

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAMAD ABEDIN Y JANDAL, ACCUSED-APPELLANT.

G.R. No. 179936. April 11, 2012

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

Appellant Jamad Abedin y Jandal appeals the July 6, 2007 Decision[1] of the Court of Appeals in CA-G.R. CR HC No. 02244 which affirmed the Decision[2] of the Regional Trial Court, Branch 154, of Pasig City convicting him of violating Sections 5 and 11, Article II of the Comprehensive Dangerous Drugs Act of 2002.[3]

Abedin was charged in Crim. Case Nos. 14108-D and 14109-D under the following Informations:

Crim. Case No. 14108-D for Violation of Section 5, Article II of R.A. 9165:

On or about May 10, 2005, in Pasig City and within the jurisdiction of this Honorable Court, the accused, not being authorized by law to sell any dangerous drugs, did then and there willfully, unlawfully and feloniously sell, deliver and give away to PO1 Anthony Bibit, a police poseur-buyer, one (1) pc. heat-sealed transparent plastic sachet containing seven (7) centigrams (0.07 grams) of white crystalline substance which was found positive to the test for methylamphetamine [hydrochloride], a dangerous drug, in violation of the said law.

CONTRARY TO LAW.[4]

Crim. Case No. 14109-D for Violation of Section 11, Article II of R.A. 9165:

On or about May 7, 2005, in Pasig City and within the jurisdiction of this Honorable Court, the accused, not being lawfully authorized to possess or otherwise use any dangerous drug, did then and there willfully, unlawfully and feloniously have in his possession and under his custody and control of one (1) pc. heat-sealed transparent plastic sachet containing seven (7) centigrams (0.07 grams) of white crystalline substance which was found positive to the test for methylamphetamine [hydrochloride], a dangerous drug, in violation of the said law.

CONTRARY TO LAW.[5]

Upon arraignment on June 1, 2005, Abedin pleaded not guilty to the charges against him.[6] Joint trial thereafter ensued.

The prosecution presented Police Officer 1 (PO1) Anthony A. Bibit and Police Officer 2 (PO2) Joseph Bayot as witnesses. Their testimonies established that on May 9, 2005 at around 8:30 in the evening, a confidential informant went to Parancillo Police Station to report that a certain Jam was selling illegal drugs at Nagpayong, Barangay Pinagbuhatan, Pasig City. On the basis thereof, Police Inspector (P/Insp.) Donald A. Sabio formed a team composed of PO1 Bibit, PO2 Bayot, PO1 Efren San Agustin, PO1 Clarence T. Nipales and PO2 Danilo R. Pacurib to conduct a buy-bust operation in the target location. PO1 Bibit was designated as poseur-buyer. He placed his initials “AB” on the left portion of two P100 bills[7] to be used as buy-bust money. The team likewise submitted a Pre-Operation Report[8] to the Philippine Drug Enforcement Agency (PDEA), which in turn, issued a

Certificate of Coordination.[9] Afterwards, the team proceeded to the target area on board two tricycles. When they arrived at the place, however, Jam was nowhere to be found. So they decided to abort the operation.[10]

On the following day, May 10, 2005, at around 3:00 in the afternoon, the confidential informant returned to the police station to confirm that he had seen Jam. Immediately, P/Insp. Sabio directed the team to proceed with the operation. Upon reaching the target area, PO1 Bibit and the informant walked ahead towards Jam, who was standing near a store. The informant and Jam greeted each other. Jam said, “Pare, may kasama ka?” to which the informant replied, “Pare, kustomer ito, kukuha sa yo.” Jam looked at PO1 Bibit and asked how much he wanted to buy. PO1 Bibit answered that he needed two hundred pesos worth of shabu as he handed the buy-bust money to Jam who placed it in his right pocket. Subsequently, Jam brought out a small plastic sachet from his left pocket and gave it to PO1 Bibit. Suspecting that the sachet contained shabu, PO1 Bibit gave the pre-arranged signal to the rest of the team. He then introduced himself as a police officer and grabbed Jam. When Jam was ordered to empty his pockets, he initially resisted but later took out another plastic sachet from his left pocket. PO1 Bibit marked the sachets with “JJA AAB A1” and “JJA AAB A2.” The buy-bust money was also recovered from Jam’s right pocket. After that, the officers brought Jam to the headquarters. In open court, PO1 Bibit and PO2 Bayot identified the person they arrested as the accused Jamad Abedin.[11]

