

FRANCISCO APARIS Y SANTOS, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.*G.R. No. 169195. February 17, 2010*

Ponente: PERALTA, J.

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Before the Court is a Petition For Review on Certiorari under Rule 45 of the Rules of Court assailing the Decision[1] of the Court of Appeals (CA) promulgated on August 31, 2004 in CA-G.R. CR No. 24238 and its Resolution[2] dated August 5, 2005. The challenged Decision of the CA affirmed with modification the March 31, 2000 Decision[3] of the Regional Trial Court (RTC) of Makati, Branch 64 in Criminal Case No. 96-146, finding herein petitioner Francisco Aparis y Santos guilty beyond reasonable doubt of violating Section 15, Article III of Republic Act No. 6425 (RA 6425), otherwise known as the Dangerous Drugs Act of 1972, as amended; while its questioned Resolution denied petitioner's motion for reconsideration.

The prosecution's version of the facts, as summarized by the trial court, are as follows:

On [January] 17, 1996 at about 2:30 o'clock in the morning, elements of the PNP Narcotics Command based at Camp Crame, Quezon City and headed by Police Inspector Randolph Gozar, conducted a buy-bust operation at Dian Street, corner Zobel Street, Barangay Palanan, Makati City which resulted in the apprehension of accused Edilberto Campos y Ibalid and [herein petitioner] Francisco Aparis y Santos. Several Days prior to the actual buy-bust, PO3 Nelson Labrador and confidential informant had entered into a drug deal with a certain "Boyet Aparis". The name "Boyet Aparis" is in the drug watchlist of the NARCOM. In the planned buy-bust operation the poseur buyer, PO3 Nelson Labrador, was to buy from the accused P100,000.00 worth of shabu which would be delivered at Dian Street, corner Zobel Street, Bgy. Palanan, Makati City. They reported the "deal" to their superior, Police Capt. David Noora who directed them to conduct the buy-bust operation. On the aforesaid date and time, from Camp Crame the team composed of Police Inspector Randolph Gozar, SPO1 Edwin Anaviso, PO3 Nelson Labrador and the confidential informant went to Dian Street, corner Zobel Street, Palanan, Makati City on board three unmarked vehicles. PO3 Labrador and the confidential informant were together in one vehicle. Upon their arrival at the place the buy-bust team deployed themselves at strategic position[s] while they waited for their "quarry". After sometime a white Lancer GLI with Conduction No. 97-AYZ arrived with two (2) male persons on board. A male person seated at the passenger side of the car alighted and approached the car of PO3 Nelson Labrador. PO3 Nelson Labrador and the confidential informant alighted from their car and proceeded to the car of accused and they went inside at the backseat of the car. They were accompanied by the man who earlier alighted from the white Lancer GLI and who was later on identified as Edilberto Campos. In a little while PO3 Labrador executed the pre-arranged signal signifying that the buy-bust operation had been accomplished. x x x Upon receiving the signal, P/Insp. Gozar and his other police teammates rushed to where PO3 Labrador and the confidential informant were and they gave their assistance to effect the arrest of the accused. x x x The police [were] able to confiscate the shabu subject of the buy-bust and the buy-bust money... x x x The man from whom PO3 Labrador bought shabu was identified as Francisco S. Aparis alias Boyet Aparis, and his companion who was seated at the front passenger seat of the white Lancer GLI, and who alighted from the car upon seeing PO3 Labrador and the confidential informant, and who accompanied the two to the Lancer GLI, was identified as the accused Edilberto Campos. The alleged

shabu was examined at the PNP Crime Laboratory and was found to be positive for Methamphetamine Hydrochloride or Shabu, a regulated drug. x x x[4]

In an Information dated January 18, 1996, petitioner and co-accused Edilberto Campos (Campos) were charged with violation of Section 15, Article III of Republic Act No. 6425. Pertinent portions of the Information filed against petitioner and Campos read as follows:

That on or about the 17[th] day of January, 1996, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without the corresponding license or prescription, did then and there willfully, unlawfully and feloniously sell, give away, distribute and deliver 101.11 gms of Methamphetamine Hydrochloride (Shabu) which is a regulated drug.

