

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERLINDA ONG Y DY AND MA. CELINA ONG Y DY, ACCUSED-APPELLANTS.

Ponente: DICDICAN, J.

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DICDICAN, J.:

In assessing the credibility of witnesses, we are guided by the following principles: (1) the reviewing court will not disturb the findings of the lower court unless there is a showing that it had overlooked, misunderstood, or misapplied some fact or circumstance of weight and substance that could affect the results of the case; (2) the findings of the trial court respecting the credibility of witnesses are entitled to great respect and even finality as it had the opportunity to examine their demeanor when they testified on the witness stand; and (3) a witness who testifies in a clear, positive, and convincing manner and remains consistent on cross-examination is a credible witness.[1]

This is an appeal from the Joint Decision[2] rendered by Judge Noemi J. Balitaan, Presiding Judge of Branch 258 of the Regional Trial Court of the National Capital Judicial Region in Parañaque City (“trial court”) on October 15, 2012 in Criminal Cases Nos. 06-1356 to 1359 convicting herein accused-appellants Erlinda Ong y Dy and Ma. Celina Ong y Dy (“accused-appellants”) of the crime of estafa under paragraph 2(a) of Article 315 of the Revised Penal Code, in three (3) separate informations which read:

Criminal Case No. 06-1357: [3]

“That sometime in September 2006 and subsequent thereto, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one Alberto Gomes whose true name/identity and present whereabouts are still unknown, and all of them mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously defraud one GLORIA S. SABADO, to the effect that accused would facilitate the processing of papers pertinent to her overseas job placement if she would deliver to them the amount of P91,740.78 to cover the costs of placement and by means of other similar deceit which representation they well knew to be false and only made to induce the aforementioned complainant to give and deliver as in fact the said private complainant gave and delivered the said amount and accused once in possession of the same, did then and there willfully, unlawfully and feloniously apply and appropriate the said amount to their own personal use and benefit to the damage and prejudice of GLORIA S. SABADO, in the aforementioned amount of P91,740.78.

“CONTRARY TO LAW.”

Criminal Case No. 06-1358: [4]

“That sometime in September 2006 and subsequent thereto, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one Alberto Gomes whose true name/identity and present whereabouts are still unknown, and all of them mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously defraud one EVANGELINE B. SALCEDA, to the effect that accused would facilitate the processing of papers pertinent to her overseas job placement if she would deliver to them the amount of P91,741.78 to cover the costs of

placement and by means of other similar deceit which representation they well knew to be false and only made to induce the aforementioned complainant to give and deliver as in fact the said private complainant gave and delivered the said amount and accused once in possession of the same, did then and there willfully, unlawfully and feloniously apply and appropriate the said amount to their own personal use and benefit to the damage and prejudice of EVANGELINE B. SALCEDA, in the aforementioned amount of P91,741.78.

“CONTRARY TO LAW.”

Criminal Case No. 06-1359: [5]

“That sometime in September 2006 and subsequent thereto, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one Alberto Gomes whose true name/identity and present whereabouts are still unknown, and all of them mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously defraud one TUESDAY A. MCCULLEY, to the effect that accused would facilitate the processing of papers pertinent to her overseas job placement if she would deliver to them the amount of P91,740.78 to cover the costs of placement and by means of other similar deceit which representation they well knew to be false and only made to induce the aforementioned complainant to give and deliver as in fact the said private complainant gave and delivered the said amount and accused once in possession of the same, did then and there willfully, unlawfully and feloniously apply and appropriate the said amount to their own personal use and benefit to the damage and prejudice of TUESDAY A. MCCULLEY, in the aforementioned amount of P91,740.78.

“CONTRARY TO LAW.”

In the same decision, the accused-appellants were likewise convicted of the crime of illegal recruitment on large scale as defined and penalized under Section 6 in relation to Section 7 of Republic Act No. 8042, otherwise known as “The Migrant Workers and Overseas Filipinos Act of 1995” in a separate Information[6] which states:

Criminal Case No. 06-1356:

“That sometime in September 2006 and subsequent thereto, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one Alberto Gomes whose true name/identity and present whereabouts are still unknown, and all of them mutually helping and aiding one another and representing themselves to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there willfully, unlawfully and feloniously, for a fee, recruit and promise employment abroad to complainants TUESDAY A. MCCULLEY, GLORIA S. SABADO and EVANGELINE B. SALCEDA, without first securing the required license or authority from the Philippine Overseas Employment Agency, thus committed by a syndicate and in large scale amounting to economic sabotage.

