

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE BAUTISTA Y CAÑAS @ JOEY, ACCUSED-APPELLANT.

Ponente: VELOSO, J.

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VELOSO, J.:

The Case

On appeal[1] by accused Jose Bautista y Cañas @ Joey (“accused-appellant”) is the May 06, 2013 Decision[2] of the Regional Trial Court of Valenzuela City (“RTC”)[3] in Crim. Case Nos. 504-V-12 and 505-V-12, entitled “PEOPLE OF THE PHILIPPINES, [Plaintiff], -versus- Jose Bautista y Canas [sic] @ Joey, Accused.”, the dispositive part of which reads:

“WHEREFORE, in Criminal Case No. 504-V-12, accused JOSE BAUTISTA y CANAS [sic], also known as JOEY, is hereby found GUILTY beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165, and hereby imposed the penalty of life imprisonment and a fine of P500,000.00. In the service of his sentence, said accused may be credited with the period that he has served under preventive imprisonment, in accordance with Article 29 of the Revised Penal Code, as amended, and applicable rules.

In Criminal Case No. 505-V-12, the accused is found NOT GUILTY of violation of Section 11, Article II of RA 9165, due to insufficiency of evidence.

The Acting Branch Clerk of Court is hereby directed to turn over with dispatch the drug specimen of these cases to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

SO ORDERED.”[4]

The Facts

The pertinent facts, as culled from the findings of the RTC, are as follows:

“At around 8:00 a.m. of May 12, 2012, PCI Allan Ruba, Chief of the Station Anti-Illegal Drugs-Special Operation Task Group (SAID-SOTG) of Valenzuela City, called a meeting among police officers regarding the infotext from the Mayor. Present at the meeting were SPO2 Carlito Espiritu, PO2 Freddie Lim, PO1 Raya, PO1 Edgardo Llacuna and PO2 Ringo Recto. PCI Ruba showed them the infotext, which stated that certain persons; namely, Joey, Ryan Cabral, Jona, Onyo, Barok Santos, and Berlin Carillo, were selling drugs in Dulong Tangke. He tasked the team leader, SPO2 Carlito Espiritu, to conduct a surveillance in Dulong Tangke. SPO2 Espiritu contacted his regular confidential informant (RCI) to verify the information. At about 10:00 a.m., the regular confidential informant who was contacted by SPO2 Espiritu arrived at the SAID office and informed the police that Joey was positive in the reported area while the other names listed in the infotext were not. Hence, the police operatives planned a buy-bust operation. PO2 Recto was tasked to act as the poseur buyer. PCI Ruba provided him with three P100.00 bills. PO1 Llacuna, on the other hand, would pretend to be a DVD vendor while acting as backup security. At around 12:01 p.m., the RCI informed the operatives that Joey was selling shabu in Dulong Tangke, Malinta, Valenzuela City. Before leaving the office, PO2 Recto placed the marking ‘R’, ‘R1’ and ‘R2’ on the peso bills. PO2 Freddie Lim recorded the information, the dispatch and the three P100.00 buy-bust bills in the blotter.

SPO2 Espiritu, PO2 Lim, PO1 Raya, PO1 Llacuna and PO2 Recto proceeded to the target area. There was no jump-off, i.e., the police officers were not frisked prior to the operation. Upon their arrival in Dulong Tangke, they were approached by the RCI and they agreed that they will walk towards the store. Together with said RCI, PO2 Recto walked to the store, while PO1 Llacuna was backing him up as his security. After walking for a few minutes, the RCI whispered to PO2 Recto and pointed to the target person about 10 meters away. The latter was standing in front of a store. The RCI introduced PO2 Recto to the suspect as a call center agent. He also mentioned that PO2 Recto wanted to 'score.' PO2 Recto then asked the suspect, 'Tol, may panggisang ka ba dyan?' The latter replied, 'Meron 'tol, hindi tayo nawawalan dito. Magkano ba?' PO2 Recto said, 'Pang-tres lang 'Tol.' When the suspect replied that he has some, PO2 Recto handed him P300.00. The accused immediately placed the money inside his pocket and took a small striped coin purse pinned under the left sleeve of his shirt. He took out one rectangular plastic transparent plastic sachet containing white crystalline substance from the coin purse and gave it to PO2 Recto. After getting the plastic sachet, PO2 Recto held the hand of the accused and introduced himself as a police officer. PO1 Llacuna assisted him in handcuffing the suspect, herein accused Joey Bautista. Thereafter, PO2 Recto searched the accused and found in his pocket the three P100.00 buy-bust money and another P200.00. PO2 Recto also took the coin purse from the accused and found another sachet inside. He informed the accused of his rights and violation. SPO2 Espiritu then called for a kagawad but was told to go instead to the barangay hall.