CONTRARY TO LAW.[5]

Upon arraignment, petitioner and Campos both pleaded not guilty to the offense charged.[6] Thereafter, trial ensued.

In his defense, petitioner denied the occurrence of any buy-bust operation, which the prosecution claimed to have conducted, and which led to his and Campos' arrest. Petitioner alleged that he was billeted at the Manila Hotel as early as January 15, 1996. Campos, whom he claimed to be his driver, followed him to the hotel the following day. In the early morning of January 17, 1996, while he was driving his car along Roxas Boulevard, Manila, on his way to a casino in Silahis Hotel, his vehicle was suddenly blocked by two cars. Thereafter he was apprehended at gun point by persons unknown to him. They took over his car, blindfolded, handcuffed him and robbed him of his money and other valuables. They then proceeded to his room in the Manila Hotel, where he was further robbed of his previous winnings in the casino worth P1,000,000.00, as well as other personal records and documents. Petitioner also claims that Campos was arrested at the hotel. Petitioner alleged that he was simply framed up, and that he was a victim of a conspiracy designed by his former wife, or by a police colonel, both of whom had an ax to grind against him.

On March 31, 2000, the RTC rendered judgment and disposed as follows:

WHEREFORE, in view of the foregoing, judgment is rendered as follows:

1. In Criminal Case No. 96-146, the accused EDILBERTO CAMPOS y IBALID is ACQUITTED for insufficiency of evidence.
2. In Criminal Case No. 96-147, the accused FRANCISCO APARIS y SANTOS alias "BOYET" is GUILTY beyond reasonable doubt of the crime as charged, and is sentenced to suffer the indeterminate prison term of SIX (6) YEARS of PRISION CORRECCIONAL as minimum to TWELVE (12) YEARS of PRISION MAYOR, as maximum.

SO ORDERED.[7]

Insofar as petitioner is concerned, the trial court found that all the elements of the crime charged were present and were proven beyond reasonable doubt by the documentary and object evidence presented by the prosecution, as well as the testimonies of the witnesses, especially Police Officer 3 PO3 Labrador, who acted as the poseur-buyer; and Police Inspector Gozar, the team leader who led the buy-bust operation.

With respect to Campos, however, the RTC ruled that the prosecution failed to present sufficient evidence to prove that he actually sold or delivered shabu to PO3 Labrador, or that he was in conspiracy with petitioner in selling the said drugs.

Aggrieved by the Decision of the RTC, petitioner filed an appeal with the CA.

On August 31, 2004, the CA promulgated the presently assailed Decision with the following dispositive portion:

WHEREFORE, the appealed decision of the Regional Trial Court of Makati City (Branch 64) is AFFIRMED with MODIFICATION on the sentence imposed on accused-appellant Francisco Aparis y Santos in that he shall suffer the indeterminate penalty of six (6) years of prision correccional, as minimum, to eight (8) years and eight (8) months of prision mayor, as maximum.

SO ORDERED.[8]

The CA ruled that the trial court committed no error in giving credence to the testimonies of the prosecution witnesses as against those of petitioner. The CA also held that petitioner failed to substantiate his defense that he was framed up.

Petitioner filed a Motion for Reconsideration, but the CA denied it in its Resolution of August 5, 2005.

Hence, the instant petition based on the following grounds:

I

WHETHER OR NOT THE PRESIDING JUDGE OF RTC-BR. 64, MAKATI CITY AND THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERRORS IN THE APPRECIATION OF THE EVIDENCE, INCLUDING THE MATTER OF JURISDICTION.

II

WHETHER OR NOT THE FUNDAMENTAL RIGHTS OF THE PETITIONER WERE VIOLATED WHEN HE WAS ALLEGEDLY ARRESTED BY THE POLICE OFFICERS.[9]

Petitioner maintained his innocence and insisted that he was a victim of frame-up and robbery. He contends that the police officers who testified against him were paid to falsely charge him with a crime he did not commit.

Petitioner also asserted that the testimonies of the prosecution witnesses contradicted each other. In particular, he claimed that the first two witnesses testified that he (petitioner) was the target of the buy-bust operation, that his name was in the Drug Watch List of the Narcotics Command (NARCOM), and that surveillance was conducted by PO3 Labrador, who acted as the poseur-buyer. However, petitioner averred that Labrador categorically denied knowing petitioner prior to his arrest, and he admitted that no surveillance was conducted.