“CONTRARY TO LAW.”

Upon arraignment, the accused-appellants pleaded not guilty to both charges. Thereafter, the accused-appellants filed a Petition for Bail[7] stating that the burden of showing that the evidence of their guilt is strong rests on the plaintiff-appellee and, unless the said fact is satisfactorily shown, the accused-appellants may be released on bail upon the discretion of the trial court. Pursuant thereto, the plaintiff-appellee presented its witnesses in order to support its objection to the aforesaid motion to grant bail.

During the hearing on the motion to grant bail that was filed by the accused-appellants, private offended party Gloria S. Sabado (“Sabado”) testified that she was introduced to herein accusedappellants by one Chong Tan (“Tan”) on September 5, 2006 at the house of the accused-appellants in Parañaque City. Private offended parties Evangeline B. Salceda (“Salceda”) and Tuesday A. Mcculley (Mcculley”) were also there. Accused-appellant Erlinda Ong (“accused-appellant Erlinda”) told the private offended parties that there was a housekeeping job

waiting for them at the Cambridge Hotel in Canada where they would be receiving a monthly salary of Two Thousand US Dollars (USD\$2,000). However, the private offended parties should first pay the amount of Thirty Thousand Pesos (Php30,000.00) each before they would be given their application forms for the said job. They were likewise told by accused-appellant Erlinda that they could leave the country within twenty (20) days after their documents had been processed.

Thereafter, Sabado narrated that she, along with Salceda and Mcculley, were accompanied by accused-appellant Celina Ong (“accused-appellant Celina”) to Western Union, Gatchalian, Parañaque branch, where they sent the money to one Alberto Gomez (“Gomez”) who was then in Guinea Bissau, Africa. Sabado averred that she had never seen Gomez and that it was accused-appellant Celina who gave the address of Gomez so that the private offended parties could send the money to him. On the same meeting, accused-appellant Celina told them that she would be the one who would negotiate with their employers abroad, namely: Rolex Lowland, Henry James and her best friend named Patty.

Afterwards, Sabado received an email from the accused-appellant Celina telling her to go to the Canadian embassy for an interview. However, Sabado was asked to pay a cash bond first in the amount of Five Hundred US Dollars (USD\$500). Thus, on September 6, 2006, Sabado, along with Salceda and Mcculley, went to the house of accused-appellant Erlinda where each of them gave the latter the amount of Thirty Thousand Pesos (Php30,000.00). Aside from this amount, the private offended parties gave accused-appellant Erlinda the amount of Seventeen Thousand Four Hundred Seventy Eight Pesos (Php17,478.00) each for their health insurance in Canada. The said amount was likewise sent to Gomez via Western Union, along with the amount of Five Thousand Pesos (Php5,000.00) each, which was deducted from the Thirty Thousand Pesos (Php30,000.00) that the private offended parties paid as cash bond.

Sabado claimed that she was convinced that the offer of overseas employment by the accused-appellants was genuine because the latter showed them some documents such as, to wit: (1) a letter from Cambridge Hotel, Toronto; (2) official information from Cambridge Hotel; (3) a letter from the Law Office Immigration Lawyers Canada consisting of six (6) pages on how to enter Canada; (4) an office memo entitled “Canadian Tourist Representative Head Office” that was sent through email and addressed to accused-appellant Celina; and (5) a picture of Gomez.

Succeeding payments were then made by each of the private offended parties in the following amounts: (1) Php8,382.49 sent to Gomez via Western Union on September 10, 2006; (2) Five Hundred US Dollars (USD\$500) cash bond that was also sent to Gomez via Western Union; and (c) Php7,875.00 as postage fees for sending out the documents of the private offended parties to Canada. Thereafter, the private offended parties received an email from accused-appellant Celina regarding the schedule of their interview at the Canadian embassy. However, the accused-appellants again asked them for an additional amount of One Hundred Fifty US Dollars (USD150) each for additional postage fee for the processing and release of their tickets and documents.

At this point, the private offended parties went to the National Bureau of Investigation (NBI) to file a complaint against the accused-appellants. An entrapment operation was then conducted sometime in November 2006 at the house of the accused-appellants. Thereafter, upon verification from the Philippine Overseas Employment Administration (POEA), the private offended parties discovered that the accused-appellants did not have any license to recruit workers for overseas employment.

