

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FERNANDO VILLAMIN Y SAN JOSE ALIAS ANDOY, ACCUSED-APPELLANT.

G.R. No. 175590. February 09, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

This is an appeal from the Decision[1] dated July 19, 2006 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00967, affirming the Decision[2] dated May 7, 2003 of the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 20, in Criminal Case No. 2332-M-2002, finding accused-appellant Fernando Villamin guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act (R.A.) 9165.

The facts, as culled from the records, are the following:

Members of the Drug Enforcement Unit (DEU) of San Jose del Monte Police Station received a report from a civilian informant and from the Barangay Captain of Barangay Gumaok, San Jose del Monte, Bulacan sometime during the first week of August 2002, that a certain Fernando Villamin, alias "Andoy," was engaged in the sale of shabu[3] in that same place. [4] Thus, a team composed of Senior Police Officer 2 (SPO2) Mario Llarinas, Eduardo Ocampo, a police aide, and a civilian asset, was formed to conduct a test-buy operation of shabu from accused-appellant.[5]

A civilian asset of the DEU and Police Aide Eduardo Ocampo, on August 15, 2002, went to accused-appellant in order to buy shabu. Accused-appellant informed them that he ran out of stock and asked them to return the following day. When the civilian asset and Eduardo Ocampo returned the next day, accused-appellant informed them that the shabu was not yet available and again suggested that they return the following day.[6]

On August 17, 2002, a team -- composed of SPO4 Abelardo Taruc; Police Officers 2 (PO2) Mario Llarinas and Nasser Saiyadi; members of the DEU; and four (4) police aides, namely; Eduardo Ocampo, Jude Illana, Glendo Villamor, and Jerson Bausa -- was then formed to conduct a buy-bust operation directed at accused-appellant.[7] The designated leader and poseur-buyer was SPO4 Taruc.[8] In connection therewith, SPO4 Taruc prepared two P100.00 marked bills before the buy-bust operation.[9]

The team then proceeded to Barangay Gumaok, San Jose del Monte, Bulacan at around 11:00 o'clock in the morning. SPO4 Taruc and the civilian asset approached the house of accused-appellant, while the rest positioned themselves at strategic locations near the house. The civilian asset introduced SPO4 Taruc to accused-appellant and told the latter that SPO4 Taruc wanted to buy shabu worth P200.00. Accused-appellant responded, saying, "Meron na, meron na." [10] Afterwards, accused-appellant entered his house. When accused-appellant opened the door of the house, SPO4 Taruc noticed that there were several people sniffing shabu inside the same house. After a few minutes, accused-appellant came out of his house holding a small packet/plastic sachet. Accused-appellant approached SPO4 Taruc, and the latter handed the former the two P100.00 marked bills. Thereafter, accused-appellant gave the plastic sachet he was holding to SPO4 Taruc.[11]

SPO4 Taruc, after making sure that the content of the plastic sachet was indeed shabu, held the hands of accused-appellant and placed him under arrest. Accused-appellant was, thereafter, frisked and the marked money, along with six more sachets of shabu, were seized from him. As a signal to the other members of the buy-bust operation team that the transaction was already completed, SPO4 Taruc placed his hand on his head. Hence, the rest of the team hurried to apprehend accused-appellant and the other people inside the house. However, the others scampered to different directions.[12] The police officers and their aides were able to apprehend only two women, namely: Alma Frial, accused-appellant's neighbor, and Joselyn Patilano-Cabardo, accused-appellant's live-in partner.[13]

Also recovered inside the house of accused-appellant were six other sachets of shabu and shabu paraphernalia. Subsequently, accused-appellant, Alma Frial, and Joselyn Patilano-Cabardo, as well as the evidence recovered, were brought to the police headquarters where the members of the buy-bust operation team also prepared their joint affidavits.[14]

The seven (7) plastic sachets of shabu, including the one bought from accused-appellant during the buy-bust operation, as well as the drug paraphernalia, were referred to the Philippine National Police (PNP) Crime Laboratory.[15] Forensic Chemist, PNP Inspector Nellson Sta. Maria, after conducting a series of tests to determine the contents of the gathered pieces of evidence, came out with the following findings:

SPECIMEN SUBMITTED:

A - One (1) heat-sealed transparent plastic sachet with markings "AT-FV" containing 0.145 gram of white crystalline substance.

x x x

FINDINGS:

Qualitative examination conducted on the above stated specimens gave POSITIVE result to the test for the presence of Methylamphetamine hydrochloride,[16] a regulated drug.[17]

Resultantly, three separate Informations were filed charging accused-appellant, and the others who were caught during the buy-bust operation, with violation of Secs. 5, 6 and 11, Art. II of R.A. 9165, which read, as follows:

Criminal Case No. 2331-M-2002

The undersigned City Prosecutor accuses Fernando Villamin y San Jose alias Andoy of violation of Section 11, Art. II of R.A. 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002," committed as follows:

That on or about the 17[th] day of August, 2002, in San Jose del Monte City, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and legal justification, did then and there willfully, unlawfully and feloniously have in his possession and control six (6) heat-sealed transparent plastic sachets containing Methylamphetamine Hydrochloride having a total weight of 1,042 grams, which is a regulated drug.

Contrary to law.

Criminal Case No. 2332-M-2002

The undersigned City Prosecutor accuses Fernando Villamin y San Jose alias Andoy of Violation of Section 5, Art. II of R. A. 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002," committed as follows:

That on or about the 17[th] day of August, 2002, in San Jose del Monte City, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and legal justification, did then and there willfully, unlawfully and feloniously sell, deliver dispatch in transit and transport one (1) heat-sealed transparent plastic sachet containing Methylamphetamine Hydrochloride weighing .145 gram, which is a regulated drug.

Contrary to law.

Criminal Case No. 2333-M-2002

The undersigned City Prosecutor accuses Fernando Villamin y San Jose alias Andoy of Violation of Section 6, Art. II of R. A. 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002," committed as follows:

That on or about the 17[th] day of August, 2002, San Jose del Monte City, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and legal justification, did then and there willfully, unlawfully and feloniously openly maintain his residence located at Brgy. Gumaok East, this City, as drug den where drugs are administered/sold, dispensed and used.

Contrary to law.

On September 4, 2002, accused-appellant pleaded Not Guilty to all the charges against him. Thereafter, trial ensued.

The Prosecution presented the testimonies of Police Officer 3 (PO3) Nasser Saiyadi,[18] SPO4 Abelardo Taruc,[19] SPO2 Mario Llarina,[20] and Police Aide Eduardo Ocampo[21] who testified as to the facts earlier narrated.

The defense, on the other hand, presented the testimonies of accused-appellant[22] and his live-in partner, Joselyn Patilano-Cabardo.[23] According to accused-appellant, on August 17, 2002, around 7:00 o'clock in the morning, he was having breakfast inside his house at Barangay Gumaok, San Jose del Monte, Bulacan, when three persons entered his house through the kitchen door. Alma Frial, one of the three persons, asked accused-appellant if she and her companions could stay in his house because somebody was chasing them, and said that one of her companions was in trouble. Accused-appellant refused the request of Alma for fear of being implicated in whatever trouble Alma and her two companions were involved. Accused-appellant added that Joselyn Patilano-Cabardo, his live-in partner, overheard the above conversation and told the former not to allow Alma Frial and her companions to stay in their house. Accused-appellant, in turn, told Alma Frial about the sentiments of his live-in partner.

Later on, as narrated by accused-appellant, somebody kicked the kitchen door of his house. Three men entered as the door opened, with one of them saying, "Walang kikiros, dyan ka lang." The two other men immediately proceeded to the room of accused-appellant and Cabardo. Accused-appellant was then asked, "Nasaan na yung mga kasama mo?" To this he replied that nobody else was inside the house except he and his live-in partner. Upon realizing the commotion, accused-appellant's live-in partner shouted, "Wala kayong karapatan na pumasok dito."