Pursuant to a request for laboratory examination, the two sachets recovered from Abedin were submitted to the PNP Eastern Police District Crime Laboratory for analysis.[12] In Physical Sciences Report No. D-282-05E, the crime laboratory identified the white crystalline substance as Methamphetamine Hydrochloride, a dangerous drug.[13] The forensic chemist’s testimony, however, was no longer introduced as the same had been dispensed with at the pre-trial in view of the admission of the existence of the Physical Sciences Report as well as the findings contained therein.[14]

Faced with the above evidence for the prosecution, the defense presented the testimonies of Abedin and his wife, Adelaida. Abedin offered a different version of what transpired on the day of his arrest. He narrated that on May 9, 2005 at around 5:00 in the afternoon, he was at Block 2, Beer Garden Homes, Sta. Ana, Taytay, Rizal waiting for a tricycle to bring his daughter-in-law to the hospital as she was about to give birth. He was prevented from getting a tricycle when two men, who introduced themselves as policemen, approached and handcuffed him. When he inquired from them what his violation was, they told him not to ask anymore or else he might be hurt. At the Parancillo Police Station, he was able to identify the arresting officers as PO2 Bayot and PO2 Pacurib.[15]

Abedin protested that although PO1 Bibit was not the one who arrested him, he was the one who accused him of selling illegal drugs. Abedin also alleged that PO1 Bibit demanded P15,000 in exchange for his freedom, but he said that he did not have that kind of money.[16]

To bolster his defense, Abedin’s wife, Adelaida, testified that on May 9, 2005, she asked her husband to get a tricycle because their daughter-in-law was about to give birth. While Abedin was waiting for a tricycle, she saw him talking with two male persons wearing civilian clothes. One of them was carrying a gun, while the other was holding handcuffs. She approached them and asked why they handcuffed her husband, but she was just told to follow at Parancillo.[17]

At the police station, PO1 Bibit, whom she denied having seen during the arrest, told her that if she had P15,000 her husband would be released. When she said that they did not have that kind of money, PO1 Bibit threatened, “tutuluyan ko yang asawa mo.” She then complained to PO1 Bibit that he was not the one who arrested her husband, but the latter answered that it did not matter.[18]

On July 31, 2005, after the case had already been filed against her husband, she met PO1 Bibit at McDonald’s in Parancillo. PO1 Bibit again demanded P15,000 so that he would not testify against Abedin, but all that Adelaida

could reply was that she could not produce the required amount. On September 24, 2005, they met once more at the Capitol Compound where PO1 Bibit proposed to retract his testimony if she gives him P15,000. But Adelaida could only stress that they do not have said amount. To this, PO1 Bibit responded “tutuluyan ko na talaga ang asawa mo.” Adelaida averred that after that, she just cried and begged him for mercy.[19]

After evaluating all the documentary and testimonial evidence offered by the parties, the trial court rendered its decision finding Abedin guilty beyond reasonable doubt of the crimes charged. The trial court held,

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

In Crim. Case No. 14108-D, the accused JAMAD ABEDIN y Jandal is found GUILTY beyond reasonable doubt of violation of Section 5, Article II of R.A. 9165 (selling of dangerous drugs) and he is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT. He is also ordered to pay a fine of ONE MILLION PESOS (P1,000,000.00).

In Crim. Case No. 14109-D, the accused JAMAD ABEDIN y Jandal is found GUILTY beyond reasonable doubt of violation of Section 11, Article II of R.A. 9165 (possession of dangerous drugs) and he is hereby sentenced to suffer the penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY to THIRTEEN (13) YEARS and ONE (1) DAY and to pay a fine of THREE HUNDRED THOUSAND PESOS (P300,000.00).