Thereafter, both Salceda and Mcculley likewise testified in court in order to oppose the motion for application for bail that was filed by the accused-appellants. Both the testimonies of Salceda and Mcculley corroborated the statements of Sabado on all material points. Consequently, on July 16, 2007, the trial court rendered a Decision[8]

denying the motion for bail that was filed by the accusedappellants on the ground that the evidence of their guilt was strong.

The case was then referred by the trial court for mediation proceeding but both parties failed to appear during the scheduled mediation. Thereafter, a pre-trial was conducted by the trial court where the counsel for the accused-appellants admitted the identity of the latter, as well as the jurisdiction of the trial court. Meanwhile, on September 10, 2008, Mcculley executed an affidavit of desistance, claiming that she had agreed to settle the civil aspect of the case. Trial on the merits of the case thereafter ensued.

During the trial, the plaintiff-appellee adduced in evidence the testimony of Jeffrey Dela Merced (“Dela Merced”) who was one of the NBI agents who conducted the entrapment operation on November 15, 2006 at the house of the accused-appellants. He maintained that the amount of Fifteen Thousand Pesos (Php15,000.00) was given to the accused-appellants but only five (5) One Hundred Peso bills (Php100.00) were marked. On cross-examination, however, Dela Merced admitted that he and his team had no written authority from the chief of the NBI to conduct entrapment operations. Nonetheless, it had been the standard operating procedure of their office to conduct entrapment operations whenever they deemed it necessary.

In her defense, herein accused-appellant Erlinda denied the allegations that were hurled against her by the plaintiff-appellee. She claimed that she was a personal loan specialist at HSBC bank and insisted that she did not know the private offended parties in this case. On November 15, 2006, she narrated that the private offended parties went to her house to file their application for a personal loan. However, accused-appellant Erlinda averred that Mcculley suddenly grabbed her head while she was washing clothes and forced her to sit down. Afterwards, Mcculley grabbed her hand and put money on it then a cameraman suddenly appeared. She maintained that somebody pushed her down and an NBI agent came inside the house to arrest her. Thereafter, accused-appellant Erlinda stated that she was brought to the NBI office and to the Office of the Prosecutor for inquest. However, she admitted that she had already been previously charged with the crime of illegal recruitment but was acquitted of the said charge two (2) years ago.

For her part, accused-appellant Celina testified that she was a call center agent at Psyches Asia and denied knowing the private offended parties in the instant case. She explained that she only saw the private offended parties when she went home from work but she did not interact with them since she went up to her room right away. However, like accused-appellant Erlinda, accused-appellant Celina also admitted that she had already been previously charged of the crime of illegal recruitment by other individuals.

On October 15, 2012, the trial court rendered the herein assailed Decision, the dispositive portion of which reads:

“WHEREFORE, based on the foregoing and the prosecution having proved the guilt of both accused Erlinda Ong and Celina Ong beyond reasonable doubt of the crimes charged against them, in four (4) separate Information, they are both sentenced to suffer the following:

“(a) In Criminal Case No. 06-1356 - ILLEGAL RECRUITMENT

“For each of the accused Erlinda Ong and Celina Ong, to suffer the penalty of Life Imprisonment and a Fine of Five Hundred Thousand Pesos (P500,000.00);

“(b) In Criminal Case No. 06-1357 - ESTAFA

“For each of the accused to suffer the indeterminate penalty of four (4) years, two (2) months and one (1) day to five (5) years, five (5) months and ten (10) days as minimum to twelve (12) years, ten (10) months and one (1) day of prision mayor as maximum.

“(c) In Criminal Case No. 06-1358 - ESTAFA

“For each of the accused to suffer the indeterminate penalty of four (4) years, two (2) months and one (1) day to five (5) years, five (5) months and ten (10) days as minimum to twelve (12) years, ten (10) months and one (1) day of prision mayor as maximum.

“(d) In Criminal Case No. 06-1359 - ESTAFA

“For each of the accused to suffer the indeterminate penalty of four (4) years, two (2) months and one (1) day to five (5) years, five (5) months and ten (10) days as minimum to twelve (12) years, ten (10) months and one (1) day of prision mayor as maximum.

“Accused Erlinda Ong and Celina Ong are likewise ordered to jointly and severally reimburse Gloria Sabado, Evangeline Salceda and Tuesday Mcculley the amount of P91,740.78 each as actual damages with interest thereon at the legal rate from the filing of the Information until fully paid.

