

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ORLANDO PURIFICACION Y BANDELARIA, ACCUSED-APPELLANT.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

At bench is an Appeal[1] from the Decision[2] dated August 7, 2009 of the Regional Trial Court, Branch 55 of Lucena City (“trial court” for brevity) in Criminal Case Nos. 2006-87 and 2006-171 for violation of Section 11 (Illegal Possession of a Dangerous Drug), and Section 12 (Illegal Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs) of Republic Act No. 9165 (“R.A. No. 9165” for brevity), otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”.

In Criminal Case No. 2006-87, the conviction of accused-appellant Orlando Purificacion y Bandelaria (“accused-appellant Purificacion” or “accused-appellant” for brevity) stemmed from an Information[3] for “Possession of Dangerous Drugs”[4] dated August 25, 2005 that read as follows:

“That on or about the 15[th] day of December 2004, at Barangay San Roque Zone 2, Municipality of Tayabas, Province of Quezon, Philippines, and with the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control two (2) small heat-sealed transparent plastic sachets each containing Methamphetamine Hydrochloride (shabu), a dangerous drug, weighing 0.10 and 0.04 gram and six (6) heat-sealed transparent plastic sachets each containing 'Marijuana', also a dangerous drug, weighing 1.80, 1.82, 2.70, 1.53, 1.32 and 2.14 grams or with a total weight of 11.31 grams.

Contrary to law.”[5]

In Criminal Case No. 2006-171, the conviction of accused-appellant Purificacion arose from an Information[6] for “Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs”[7] dated August 25, 2005 which stated as follows:

“That on or about the 5[th] day of December 2004, at Barangay San Roque Zone 2, Municipality of Tayabas, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control one (1) improvised tooter which is fit or intended for smoking, consuming, administering, ingesting or introducing any dangerous drug into the body.

Contrary to law.”[8]

The prosecution presented the testimonies of Police Senior Inspector Donna Villa Huelgas (“PSI Huelgas” for brevity), PO2 Andres B.N. Esmiller (“PO2 Esmiller” for brevity) and SPO1 Roberto Aguilar (“SPO1 Aguilar” for brevity), in order to prove the following:

On December 15, 2004, the Intelligence Section of Tayabas Municipal Police Station received a report about the suspected selling of shabu near Tayabas Bakery (“target area” for brevity) located at Barangay San Roque, Zone 2, Tayabas, Quezon.[9] PO2 Esmiller, together with PO1 Mago, PO1 Rallos, PO1 Ebina and SPO1 Aguilar,

acting on that report, conducted a surveillance operation on the target area at around 9:45 in the evening[10] of the same day.

According to PO2 Esmiller, when their team arrived at the target area, he saw accused-appellant Purificacion talking to a man.[11] When the team approached them, the other man ran away but accused-appellant stayed. PO1 Rallos[12] ran after the other man but was unable to catch him.[13]

Meanwhile, PO2 Esmiller and PO2 Mago[14] introduced themselves as police officers to accused-appellant. Accused-appellant was surprised.[15] According to PO2 Esmiller, PO1 Mago recovered two (2) plastic sachets from accused-appellant, which sachets were suspected as containing shabu.[16]

PO2 Esmiller also recovered from accused-appellant, six (6) tea bags of suspected marijuana, a plastic drinking glass containing marijuana, and one (1) improvised tooter[17]. Accused-appellant admitted to SPO1 Aguilar that he owned the items.[18]

Afterwards, PO1 Ebina and SPO1 Aguilar[19] brought accused-appellant to the Tayabas Police Station for further investigation,[20] and brought along with them the seized items.[21] There, SPO1 Aguilar saw PO1 Ebina put the marking “IZE” on the items.[22] On December 16, 2004, the marked items were brought by PO1 Ebina and SPO2 Aguilar to the crime laboratory.[23]

Among the pertinent results of the chemical examination conducted by PSI Huelgas on the confiscated items were the following:

“CHEMISTRY REPORT NO. D-1736-04

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FINDINGS:

Qualitative examination conducted on the above-mentioned specimens gave the following results:

1. Specimens A and B – POSITIVE to the tests for the presence of Methamphetamine hydrochloride, a dangerous drug.
2. Specimens C through J – POSITIVE to the tests for the presence of Marijuana, a dangerous drug.”[24]

