

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NORMAN SITCO AND RAYMUNDO BAGTAS (DECEASED), ACCUSED-APPELLANTS.

G.R. No. 178202. May 14, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

This is an appeal from the October 19, 2006 Decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00038 entitled *People of the Philippines v. Norman Sitco y De Jesus and Raymundo Bagtas y Caparas*, which affirmed the Decision of the Regional Trial Court (RTC), Branch 72 in Malabon, in Criminal Case Nos. 19456-MN to 19459-MN for violation of Sections 15 and 16 of Republic Act No. (RA) 6425 or The Dangerous Drugs Act of 1972. The affirmed RTC decision adjudged accused-appellants Raymundo Bagtas and Norman Sitco guilty in Crim. Case No. 19456-MN for drug pushing and sentenced them to reclusion perpetua. For illegal possession of drugs, Bagtas was sentenced to two months and one day of *arresto mayor*, as minimum, to one year and one day of *prision correccional*, as maximum, in Crim. Case No. 19458-MN, and reclusion perpetua in Crim. Case No. 19459-MN. While the RTC convicted Sitco in Crim. Case No. 19457-MN, the CA would later overturn his conviction in this case.

The Facts

In Crim. Case No. 19456-MN, Sitco and Bagtas were charged with drug pushing in an information reading:

That on or about the 11[th] day of May 1998, in Navotas, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, being private persons and without authority of law, conspiring[,] confederating and mutually helping with one another, did then and there willfully, unlawfully and feloniously sell and deliver, in consideration of the sum of P2,000.00+, most of which were boodle or fake money to a poseur buyer[,] two (2) heat-sealed transparent plastic bags containing white crystalline substance with net weight of 108.40 grams and 105.84 grams respectively, which substance when subjected to chemistry examination gave positive result for Methamphetamine Hydrochloride, otherwise known as "Shabu," a regulated [drug].[1]

The other informations for illegal possession of drugs that were separately filed against either Sitco or Bagtas read as follows:

Crim. Case No. 19457-MN against Sitco (illegal possession)

That on or about the 11[th] day of May 1998, in Navotas, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, being [a] private person and without authority of law, did then and there willfully, unlawfully and feloniously have in [his] possession, custody and control One (1) heat-sealed transparent plastic bag, containing white crystalline substance with net weight of 20.29 grams, which substance when subjected to chemistry examination gave positive result for Methamphetamine Hydrochloride otherwise known as "Shabu," a regulated drug.[2]

Crim. Case No. 19458-MN against Bagtas (illegal possession)

That on or about the 11[th] day of May 1998, in Navotas, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, being [a] private person and without authority of law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control One (1) heat-sealed transparent plastic bag, containing white crystalline substance with net weight of 1.31 grams, which substance when subjected to chemistry examination gave positive result for Methamphetamine Hydrochloride otherwise known as "Shabu," a regulated drug.

Crim. Case No. 19459-MN against Bagtas (illegal possession)

That on or about the 11[th] day of May 1998, in Navotas, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, being [a] private person and without authority of law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control One (1) brick of suspected marijuana with net weight of 887.01 grams, which is a regulated drug.[3]

During the arraignment, both accused-appellants entered a "not guilty" plea to all the charges. A joint trial then ensued.

Version of the Prosecution

From the testimony of the prosecution witness, Police Officer 3 (PO3) Alex Buan, the following version is gathered:

Acting on a tip from an informant, Senior Inspector Gatlet of the Navotas Police Station ordered the conduct of a buy-bust operation against accused-appellants, who were allegedly selling illegal drugs on Espina St. in Navotas, Metro Manila. The team consisted of Buan, as poseur-buyer, a confidential informant, and several police operatives as back-up. Marked money, consisting of four (4) PhP 500 bills for a total of PhP 2,000 and boodles or fake money amounting to PhP 196,000, was prepared.