Considering the penalty imposed by the Court, the immediate commitment of the accused to the National Bilibid Prison is ordered.

The illegal drugs subject of the information are hereby ordered to be delivered forthwith to the Philippine [Drug] Enforcement Agency (PDEA) for proper disposition.

SO ORDERED.[20]

Abedin thereafter appealed to the CA. In his Brief, Abedin argued that there was failure on the part of the prosecution to establish beyond reasonable doubt the identity of the prohibited drug allegedly taken from him. He also claimed that the Pre-Operation Report would show that the coordination made with the PDEA was in relation to the May 9, 2005 operation. But when the operation was aborted, the PDEA was not apprised of such development. Lastly, he questioned the failure of the police operatives to conduct prior surveillance to determine the veracity of the tip.

On July 6, 2007, the CA promulgated the assailed decision, the dispositive portion of which reads as follows:

WHEREFORE, the Decision of the Regional Trial Court of Pasig City, Branch 154 in Criminal Cases Nos. 14108-09-D, finding accused-appellant Jamad Abedin y Jandal, GUILTY BEYOND REASONABLE DOUBT of the crime of Sections 5 and 11, Article II of Republic Act No. 9165, is AFFIRMED with MODIFICATION, to wit:

(1) In Criminal Case No. 14108-D, appellant is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of FIVE HUNDRED THOUSAND PESOS (P500,000.00).

(2) In Criminal Case No. 14109-D, appellant is hereby sentenced to suffer the penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY to THIRTEEN (13) YEARS and ONE (1) DAY and to pay a fine of THREE HUNDRED THOUSAND PESOS (P300,000.00).

Costs de officio.

SO ORDERED.[21]

In affirming the RTC Decision, the CA reasoned that the failure of the law enforcers to comply strictly with

Section 21[22] of R.A. No. 9165 was not fatal as long as the integrity and the evidentiary value of the seized items are properly preserved. It ruled that the chain of custody was established from the crime scene up to the time when the seized items were brought to the crime laboratory for examination. Likewise, the CA held that even without the PDEA's participation, the buy-bust operation did not violate Abedin's constitutional right to be protected from illegal arrest. Moreover, prior surveillance is not a prerequisite for the validity of an entrapment operation especially when the buy-bust team members were accompanied to the scene by the informant. The CA found the testimonies of the prosecution witnesses credible and ruled that there was no reason to disturb the factual findings of the trial court.

Undaunted, Abedin is now before this Court seeking to set aside the CA Decision.

In a Resolution[23] dated November 28, 2007, we notified the parties that they may file their respective supplemental briefs. The Office of the Solicitor General (OSG) filed a Manifestation and Motion[24] that it will no longer file a supplemental brief. Abedin likewise manifested that he is adopting his brief filed with the CA as his supplemental brief.[25] Hence, the case is now ripe for decision.

The issue presented in the present appeal is whether the prosecution was able to prove Abedin's guilt beyond reasonable doubt for violation of Sections 5 and 11, Article II of R.A. No. 9165.

For the successful prosecution of offenses involving the illegal sale of drugs under Section 5, Article II of R.A. No. 9165, the following elements must be proven: (1) the identity of the buyer and seller, object and consideration; and (2) the delivery of the thing sold and the payment therefor. What is material to the prosecution for 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 the corpus delicti.[26]

On the other hand, in a prosecution for illegal possession of dangerous drugs, it must be shown that (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.[27]

After a careful examination of the records of this case, we are satisfied that the prosecution's evidence established Abedin's guilt beyond reasonable doubt. The prosecution was able to prove the existence of all the essential elements of the illegal sale and illegal possession of shabu. We take note that Abedin was positively identified by the prosecution witnesses as the person who sold and possessed the shabu.

We give full faith and credit to the straightforward testimonies of the prosecution witnesses. PO1 Bibit testified as follows:

Fiscal Paz:

Q

What happened after the informant told you that the person you saw at that time was alias Jam?

A

The informant pointed to me alias Jam standing near a store.

Q

How many persons were near the store at that time?

A

He was just alone near the store but there were some people which is just a few meters away from him.