On the other hand, the defense presented the testimonies of accused-appellant Purificacion, and Arnel Sumilang (“Sumilang” for brevity), in order to establish the following:

On December 15, 2004, at about seven or seven thirty-five in the evening, accused-appellant was buying “tasty bread” in a bakery[25] located at Quezon Avenue, Tayabas, Quezon[26]. Accused-appellant was about to pay the bread he bought when he noticed that police officers were running after a man with a bag. The man dropped the bag at the corner of the bakery.[27] However, the police officers failed to catch the man, who later turned out to be Dondon Flores.[28]

Afterwards, accused-appellant saw the police officers take the bag. Then, the police officers approached accused-appellant because the police officers suspected that accused-appellant was the companion of the man they were chasing.[29] Despite accused-appellant's insistence that the bag was not his, the police officers arrested him and forcibly brought him to the police station.[30]

Consequently, two (2) sets of Information were filed by the Office of the Provincial Prosecutor of Quezon against accused-appellant: one for “Possession of Dangerous Drugs”[31]; the other for “Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs”[32].

Accused-appellant Purificacion pleaded “NOT GUILTY”[33] to both offenses.

Eventually, accused-appellant was found guilty of both offenses by the trial court in its Decision[34] of August 7, 2009. The dispositive portion of the Decision read:

“WHEREFORE, judgment is hereby rendered finding the accused guilty of violation of Section 11, Article II of Republic Act No. 9165 in Criminal Case No. 2006-87 and is sentenced to the Indeterminate penalty of twelve (12) years and one (1) day as minimum to fourteen (14) years, eight (8) months, and one (1) day as maximum and to pay a fine (sic) of P300,000.00. He is likewise found guilty of violation of Section 12, Article II, R.A. 9165 in Criminal Case No. 2006-171, and is sentenced to the indeterminate penalty of six (6) months and one (1) day as minimum to two (2) years and four (4) months as maximum.

The shabu, marijuana, and the improvised tooter subject matter of the two (2) cases are confiscated in favor of the government and the Branch Clerk of this Court is hereby directed to forward them to the PDEA for its proper disposition.

SO ORDERED.”[35]

Accused-appellant, in filing the Appeal at bench, prayed that “the Decision of the court a quo dated August 7, 2009 and promulgated on September 22, 2009, be reversed and set aside and that another judgment be rendered acquitting accused-appellant Orlando Purificacion y Bandelaria.”[36]

Appealing from his conviction, accused-appellant raised the following assignment of errors:

“ASSIGNMENT OF ERRORS

I

THE COURT A QUO GRAVELY ERRED IN GIVING FULL CREDENCE TO THE VERSION OF THE PROSECUTION AND FINDING THE ACCUSED GUILTY OF VIOLATION OF SECTIONS 11 AND 12, ARTICLE II, RA 9165 DESPITE THE FAILURE OF THE PROSECUTION TO PROVE THE COMMISSION OF THE OFFENSES CHARGED BEYOND A [sic] REASONABLE DOUBT

II

THE COURT A QUO GRAVELY ERRED IN UPHOLDING THE PRESUMPTION OF REGULAR PERFORMANCE OF OFFICIAL DUTY OVER THE CONSTITUTIONAL RIGHT OF THE ACCUSED TO BE PRESUMED INNOCENT

III

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE OFFENSE CHARGED DESPITE THE PATENT ILLEGALITY OF HIS ARREST

IV.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF VIOLATION OF SECTIONS 11 AND 12, ARTICLE II, RA 9165 DESPITE THE FAILURE OF THE PROSECUTION TO ESTABLISH THE CHAIN OF CUSTODY OF THE ILLEGAL DRUG AND PARAPHERNALIA ALLEGEDLY FOUND IN HIS POSSESSION.”[37] (Emphasis were made in the original)

In the prosecution of illegal possession of drugs, the following elements must concur: (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 possesses the drug.[38]

In the prosecution of illegal possession of equipment, instrument, apparatus and other paraphernalia for dangerous drugs the following elements must concur: (1) possession or control by the accused of any equipment, apparatus or other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body; and (2) such possession is not authorized by law.[39]

Here, the prosecution witnesses PO2 Esmiller and SPO1 Aguilar had positively identified accused-appellant Purificacion as the person who was arrested by them having in his possession, without authority, illegal drugs and drug paraphernalia.