Meanwhile, somebody outside the house shouted, "Mayroong tao dito." Thereafter, four persons, one of them Alma Frial, entered accused-appellant's house. One of the men who earlier barged inside the house of accused-appellant said, "Sinungaling ka, ang sabi mo hindi nanggaling dito yang mga taong iyan." Joselyn Patilano-Cabardo tried to help accused-appellant but another man said, "Isa ka pa, maingay ka, kasama ka rin." It was then that SPO4 Taruc ordered, "Dalhin na ninyo iyan." However, Cabardo said, "Bakit ninyo kami dadalhin, wala naman kaming kasalanan?"

In short, accused-appellant denied that he was caught selling shabu, a denial which Joselyn Patilano-Cabardo corroborated.

The RTC found accused-appellant guilty beyond reasonable doubt of violation of Section 5, Article II of R.A. 9165 in Criminal Case No. 2332-M-2002, but acquitted him of the other charges. The dispositive portion of the trial court's decision reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

(1) In Criminal Case No. 2332-M-2002, the Court finds accused Fernando Villamin y San Jose, guilty beyond reasonable doubt of Violation of Section 5, Article II of R. A. 9165 and hereby sentences him to life imprisonment. He is also ordered to pay a fine of Five Hundred Thousand Pesos (P500,00.00);

(2) In Criminal Cases Nos. 2331-M-2002 and 2333-M-2002, the Court finds that the prosecution failed to prove beyond reasonable doubt the guilt of accused Fernando Villamin y San Jose of the crimes charged and he is therefore acquitted;

(3) For insufficiency of evidence, the Court hereby acquits accused Joselyn Patilano-Cabardo and Alma Frial y Caluntod in Criminal Case No. 2334-M-2002.

The dangerous drugs and drug paraphernalia submitted as evidence in these cases are hereby ordered to be transmitted to the Dangerous Drugs Board (DDB).

SO ORDERED.

Due to the penalty imposed, which is Life Imprisonment, the case was elevated to this Court on appeal. However, per Resolution[24] of this Court dated March 28, 2005, the case was transferred to the CA in conformity with the Decision of this Court dated July 7, 2004 in *People v. Mateo*,[25] modifying the pertinent provisions of the Revised Rules of Criminal Procedure, particularly Sections 3 and 10 of Rule 122, Section 13 of Rule 124, Section 3 of Rule 125, and any other rule insofar as it provides for direct appeals from the RTC to this Court in cases where the penalty imposed is death, reclusion perpetua or life imprisonment; as well as the resolution of this Court en banc, dated September 19, 1995, on Internal Rules of the Supreme Court, in cases similarly involving the death penalty, pursuant to this Court's power to promulgate rules of procedure in all courts under Article VIII, Section 5 of the Constitution, and allowing an intermediate review by the CA before such cases are elevated to this Court.

The CA, in its Decision dated July 19, 2006, affirmed the conviction of accused-appellant. The dispositive portion reads as follows:

WHEREFORE, premises considered, the instant appeal is hereby DISMISSED for lack of merit, and the assailed decision is AFFIRMED and UPHELD in toto.

SO ORDERED.

Accused-appellant, in his Brief dated September 20, 2004, ascribes the following errors, to wit:

I

THE COURT A-QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

II

THE COURT A-QUO GRAVELY ERRED IN DISREGARDING THE CONSTITUTIONAL RIGHTS OF

THE ACCUSED-APPELLANT AGAINST UNREASONABLE SEARCHES AND SEIZURES.

Accused-appellant claims that he was not given the opportunity to know the reason for his arrest, as he was immediately handcuffed by the arresting officers, making it appear that he was caught in flagrante selling shabu, which is in contravention of his rights against unreasonable searches and seizures as embodied under the 1987 Philippine Constitution. He further argues that the presumption of regularity in the performance of official duty cannot prevail over the constitutionally protected rights of an individual.

The Office of the Solicitor General (OSG), in its Brief, states the argument that:

THE PROSECUTION SATISFACTORILY PROVED THE GUILT OF APPELLANT BEYOND REASONABLE DOUBT.

The OSG posits that the crime of drug pushing merely requires the consummation of the sale, whereby the pusher hands over the drugs to the buyer in exchange for money, which the prosecution is able to prove beyond reasonable doubt. It further contends that, accused-appellant's denial cannot prevail over his positive identification as a peddler of shabu. As to the claim of accused-appellant that his arrest and the search made by the police officers were illegal, the OSG points out that during his testimony, when asked if he ever protested his arrest during the time of the arrest itself, accused-appellant admitted that he merely informed the prosecutor about it, but did not file any written complaint or protest against the arresting officers.

