

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MELBA L. ESPIRITU, PRIMITIVA M. SERASPE, SIMPRESUETA M. SERASPE. A.K.A “AILEEN,” ACCUSED,

G.R. No. 180919. January 09, 2013

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

Appellant Simpresueta M. Seraspe (appellant) assails the July 25, 2007 Decisions[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02045 which affirmed her conviction for illegal sale of dangerous drugs by the Regional Trial Court (RTC) of Las Piñas City, Branch 275 in Criminal Case No. 99-1127.[2]

Factual Antecedents

Appellant, together with her mother, Primitiva M. Seraspe (Seraspe), and Melba L. Espiritu (Espiritu) were charged with violation of Section 15, Article II of Republic Act (R.A.) No. 6425 (The Dangerous Drugs Act of 1972), as amended, in an Amended Information,[3] the accusatory portion of which reads as follows:

That on or about June 1, 1999 in Las Piñas City and within the jurisdiction of this Honorable Court, [the] above-named accused, conspiring, conniving, confederating, and helping one another, did, then and there willfully, unlawfully, feloniously and knowingly sell, dispense, transport, deal in, administer, deliver, negotiate and distribute 983.5 grams of methamphetamine hydrochloride (shabu), a regulated drug, to Ms. Criselda Manila, who acted as poseur buyer, said accused, selling, dispensing, transporting, administering and distributing the aforementioned regulated drug without any license, permit or authority from the government to do so, in consideration of an amount of money which accused demanded and received from the poseur buyer.

CONTRARY TO LAW.[4]

The three entered separate pleas of “not guilty” to the crime charged during their arraignment on December 1, 1999.[5] Thereafter, trial ensued.

Version of the Prosecution

The key witnesses presented by the prosecution were Police Chief Inspector Ricardo Dandan (P/Chief Insp. Dandan), a member of the now defunct Presidential Anti-Organized Crime Task Force (PAOCTF), and Criselda Manila, a.k.a., Carla (Carla), liaison officer of PAOCTF. From their testimonies,[6] the following facts emerge:

On May 15, 1999, P/Chief Insp. Dandan received a telephone call from a confidential informant who told him about the drug trafficking activities of Espiritu in Cainta and in the Cities of Las Piñas, Muntinlupa, Taguig and Parañaque. He immediately reported this information to Senior Police Superintendent Cesar Mancao, who, in turn, instructed him to create a police team to conduct an operation relative thereto. P/Chief Insp. Dandan thus formed Team Golf composed of SPO4 Bahadi (also referred to as SPO4 Bajade), SPO4 Tuanggang, SPO2 Roberto O. Agbalog, PO3 Osmundo B. Cariño (PO3 Cariño), SPO1 Leopoldo Platilla, SPO2 Laroga (also referred to as SPO2 Laruga), PO3 Olaya and Carla. Carla was to act as the poseur-buyer and PO3 Cariño as her

husband.

On the same day, Team Golf proceeded to SM Southmall in Las Piñas City and met the confidential informant. Thereafter Carla, PO3 Cariño and the civilian informant headed to Espiritu's house and presented themselves to Espiritu. After the introductions, negotiation for the sale of shabu followed. Carla ordered two kilos of shabu for a discounted price of P750,000.00. Espiritu, in turn, took Carla's cellphone number and promised to call once the shabu becomes available.

On May 27, 1999, Espiritu called Carla and asked the latter to wait. She again called two days later and arranged for a meeting at noon of the next day in SM Bacoor. Hence, on May 30, 1999, Carla proceeded to the agreed place while Espiritu arrived thereat together with appellant. Espiritu directed appellant to give a sample of the shabu to Carla inside the rest room so the latter could examine it. Appellant obliged. After they parted ways, Carla gave the sample to P/Chief Insp. Dandan, who readily knew that the same was shabu because of his familiarity with the drug.

At around 7:00 p.m. of the same day, Espiritu again called Carla and told her that she already has two kilos of shabu but would deliver only one kilo. She would deliver the rest after receipt of the payment for the first. The two then agreed to meet in the food court of RFC Manuela (RFC Food Court), Las Piñas City for the delivery of the drugs.