This positive identification by the prosecution witnesses of accused-appellant prevails over accused-appellant's defense of denial in that the charges against him were false, and that the dangerous drugs and drug paraphernalia were not recovered from him but were left in a bag by a certain Dondon Flores. Such a defense of denial is a common defense ploy that can be easily feigned and fabricated.[40]

In the absence of evidence of any ill-motive on the part of the police officers who apprehended accused-appellant, as was so here, the presumption of regularity in the performance of duty prevails.[41]

All of these were as similarly found by the trial court, to wit:

“The Court is not persuaded by the defense of denial interposed by accused Purificacion which was sought to be corroborated by his barangay mate Arnel Sumilang who identified the other man as Dondon Flores who ran away while talking to the accused when he saw policemen coming on the date and time in question. They would like to impress the Court that the charges are false and that the dangerous drugs and drug paraphernalia submitted as evidence in court were not actually recovered from Purificacion but were left in a bag by the man who scampered away. Their assertion is self serving and cannot prevail over the positive assertions of the police officers who were not shown to have any ill motive or intention to frame-up the accused and falsely testify against him in court.”[42] (Emphasis supplied)

Contrary to accused-appellant's assignment of error III, he was validly arrested.

In arguing that he was illegally arrested, accused-appellant alleged:

“The warrantless arrest of accused-appellant was effected under Sec. 5(a), arrest of a suspect in flagrante delicto. 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.

In the cases at bar, the accused was not doing anything when he was arrested. That is SPO1 Aguilar's reply to the query of the court a quo.”[43]

Defeating accused-appellant's arguments however, is that accused-appellant failed to object to the legality of his arrest prior to entering his plea during arraignment. Accused-appellant's failure to do so was deemed as a waiver on his part to object to such legality, pursuant to the following pronouncement of the Supreme Court in *People of the Philippines vs. Arturo Lara y Orbista*, G.R. No. 199877, August 13, 2012:

“Jurisdiction over the person of the accused may be acquired through compulsory process such as a warrant of arrest or through his voluntary appearance, such as when he surrenders to the police or to the court. Any objection to the arrest or acquisition of jurisdiction over the person of the accused must be made before he enters his plea, otherwise the objection is deemed waived. An accused submits to the jurisdiction of the trial court upon entering a plea and participating actively in the trial and this precludes him invoking any irregularities that may have attended his arrest.

Furthermore, the illegal arrest of an accused is not a sufficient ground to reverse and set aside a conviction that was arrived upon a complaint duly filed and a trial conducted without error. As Section 9, Rule 117 of the Revised Rules of Criminal Procedure provides:

Sec. 9. Failure to move to quash or to allege any ground therefor. — The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any objections except those based on the grounds provided for in paragraphs (a), (b), (g) and (i) of Section 3 of this Rule.” (Emphasis supplied)

In arguing in his assignment of error II that the presumption of regular performance of official duty of police officers should not be upheld, accused-appellant had argued that:

“Although it is true that the police officers enjoy the presumption of regularity of the performance of their duties, in the case at bar, the improbable and incredible testimonies of police officers Esmiller and Aguilar that the accused 'voluntarily surrendered' the illegal drugs are so inconsistent with their joint affidavit as to damage their credibility as witnesses in these cases.

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In sustaining the prosecution's case, the lower courts inevitably relied on the evidentiary presumption that official duties have been regularly performed. This presumption, it must be emphasized, is not conclusive. Not only is it rebutted by contrary proof, as here, but it is also inferior to the constitutional presumption of innocence.”[44] (Emphasis supplied)

Negating accused-appellant's arguments however, is that the alleged inconsistencies between the Joint Affidavit and the testimonies of the prosecution's witnesses were not material so as to affect the outcome of the case. Significant here is that PO2 Esmiller and SPO1 Aguilar had testified that accused-appellant had in his possession the illegal drugs and the drug paraphernalia. Any inaccuracy on the details as to how the police officers confiscated the seized items from accused-appellant was immaterial. This is because such inconsistency did not pertain to any of the elements of the crime, and would not necessarily destroy the credibility of witnesses. This was as similarly declared by the Supreme Court in *People of the Philippines vs. Mercedita T. Resurreccion*, G.R. No. 188310, June 13, 2013, to wit:

“Accused-appellant is trying to make an issue of the alleged inconsistency between PO2 Lique’s sworn affidavit and his testimony before the RTC. In his sworn affidavit, PO2 Lique averred that accused-appellant voluntarily emptied her pockets and handed over to the police the canister containing the 12 heat-sealed plastic sachets of shabu. When he testified before the trial court, PO2 Lique narrated that accused-appellant had refused to obey the order for her to empty her pockets so that PO2 Lique himself checked accused-appellant’s pockets wherein he found the said canister, which he immediately confiscated. The inconsistency is trifling and does not affect any of the elements of the crime charged. Regardless of who emptied accused-appellant’s pockets, the important fact was that the canister was actually found inside accused-appellant’s pockets and in her possession. Inconsistencies and discrepancies in the testimony referring to minor details and not upon the basic aspect of the crime do not diminish the witnesses’ credibility. More so, an inconsistency, which has nothing to do with the elements of a crime, is not a ground to reverse a conviction.” (Emphasis supplied)

On top of this, the trial court's appreciation of facts and evaluation of testimonies and credibility of the witnesses, as is the deeply entrenched rule, deserves much weight and respect, and should not be disturbed.[45] The reason is that the trial court had the distinct opportunity, not available to the reviewing courts, to hear the testimonies of the witnesses and to observe their conduct and demeanor on the stand.[46]

Moreover, contrary to accused-appellant's assignment of error IV, the prosecution established the chain of custody

of the illegal drugs and drug paraphernalia found in accused-appellant's possession.

Accused-appellant had argued that:

“In the cases at bar, only SPO1 Aguilar testified on the alleged markings on the specimen which were supposedly placed there by a PO1 Ebina. But never in his testimony did he mention when the markings were placed, except that it was done at the police station by PO2 Iver Ebina and that the specimens were sent to the crime laboratory on the morning of the following day.

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Moreover, in *People vs. Salvador Sanchez y Espiritu* (G.R. No. 175832, October 15, 2008, 569 SCRA 194), the Supreme Court drew a distinction between marking and inventory and held that consistent with the chain of custody rule, the marking of the drugs seized without warrant must be done 'immediately upon confiscation' and 'in the presence of the accused.'

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It must be noted that in the case at bar, the prosecution witnesses never mentioned that the marking of the supposed seized items were done in the presence of the accused. And the marking was not immediately done after confiscation since it was done only in the police station.”[47] (Emphasis supplied)

Defeating accused-appellant's arguments is that the police officers substantially complied with the legal requirements of R.A. No. 9165 after they confiscated the illegal drugs and drug paraphernalia from accused-appellant.

Records revealed that after the police officers confiscated from accused-appellant two (2) sachets of suspected shabu, six (6) plastic sachets of suspected marijuana, and an improvised tooter, the police officers brought all of these items to the Police Station where accused-appellant was investigated. There, PO1 Ebina made the necessary markings in the presence of SPO1 Aguilar.[48]

Besides, the failure to immediately make the necessary markings after the items were confiscated would not automatically impair the integrity of the chain of custody. This is pursuant to the declaration made by the Supreme Court in *Francisco Imson y Adriano vs. People of the Philippines*, G.R. No. 193003, July 13, 2011, as follows:

“Likewise, the failure of the policemen to mark the two plastic sachets containing shabu at the place of arrest does not render the confiscated items inadmissible in evidence. In *People v. Resurreccion* the Court held that the failure of the policemen to immediately mark the confiscated items does not automatically impair the integrity of chain of custody. The Court held:

Jurisprudence tells us that the failure to immediately mark seized drugs will not automatically impair the integrity of chain of custody.

The failure to strictly comply with Sec. 21(1), Art. II of RA 9165 does not necessarily render an accused's arrest illegal or the items seized or confiscated from him inadmissible. What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as these would be utilized in the determination of the guilt or innocence of the accused.