The appeal is devoid of any merit.

The elements necessary for the prosecution of the illegal sale of drugs are: (1) the identities of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor. What is material to the prosecution for the illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of evidence of corpus delicti.[26]

All of the above elements have been proven to be present in this case. The identities of the buyer and the seller, as well as the object and the consideration, were properly and sufficiently proven by the prosecution. As testified to by SPO4 Taruc regarding the buy-bust operation conducted:

Q:

Mr. Witness, you stated that you are presently assigned at the San Jose de Monte Police Station, will you please tell before this Honorable Court what particular unit or division were you assigned?

A:

At DEU, sir.

Q:

Being assigned at the DEU of the San Jose del Monte Police Station, will you please tell before this Honorable Court your specific duties as such?

A:

I am the chief of that section, sir.

Q:

Being the chief of the said section of the DEU, will you please tell before this Honorable Court your duties as chief of the office?

A:

To arrest drug pushers and drug users, sir.

Q:

Do you recall if you have reported for duty on August 17, 2002?

A:

Yes, sir.

Q:

At what time did you report for duty on said date?

A:

At about 9:00 o'clock in the morning, sir.

Q:

When you reported for duty, do you recall if there was unusual incident that transpired thereat?

A:

When we were instructed to proceed to Gumaok East to conduct buy-bust operation, sir.

Q:

Who instructed you to conduct buy-bust operation at Gumaok East, San Jose del Monte City, Bulacan?

A:

Our chief of police, sir.

Q:

And who is your chief of police Mr. Witness, at that time?

A:

P/Sr. Supt. Romeo R. Palisoc, sir.

Q:

Who are your companions who were directed by P/Sr. Supt. Palisoc to conduct buy-bust operation at Gumaok East, City of San Jose del Monte?

A:

SPO2 Mario Llarinas, PO3 Nasser Saiyadi and the other members of our station, sir.

Q:

What did you prepare if any prior to the actual buy-bust operation that took place at Gumaok East, San Jose del Monte City, Bulacan?

A:

The vehicle and our buy-bust money, sir.

Q:

How much buy-bust money did you prepare?

A:

Two hundred pesos (P200.00), sir.

Q:

Will you please tell this Honorable Court your participation in the actual buy-bust operation?

A:

As Poseur buyer, sir.

Q:

According to you you were directed by your chief of office to conduct buy-bust operation in Gumaok, and who is the person or the subject of the buy-bust to be conducted by you?

A:

Fernando Villamin alias Andoy, sir.

Q:

Mr. Witness, I am showing to you two (2) one hundred peso bills which according to you utilized as the buy-bust money, will you please go over the same and tell before this Honorable Court what relation if any these two (2) one hundred peso bills?

A:

This is it, sir.

Q:

Why do you say that these are the same two (2) one hundred peso bills, what were your identifying mark if any?

A:

My initial, sir.

Q:

Will you please point your initial which according to you you put there?

A:

Here, sir. (witness pointed to the initial AT written on the collar of Manuel Roxas already marked as Exhibits A-1 and B-1).[27]

From the above testimony, it is clear that the first element has been complied with: the poseur-buyer positively identified the seller of shabu and the money used for the sale of the same. The second and crucial element, which is the proof that a transaction indeed transpired between the buyer and the seller, was categorically testified to by SPO4 Taruc, as follows:

Q:

At what time did you actually proceed to Gumaok, San Jose del Monte City, Bulacan to conduct buy-bust operation against Fernando Villamin?

A:

We arrived there at around 11:00 a. m., sir.

Q:

When you reached the place at 11:00 o'clock in the morning, what transpired next if any?

A:

When we arrived there, we saw Andoy and he met us and announced "meron na, meron na," sir.

Q:

Mr. Witness let us clarify this matter, how many of you proceeded to the place?

A:

Many, sir.

Q:

According to you you acted as the poseur buyer, who acted as the back up?

A:

Llarinas, Saiyadi and other DEU members, sir.