“SO ORDERED.”

Unperturbed by the foregoing determination of the trial court, herein accused-appellants interposed the instant appeal raising the following errors that were purportedly committed by the trial court, to wit:

I.

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY OF THREE (3) COUNTS OF ESTAFA DESPITE THE INSUFFICIENCY OF THE EVIDENCE FOR THE PROSECUTION.

II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF LARGE SCALE ILLEGAL RECRUITMENT DESPITE THE INSUFFICIENCY OF THE EVIDENCE FOR THE PROSECUTION.

In sum, the issue brought before this Court for resolution is whether the evidence adduced by the plaintiff-appellee in the trial court failed to prove herein accused-appellants' guilt beyond reasonable doubt. After a careful and thorough review of the facts, law and issues of this case, we sustain accused-appellants' conviction both for the crimes of illegal recruitment in large scale and estafa.

The crime of illegal recruitment in large scale is defined and penalized under Sec. 6 of Republic Act. No. 8042, which reads:

“SEC. 6. Definition. - For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: Provided, That any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, nonholder, licensee or holder of authority:

“(a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance;

“(b) To furnish or publish any false notice or information or document in relation to recruitment or employment;

“(c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;

“(d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;

“(e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;

“(f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;

“(g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;

“(h) To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment;

“(i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;

“(j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;

“(k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under the Labor Code and its implementing rules and regulations;

“(l) Failure to actually deploy without valid reason as determined by the Department of Labor and Employment ; and

“(m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault. Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage.

“Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

“The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.”

In order to successfully prosecute an accused for illegal recruitment, the elements to be established are: first, that the offender had no valid license or authority required by law to enable him or her to lawfully engage in the recruitment and placement of workers; and, second, that the offender undertakes any activity within the meaning of “recruitment and placement” as defined under Article 13(b), or any prohibited practices enumerated under Article 34 of the Labor Code.[9]

In turn, Article 13(b) of the Labor Code defines recruitment and placement as follows:

“Any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not: Provided, that any person or entity which, in any manner, offers or promises for a fee employment to two or more persons shall be deemed engaged in recruitment and placement.”

In the case at bench, the two (2) elements cited above were successfully established by the plaintiff-appellee beyond reasonable doubt. The accused-appellants had no valid license or authority required by law to enable them to lawfully engage in the recruitment and placement of workers abroad. As to the second element, it must be shown that the accused-appellants gave the private offended parties the distinct impression that they had the power or ability to send the private offended parties abroad for work, such that the latter were convinced to part with their money in order to be employed.[10] Here, the decision of the trial court is convincing, to wit:

“All three complainants testified that they went to the house of the accused to apply for work abroad. Upon arrival at the house of the accused, they told them of the requirements needed in the application; that within twenty (20) days after processing of their documents they can leave for Canada where a housekeeping job is waiting for them at Cambridge Hotel, Cambridge, Toronto, Canada with a monthly salary of US\$2,000.00.

“Celina Ong told them that their would-be employers in Canada are diplomats in the person of Rolex Roland, Henry James and her best friend 'Patty', that she would be coordinating with them as regards their employment therein.

“But before giving them the application form, they were told by the accused to pay P30,000.00 as 'processing fee'. The P30,000.00 processing fee were given personally by the complainants to Erlinda Ong at the latter's residence at No. 53 Bernabe Compound, Gatchalian Subdivision, in September 5, 2006.

“Subsequent payments were made, but all these were sent to Alberto Gomez who was based in Guinea, Bassau, thru Western Union Bank, Gatchalian Branch, Parañaque City, and Navotas Branch. Accused Celina Ong was with them when they sent the money to Alberto Gomez.

“When complainants made follow-up on the promised employment, they were asked to give additional amount of US\$150.00 before they could be finally deployed for overseas employment.

“Certification from the POEA clearly showed that both accused did not possess the requisite license or authority; and despite the absence thereof, they engaged in recruitment activities as shown by the prosecution evidence.

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“Considering that there are three (3) complainants in these cases who were recruited as a group, the acts of the accused constitute illegal recruitment on large scale tantamount to economic sabotage and is punishable under Sec. 7 (b) of RA 8042.”

The totality of the pieces of evidence in the case at bench, when scrutinized and taken together, leads to no other conclusion than that the accused-appellants promised overseas employment to the private offended parties under the above-quoted Sec. 6 of Republic Act No. 8042 vis-à-vis Article 13(b) of the Labor Code. Thus, the trial court did not err in finding the accused-appellants to be guilty of the aforementioned crime of illegal recruitment in large scale.