On May 11, 1998 at 11:15 in the evening, the team proceeded to a house in the target place where Bagtas answered the knocking of the door. Thereupon, the confidential informant introduced him to Buan who, then and there, expressed his desire to buy shabu. Bagtas replied that he did not have enough supply of shabu, but manifested that marijuana was available. Buan, however, insisted on buying only shabu.[4]

Bagtas informed Buan that someone would be delivering more shabu. After waiting for a few minutes, a man, who turned out to be Sitco, arrived. After the usual introductions, Sitco told Buan to follow him to his motorcycle. He asked for the payment and took out a bag with two plastic bags of shabu inside. Buan examined the contents, then identified himself as a police officer, and arrested Sitco. The back-up officers joined the scene and frisked Sitco and Bagtas. Sitco was found to have in his possession a loaded caliber .38 paltik revolver, the buy-bust money, and more shabu. Bagtas had in his possession marijuana and shabu.[5]

The seized items were sent to Forensic Chemist Grace N. Eustaquio for laboratory examination and were found positive for shabu and marijuana per Physical Science No. D-411-98.

During trial, Buan identified accused-appellants, the four (4) PhP 500-bill marked money used, the shabu confiscated from both accused-appellants, and the marijuana seized from Bagtas. Buan explained during his testimony that the boodle money placed in-between the genuine marked money the buy-bust team used was unavailable as it had been confiscated by a policeman named "Barlin" when he himself (Buan) was arrested for violating Sec. 27 of the Dangerous Drugs Act.[6]

Version of the Defense

The evidence for the defense consists of the testimonies of Sitco and Bagtas.

Bagtas branded as fabricated the accusations against him and Sitco. According to him, on the day of the alleged buy-bust operation, he was busy cleaning his motorcycle when, all of a sudden, policemen, led by Buan, entered his house. Buan came armed with an armalite rifle and a .45 caliber pistol, but did not show any document to justifying the police officers' entry into his (Bagtas') home. The intruders pointed guns at Bagtas, his common-law wife, his nephew, a certain Boy Macapagal, a certain Malou, a helper in his store, a girl applying for work as a househelper, and Sitco, who was visiting Buan at the time. They were ordered to lie face down as Bagtas' house was being searched. He was told that he was a suspect in the killing of a Navotas policeman named Ira. After the search was done, no illegal drugs were found. Yet the police officers took his camera, tape recorder, and the cash from his store's sales. The pieces of jewelry they were wearing, including his ring and necklace, were also confiscated. Afterwards, all of them were handcuffed and asked to board the police officers' vehicles. Two motorcycles belonging to Sitco and Bagtas were also seized.[7]

At the police headquarters, Buan and the other police officers demanded payment for the release of Bagtas' group. After some haggling, the group relented and paid some amount for their freedom. Sitco and Bagtas, however, were detained. Instead, they were handcuffed to a steel post after being blindfolded by the police.[8] Bagtas overheard the police officers dividing the jewelry among them. He was then beaten along with Sitco to extort money for their release. The police officers eventually told them to pay a reduced amount, which they still could not afford to give. Complaints were thus filed against them, with the police officers manufacturing the evidence used by the prosecution. Bagtas ended his testimony with a declaration that he was filing complaints against the police officers once he was released from detention.[9]

Sitco corroborated Bagtas' testimony, adding that Buan had already been dismissed from the service.[10] He testified that the police officers frisked him and confiscated his wallet, watch, ring, and motorbike. He was told that they were suspects in the killing of a Navotas policeman. At the headquarters, he claimed being tortured. Eventually, he fell asleep. When he woke up, he saw Buan with two others sniffing shabu. He declined Buan's invitation to join the session. The police officer likewise instructed him to produce PhP 100,000 for his release. Sitco informed Buan that he could not afford the amount. The next day, May 12, Buan took some shabu from the cabinet and told Sitco that the charge against him would push through if he did not pay. Sitco was also warned about the difficulty of posting bail once charged. Since he could not raise the money, the police officers brought him to the prosecutor's office for inquest where manufactured evidence allegedly taken from him and Bagtas were shown to the fiscal.[11] On cross-examination, he admitted to having been previously arrested for possession of shabu and violation of Presidential Decree No. 1866.[12]

Ruling of the Trial Court

The RTC gave full credence to the testimony of Buan and, mainly on that basis, convicted Bagtas and Sitco of the crimes charged.