On the way to the barangay hall, PO2 Recto was in possession of the coin purse, the three P100.00 bills and the plastic sachet. The operatives waited for the kagawad for a while. When Kagawad Clariño arrived at 3:30 p.m., PO2 Recto gave PO1 Llacuna the evidence bag containing the confiscated evidence. PO2 Recto placed the markings 'JBC,' his signature and the date on the confiscated evidence. He marked the two plastic sachets, specifically with 'JBC 1' and 'JBC 2'; the buy bust money, with 'JBC 3', 'JBC 4' and 'JBC 5'; and the two other recovered P100.00 bills, with 'JBC 6' and 'JBC 7'. PO1 Llacuna filled up the inventory form. Present during the inventory were the kagawad, PO2 Recto, PO1 Llacuna and the accused. There were no representatives from the media and the DOJ. After the inventory, from the barangay hall to the police headquarters, PO1 Recto was in possession of the coin purse and the two plastic sachets, which he placed in a small evidence bag. At the headquarters, he turned over the evidence, including the money, to PO1 Llacuna who was the investigator. As proof of the turnover, they signed the Chain of Custody Form prepared by PO1 Llacuna. The latter also prepared the documents for the drug test and laboratory examination and, then, personally forwarded them to the PNP Laboratory Office at the third floor of the Valenzuela City Police Headquarters. PO1 Montero signed the Chain of Custody form when PO1 Llacuna turned over the evidence to the laboratory. PCI Lourdeliza Cejes also signed the form when PO1 Montero turned them over to her.

During his testimony in court, PO2 Ringo Recto identified his signatures in the inventory, and the Chain of Custody Form. He also identified the brown envelope in which he had placed the two plastic sachets; the three P100.00 bills used as buy-bust money; the two plastic sachets recovered from Joey Bautista; and his Sinumpaang Salaysay ng Pag-aresto. He further claimed that on May 11, 2012, at around 7:50 p.m., he coordinated with the PDEA. He prepared and signed a Coordination Form and a Pre-Operation Report. The duration of the coordination was one day, so the PDEA was not informed anymore of the operation against the accused.

PO1 Edgardo Llacuna also identified the following documents he had allegedly prepared: the Chain of Custody form, the request for laboratory examination, the request for drug test of the arrested suspect; the Spot Report, a Coordination Form and a Pre-Operation Report, the Booking Sheet, and the Investigation Data Form.

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The version of the defense is as follows:

On May 12, 2012, at around 12:00 noon, the accused, who is a tricycle driver, was at the Malinta Petron Toda tricycle terminal. He was queuing for his turn to take passengers when two male persons approached and

arrested him. He asked them why he was being arrested and what his violation was. The male persons asked if he was Joey. After he replied in the affirmative, they suddenly frisked him. They asked him if he was selling shabu. The accused told them that he was not selling. Nonetheless, they took his black wallet containing money in the amount of P7,700.00, which was sent to him by his mother as allowance. The male persons brought him to a warehouse in the old detention center. They were making him admit that he has a boss. But, he told them that he does not have any boss and asked them who is the boss they were referring to. He told them that he was just a tricycle driver. After more than an hour in that warehouse, the accused was brought to Polo for medical examination. Thereafter, he was brought to Barangay Malinta. The male persons who arrested him asked the barangay kagawad to sign a document and, then, they brought out two small heat-sealed transparent plastic sachets. They were compelling the accused to admit that the sachets were his, but he insisted that they were not. After that, they took his picture. Then, they subjected him to a drug test at the new city hall. The accused learned that the result of his drug test was negative. After the drug test, he was brought to the detention cell.” [5] (citations omitted)

The Ruling of the RTC

On May 06, 2013, the RTC convicted the accused-appellant of illegal sale of shabu but acquitted him of illegal possession thereof, ratiocinating:

“Well settled is the principle that in criminal cases, the burden of proof lies on the prosecution. A finding of guilt must rest on the strength of the prosecution’s own evidence, not on the weakness or even absence of evidence for the defense. Moreover, the quantum of proof required by law for a criminal conviction is proof beyond reasonable doubt.