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xxx Marking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team.” (Emphasis supplied)

Along with the fact that the items confiscated from accused-appellant were properly identified,[49] no “break” in

the chain of custody of the prohibited drug existed. The testimonial, documentary, and object evidence presented by the prosecution established every link in the custody of the prohibited drug – from the moment PO1 Mago recovered from accused-appellant two (2) plastic sachets of suspected shabu, while PO2 Esmiller recovered from accused-appellant the six (6) tea bags of marijuana, and an improvised tooter,[50] to the time the police officers brought the confiscated items to the police station,[51] until the time PO1 Ebina and SPO1 Aguilar turned over such items to the Crime Laboratory.[52]

This flow of events leads to no other conclusion than that the specimens examined by Forensic Chemist PSI Huelgas, which tested positive for shabu and marijuana,[53] and which were presented as evidence during the trial,[54] were the same ones taken from accused-appellant.

Absent any evidence showing that there was tampering with the evidence, as was the case here, the presumption of regularity that the integrity of the evidence has been preserved would be upheld. This is pursuant to the pronouncement of the Supreme Court in *People of the Philippines vs. Emily Mendoza y Sartin*, G.R. No. 189327, February 29, 2012, to wit:

“This Court has, in many cases, held that while the chain of custody should ideally be perfect, in reality it is not, 'as it is almost always impossible to obtain an unbroken chain.' The most important factor is the preservation of the integrity and the evidentiary value of the seized items as they will be used to determine the guilt or innocence of the accused. Hence, the prosecution's failure to submit in evidence the physical inventory and photograph of the seized drugs as required under Article 21 of Republic Act No. 9165, will not render Mendoza's arrest illegal or the items seized from her inadmissible.

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In any case, unless Mendoza can show that there was bad faith, ill will, or tampering with the evidence, the presumption that the integrity of the evidence has been preserved will be upheld. It is upon Mendoza to show the foregoing to overcome the presumption that the police officers handled the seized drugs with regularity, and that they properly performed their duties. This burden, she failed to discharge.” (Emphasis supplied)

Consequently, the prosecution had proven the guilt of accused-appellant Purificacion beyond reasonable doubt, contrary to accused-appellant's assignment of error I.

As a result of all these, the trial court was correct in meting out to accused-appellant the indeterminate penalty[55] of twelve (12) years and one (1) day as minimum, to fourteen (14) years and eight (8) months as maximum, and a fine of Three Hundred Thousand Pesos (Php 300,000.00) for Illegal Possession of 0.14 grams of shabu and 11.31 grams of marijuana, pursuant to Section 11, Article II of R.A. 9165, to wit:

“Section 11. Possession of Dangerous Drugs. xxx

Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or 'shabu', or other dangerous drugs such as, but not limited to, MDMA or 'ecstasy', PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.” (Emphasis supplied)

Although the trial court was correct in meting out to accused-appellant the indeterminate penalty[56] of six (6) months and one (1) day as minimum, to two (2) years and four (4) months as maximum for Illegal Possession of equipment, instrument, apparatus and other paraphernalia for dangerous drug pursuant to Section 12, Article II of R.A. 9165, the trial court failed to order accused-appellant to pay a fine of Ten Thousand Pesos (Php 10,000.00)

for Illegal Possession of equipment, instrument, apparatus and other paraphernalia for dangerous drug. The imposition of a fine is pursuant to Section 12, Article II of R.A. 9165, to wit:

“Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs. – The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body: Provided, That in the case of medical practitioners and various professionals who are required to carry such equipment, instrument, apparatus and other paraphernalia in the practice of their profession, the Board shall prescribe the necessary implementing guidelines thereof.” (Emphasis supplied)

Meting out a proper increase in accused-appellant's penalty is in accord with the pronouncement of the Supreme Court in *People of the Philippines vs. Lolito Honor y Aligway, Alberto Garjas y Empimo, Noel Suralta y Paña, and Pedro Tumampo y Naya*, G.R. No. 175945, April 7, 2009:

“xxx an appeal in a criminal case opens the whole case for review and this includes the penalty, which may be increased.”