Upon learning this, P/Chief Insp. Dandan immediately gathered the buy- bust team, gave them instructions and prepared four marked 500 peso bills and boodle money. The team then repaired to the meeting place on June 1, 1999. At about 3:00 p.m., Carla and PO3 Cariño occupied one of the tables in the RFC Food Court while the rest of the team positioned themselves nearby. Espiritu and appellant arrived at around 5:00 p.m. After ascertaining from Carla if she brought the money, Espiritu ordered appellant to get the shabu. Appellant left and returned 30 minutes later with her mother, Seraspe, who was then carrying a bag. Appellant took the said bag and handed it to Espiritu, who, together with Carla, proceeded to the restroom to examine the contents thereof. When Carla emerged from the restroom, she made the pre-arranged signal by scratching her head. Whereupon, the buy-bust team arrested Espiritu, Seraspe and appellant. The marked money was recovered from Espiritu while the plastic bag containing the substance subject of the buy-bust operation was marked by PO3 Cariño with the Visayan word "tigulang." Upon laboratory examination, the seized specimen weighing 983.5 grams was found positive for methamphetamine hydrochloride or shabu.[7]

Version of the Defense

Espiritu, Seraspe and appellant claimed that they were merely induced by the PAOCTF operatives to sell the dangerous drug. Their testimonies[8] revealed the following circumstances:

Espiritu first met Carla when the latter went to her house together with the civilian informant in the second week of April 1999. Carla wanted to talk to Espiritu's husband, who is a lawyer and a casino financier, in the hope of getting his help in purchasing shabu from his Chinese clients. When Espiritu told Carla that her husband does not want to get involved in that kind of business, Carla instead sought her help. Carla promised to pay P750,00.00 for a kilo of shabu. Fearing that her husband would get mad about it, Espiritu declined the offer.

After a couple of days, Carla returned to Espiritu's house, this time with PO3 Cariño whom she introduced as her husband. Again, they sought her assistance in purchasing shabu and showed her an attaché case containing P1.5 million. Espiritu again declined. But as Carla and PO3 Cariño returned four more times with the same request and showing her the money each time, Espiritu finally told them that she would see what she can do. At that time, she was in need of money for the tuition fees of her grandchildren and the medicines of her son. Espiritu thus

introduced Carla and PO3 Cariño to appellant, an employee of her husband in the casino.

Appellant claimed that during her first meeting with Carla and PO3 Cariño, the two asked her to help them look for shabu and showed her money in an attaché case. She initially refused but changed her mind when the couple kept on returning to her place to convince her. Thinking that she would be able to pay her debts and provide for the needs of her children with the money being offered by Carla and PO3 Cariño, she acceded and told them that she would try to look for shabu.

On May 30, 1999, appellant and Espiritu went to the house of a certain Aida Go (Aida) to get the shabu. Appellant then kept the shabu in her house as instructed by Espiritu. On June 1, 1999, she and Espiritu went to RFC Food Court to meet with Carla and PO3 Cariño. Appellant handed the shabu to Espiritu, who entered the restroom with Carla. However, when they came out, they were already surrounded by policemen and were arrested.

Seraspe, for her part, claimed that she had no knowledge of the transaction as she just accompanied her daughter, appellant, to the RFC Food Court.

Ruling of the Regional Trial Court

In its Decision[9] of July 29, 2002, the trial court found that all the accused conspired to deliver and sell shabu.[10] And contrary to accused's claim that they were merely instigated by the authorities to commit the crime charged, it found that their arrest was the result of a valid entrapment operation.[11] It thus disposed:

WHEREFORE, judgment is hereby rendered finding accused MELBA L. ESPIRITU, PRIMITIVA M. SERASPE and SIMPRESUETA M. SERASPE guilty beyond reasonable doubt and sentenced to suffer each the penalty of Reclusion Perpetua and pay a fine of P500,000.00 and costs.

SO ORDERED.[12]

Espiritu, Seraspe and appellant filed a Notice of Appeal,[13] which was given due course by the trial court in an Order dated August 5, 2002.[14] Pursuant thereto, the records of the case were elevated to this Court.