After a careful examination of the evidence on record, the Court finds it sufficient to prove beyond reasonable doubt the guilt of the accused for illegal sale, but not for illegal possession, of a dangerous drug.

Section 11 of RA 9165 penalizes possession of dangerous drugs. The essential elements to be proven in order to justify a conviction of this offense are: (1) the accused is in possession of a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed said drug.

On the other hand, Section 5 of RA 9165 penalizes the sale, trading, administration, dispensation, delivery, distribution and transportation of dangerous drugs and/or controlled precursors and essential chemicals. In the prosecution for illegal sale or delivery of a dangerous drug, 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. Also material to a prosecution for illegal sale or delivery of prohibited drugs is proof that the transaction actually took place and the presentation in court of the corpus delicti as evidence.

The actual sale and delivery of a dangerous drug by the accused to PO2 Recto, who posed as a call center agent, was duly proven by the prosecution. As recounted in detail by PO2 Recto, the sale transpired as follows:

Q.

After you parked your motorcycle in Dulong Tangke, what happened next?

A.

Lumapit na po yung RCI sa amin pumunta sa area kung saan namin siya pinapunta pagkatapos nag plano na kami na maglalakad na kami sa area ng tindahan sa may Dulong Tangke. Kasama ko po yung RCI nakaalalay naman yung aking back up security na si PO1 Llacuna papunta na doon sa may tindahan.

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Q.

What happened next when you arrived there? You were supposed to buy illegal drugs from this Joey, what happened next?

A.

We were walking and after a few minutes our RCI whispered to me and pointed to me the target person Joey.

Q.

How far was this alias Joey from you when the RCI pointed him out to you?

A.

About 10 meters, sir.

Q.

By the way, this Joey, is he a male?

A.

Male, sir.

Q.

What was this Joey doing when he was pointed to you by your RCI?

A.

He was just standing in front of a store.

Q.

What was he wearing if you can still remember?

A.

He is wearing shorts and t-shirt.

Q.

What was he holding, if any, when you first saw him after he was pointed to you by the RCI?

A.

None, sir.

Q.

What happened next when he was pointed out to you?

A.

Inintroduce po ako nung RCI na call center agent ako. Pagkatapos nakipag usap ako sa kanya. Sinabi nung RCI na iiscore nga daw ako. Kaya tinanong ko siya, 'Tol, may panggising ka ba diyan?' Sumagot siya sa aking [sic] ng 'Meron tol, hindi tayo nawawalan dito. Magkano ba?' Sabi ko, 'Pang-tres lang Tol.'

Q.

What were the words in Tagalog that you told this Joey when how much money you are going to deliver to him?

A.

Pang-tres.

Q.

After you said this, 'Pang-tres', what happened next to alias Joey?

A.

Sabi niya meron kaya inabot ko yung Php300 sa kanya sabay pinasok niya sa bulsa niya yung pera at kinuha niya yung maliit na coin purse dito sa ilalim niya (under his shirt at the left shoulder) na naka perdible.

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Q.

After you handed these three (3) pieces of Php100 bills to alias Joey and he got something from his left collar bone which was pinned by a perdible, what happened next?

A.

From the coin purse he got one (1) plastic transparent sachet and he gave it to me, sir.

Q.

This coin purse that Joey took out from his left collar bone, how did it look like? Can you describe it?

A.

It's a small coin purse with a perdible.

Q.

What is the color of this coin purse?

A.

I cannot remember the color but it has stripes.

Q.

This plastic sachet that this Joey took out from this coin purse, could you describe it?

A.

It has a rectangular shape and he gave it to me.

Q.

What is the size?

A.

Small only containing white crystalline substance.

Q.

After this Joey gave to you this plastic sachet that he took out from the coin purse, what happened next?

A.

After getting the plastic sachet, I held his hand.

Q.

What happened next after you held the hand of Joey?

A.

I explained and introduced myself to him as a police officer.

Q.

What happened next?

A.

When my companion saw me holding the hand of Joey, my companion Llacuna helped me, sir.

Q.

How did your companion police officer Llacuna help you?

A.

He helped me in handcuffing the suspect.

Q.

When police officer Llacuna who was helping you in putting handcuff in this alias Joey, where was the plastic sachet that Joey had shown to you?

A.

I was holding it.

Q.

How about the coin purse?