Q:

Who are the DEU members?

A:

Jerson Bausa, Eduardo Ocampo, Glendo Villamor and many others, sir.

Q:

When you reached the place, being the poseur buyer what did you do?

A:

We bought already, sir.

Q:

How about your other companions?

A:

They were from us, sir.

Q

From where you are, how far were back up positioned themselves, if you know?

A:

They were on the opposite side of the street and they were hidden, sir.

Q:

According to you proceeded to the place, will you please describe the place?

A:

It is a small house made of wood and hollow blocks, sir.

Q:

Who owns the place?

A:

Fernando Villamin, sir.

Q:

What happened next after you proceeded to the house of Fernando Vilamin?

A:

I already bought shabu from him, sir.

Q:

Where did the transaction take place?

A:

Near his house, sir.

Q:

In front of the house?

A:

Yes, sir.

Q:

Were you alone in buying the shabu?

A:

I was with our civilian asset, sir.

Q:

So it is now very clear that you being the poseur buyer as well as your asset together with Fernando Villamin were alone in the place?

A:

Yes, sir.

Q:

What happened next thereafter?

A:

When I said I am going to buy shabu, he readily gave me, sir.

Q:

What happened next thereafter?

A:

When I said I am going to buy shabu, he readily gave me, sir.

Q:

What happened next thereafter?

A:

He turned his back and went inside and get the shabu and came back carrying the shabu already, sir.

Q:

Mr. Witness let us be specific, you stated he went inside, from where did he went inside?

A:

Inside his house, sir.

x x x

Q:

What happened next thereafter after Villamin went inside his house?

A:

When Villamin entered his house and after we saw the persons using shabu, he went outside and handed the shabu to me, sir.

Q:

How about the two hundred (P200.00)?

A:

I handed to him, sir.

Q:

Which came first, the handing of shabu or the handing of the two hundred (P200.00)?

A:

I first handed him the money and he handed to me the shabu, sir.

Q:

How many pieces of shabu?

A:

Only one (1), sir.

Q:

I am showing to you one small plastic sachet and inside is another plastic sachet which states BB OPN and Exhibit A, will you please go over the same and tell before this Honorable Court what relation if any that one small plastic sachet?

A:

This is what he handed me, sir. (witness referring to one small plastic sachet placed inside a bigger sachet with marking BB OPN)

x x x

Q:

After the accused handed to you the shabu which is the subject of the buy-bust, what happened next if any?

A:

I held him by his hand and announced to him that I am arresting him for selling shabu, sir.[28]

As distinctly narrated above by the witness, a transaction indeed took place, which led to the arrest of the accused-appellant in flagrante. The other witnesses, members of the buy-bust operation team, corroborated the above testimony of SPO4 Taruc.

Prosecutions involving illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation.[29] 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. 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. The rule finds an even more stringent application where said findings are sustained by the Court of Appeals.[30]

Accused-appellant, during his testimony and in his Appellant's Brief, merely denied the charge against him. According to him, he was just having breakfast when the members of the buy-bust team suddenly barged inside the house and arrested him. Against the positive testimonies of the prosecution witnesses, appellant's plain denial of the offenses charged, unsubstantiated by any credible and convincing evidence, must simply fail.[31] Frame-up, like alibi, is generally viewed with caution by this Court, because it is easy to contrive and difficult to disprove. Moreover, it is a common and standard line of defense in prosecutions of violations of the Dangerous Drugs Act.[32] For this claim to prosper, the defense must adduce clear and convincing evidence to overcome the presumption that government officials have performed their duties in a regular and proper manner.[33] Unfortunately, the accused-appellant miserably failed to present any evidence that the members of the buy-bust operation team did not properly perform their duty, or that the entire operation was coupled with any improper motive.