The dispositive portion of the RTC Decision[13] reads:

WHEREFORE, premises considered, judgment is hereby rendered finding the two accused, namely Norman Sitco y de Jesus and Raymundo Bagtas y Caparas guilty beyond reasonable doubt of the offenses charged against them in these cases. In the absence of any mitigating or aggravating circumstances and applying the provisions of the Indeterminate Sentence Law (where applicable), the two accused are hereby sentenced as follows:

1) In Crim. Case No. 19456-MN: for drug pushing under Section 15, Article III, RA 6425, as amended by RA 7659, involving more than 200 grams of shabu, for each of them to suffer imprisonment of reclusion perpetua and for each of them to pay a fine in the amount of Php500,000.00;

2) In Crim. Case No. 19457-MN against Sitco only for illegal possession of 20.29 grams of shabu under Section 16, Article III, RA 6425, as amended by RA 7659, to a prison term ranging from SIX (6) MONTHS of arresto mayor as minimum, to SIX (6) years of prision correccional, as maximum;

3) In Crim. Case No. 19458-MN against Bagtas only for illegal possession of 1.31 grams of shabu under Section 16, Article III, RA 6425, as amended by RA 7659, to a prison term ranging from TWO (2) MONTHS and ONE (1) DAY of arresto mayor, as minimum, to ONE (1) YEAR and ONE (1) DAY of prision correccional, as maximum;

4) In Crim. Case No. 19459-MN against Bagtas only for illegal possession of 887.01 grams of marijuana under Section 8, Article II, RA 6425, as amended by RA 7659, said accused is sentenced to suffer the prison term of reclusion perpetua and to pay a fine of P500,000.00.

Since the death penalty was imposed, the case came to this Court on automatic review. In accordance with *People v. Mateo*,^[14] however, we ordered the transfer of the case to the CA for intermediate review.

Pending CA review of the case, or on May 5, 2006, Bagtas died at the National Bilibid Prison Hospital.

Ruling of the Appellate Court

Before the CA, Sitco argued against the credibility of Buan as witness, the latter having been involved in drug-related activities and was in fact dismissed from the service in March 1999. He also claimed that the alleged drug sale involving him was improbable as no one would sell drugs to a stranger.

On October 19, 2006, the CA acquitted Sitco of illegal possession of drugs but affirmed his conviction of the other offenses charged. It reasoned that Buan's testimony was focused only on the two (2) plastic bags of shabu which were the object of the buy-bust; no attempt was made to make a distinction between the said bags and the additional bag of shabu supposedly recovered from Sitco when he was frisked. The quantum of proof necessary to sustain a conviction for illegal possession of shabu was, thus, not met. However, as to the other charges, the CA ruled that the factual findings of the trial court on Buan's credibility must be respected and upheld.

The fallo of the CA's Decision^[15] reads:

WHEREFORE, premises considered, the assailed Joint Decision dated August 26, 1999 of the RTC of Malabon, Metro Manila, Branch 72 in Criminal Case Nos. 19456-MN to 19459 is hereby AFFIRMED with modification ACQUITTING accused-appellant Norman Sitco y De Jesus in Criminal Case No. 19457-MN for violation of Sec. 16, Art. II of RA 6425, as amended by RA 7659, on the basis of reasonable doubt. The rest of the Joint Decision stand[s].

SO ORDERED.

On November 14, 2006, Sitco filed his Notice of Appeal of the appellate court's Decision.