Petitioner further contends that the RTC of Makati had no jurisdiction over his case, as the place where the crime was supposedly committed is within Manila.

Lastly, petitioner claims that he was not properly apprised of his fundamental rights when he was arrested.

The Court is not persuaded.

To secure a conviction for illegal sale of shabu, the following essential elements must be established: (1) the identity of the buyer and the seller, the object of the sale and the consideration; and (2) the delivery of the thing sold and the payment thereof.[10] In prosecutions for illegal sale of shabu, what is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti as evidence.[11]

In the case before the Court, the prosecution was able to establish--through testimonial, documentary, and object evidence--the said elements. PO3 Labrador, who acted as the poseur-buyer, categorically testified about the buy-bust operation - from the time he and the confidential informant waited for petitioner to arrive, to the time when petitioner met them and asked them if they had money, to the actual exchange of the marked money with the plastic bag containing a white substance, which was later proved to be shabu; until the apprehension of

petitioner, to wit:

PROS. BAGAOISAN

Now, what time did you leave your office?

WITNESS

Almost 2:00 o'clock, sir.

PROS. BAGAOISAN

And, where was your destination?

WITNESS

Dian Street corner Zobel, Barrio Palanan, Makati City, sir.

PROS. BAGAOISAN

And, what means of transportation did you take in going to Dian corner Zobel Streets, Barrio Palanan, Makati City?

WITNESS

We were aboard three cars, sir.

PROS. BAGAOISAN

Who was with you on that car that you were riding?

WITNESS

My informant, sir.

PROS. BAGAOISAN

So, there were only two of you on that car?

WITNESS

Yes, sir.

PROS. BAGAOISAN

What time did you arrive at Dian corner Zobel Streets, Barrio Palanan, Makati City?

WITNESS

In the morning, sir.

PROS. BAGAOISAN

What did you do next upon arrival at Dian corner Zobel Streets?

WITNESS

We waited for the person to whom we had a deal, sir.

PROS. BAGAOISAN

And, you were referring to Francisco "Boyot" Aparis?

WITNESS

Yes, sir.

PROS. BAGAOISAN

Did Francisco "Boyot" Aparis arrive?

WITNESS

It was not long before the white lancer arrived, that don't (sic) have plate number but some sort of sticker, sir.

x x x

PROS. BAGAOISAN

Now, what happened after this white lancer car arrived?

WITNESS

A man alighted from the car and he approached us and we came to know later on that the name of the man is Edilberto Campos, sir.

PROS. BAGAOISAN

When you said "lumapit sa amin" whom you are referring? (sic)

WITNESS

The informant and me, sir.

PROS. BAGAOISAN

So, what did the man tell you, if he did tell you anything?

WITNESS

He told my informant that alias Boyet was there inside the car, sir.

PROS. BAGAOISAN

So, what happened after you were informed by the man that Boyet Aparis was inside the car?

WITNESS

They asked us to transfer to their car, sir.

PROS. BAGAOISAN

Who asked you to transfer to the car?

WITNESS

Edilberto Campos, sir. He was the one who gave us the signal to transfer to their car.

PROS. BAGAOISAN

Did you transfer to the white lancer car?

WITNESS

Yes, sir

PROS. BAGAOISAN

Now, in what portion of the car did you position yourself?

WITNESS

We got in the passenger's seat of the car, at the backseat of the car, sir.

PROS. BAGAOISAN

Now, where was Boyet Aparis positioned?

WITNESS

At the driver's seat, sir.

PROS. BAGAOISAN

How about Edilberto Campos, where was he?

WITNESS

They were side by side, sir.

PROS. BAGAOISAN

How about you, where were you positioned?

WITNESS

I was at the back of Francisco Aparis, sir.

PROS. BAGAOISAN

How about your informant, where was he positioned?

WITNESS

He was at the side, sir, at the back of Edilberto Campos.

PROS. BAGAOISAN

What happened next when you were positioned as such?