As an added argument, the accused-appellant questions the legality of his arrest. He claims that he was not given the opportunity to know the reason for his arrest, and that the arresting officers were not armed with any warrant for arrest. This Court, however, finds the said argument to be preposterous. It must be remembered that the accused-appellant was the subject of a buy-bust operation, the main goal of which was to catch him in flagrante selling shabu, and from the evidence for the prosecution, he was arrested while committing a crime -- peddling of illegal drugs, a circumstance where warrantless arrest is justified under Rule 113, Section 5(a) of the Rules of Court, which states that:

SEC. 5. Arrest without warrant; when lawful. - A peace officer or a private person may, without a warrant,

arrest a person:

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense.

x x x

A buy-bust operation is a form of entrapment which in recent years has been accepted as a valid and effective mode of apprehending drug pushers. In a buy-bust operation, the idea to commit a crime originates from the offender, without anybody inducing or prodding him to commit the offense.[34] If carried out with due regard for constitutional and legal safeguards, a buy-bust operation deserves judicial sanction.[35] Thus, from the very nature of a buy-bust operation, the absence of a warrant does not make the arrest illegal.

WHEREFORE, the appealed decision dated July 19, 2006 of the Court of Appeals in CA-G. R. CR. - H. C. No. 00967, affirming the Decision dated May 7, 2003 of the Regional Trial Court of Malolos, Bulacan, Branch 20 in Criminal Case No. 2332-M-2002, finding accused-appellant, Fernando Villamin y San Jose, guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act (R.A.) 9165 is hereby **AFFIRMED** in toto.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Nachura, and Mendoza, JJ., concur.

[1] Penned by Associate Justice Normandie B. Pizarro, with Associate Justices Josefina Guevara-Salonga and Aurora Santiago-Lagman, concurring, rollo, pp. 3-24.

[2] Penned by Judge Oscar M. Herrera, Jr., records, pp. 135-149.

[3] Methylamphetamine Hydrochloride

[4] TSN, October 14, 2002, p. 20.

[5] TSN, October 30, 2002, p. 5.

[6] Id.

[7] TSN, October 9, 2002, p. 5; id. at 4, p. 8; id. at 5, p. 9.

[8] Id. at 4, p.8; id. at 5, p. 7; id. at 7, pp. 6 and 13.

[9] Exhibits "A" and "B," id. at 7, p. 5; id. at 4, p. 8.

[10] Supra note 4, p. 9.

[11] Id. at 12-13.

[12] Id. at 13-14 and 18; supra note 5, at 7; and supra note 7, at 7.

[13] Supra note 7, at 7-9.

[14] Id. at 11-12; id. at 10, p.15.

[15] Supra note 10, at 19.

[16] Also known as shabu.

[17] Initial Laboratory Report No. D-461-02, CA records, p. 11.

- [18] Supra note 7, at 13-14.
- [19] Supra note 4, at 6-28.
- [20] Id. at 18.
- [21] Supra note 5, at 4-15.
- [22] TSN, January 20, 2003, pp. 2-7.
- [23] TSN, February 17, 2003, pp. 3-7.
- [24] Rollo, p. 115.
- [25] G. R. Nos. 147678-87,433 SCRA 640.
- [26] People v. Saidamen Macatingag, G.R. No. 181037, January 19 2009, citing People of the Philippines v. Del Monte, G.R. No. 179940, April 23, 2008, 552 SCRA 627.
- [27] Supra note 4, at 6-9.
- [28] Supra note 4, at 9-13.
- [29] People v. Saidamen Macatingag, supra, citing People v. Hajili, 447 Phil. 283, 295-296 (2003).
- [30] People v. Saidamen Macatingag supra, citing People v. Bayani, G.R. No. 179150, June 17, 2008, 554 SCRA 741.
- [31] People v. del Monte, G. R. No. 179940, April 23, 2008, 552 SCRA 627, citing People v. Sy, G.R. No. 171397, 27 September 2006, 503 SCRA 772, 783.
- [32] People v. del Monte, id., citing People v. Eugenio, G.R. No. 146805, 16 January 2003, 395 SCRA 317, 323.
- [33] People v. del Monte, id., citing People v. Zheng Bai Hui, 393 Phil. 68, 138 (2000).
- [34] People v. Agulay, G..R. No. 181747, September 26, 2008, 566 SCRA 571, citing People v. Valencia, 439 Phil. 561, 574 (2002).
- [35] People v. Agulay, id.,citing People v. Abbu, 317 Phil. 518, 525 (1995).

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