Q

What did you do when the informant told you that he was alias Jam?

A

The informant and me approached him, sir.

Q

Who greeted first?

A

The informant greeted Jam, sir.

Q

What happened next?

A

They greeted each other and Jam told the informant, "Pare may kasama ka?"

Q

To whom was this addressed?

A

To the informant, sir.

Q

What was the response of the informant?

A

He said, "Pare kustomer ito, kukuha sa yo."

Q

What was the response of Jam?

A

He looked at me and asked me how much will I buy, sir.

Q

And what did you tell him?

A

I told him P200.00 pesos.

Q

And what happened next?

A

I got the P200.00 bills from my pocket and handed it to him.

Q

That is the buy bust money?

A

Yes, sir.

Q

What was the reaction of Jam after you handed him the money?

A

He placed the money on his right pocket and he brought something from his left pocket, sir.

Q

What was that something he brought out?

A

He brought out a small plastic sachet and handed it to me.

Q

What happened after you were handed a plastic sachet?

A

I examined it and when I confirmed that it was a suspected shabu, I gave the pre-arrange[d] signal, sir.

Q

What happened next?

A

When I saw my companions arriving, I grabbed the accused and introduced myself as police officer, sir.

Q

What was the reaction of the accused?

A

He was resisting, sir.

Q

What did you do?

A

I hugged him and my companions assisted me in arresting him, sir.

Q

After arresting him, what happened?

A

My companions held him and I ask[ed] him who he is[.]

Q

What happened next?

A

We ordered him to empty the contents of his pocket, sir.

Q

What was his response?

A

He brought out the contents of his pocket, sir.

Q

What was the contents of his pocket?

A

At first he resisted, sir, to empty the contents of his pockets and we ordered him to empty his pocket and then we saw from his left hand another small plastic sachet.

Q

What did you do with the sachet? Mr. Witness, that was from his left pocket?

A

Yes, sir.

Q

How about the right pocket what was the contents of his right pocket?

A

The buy bust money, sir.

COURT:

Q

Where was the informant while this was happening?

A

He left already, Your Honor.

Q

At what point in time did the informant leave?

A

After I introduced myself as police officer and arrested him.

Q

How did the informant and the accused [greet] each other?

A

I can not remember how they greeted each other but I can only remember how the informant introduce[d] me to alias Jam.

FISCAL:

Q

You said that you also confiscated a plastic sachet from his left pocket, if that be shown to you, will you be able to identify it?

A

Yes, sir.

Q

How about the one that you were able to get from alias Jam, will you be able to identify it also?

A

Yes, sir, because I put markings on it.

Q

What was you markings?

A

“JJA AAB A1” and “JJA AAB A2”, sir.

Q

I am handing to you two sachets, which one were you able to buy from alias Jam?

A

This one, sir. (Witness pointing to a sachet with marking “JJA AAB A1”).

Q

How about the other sachet which you recovered from his left pocket?

A

This one, sir. (Witness pointing to a sachet with markings “JJA AAB A2”).

x x x x

Q

If the person of the accused will be shown to you, will you be able to identify him?

A

Yes, sir.

Q

Will you please step down from the witness' stand and tap the shoulder of that person whose alias "Jam"?

A

Yes, sir. (Witness stepping down from the witness stand and tapped the shoulder of a person when asked, answered by the name Jamad Abedin).[28]

PO1 Bibit testified that a buy-bust operation indeed took place. Being the poseur buyer, he positively identified Abedin as the person who sold him a sachet containing white crystalline substance for P200.00. He confiscated the sachet and marked it with the initials "JJA AAB A1." The buy-bust money was also recovered from Abedin. PO1 Bibit further testified that he recovered another sachet from Abedin which he marked as "JJA AAB A2." Chemical analysis of both specimens confirmed that the substance contained in both plastic sachets was shabu.