WITNESS

Aparis asked us if the money was with us, sir.

PROS. BAGAOISAN

What was your reply if there was any?

WITNESS

We asked if they have the stuff, sir.

PROS. BAGAOISAN

To whom did you address that question?

WITNESS

Aparis sir, because he was the one who talked.

PROS. BAGAOISAN

What happened after that?

WITNESS

Sir, he took the stuff from the bag which was inside the car and gave to me the stuff, then after that, I gave him the buy bust money, sir.

PROS. BAGAOISAN

Now, will you please describe to us this stuff that you have just mentioned?

WITNESS

It was inside the improvised plastic bag, sir.

PROS. BAGAOISAN

How big is this plastic bag?

WITNESS

About this size, sir. (Witness indicating the size of about 3 x 2 inches)

PROS. BAGAOISAN

Does it have any color?

WITNESS

Whitees (sic), sir.

x x x

PROS. BAGAOISAN

So, what happened after the accused Aparis handed to you this stuff and you also handed to him the buy bust money?

WITNESS

When I realized that the sale was already consummated, I pressed the voyager beeper, and that's the signal to our companion to give assistance to us and effect the arrest of the accused.

x x x

PROS. BAGAOISAN

What happened after you pressed that voyager beeper?

WITNESS

When I saw that my companions were already approaching, I put my left arm around Aparis' neck and I introduced myself as Narcom agent and informed them that they were under arrest, sir.

PROS. BAGAOISAN

What happened next after that?

WITNESS

After that, they were already arrested and we were able to recover the buy bust money and the stuff. And, when we conducted the search, we found some paraphernalias (sic), sir.

PROS. BAGAOISAN

What are these paraphernalias (sic)?

WITNESS

The improvised toother (sic), burner, and the alcohol they used for the burner, sir.

x x x

PROS. BAGAOISAN

Now, what did you do next after you were able to arrest the two accused?

WITNESS

We went to our office in Camp Crame to turn over the evidence to the police investigator for proper investigation and disposition, sir.

PROS. BAGAOISAN

Were you able to turn over the evidence and the persons of the accused to the investigator?

WITNESS

Yes, sir.

x x x

PROS. BAGAOISAN

Did you come to know what happened to the stuff that was sold by the accused?

WITNESS

After it was have been marked (sic), I know that it could be submitted for examination to verify whether it is really "shabu", sir.

PROS. BAGAOISAN

And, did you come to know the result of the examination conducted?

WITNESS

I learned that it was positive, sir...[12]

Upon examination, the white crystalline substance, bought by PO3 Labrador for P100,000.00 from petitioner during the buy-bust operation, later yielded a positive result for shabu per Physical Sciences Report No. D-64-96 issued by the Philippine National Police Crime Laboratory on January 17, 1996.[13]

As to the question of credibility of the police officers who served as principal witnesses for the prosecution, settled is the rule that prosecutions involving illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation.[14] 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.[15] The reason for this is that the trial court is in a better position to decide the credibility of witnesses, having heard their testimonies and observed their deportment and manner of testifying during the trial.[16] The rule finds an even more stringent application where said findings are sustained by the Court of Appeals, as in the present case.[17]

Moreover, in the process of converting into written form the statements of living human beings, not only fine nuances but a world of meaning apparent to the judge present, watching and listening, may escape the reader of the translated words. Considering that this Court has access only to the cold and impersonal records of the proceedings, it generally relies upon the assessment of the trial court, which had the distinct advantage of observing the conduct and demeanor of the witnesses during trial.[18] Hence, their factual findings are accorded great weight, absent any showing that certain facts of relevance and substance bearing on the elements of the crime have been overlooked, misapprehended or misapplied.[19] No cogent reason exists for the Court to deviate from this rule.

The inaccuracies in the testimonies of the arresting officers alluded to by petitioner are inconsequential and minor to adversely affect their credibility. Moreover the alleged inconsistencies pointed to by petitioner, namely: (a) the target of the buy-bust operation; (b) the presence or absence of a prior surveillance; and (c) the identity of the team leader, were not necessary to establish the elements of the crime committed.