On September 24, 2007, this Court required the parties to submit supplemental briefs if they so desired. The People, represented by the Office of the Solicitor General, manifested that it was submitting the case for decision based on the records previously submitted. In his Supplemental Brief, Sitco submits that PO3 Buan is not a credible witness given his arrest on drug charges and dismissal from the service.

The Issue

WHETHER THE COURT OF APPEALS ERRED IN AFFIRMING ACCUSED-APPELLANT'S CONVICTION ON THE BASIS OF AN UNRELIABLE WITNESS.

The Ruling of the Court

We find sufficient compelling reasons to acquit the surviving accused-appellant Sitco.

Credibility of Buan as Witness

We start with the credibility of the lone prosecution witness, Buan, whose testimony Sitco has assailed at every turn. Sitco insists and with reason that Buan cannot competently make a plausible account of something of which he himself was equally culpable.

Sitco's assault on the credibility of Buan is well-taken. As it were, Buan's involvement as a police officer in illegal drug activities makes him a polluted source and renders his testimony against Sitco and Bagtas suspect, at best. It is like a pot calling a kettle black.

To be believed, testimonial evidence should come only from the mouth of a credible witness.[16] Given his service record, Buan can hardly qualify as a witness worthy, under the limited confines of this case, of full faith and credit. And lest it be overlooked, Buan is a rogue cop, having, per his own admission, been arrested for indulging in a pot session, eventually charged and dismissed from the police service. [17] It would appear, thus, that Buan's had been a user. His arrest for joining a pot session only confirms this undesirable habit.

The Court, to be sure, has taken stock of the well-settled rule that prosecutions involving illegal drugs depend largely on the credibility of police buy-bust operators, and that the trial court's finding on the police-witness' credibility deserves respect. Juxtaposed with this rule, however, is the postulate that when confronted with circumstances that would support a reasonable doubt in favor of the accused, then acquittal or the least liability is in order. Buan's involvement in drugs and his alleged attempt to extort money from appellant Sitco in exchange for his freedom has put his credibility under a heavy cloud.

The imperative of proof beyond reasonable doubt has a vital role in our criminal justice system, the accused, during a criminal prosecution, having a stake interest of immense importance, both because of the possibility that he may lose his freedom if convicted and because of the certainty that his conviction will leave a permanent stain on his reputation and name.[18] As articulated in *Rabanal v. People*:

Law and jurisprudence demand proof beyond reasonable doubt before any person may be deprived of his life, liberty, or even property. Enshrined in the Bill of Rights is the right of the petitioner to be presumed innocent until the contrary is proved, and to overcome the presumption, nothing but proof beyond reasonable doubt must be established by the prosecution. The constitutional presumption of innocence requires courts to take "a more than casual consideration" of every circumstances or doubt proving the innocence of petitioner.[19] (Emphasis added.)

Chain of Custody

But over and above the credibility of the prosecution's lone witness as ground for acquittal looms the matter of the custodial chain, a term which has gained traction in the prosecution of drug-related cases.

In prosecutions involving narcotics and other illegal substances, the substance itself constitutes part of the corpus delicti of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt.[20] Of chief concern in drug cases then is the requirement that the prosecution prove that what was seized by police officers is the same item presented in court. This identification, as we have held in the past, must be established with moral certainty[21] and is a function of the rule on chain of custody. The chain of custody requirement is essential to ensure that doubts regarding the identity of the evidence are removed through the monitoring and tracking of the movements of the seized drugs from the accused, to the police, to the forensic chemist, and finally to the court.[22]

The procedure to be followed in adhering to the chain of custody requirements is found in Sec. 21 of RA 9165:

Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination.

The trial court summarized the chain of custody over the evidence as follows:

x x x [Sitco] asked for the money and then took from a covered part of the motorcycle a plastic bag inside [of] which were two plastic bags with shabu which Sitco gave to Buan. Buan examined the same and upon being satisfied that it was really shabu, identified himself as a policeman and arrested Sitco. Buan's companions then approached and Sitco and Bagtas were frisked. Found from Sitco was a caliber .38 "paltik" revolver with six bullets, the buy-bust money and additional shabu. The marijuana earlier shown to Buan by Bagtas was also recovered along with the additional shabu found in the motorcycle of Bagtas which was parked nearby.

