Drugs Act, credence should be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary.[68] Absent any indication that the police officers were ill-motivated in testifying against the accused, full credence should be given to their testimonies.[69]

In this case, the defense failed to ascribe any ill motive on the part of the police officers. Neither was there any indication that the police officers acted in bad faith or had digressed from their ordinary or regular tour of duty. Accordingly, the Court finds no reason to doubt the police officers who clearly and convincingly narrated in detail the successive events which led to the seizure of the confiscated evidence and arrest of accused-appellant. Their testimonies have adequately established the unbroken chain of custody of the seized item and have ultimately led Us to affirm the conviction of accused-appellant.

Under Section 5, Article II of RA 9165, the penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as broker in any such transactions. Consequently, the penalty of life imprisonment and a fine of P500,000.00 imposed upon accused-appellant by the trial court are in accordance with law.

WHEREFORE, premises considered, the instant appeal is DENIED. The Judgment dated 31 October 2012 of the Regional Trial Court of Muntinlupa City Branch 204 in Criminal Case No. 09-149 is hereby AFFIRMED.

SO ORDERED.

Dimaampao, (Chairperson), and Ybañez, JJ., concur

[1] Rollo, pp. 69-79

- [2] Records, pp. 1-2
- [3] Id., p. 28
- [4] Records, p. 50
- [5] TSN dated 20 August 2009, p. 4-5; TSN dated 22 October 2009, p. 3
- [6] Records, p. 10
- [7] Id., p. 17
- [8] Id., p. 12
- [9] TSN dated 20 August 2009, p. 5-6
- [10] TSN dated 20 August 2009, p. 7; TSN dated 30 September 2010, p. 3
- [11] TSN dated 20 August 2009 p. 6
- [12] Id., p. 7
- [13] TSN dated 22 October 2009, p. 4
- [14] Id., p.5-6
- [15] Id., p. 7
- [16] TSN dated 20 August 2009, pp. 7
- [17] Id. p. 8
- [18] TSN dated 22 October 2009, p. 7, p. 16
- [19] TSN dated 20 August 2009 p. 8
- [20] Id., p. 9-10
- [21] Id., p. 10
- [22] TSN dated 20 August 2009, p. 11; TSN dated 30 September 2010, p. 3
- [23] TSN dated 20 August 2009, p. 12-13
- [24] Id., p. 13
- [25] Id., p. 14-15
- [26] Id., p. 16
- [27] TSN dated 20 August 2009, p. 18; TSN dated 30 September 2010, p. 4
- [28] TSN dated 20 August 2009, p. 18
- [29] TSN dated 20 August 2009, p. 18-19; Records, p. 134
- [30] Records, p. 137-138
- [31] Id., p. 135
- [32] Id., p. 136

- [33] TSN dated 20 August 2009, p. 20
- [34] Records, p. 126
- [35] TSN dated 28 April 2011, p. 3
- [36] TSN dated 28 April 2011, p. 4; TSN dated 9 November 2011, p. 6
- [37] TSN dated 28 April 2011, p. 4
- [38] Id., pp. 5-6
- [39] TSN dated 1 February 2012, pp. 12-17
- [40] TSN dated 28 November 2011, pp. 7-8
- [41] Records, p. 161
- [42] Supra Note 1
- [43] Rollo, p. 56
- [44] People v. Arriola v. G.R. No. 187736, 8 February 2012
- [45] TSN dated 20 August 2009, pp. 5-7; TSN dated 22 October 2009, p. 3
- [46] TSN dated 20 August 2009, pp. 8-10
- [47] TSN dated 20 August 2009, pp. 10-12; TSN dated 4 November 2010, p. 3
- [48] Records, p. 134
- [49] Rollo, pp. 57-59
- [50] TSN dated 1 June 2011, p. 4
- [51] TSN dated 22 October 2009, p. 5-6
- [52] Id., p. 7, p. 16
- [53] Id., p. 7
- [54] Rollo, p. 64
- [55] G.R. No. 185011, 23 December 2009 citing People v. Cortez, G.R. No. 183819, 23 July 2009; People v. Lazaro, Jr., G.R. No. 186418, 16 October 2009
- [56] People v. Dumalag, G.R. No. 180514 ,17 April 2013
- [57] G.R. No. 182231, 16 April 2009.
- [58] G.R. No. 186380, 12 October 2009; People v. Dumalag, G.R. No. 180514 ,17 April 2013
- [59] TSN dated 20 August 2009, pp. 12-14
- [60] Id., pp.14-15
- [61] People v. Lorena, G.R. No. 184954, 10 January 2011
- [62] People v. Ocfemia, G.R. No. 185383, 25 September 2013

[63] TSN dated 20 August 2009, pp. 10-15

[64] Id., p. 16-17

[65] TSN dated 20 August 2009. p. 18; TSN dated 30 September 2010, p. 4

[66] TSN dated 20 August 2009, p. 18-19

[67] Id., p. 13-14

[68] People v. Manlangit, G.R. No. 189806, 12 January 2010

[69] People v. Vicente, G.R No. 188847, 31 January 2011

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