The RTC, as upheld by the CA, found that the testimonies of PO3 Labrador, Police Inspector (P/Insp.) Gozar, and Senior Police Officer 1 (SPO1) Edwin Anaviso were unequivocal, definite and straightforward. More importantly, their testimonies were consistent in material respects with each other and with other testimonies and physical evidence. Time and again, the Court has ruled that the testimonies of witnesses need only to corroborate one another on material details surrounding the actual commission of the crime.[20] In the present case, what is essential is that the prosecution witnesses positively identified petitioner as the one who sold and delivered the shabu to PO3 Labrador. There is nothing on record that sufficiently casts doubt on the credibility of the police operatives.

Neither does the Court give credit to petitioner's contention that the conduct of the buy-bust operation was highly irregular, as there was no surveillance made before the operation.

Flexibility is a trait of good police work. The court has held that when time is of the essence, the police may dispense with the need for prior surveillance.[21] Moreover, prior surveillance is not necessary, especially where the police operatives are accompanied by their informant during the entrapment.[22] In the instant case, the entrapment or buy-bust operation was conducted without the necessity of any prior surveillance because the informant, who was previously tasked by PO3 Labrador to deal with petitioner's assistant, accompanied the team and PO3 Labrador himself when the latter bought shabu from petitioner. To be sure, there is no textbook method

of conducting buy-bust operations. The Court has left to the discretion of police authorities the selection of effective means to apprehend drug dealers. Thus, the Court has refused to establish on a priori basis what detailed acts the police authorities might credibly undertake in their entrapment operations.[23]

For his part, petitioner could not offer any viable defense except to deny that there was a buy-bust operation and to claim that he was, instead, a victim of frame-up and extortion by the police officers. However, like alibi, the defenses of denial and frame-up are viewed by the Court with disfavor, as these can easily be concocted and are commonly used as standard lines of defense in most prosecutions arising from illegal sale of drugs.[24] Moreover, for the claim of frame-up to prosper, the defense must present clear and convincing evidence to overcome the presumption that the arresting policemen performed their duties in a regular and proper manner.[25] This, petitioner failed to do.

Petitioner failed to substantiate his claim that he was an unfortunate prey to a supposed ploy concocted by the police. By all indications and, in fact, by his own admission, he did not know anyone of the members of the buy-bust team which apprehended him. There was, therefore, no motive for them to trump up any charge against him. Neither was petitioner able to substantiate his allegation that the police officers who arrested him were paid to frame him up. Absent any proof of motive to falsely accuse him of such a grave offense, the presumption of regularity in the performance of official duty and the findings of the trial court with respect to the credibility of witnesses shall prevail over petitioner's bare allegation that he was framed up.[26] In other words, the categorical and convincing testimonies of the policemen, backed up by physical evidence, overcome the unsubstantiated claim of ill motive by petitioner.

With respect to petitioner's contention that the RTC of Makati had no jurisdiction over the case, it is a fundamental rule that for jurisdiction to be acquired by courts in criminal cases, the offense should have been committed or any one of its essential ingredients should have taken place within the territorial jurisdiction of the court.[27] Territorial jurisdiction in criminal cases is the territory where the court has jurisdiction to take cognizance or to try the offense allegedly committed therein by the accused.[28] The jurisdiction of a court over a criminal case is determined by the allegations in the complaint or information.[29] Once these are shown, the court may validly take cognizance of the case.[30] In the instant case, the Information clearly alleged that the crime was committed in Makati. The allegation in the Information was sufficiently proven by the testimonies of the prosecution witnesses. Moreover, the Court finds no cogent reason to depart from the findings of the CA and the RTC that the defense failed to present sufficient evidence to substantiate its allegation that the place where the buy-bust operation took place was within the territorial jurisdiction of Manila and not of Makati. The trial court was correct in holding that the testimony of the defense witness, who was an engineering assistant at the Office of the City Engineer of Manila, cannot be given credence, considering that his claims were not backed up by any supporting evidence. While the defense referred to a certification issued by a certain Magdiwang Recato from the Office of the City Engineer of Manila, to the effect that the place where the buy-bust operation was conducted was within the territorial jurisdiction of the city of Manila, the same was not offered in evidence and, hence, cannot be given evidentiary value.