A.

I also got it from his hand.

Q.

After Llacuna helped you in placing handcuff on Joey, what happened next?

A.

We informed him of his rights and violation.

From PO2 Recto's straightforward testimony, there can be no doubt that he was able to purchase from the accused a plastic sachet containing white crystalline substance, which turned out to be positive for Methamphetamine, a dangerous drug. PO2 Recto positively identified accused Jose or Joey Bautista as the person from whom he had purchased the dangerous drug. Although it was their first time during the incident to meet with each other, after a brief introduction by the confidential informant, PO2 Recto was able to impart to the accused that he was interested in purchasing P300.00 worth of prohibited drugs. The accused readily responded, notwithstanding the unusual jargon of the poseur buyer. In other words, they understood each other because they were familiar with and able to communicate in illegal-drug-trade parlance. The accused, who must have thought

that he had a real customer for his illicit trade, voluntarily brought out a plastic sachet containing white crystalline substance from a coin purse hidden beneath the sleeve of his shirt, and handed it to PO2 Recto immediately after the latter gave him P300.00.

Under the circumstances, PO2 Recto was duty bound to cause the arrest of the accused who directly sold to him a dangerous drug. It has been held in many cases that a buy-bust operation is a valid means of arresting violators of the Dangerous Drugs Law. It is commonly employed by police officers as an effective way of apprehending law offenders in the act of committing a crime. Such warrantless arrest is a valid arrest *en flagrante delicto*.

The Court further finds that the integrity and evidentiary value of the item sold by the accused were properly preserved. As testified to by PO2 Recto, from the scene of the incident up to the barangay hall where they immediately proceeded, he took hold of the plastic sachet handed or sold to him by the accused, as well as the buy-bust money and coin purse that he recovered from the accused after his arrest. After waiting for the arrival of the barangay kagawad, PO2 Recto marked the plastic sachet with 'JBC 2.' After the drug inventory, he placed the evidence inside a brown evidence bag, which he marked with 'SAID SOTG VCPS,' the control number, date and time. He held the evidence bag from the barangay hall to the police headquarters, where he turned it over to the investigator-on-case, PO1 Llacuna. To show the turn-over, they both signed the Chain of Custody Form.

PO1 Llacuna confirmed that he received from PO2 Recto the evidence bag in which the latter had placed the recovered evidence. He also personally brought it, together with the letter-request for laboratory examination, to the PNP crime laboratory at the third floor of the Valenzuela City Police Headquarters.

As stipulated between the prosecution and the defense during the pretrial, PCI Cejes received the letter-request for laboratory examination and the brown evidence bag containing two small heat-sealed transparent plastic sachets with the markings 'JCB-1' and 'JCB-2.' After conducting a laboratory examination of the specimens, she found the specimens with said markings positive for methamphetamine hydrochloride, a dangerous drug.

The foregoing accounts of the prosecution witnesses attest to the unbroken chain in the custody of the drug specimen from the time it was handed by the accused to the police poseur-buyer until it was subjected to laboratory examination for the presence of a dangerous drug. There is no reason to doubt that the integrity and identity of the specimen evidence have been preserved.

The accused interposed the defense of denial and frame-up. He claims that he was not arrested during a buy-bust operation, but that the police officers simply and unceremoniously apprehended and searched him without a warrant and for no lawful reason, while he was at a tricycle terminal waiting for his turn to ply his route.

The defenses of denial and frame-up have been invariably viewed with disfavor, for they can be easily concocted and are common and standard defense ploys in prosecutions for violation of the Dangerous Drugs Act. In order to prosper, such defenses must be proved with independent, strong and convincing evidence. As against the testimonies of the police officers who enjoy the presumption of regularity in the performance of their official functions, the defense evidence suffers in credibility. While the accused claimed that there were many other tricycle drivers and passengers at the terminal who witnessed, and would be willing to attest to, his illegal arrest, he was unable to present any of them. His only corroborating witness was a mere passer-by. Said witness only saw the accused being frisked, but admittedly did not know or see the circumstances preceding the body search. Her corroborative testimony cannot be considered strong and convincing evidence to overturn the prosecution evidence.