However, on October 15, 2004, Espiritu filed a Manifestation with Motion to Withdraw Appeal[15] because she intends to apply for executive clemency in view of her old age and illness. The Court granted the motion in a Resolution[16] dated December 1, 2004 and the case was declared closed and terminated with respect to her. An Entry of Judgment[17] relative thereto was accordingly issued and entered in the Book of Entries of Judgment.

In the Court's Resolution[18] dated November 9, 2005, the case was transferred to the CA for appropriate action and disposition in view of the ruling in *People v. Mateo*[19] allowing an intermediate review by the said court of cases where the penalty imposed is death, life imprisonment or reclusion perpetua, as in this case.

Subsequently, Seraspe likewise filed a Manifestation with Motion to Withdraw Appeal[20] since she also intends to apply for executive clemency in view of her old age. The CA granted the same in a Resolution[21] dated August 7, 2006 and the case was likewise declared closed and terminated insofar as she was concerned. A Partial Entry of Judgment[22] was likewise issued and entered in the Book of Entries of Judgment on even date.

Thus, appellant was the only one left pursuing the appeal.

Ruling of the Court of Appeals

In a Decision[23] dated July 25, 2007, the CA upheld the RTC's finding of a valid entrapment[24] and accorded respect and finality upon the trial court's assessment of the credibility of witnesses.[25] The dispositive portion of its Decision reads:

WHEREFORE, the Decision appealed from is AFFIRMED.

SO ORDERED.[26]

Hence, this appeal.

Assignment of Errors

The errors raised in the Accused-Appellant's Brief[27] and Supplemental Brief[28] are as follows:

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED- APPELLANT OF VIOLATION OF SECTION 15, ARTICLE II, IN RELATION TO SECTION 21, ARTICLE IV, AS AMENDED BY R.A. 7659, WHEN THE LATTER'S GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.[29]

THE COURT OF APPEALS GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE LAME EVIDENCE OF THE PROSECUTION TO WARRANT A FINDING OF CONSPIRACY BEYOND REASONABLE DOUBT.[30]

Our Ruling

The petition has no merit.

The two essential elements of the crime of illegal sale of dangerous drugs were duly established by the prosecution; appellant conspired with her co-accused in the commission of the crime charged.

Appellant faults the trial court in convicting her of the crime of illegal sale of dangerous drugs.

In the prosecution of illegal sale of dangerous drugs, the two essential elements are: "(1) the identity of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor." [31] Hence, evidence that establishes both elements by the required quantum of proof, i.e., guilt beyond reasonable doubt, [32] must be presented. Here, the said elements were duly proved by the prosecution. Carla and P/Chief Insp. Dandan positively identified appellant and her co-accused as the sellers of the contraband who sold the same in exchange for the marked money. The item was seized, marked and upon examination was identified as shabu, a dangerous drug. The same was subsequently presented in evidence. Moreover, Carla provided a detailed testimony as to the delivery and sale of shabu, viz:

Q

What time did you [reach] the area?

A

About 3:00 in the afternoon.

Q

After reaching the area at Manuela Food Court, what happened next?

A

And then the group positioned themselves inside the Food Court.

Q

How about x x x you and Cariño?

A

And we positioned ourselves [at] the next table.

Q

What happened after you positioned yourselves at the table?

A

And then Melba Espiritu and Aileen Seraspe arrived at around 5:00 in the afternoon.

Q

And what happened after Melba Espiritu and Aileen Seraspe arrived?

A

She asked me if I have already the money.

Q

What was your answer if any?

A

I answered yes.

Q

What happened next after you answered yes that you have money?

A

And she asked Aileen Seraspe to go out.

Q

For what reason?

A

To get the shabu.

Q

So what happened after Melba Espiritu directed Aileen to go out and get the shabu?

A

When Aileen returned she was with her mother Primitiva Seraspe.

Q

And what happened after Aileen came back together with her mother Primitiva Seraspe?

A

And Primitiva Seraspe is carrying a gray envelope clutch bag which look[s] like [an] envelope.

Q

And what happened after Aileen came back together with Primitiva Seraspe who was then carrying a gray clutch type bag?

A

And then she left her mother in one of the table[s] and she took a gray bag and opened it and took another plastic pink bag containing shabu and gave it to Melba.

Q

So what happened after Aileen Seraspe [took off] the pink bag inside the gray bag and hand[ed] it over to Melba Espiritu?