Lastly, petitioner claims in the present petition that he and Campos were presented for inquest proceedings only after a week of being incarcerated. However, his claim was contradicted by his own admission during his direct examination that the inquest proceedings were conducted within two days after their arrest.[31] This was consistent with his admission in his brief filed with the CA that the day following their arrest, they were brought to Makati for inquest and, a day thereafter, an Information was already filed against them.

With respect to petitioner's claim that he was not informed of his constitutional rights at the time of his arrest, the same cannot prevail over the testimonies of P/Insp. Gozar and SPO1 Anaviso, who were members of the

apprehending team, attesting to the fact that petitioner was sufficiently apprised of his rights during his arrest.[32]As earlier discussed, in the absence of clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimonies on the operation were given full faith and credit.

In sum, the Court finds no cogent reason to overturn the findings and conclusions of the CA and the RTC in the present case. The positive identification made by the poseur-buyer and the arresting officers and the laboratory report, not to mention the dubious defenses of denial and frame-up which petitioner has resorted to, sufficiently prove beyond reasonable doubt that he committed the crime charged.

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. CR No. 24238, which affirmed, with modification, the Decision of the Regional Trial Court of Makati City, Branch 64, finding petitioner Francisco Aparis y Santos guilty beyond reasonable doubt of violating Section 15, Article III of Republic Act No. 6425, as amended, and sentencing him to an indeterminate penalty of six (6) years of prision correccional, as minimum, to eight (8) years and eight (8) months of prision mayor, as maximum, is AFFIRMED.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Nachura, and Perez[*], JJ., concur.

[*] Designated Additional Member per Raffle dated February 3, 2010.

[1] Penned by Associate Justice Edgardo P. Cruz with Justices Godardo A. Jacinto and Jose C. Mendoza concurring; CA rollo, pp. 238-245.

[2] Rollo, p. 273.

[3] Id. at 161-178.

[4] Id. at 162-164.

[5] Original records, pp. 2 and 4.

[6] Id. at 34 and 42.

[7] Id. at 439-456.

[8] Supra note 1.

[9] Supra note 1, at 18.

[10] People v. Lazaro, G.R. No. 186418, October 16, 2009.

[11] People v. Sy, G.R. No. 185284, June 22, 2009, 590 SCRA 511, 524; People v. Hernandez, G.R. No. 184804, June 18, 2009, 589 SCRA 625, 635.

[12] TSN, November 27, 1997, pp. 15-39.

[13] Exhibit "C", records, p. 240.

[14] People v. Mateo, G.R. No. 179478, July 28, 2008, 560 SCRA 397, 412.

[15] People v. Macatingag, G.R. No. 181037, January 19, 2009, 576 SCRA 354, 366.

[16] Id.

[17] *Id.*; *People v. Encila*, G.R. No. 182419, February 10, 2009, 578 SCRA 341, 355.

[18] *Id.*

[19] *People v. Darisan*, G.R. No. 176151, January 30, 2009, 577 SCRA 486, 491.

[20] *People v. Razul*, G.R. No. 146470, November 22, 2002, 392 SCRA 553, 570; *People v. Gonzales*, G.R. No. 143805, April 11, 2002, 380 SCRA 689, 698.

[21] *Id.*

[22] *Quinicot v. People*, G.R. No. 179700, June 22, 2009, 590 SCRA 458, 470 citing *People v. Gonzales*, *supra*.

[23] *Id.*

[24] *Zalameda v. People*, G.R. No. 183656, September 4, 2009; *People v. Cabugatan*, G.R. No. 172019, February 12, 2007, 515 SCRA 537, 551.

[25] *People v. Teodoro*, G.R. No. 185164, June 22, 2009, 590 SCRA 494, 508; *People v. Cabugatan*, *supra*.

[26] *Id.*

[27] *Foz, Jr. v. People*, G.R. No. 167764, October 9, 2009 citing *Macasaet v. People*, G.R. No. 156747, February 23, 2005, 452 SCRA 255, 271.

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] See TSN, August 19, 1999, p. 14.

[32] See TSN, December 3, 1996, p. 54; TSN May 6, 1997, pp. 77-80.

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