The buy-bust shabu, the marijuana and the confiscated additional shabu from Sitco and Bagtas were sent to a Forensic Chemist for laboratory examination (Exhibit A) and were found to be positive for being shabu and marijuana, respectively, by examining PNP Forensic Chemist Grace N. Eustaquio under an initial laboratory report (Exhibit B) and a final report (Physical Science No. D-411-98) marked as Exhibit C.[23]

From this narration and an examination of the records, a number of disturbing questions arise as to the identification and handling of the prohibited drugs seized. It is unclear at the outset whether Buan himself made the inventory of the seized items. There is no detail as to who brought the specimens to the forensic laboratory and who received it prior to the examination by the forensic chemist. It is also uncertain who took custody of the specimens before they were presented as evidence in court. There are, thus, glaring gaps or missing links in the chain of custody of evidence, raising doubt as to the identity of the seized items and necessarily their evidentiary value. This broken chain of custody is especially significant given that what are involved are fungible items that may be easily altered or tampered with.[24]

It cannot be over-emphasized that pertinent provisions of RA 9165 require that the seized illegal items shall, after their inventory, be photographed in the presence of the drug dealer, representatives of media, the Department of Justice, or any elected public official who participated in the operation. The records do not yield an indication that this particular requirement has been complied with.

The Court reiterates that, on account of the built-in danger of abuse that it carries, a buy-bust operation is governed by specific procedures on the seizure and custody of drugs, separately from the general law procedures geared to ensure that the rights of persons under criminal investigation and of the accused facing a criminal charge are safeguarded.[25] To reiterate, the chain of custody requirement is necessary in order to remove doubts as to

the identity of the evidence, by monitoring and tracking custody of the seized drugs from the accused, until they reach the court. We find that the procedure and statutory safeguards prescribed for compliance by drug enforcement agencies have not been followed in this case. A failure to comply with the aforementioned Sec. 21(1) of RA 9165 implies a concomitant failure on the part of the prosecution to establish the identity of the seized illegal items as part of the corpus delicti.[26]

Although the non-presentation of some of the witnesses who can attest to an unbroken chain of custody of evidence may, in some instances, be excused, there should be a justifying factor for the prosecution to dispense with their testimonies.[27] In -----People v. Denoman,[28] the Court discussed the saving mechanism provided by Sec. 21(a), Article II of the Implementing Rules and Regulations of RA 9165.[29] Denoman explains that the aforementioned provision contains a saving mechanism to ensure that not every case of non-compliance will permanently prejudice the prosecution's case. The saving mechanism applies when the prosecution recognizes and explains the lapse or lapses in the prescribed procedures.[30] In this case, the prosecution did not even acknowledge and discuss the reasons for the missing links in the chain.

To reiterate, in prosecutions involving dangerous drugs, the substance itself constitutes the key part of the corpus delicti of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt.[31] Taken with the uncorroborated testimony of Buan, the broken chain of custody over the marijuana and shabu in the instant case creates reasonable doubt on accused-appellant's guilt.

In a string of cases,[32] we declared that the failure of the prosecution to offer the testimony of key witnesses to establish a sufficiently complete chain of custody of a specimen of shabu, and the irregularity which characterized the handling of the evidence before it was finally offered in court, fatally conflicts with every proposition relative to the culpability of the accused.

As in People v. Partoza,[33] this case suffers from the failure of the prosecution witness to provide the details establishing an unbroken chain of custody. In Partoza, the police officer testifying did not relate to whom the custody of the drugs was turned over. The evidence of the prosecution likewise did not disclose the identity of the person who had the custody and safekeeping of the drugs after its examination and pending presentation in court.