A

And then I was invited by Melba Espiritu [to] the comfort room.

Q

What happened after she [went with you inside] the comfort room?

A

She showed me that sir and asked me to look at it.

Q

She showed you what?

A

Shabu sir.

Q

What happened next?

A

After looking [inside] the plastic bag containing shabu, I gave her the money.

Q

And how did you [give] her the money?

A

After I gave her the money, I went out of the C.R.

Q

What happened to the shabu? A It is still [in] my possession sir.

Q

And what happened after you went out of the CR carrying the shabu?

A

After getting out of the CR I made a signal.

Q

And what [was] the signal?

A

I scratched my hair using my right hand.

Q

At this juncture Your Honor [witness] is demonstrating by scratching her hair. What happened next after you scratched your hair?

A

And they arrested Melba carrying the money.[33]

The Court has no reason to doubt the above testimony of Carla. Aside from the fundamental rule that findings of the trial court regarding the credibility of prosecution witnesses are accorded respect considering that it is the trial court that had the opportunity to observe their conduct and demeanor,[34] the Court notes that appellant herself corroborated the prosecution's account of the crime, viz.:

Q

How many kilos did you sell to the buyer, if you sold anything?

A

We first brought one (1) kilo.

Q

When you say "we", you are referring to you and to Melba Espiritu, is that correct?

A

Yes, Sir. x x x x

Q

And what happened while at RFC?

A

While we were in RFC, I hand[ed] the shabu to Melba Espiritu and then they entered the CR and when they went out of the CR there were already many policemen.[35]

Moreover, appellant questions the lower courts' finding of conspiracy between her and her co-accused. She claims that she merely accompanied Espiritu in going to the RFC Food Court and had nothing to do with the transaction. As a matter of fact, the shabu was not even found in or recovered from her possession. It just so happened that she was in the area during the delivery of the drugs.

The Court is not persuaded.

There is conspiracy if two or more persons agree to commit a felony and decide to commit it.[36] "Conspiracy must be proven on the same quantum of evidence as the felony subject of the agreement of the parties. Conspiracy

may be proved by direct or circumstantial evidence consisting of acts, words, or conduct of the alleged conspirators before, during and after the commission of the felony to achieve a common design or purpose.”[37]

The existence of conspiracy in this case was clearly established not only by the prosecution’s evidence but also by appellant’s very own testimony, viz:

Q

So, it was your own decision to go with Melba Espiritu to get that shabu from [A]ida Go?

A

Yes, sir.

Q

And in going there, your intention was to earn money?

A

Yes, sir.

Q

And who entered into this transaction of getting shabu from Aida Go, was it you or Melba Espiritu?

A

The two (2) of them. They were the ones who made the deal.

Q

And what was your participation while Melba Espiritu and Aida Go were transacting about that shabu?

A

My only participation would only be to carry that shabu from where we will get it up to the buyer.

Q

And did you pay any amount of money to Aida Go in order to get that two (2) kilos of shabu?

A

No, sir. It was given to us on a consignment basis.

Q

And do you know the meaning of “consignment basis”?

A

It will be paid after the deal.

Q

And you mentioned that your participation would be to bring that shabu from where?

A

Get it from Baclaran then go to RFC. FISCAL VILLANUEVA:

Q

Where in Baclaran?

A

I don't know the exact address but I can go there. I mean, I will be able to go there. It is near 7-Eleven.

Q

Along Roxas Boulevard or Quirino Avenue?

A

You can pass through Quirino Avenue and Baclaran.

Q

And when did you get that shabu in Baclaran?

A

I think it was [at] the end of May. End of May.

Q

And from whom did you get the shabu in Baclaran?

A

From the house of [A]ida Go.

Q

And who handed the shabu to you?

A

It was not handed to me only. They only instructed me to carry it. It was placed in a bag.

Q

So, how were you able to know that that box contains that shabu if nobody handed it to you?

A

Because I know that we will be getting shabu. So, when Melba Espiritu told me to carry it, that box, I was thinking that it was already the shabu.

Q

So, Melba Espiritu was with you when you went to Baclaran when you picked [up] that shabu?

A

Yes, sir.