After careful consideration of all the facts, arguments, and issues appearing on the records, as well as of the pertinent laws and jurisprudence, and, in accordance with what is best determined to be proper under the circumstances, the following disposition is made on these matters.

IN VIEW OF ALL THESE, the appealed Decision convicting accused-appellant is **AFFIRMED**, with the **MODIFICATION** that accused-appellant is also **ORDERED** to pay the amount of Ten Thousand pesos (Php 10,000.00) for Illegal Possession of equipment, instrument, apparatus and other paraphernalia for dangerous drug.

SO ORDERED.

Didican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 138 - 165

[2] Records, pp. 244 - 260

[3] Record 2006 - 87, pp. 2 - 3

[4] Record 2006-87, pp. 2 - 3

[5] Records, p. 2

[6] Record 2006-171, pp. 2 - 3

[7] Record 2006-171, pp. 2 - 3

[8] Record 2006-171, p. 2

[9] TSN, July 24, 2007, pp. 4 - 5

[10] TSN, July 24, 2007, p. 9

[11] TSN, July 24, 2007, pp. 6 - 7

- [12] TSN, July 24, 2007, p. 9
- [13] TSN, July 24, 2007, p. 7
- [14] TSN, October 10, 2007, p. 5
- [15] TSN, July 24, 2007, p. 8
- [16] TSN, July 24, 2007, p. 8
- [17] TSN, October 10, 2007, p. 6
- [18] TSN, October 10, 2007, p. 6
- [19] TSN, July 24, 2007, p. 8
- [20] TSN, July 24, 2007, p. 8
- [21] TSN, October 10, 2007, p. 6
- [22] TSN, October 10, 2007, pp. 6 - 9
- [23] TSN, October 10, 2007, pp. 6, 11
- [24] Records, p. 242
- [25] TSN, April 23, 2008, p. 3
- [26] TSN, March 24, 2009, p. 6
- [27] TSN, April 23, 2008, p. 4
- [28] TSN, March 24, 2009, p. 7; TSN, April 23, 2008, p. 4
- [29] TSN, April 23, 2008, p. 4
- [30] TSN, April 23, 2008, p. 6
- [31] Record 2006 - 87, pp. 2 - 3
- [[32]] Record 2006-171, pp. 2 - 3
- [33] Record 2006 – 87, p. 70
- [34] Records, pp. 244 - 260
- [35] Records, p. 260
- [36] Rollo, p. 163
- [37] Rollo, pp. 138 - 139
- [38] *Rosana Asiatico y Sta. Maria vs. People of the Philippines*, G.R. No. 195005, September 12, 2011
- [39] *People of the Philippines vs. Godofredo Mariano y Feliciano and Allan Doringo y Gunan*, G.R. No. 191193, November 14, 2012
- [40] *Ermin Dacles y Oledo vs. People of the Philippines*, G.R. No. 171487, March 14, 2008; *People of the Philippines vs. Evangeline Ganenas y Urbano*, G.R. No. 141400, September 6, 2001.

- [41] People of the Philippines vs. Angelito Ambrosio y Campos, et al., G.R. No. 135378, April 14, 2004
- [42] Rollo, pp. 94 - 95
- [43] Rollo, p. 157 - 158
- [44] Rollo, pp. 155-156
- [45] People of the Philippines vs. Reynaldo Albalate, Jr., G.R. No. 174480, December 18, 2009
- [46] People of the Philippines vs. Sammy Ramos, G.R. No. 172470, April 8, 2008
- [47] Rollo, p. 159 - 163
- [48] TSN, October 10, 2007, p. 6
- [49] TSN, October 10, 2007, pp. 7 - 10
- [50] TSN, October 10, 2007, pp. 5 – 6,
- [51] TSN, October 10, 2007, p. 6
- [52] TSN, October 10, 2007, pp. 6 - 11, Records, p. 241
- [53] Records, p.242
- [54] TSN, October 10, 2007, pp. 10, 17 - 18
- [55] People of the Philippines vs. John Brian Amarillo y Mapa a.k.a. Jao Mapa, G.R. No. 194721, August 15, 2012
- [56] People of the Philippines vs. John Brian Amarillo y Mapa a.k.a. Jao Mapa, G.R. No. 194721, August 15, 2012

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