Given the prosecution's failure to abide by the rules on the chain of custody, the evidentiary presumption that official duties have been regularly performed cannot apply to this case. 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.[34] On this score, we have held that while an accused's defense engenders suspicion that he probably perpetrated the crime charged, it is not sufficient for a conviction that the evidence establishes a strong suspicion or probability of guilt. It is the burden of the prosecution to overcome the presumption of innocence by presenting the quantum of evidence required.[35] This quantum of evidence has not been met in the instant case.

WHEREFORE, the assailed CA Decision in CA-G.R. CR-H.C. No. 00038 is REVERSED and SET ASIDE. Accused-appellant Norman Sitco y De Jesus is ACQUITTED on reasonable doubt and is ordered immediately RELEASED from detention, unless he is confined for any other lawful cause. The Director of the Bureau of Corrections is DIRECTED to IMPLEMENT this Decision and to report to this Court the action taken hereon within five (5) days from receipt.

SO ORDERED.

Corona, (Chairperson), Peralta, Bersamin,[*] and Mendoza, JJ., concur.

[*] Additional member per February 22, 2010 raffle.

[1] CA rollo, p. 27.

[2] Id. at 28.

[3] Id. at 29.

[4] Id. at 30.

[5] Id. at 31.

[6] Id.

[7] Id. at 32.

[8] Id. at 32-33.

[9] Id. at 33.

[10] Id.

[11] TSN, July 22, 1999, pp. 5-14.

[12] Id. at 17.

[13] CA rollo, pp. 35-36. Penned by Judge Benjamin M. Aquino, Jr.

[14] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[15] Penned by Associate Justice Estela M. Perlas-Bernabe and concurred in by Associate Justices Renato C. Dacudao and Rosmari D. Carandang.

[16] *People v. Padrones*, G.R. No. 150234, September 30, 2005, 471 SCRA 447.

[17] CA rollo, pp. 33, 35.

[18] *People v. Morales*, G.R. No. 172873, March 19, 2010.

[19] G.R. No. 160858, February 28, 2006, 483 SCRA 601, 617; citations omitted.

[20] *People v. Suan*, G.R. No. 184546, February 22, 2010; citing *Corino v. People*, G.R. No. 178757, March 13, 2009; *People v. Simbahon*, 449 Phil. 74, 83 (2003).

[21] *People v. Cervantes*, G.R. No. 181494, March 17, 2009, 581 SCRA 762.

[22] *People v. Garcia*, G.R. No. 173480, February 25, 2009, 580 SCRA 259, 274.

[23] CA rollo, p. 31.

[24] *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619.

[25] *People v. Gutierrez*, G.R. No. 179213, September 3, 2009, 598 SCRA 92, 104.

[26] *People v. Orteza*, G.R. No. 173051, July 31, 2007, 518 SCRA 750.

[27] *People v. Barba*, G.R. No. 182420, July 23, 2009, 593 SCRA 711, 719; citing *People v. Cervantes*, G.R. No. 181494, March 17, 2009, 581 SCRA 762.

[28] G.R. No. 171732, August 14, 2009, 596 SCRA 257.

[29] RA 9165, IRR, Art. II, Sec. 21(a):

The apprehending office/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, further that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items.

[30] *People v. Denoman*, supra note 28, at 270.

[31] *Catuiran v. People*, G.R. No. 175647, May 8, 2009, 587 SCRA 567.

[32] *Id.*; citing *Carino v. People*, G.R. No. 178757, March 13, 2009; *People v. Garcia*, G.R. No. 173480, February 25, 2009; *People v. Obmiranis*, G.R. No. 181492, December 16, 2008, 574 SCRA 140; *Mallillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619.

[33] G.R. No. 182418, May 8, 2009, 587 SCRA 809.

[34] *People v. Coreche*, G.R. No. 182528, August 14, 2009, 596 SCRA 350, 364-365.

[35] *People v. Ong*, G.R. No. 175940, February 6, 2008, 544 SCRA 123.

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