On the other hand, courts accord credence and full faith to the testimonies of police authorities, as they are presumed to be performing their duties regularly, absent any convincing proof to the contrary. In the absence of

any intent on the part of the police authorities to falsely impute a crime against the accused, the presumption of regularity in the performance of duty stands. In the absence of ill motive, there is no reason to doubt the credibility of the prosecution witnesses and their testimonies. In the present case, it was not shown that the police operatives had any ill motive against the accused such that they would falsely impute upon him no less than two serious crimes.

However, with respect to the charge against the accused for illegal possession of a dangerous drug, the prosecution evidence is insufficient to convict him thereof. A close scrutiny of the records reveals that there is no clear evidence that another plastic sachet containing a prohibited drug, besides that sold by the accused to the poseur-buyer, was also recovered from the possession of the accused. In explaining why there were two sachets that he marked at the barangay hall, PO2 Recto simply said, ‘Nung kinapkapan namin siya yung pinagkuhanan niya ng isang sachet may laman pa pong isa yun. Mas malaki siya.’ Other than that the second item was bigger, no other description was given. Nowhere in the seizing officer’s testimony was it mentioned that the bigger item was a sachet likewise containing a substance that appeared to be a dangerous drug. He also did not describe whether it was sealed or unsealed. Absent particulars on the condition of the item at the time it was confiscated, there is no way to authenticate that it was the same item marked by PO2 Recto, examined by the forensic chemist, and offered in evidence.

It must be emphasized that in authenticating narcotic specimens, a standard more stringent than that applied to objects which are readily identifiable must be applied: a more exacting standard that entails a chain of custody of the items with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or contaminated or tampered with. In the instant case, with respect to the second item supposedly recovered from the possession of the accused, there is no assurance that its identity and integrity has not been compromised. Hence, the accused cannot be convicted of violation of Section 11 [of] the Comprehensive Dangerous Drugs Act without possibly violating his constitutional right to be presumed innocent.

Section 5 of RA 9165, which penalizes the sale of illegal drugs, carries with it 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). In view of Republic Act No. 9346 prohibiting the imposition of the death penalty, the imposable sentence upon accused Garcia for said violation is the straight penalty of life imprisonment. Considering the quantity of the prohibited drug transacted by said accused, the Court finds proper to impose the amount of P500,000.00 as fine.”[6] (italics supplied; citations omitted)

Hence, this appeal.

Issues

In his Appellant’s Brief,[7] accused-appellant argued:

“I

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

II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF VIOLATION OF SECTION 5, ARTICLE II OF R.A. 9165 DESPITE THE FAILURE OF THE ARRESTING OFFICERS TO PROPERLY INVENTORY THE SEIZED EVIDENCE IN ACCORDANCE WITH THE SAID LAW.”[8]

Such are the issues which We shall resolve in this case.

Our Ruling

Discussing the issues jointly, accused-appellant assails his conviction for illegal sale of shabu, contending that: (1) there were inconsistencies on the police officers' knowledge/appreciation of the "infotext" received by their station;^[9] (2) it was "incredibly odd" how easily the accused-appellant immediately transacted with the poseur-buyer and in broad daylight;^[10] (3) the police officers failed to comply with Section 21, Republic Act No. 9165, specifically the presence of media and the DOJ and that the inventory was not signed by the accused-appellant;^[11] (4) the marking of evidence was not done immediately;^[12] and (5) there were discrepancies in the photocopies of the marked money.^[13]

We deny the appeal.

The alleged inconsistency on the "infotext" received by the police officers do not relate to facts constitutive of the crime charged. Discrepancies should touch on significant matters crucial to the guilt or innocence of the accused. Conversely, inconsistencies in details irrelevant to the elements of the crime are not grounds for acquittal.^[14]

We likewise give no credence to accused-appellant's assertion that it appears "incredibly odd" that he readily sold shabu to PO2 Recto. It is of judicial notice that drug pushers sell their wares to any prospective customer, stranger or not, in both public and private places, with no regard for time. They have become increasingly daring and blatantly defiant of the law.^[15]

As for the alleged non-compliance with Section 21 of Republic Act No. 9165, it has been held in several cases^[16] now that non-compliance therewith is not fatal and will not render an accused's arrest illegal or the items seized/confiscated from him inadmissible. What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.^[17]