Q

So, the two of you were together in picking [up] that shabu?

A

Yes, sir.

Q

When was that?

A

May 30.

Q

And what happened after you [picked up] that shabu in Baclaran together with Melba Espiritu?

A

She instructed me to keep first the shabu in my house.

Q

So, it was Melba Espiritu who was dealing ... who was telling you what to do?

A

Yes, sir.

Q

So, what happened after you kept that shabu in your house?

A

I don't know what happened because it was Melba and the [PAOCTF] who were the ones dealing.

Q

So, you voluntarily and knowingly carried that shabu for Melba Espiritu?

A

Yes, sir.[38]

“An accepted badge of conspiracy is when the accused by their acts aimed at the same object, one performing one part and another performing another so as to complete it with a view to the attainment of the same object, and their acts though apparently independent were in fact concerted and cooperative, indicating closeness of personal association, concerted action and concurrence of sentiments.”[39] As can be gleaned from appellant's above-quoted testimony as well as from the testimony of Carla as to what transpired during the actual buy- bust operation, appellant acted in common concert with her co-accused in the illegal sale of shabu. She cannot therefore isolate her act of merely accompanying Espiritu to the RFC Food Court or carrying the shabu since in conspiracy the act of one is the act of all.[40] “To be a conspirator, one need not participate in every detail of the execution; he need not even take part in every act or need not even know the exact part to be performed by the others in the execution of the conspiracy.”[41]

Appellant's defense of instigation is unworthy of belief.

Appellant raises the defense of instigation to gain her acquittal. She argues that the government, through the PAOCTF operatives, induced her to commit the offense when they repeatedly approached and asked her to sell them shabu.

The Court is unswayed.

“Instigation means luring the accused into a crime that he, otherwise, had no intention to commit, in order to prosecute him.”[42] It differs from entrapment which is the employment of ways and means in order to trap or capture a criminal.[43] In instigation, the criminal intent to commit an offense originates from the inducer and not from the accused who had no intention to commit and would not have committed it were it not for the prodding of the inducer.[44] In entrapment, the criminal intent or design originates from the accused and the law enforcers merely facilitate the apprehension of the criminal by using ruses and schemes.[45]

Instigation results in the acquittal of the accused, while entrapment may lead to prosecution and conviction.[46]

Here, the evidence clearly established that the police operatives employed entrapment, not instigation, to capture appellant and her cohorts in the act of selling shabu. It must be recalled that it was only upon receipt of a report of the drug trafficking activities of Espiritu from the confidential informant that a buy- bust team was formed and negotiations for the sale of shabu were made. Also, appellant testified that she agreed to the transaction of her own free will when she saw the same as an opportunity to earn money. Notably too, appellant was able to quickly produce a sample. This confirms that she had a ready supply of the illegal drugs. Clearly, she was never forced, coerced or induced through incessant entreaties to source the prohibited drug for Carla and PO3 Cariño and this she even categorically admitted during her testimony.[47]

Moreover, a police officer’s act of soliciting drugs from appellant during the buy-bust operation, or what is known as the “decoy solicitation,” is not prohibited by law and does not invalidate the buy-bust operation.[48] In *People v. Legaspi*,[49] this Court pronounced that in a prosecution for sale of illicit drugs, any of the following will not exculpate the accused: “(1) that facilities for the commission of the crime were intentionally placed in his way; or (2) that the criminal act was done at the solicitation of the decoy or poseur-buyer seeking to expose his criminal act; or (3) that the police authorities feigning complicity in the act were present and apparently assisted in its commission.”[50] Hence, even assuming that the PAOCTF operatives repeatedly asked her to sell them shabu, appellant’s defense of instigation will not prosper. This is “especially true in that class of cases where the offense is the kind that is habitually committed, and the solicitation merely furnished evidence of a course of conduct. Mere deception by the police officer will not shield the perpetrator, if the offense was committed by him free from the influence or instigation of the police officer.”[51]

All told, we find no reason to disturb the findings of the trial court as affirmed by the appellate court, and thus sustain the conviction of appellant for illegal sale of dangerous drugs.