Trial courts have the distinct advantage of observing the demeanor and conduct of witnesses during trial. Hence, their factual findings are accorded great weight, absent any showing as in this case, that certain facts of relevance and substance bearing on the elements of the crime have been overlooked, misapprehended or misapplied.[29] More, the Court takes note that the RTC, as upheld by the CA, found that the testimonies of prosecution witnesses were unequivocal, definite and straightforward. We note moreover that the testimony of PO2 Joseph Bayot corroborated that of PO1 Bibit. Their testimonies were consistent in material respects with each other and with physical evidence.

In cases involving violations of the Comprehensive Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary.[30] In this case, no such evidence was adduced showing any irregularity in any material aspect of the conduct of the buy-bust operation. Abedin failed to present clear and convincing evidence to overturn the presumption that the arresting officers regularly performed their duties. Except for his bare allegations, there is no proof to show that he was framed-up for extortion purposes. Absent any showing that in testifying, the police officers were impelled by any ill feeling or improper motive against him, we find that the RTC and the CA committed no error in giving credence to their account over Abedin's denial.

Now, Abedin argues that the arresting officers failed to comply strictly with Section 21 of R.A. No. 9165. Specifically, he asserts that the police officers failed to immediately conduct a physical inventory and photograph the illegal drugs in his presence. Therefore, Abedin insists that there was failure on the part of the prosecution to establish beyond reasonable doubt the identity of the prohibited drug allegedly taken from him.

We are not convinced.

The failure of the law enforcers to comply strictly with Section 21 was not fatal. Noncompliance with Section 21 will not render the arrest of an accused illegal or the items seized or confiscated from him inadmissible.[31] What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.[32]

In this case, the markings were done at the crime scene right after Abedin was arrested. PO1 Bibit immediately marked "JJA AAB A1" and "JJA AAB A2" on the seized items. P/Insp. Sabio signed a request for laboratory examination of the seized items, which were immediately delivered to the EPD Crime Laboratory. The request and the marked items seized were received by the EPD Crime Laboratory. Physical Sciences Report No. D-282-05E confirmed that the marked items seized from Abedin were shabu and the same were offered in evidence. As it is, the prosecution adequately established that there was an unbroken chain of custody over the shabu seized from Abedin. Evidently, the integrity and evidentiary value of the seized items have been preserved.

Next, Abedin contends that the prosecution did not coordinate the buy-bust operation with the PDEA, in violation of Section 86 of R.A. No. 9165. He argued that the Pre-Operation Report submitted to the PDEA pertained to the operation conducted on May 9, 2005, which was aborted when they could not locate Abedin. He stressed that there was no coordination made with the PDEA when the police officers conducted the operation which led to his arrest. Abedin likewise laments the fact that the police operatives failed to conduct prior surveillance to determine the veracity of the tip.

This Court, however, has already expounded on the nature and importance of a buy-bust operation and ruled that coordination with the PDEA is not an indispensable requirement before police authorities may carry out a buy-bust operation. While it is true that Section 86 of R.A. No. 9165 requires the National Bureau of Investigation, PNP and the Bureau of Customs to maintain “close coordination with the PDEA on all drug-related matters,” the provision does not, by so saying, make PDEA’s participation a condition sine qua non for every buy-bust operation. After all, a buy-bust is just a form of an in flagrante arrest sanctioned by Section 5, Rule 113 of the Rules of the Court which police authorities may rightfully resort to in apprehending violators of R.A. No. 9165 in support of the PDEA. A buy-bust operation is not invalidated by mere non-coordination with the PDEA.[33]

Neither is the lack of prior surveillance fatal. It must be stressed that prior surveillance is not a prerequisite for the validity of an entrapment operation. This issue in the prosecution of illegal drugs cases, again, has long been settled by this Court. We have been consistent in our ruling that prior surveillance is not required for a valid buy-bust operation, especially if the buy-bust team is accompanied to the target area by their informant.[34]

In *People v. Eugenio*,[35] the Court held that there is no requirement that prior surveillance should be conducted before a buy-bust operation can be undertaken especially when the policemen are accompanied to the scene by their civilian informant. Prior surveillance is not a prerequisite for the validity of an entrapment or a buy-bust operation, there being no fixed or textbook method for conducting one. When time is of essence, the police may dispense with the need for prior surveillance. It is therefore clear that the buy-bust operation, albeit made without the participation of PDEA and conducted without prior surveillance, did not violate Abedin’s constitutional right to be protected from illegal arrest.