Accused-appellant also points out that PO2 Recto did not mark the confiscated sachets until after reaching the barangay hall. Even so, the omission did not destroy the integrity and the evidentiary value of the confiscated items.^[18] PO2 Recto's testimony is corroborated by the evidence on record that he is the seizing officer and arresting officer^[19] and that the seized evidence were marked with accused-appellant's initials "JBC" and series.^[20] It also appears on record that the seized evidence were turned over by PO2 Recto to PO1 Llacuna;^[21] that the latter delivered the seized evidence, Request for Laboratory Examination^[22] and Request for Drug Test^[23] to PCI Cejes of the PNP Crime Laboratory. The seized sachets tested positive for methamphetamine hydrochloride as stated in Physical Science Report No. D-126-12.^[24]

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 bears the burden of showing that the evidence was tampered or meddled with to overcome a presumption that there was regularity in the handling of exhibits by public officers, and that the latter properly discharged their duties.^[25] Other than his bare allegations, accused-appellant failed to produce convincing proof that the instant evidence have been tampered with.^[26]

Finally, We cannot simply subscribe to accused-appellants' defense of denial and frame-up. Time and again it has been ruled that mere denial cannot prevail over the positive testimony of a witness. 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. As between a categorical testimony that rings of truth on one hand, and a bare denial on the other, the former is generally held to prevail.^[27] Moreover, the defense of frame-up is a common and standard line of defense which is invariably viewed with disfavor, it being capable of

easy concoction and difficult to prove.[28] Considering that no clear and convincing evidence was presented to prove such allegations, the presumption of regularity in the performance of official duty,[29] as well as the principle that findings of the trial court on the credibility of witnesses are entitled to great respect and are accorded highest consideration,[30] must prevail over accused-appellant's contentions.[31]

The unauthorized sale of shabu carries with it 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).[32] Accused-appellant is found guilty of selling 0.02 grams of shabu. Reviewing the penalty imposed by the trial court, We find the same to be in order.

WHEREFORE, premises considered, the instant appeal is DENIED. The assailed May 06, 2013 Decision is AFFIRMED.

SO ORDERED.

Lantion, and Antonio-Valenzuela, JJ., concur.

[1] Records, p. 255.

[2] Ibid., pp. 242-252.

[3] Branch 269.

[4] Records, pp. 251-252.

[5] Records, pp. 243-245.

[6] Records, pp. 246-251.

[7] Rollo, pp. 33-50.

[8] Ibid., p. 33.

[9] Rollo, pp. 40-42.

[10] Ibid., p. 42.

[11] Ibid., p. 45.

[12] Ibid.

[13] Ibid., pp. 45-46.

[14] People of the Philippines vs. Villanueva, G.R. No. 139177, August 11, 2003, citing People vs. Maglente, 306 SCRA 546 [1999].

[15] People vs. Lim, G.R. No. 187503, September 11, 2009, citing People v. Beriamente, 418 Phil. 229, 237-238 (2001), citing People v. Tranca, G.R. No. 110357, 17 August 1994, 235 SCRA 455, 463.

[16] People of the Philippines vs. Lazaro, G.R. No. 186418, October 16, 2009, citing People v. Agulay, G.R. No. 181747, 566 SCRA 571-595; People v. Naquita, G.R. No. 180511, 28 July 2008, 560 SCRA 430, 449; People v. Concepcion, G.R. No. 178876, 27 June 2008, 556 SCRA 421, 440; People v. Del Monte, G.R. No. 179940, 23 April 2008, 552 SCRA 627, 637-638.

[17] Note 16, supra.

[18] People of the Philippines vs. Bautista, G.R. No. 177320, February 22, 2012.

[19] Records, p. 16.

[20] Ibid.

[21] Records, p. 17.

[22] Ibid., p. 22.

[23] Ibid., p. 23.

[24] Ibid., p. 24.

[25] People vs. Hernandez, G.R. No. 184804, June 18, 2009, citing People v. Miranda, G.R. No. 174773, 2 October 2007, 534 SCRA 552, 568-569.

[26] Ibid.

[27] People vs. Torres, G.R. No. 170837, September 12, 2006, citing People v. Tira, 430 SCRA 134, 151-152 (2004), citing People v. Macalaba, 443 Phil. 565, 578 (2003).

[28] Ibid., citing People v. Solon, 244 SCRA 554, 560 (1995).

[29] Ibid., citing Rule 131, Sec. 3 (m), Revised Rules of Court.

[30] Ibid., citing Garcia v. CA, 324 Phil. 846, 853 (1996).

[31] Ibid.

[32] People vs. Cabugatan, G.R. No. 172019, February 12, 2007, citing Section 5, Article II of Republic Act No. 9165.

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