The Penalty

Under Section 15, Article III, in relation to Section 20, Article IV, of the Dangerous Drugs Act of 1972, as amended by R.A. No. 7659, the unauthorized sale of 200 grams or more of shabu or methamphetamine hydrochloride is punishable by reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos.[52]

The total weight of the shabu confiscated in this case is 983.5 grams. Hence, the proper penalty should be reclusion perpetua to death. But since the penalty of reclusion perpetua to death consists of two indivisible penalties, appellant was correctly meted the lesser penalty of reclusion perpetua, conformably with Article 63(2) of the Revised Penal Code which provides that when there are no mitigating or aggravating circumstances in the commission of the deed, the lesser penalty shall be applied. Considering the quantity of shabu sold, we likewise find reasonable the fine of P500,000.00 imposed by the trial court.[53]

WHEREFORE, the assailed Decision dated July 25, 2007 of the Court of Appeals in CA-G.R.-H.C. No. 02045 is

AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Perlas-Bernabe, JJ., concur.

[1] CA rollo, pp. 147-159; penned by Associate Justice Marina L. Buzon and concurred in by Associate Justices Rosmari D. Carandang and Mariflor P. Punzalan Castillo.

[2] Id. At 92-101.

[3] Records, pp. 42-43.

[4] Id. Emphasis in the original.

[5] Id. at 45-46.

[6] TSN, May 17, 2000 and July 31, 2000 for Carla; TSN, August 23, 2000 and September 13, 2000 for P/Chief Insp. Dandan.

[7] Physical Science Report No. D-2615-99, Exhibit “K”, records, p. 313.

[8] TSN, June 29, 2001, July 6, 2001, July 25, 2001 and August 8, 2001 for Espiritu; TSN, September 24, 2001 for Seraspe; and TSN, October 1, 2001 for appellant.

[9] Records, pp. 457-466; penned by Judge Bonifacio Sanz Maceda.

[10] Id. at 464.

[11] Id. at 465.

[12] Id. at 466.

[13] Id. at 470.

[14] Id. at 473.

[15] CA rollo, pp. 50-51.

[16] Id. at 53.

[17] Id. at 58.

[18] Id. at 67-68.

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

[20] CA rollo, pp. 71-73.

[21] Id. at 139-140.

[22] Id. at 141.

[23] Id. at 147-159.

[24] Id. at 156-158.

[25] Id. at 158.

- [26] Id. at 158-159.
- [27] Id. at 78-91.
- [28] Rollo, pp. 28-34.
- [29] CA rollo, p. 80.
- [30] Rollo, p. 28.
- [31] *People v. Legaspi*, G.R. No. 173485, November 23, 2011, 661 SCRA 171, 185.
- [32] Id.
- [33] TSN, May 17, 2000, pp. 27-30.
- [34] *People v. Bautista*, G.R. No. 191266, June 6, 2011, 650 SCRA 689, 700-701, citing *People v. Gabrino*, G.R. No. 189981, March 9, 2011, 645 SCRA 187, 193-195.
- [35] TSN, October 1, 2001, p. 9.
- [36] REVISED PENAL CODE, Article 8.
- [37] *Preferred Home Specialties, Inc. v. Court of Appeals (Seventh Div.)*, 514 Phil. 574, 601 (2005).
- [38] TSN, October 1, 2001, pp. 13-15.
- [39] *People v. Serrano*, G.R. No. 179038, May 6, 2010, 620 SCRA 327, 336-337, citing *People v. Medina*, 354 Phil. 447, 458 (1998).
- [40] *People v. Ebet*, G.R. No. 181635, November 15, 2010, 634 SCRA 689, 706.
- [41] Id.
- [42] *People v. Dansico*, G.R. No. 178060, February 23, 2011, 644 SCRA 151, 160.
- [43] Id.
- [44] Id.
- [45] Id. at 160-161.
- [46] Id. at 161.
- [47] TSN, October 1, 2001, p. 12.
- [48] *People v. Pagkalinawan*, G.R. No. 184805, March 3, 2010, 614 SCRA 202, 214.
- [49] G.R. No. 173485, November 23, 2011, 661 SCRA 171.
- [50] Id. at 181.
- [51] Id.
- [52] *Ching v. People*, G.R. No. 177237, October 17, 2008, 569 SCRA 711, 736.

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