With respect to the penalty, the CA correctly imposed the penalty for illegal sale and illegal possession of dangerous drugs. Under Section 5, Article II of R.A. No. 9165, the unauthorized sale of shabu, regardless of its quantity and purity, carries with it the penalty of life imprisonment to death and a fine ranging from five hundred thousand pesos (P500,000) to ten million pesos (P10,000,000). Pursuant, however, to the enactment of R.A. No. 9346,[36] only life imprisonment and fine shall be imposed.

Meanwhile, Section 11, paragraph 2(3), Article II of R.A. No. 9165 provides for imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from three hundred thousand pesos (P300,000) to four hundred thousand pesos (P400,000), if the quantities of dangerous drugs are less than five grams of methamphetamine hydrochloride.

In sum, we find no reversible error in the decision of the appellate court holding Abedin guilty beyond reasonable doubt of the offenses charged.

WHEREFORE, premises considered, the present appeal is DISMISSED. The Decision dated July 6, 2007 of the Court of Appeals in CA-G.R. CR HC No. 02244 finding appellant Jamad Abedin y Jandal guilty beyond reasonable doubt of the crimes charged in Criminal Case Nos. 14108-D and 14109-D for violation of Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is AFFIRMED.

With costs against the accused-appellant.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Del Castillo, JJ., concur.

[1] CA rollo, pp. 95-112. Penned by Associate Justice Marlene Gonzales-Sison, with Associate Justices Juan Q. Enriquez, Jr. and Vicente S.E. Veloso, concurring.

[2] Records, pp. 68-75. Penned by Judge Abraham B. Borreta.

[3] Republic Act No. 9165 entitled, “AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.” Approved on June 7, 2002.

[4] Records, p. 1.

[5] Id. at 13.

[6] Id. at 19.

[7] Id. at 46.

[8] Id. at 47.

[9] Id. at 9.

[10] TSN, August 31, 2005, pp. 2-5; TSN, October 12, 2005, pp. 3-4.

[11] Id. at 5-9; id. at 4-7.

[12] Records, p. 42.

[13] Id. at 45.

[14] Id. at 21.

[15] TSN, October 26, 2005, pp. 2-3.

[16] Id. at 4-5.

[17] TSN, January 25, 2006, pp. 2-4.

[18] Id. at 5-6.

[19] Id. at 6-7.

[20] Records, p. 75.

[21] CA rollo, p. 111.

[22] SEC. 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;

x x x x

[23] Rollo, pp. 25-26.

[24] Id. at 27-28.

[25] Id. at 35-36.

[26] *People v. Serrano*, G.R. No. 179038, May 6, 2010, 620 SCRA 327, 340.

[27] *People v. Gutierrez*, G.R. No. 177777, December 4, 2009, 607 SCRA 377, 390-391, citing *People v. Pringas*, G.R. No. 175928, August 31, 2007, 531 SCRA 828, 846.

[28] TSN, August 31, 2005, pp. 6-8.

[29] *People v. Nicolas*, G.R. No. 170234, February 8, 2007, 515 SCRA 187, 204.

[30] *People v. Navarro*, G.R. No. 173790, October 11, 2007, 535 SCRA 644, 649, citing *People v. Saludes*, G.R. No. 144157, June 10, 2003, 403 SCRA 590, 595.

[31] *People v. Naquita*, G.R. No. 180511, July 28, 2008, 560 SCRA 430, 448; *People v. Del Monte*, G.R. No. 179940, April 23, 2008, 552 SCRA 627, 636, citing *People v. Pringas*, *supra* note 27 at 842-843.

[32] *People v. Naquita*, *id.*

[33] *People v. Roa*, G.R. No. 186134, May 6, 2010, 620 SCRA 359, 368-370.

[34] *People v. Lacbanes*, 336 Phil. 933, 941 (1997).

[35] 443 Phil. 411, 422-423 (2003).

[36] AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES.

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