With respect to the criminal charges of estafa, this Court likewise affirms the conviction of accused-appellants for said crime. Article 315, par. 2(a) of the Revised Penal Code enumerates one of the modes of committing estafa, thus:

“x x x

“2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

“(a) By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceptions.”

The same evidence proving the accused-appellants' criminal liability for illegal recruitment also established their liability for estafa. It is settled that a person may be charged and convicted separately of illegal recruitment under Republic Act No. 8042 in relation to the Labor Code, and estafa under Art. 315, paragraph 2(a) of the Revised Penal Code. This rule had been laid down by the Supreme Court in the case of *People v. Yabut*[11] where it was declared:

“In this jurisdiction, it is settled that a person who commits illegal recruitment may be charged and convicted separately of illegal recruitment under the Labor Code and estafa under par. 2(a) of Art. 315 of the Revised Penal Code. The offense of illegal recruitment is *malum prohibitum* where the criminal intent of the accused is not necessary for conviction, while estafa is *malum in se* where the criminal intent of the accused is crucial for conviction. Conviction for offenses under the Labor Code does not bar conviction for offenses punishable by other laws. Conversely, conviction for estafa under par. 2(a) of Art. 315 of the Revised Penal Code does not bar a conviction for illegal recruitment under the Labor Code. It follows that one's acquittal of the crime of estafa will not necessarily result in his acquittal of the crime of illegal recruitment in large scale, and vice versa.”

As could be gleaned from the language of Article 315, par. 2(a) of the Revised Penal Code, the elements of estafa under said provision are: (a) defrauding another by abuse of confidence or by means of deceit; and (b) damage or prejudice capable of pecuniary estimation resulted therefrom.[12]

Here, as intimated in the earlier part hereof, the private offended parties parted with their money upon the prodding and enticement of the accused-appellants on the false pretense that the latter had the capacity to deploy them for employment as a chambermaid in a hotel in Canada. However, after a series of transactions whereby the private offended parties repeatedly gave various amounts of money to the accused-appellants, none of them was able to work overseas. Also, as established by the prosecution, the private offended parties were not able to get their money back, thus, causing them damage and prejudice. The deceit that was employed by the accused-appellants caused the private offended parties to entrust their money to the accused-appellants in exchange of what they later discovered was a vain hope of obtaining employment abroad.

Withal, it is a fundamental rule that findings of the trial courts which are factual in nature and which involve credibility are accorded respect when no glaring errors, gross misapprehension of facts, or speculative, arbitrary and unsupported conclusions can be gathered from such findings[13]. The trial court's determination on the issue of credibility of witnesses and its consequent findings of facts must be given great weight and respect on appeal, unless certain facts or substance have been overlooked which, if considered, might affect the result of the case. This is so because of the judicial experience that trial courts are in a better position to decide the question of credibility, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial[14]. Here, after a sagacious review of the records, we find no reason to depart from the findings of the trial court.

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us DENYING the instant appeal for lack of merit. The Decision rendered by Branch 258 of the Regional Trial Court of the National Capital Judicial Region in Parañaque City on October 15, 2012 in Criminal Cases Nos. 06-1356 to 1359 is hereby AFFIRMED in toto.

SO ORDERED.

Elbinias and Paredes, JJ., concur.

[1] People v. Galido, G.R. Nos. 148689-92, March 30, 2004, 426 SCRA 502, 513; People v. Penaso, G.R. No. 121980, February 23, 2000, 326 SCRA 311, 319.

[2] Rollo, Annex “A”, pages 57-70.

[3] Record, Criminal Cases Nos. 06-1356 to 1359, Volume 1, page 5.

[4] Ibid, page 9.

[5] Ibid, page 13.

[6] Ibid, page 1.

[7] Ibid, pages 188-190.

[8] Ibid, pages 349-364

[9] People v. Navarra, Sr., 404 Phil. 693, 701 (2001).

[10] People v. Angeles, 430 Phil. 333, 346 (2002).

[11] 374 Phil. 575, 586 (1999).

[12] People v. Temporada, G.R. No. 173473, 17 December 2008.

[13] People v. Villamin, G.R. No. 175590, February 9, 2010.

[14] People v. Alberto, G.R. No. 179717, February 5, 2010.

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