PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MICHAEL SEMBRANO Y CASTRO, ACCUSED-APPELLANT.

G.R. No. 185848. August 16, 2010

Ponente: PEREZ, J.

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PEREZ, J.:

Accused-appellant MICHAEL SEMBRANO y CASTRO (appellant) is before this Court appealing from the 18 June 2008 Decision[1] of the Court of Appeals in CA-G.R. HC No. 02762 captioned `People of the Philippines v. Michael Sembrano y Castro.' The Court of Appeals affirmed his conviction[2] by the Regional Trial Court of Quezon City (RTC, QC) for the crimes of illegal sale and illegal possession of shabu, a dangerous drug, in violation of Sections 5 and 11, Article II, of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.[3]

The antecedent facts

On 26 July 2004, the operatives of the Station Anti-Illegal Drugs (SAID) of the Novaliches Police Station arrested appellant in broad daylight, in the course of a buy-bust operation and after a follow-up search on him.

On 28 July 2004, the Assistant City Prosecutor of Quezon City in the National Capital Region (QC-NCR) filed two separate Informations against him for (1) illegal sale and (2) illegal possession of shabu, a dangerous drug. The two cases were raffled to Branch 82 of the RTC, QC and docketed as Criminal Cases Nos. Q-04-128370 and Q-04-128371, imputing the following acts against him:

> Criminal Case No. Q-04-128370
>
> That on or about the 26[th] day of July 2004, in Quezon City, Philippines, the said accused, not being authorized by law to sell, dispense, deliver transport or distribute any dangerous drug, did, then and there, willfully and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, zero point twelve (0.12) gram of white crystalline substance containing of Methylamphetamine Hydrochloride, a dangerous drug.[4]
>
> Criminal Case No. Q-04-128371
>
> That on or about the 26[th] day of July 2004, in Quezon City, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did, then and there, willfully, unlawfully and knowingly have in his/her/their possession and control, zero point twenty seven (0.27) gram of white crystalline substance containing Methylamphetamine Hydrochloride, a dangerous drug.[5]

Sembrano was arraigned on 19 April 2005 and with the assistance of counsel, pleaded not guilty to the charges.[6] Pre-trial proceedings having been terminated, trial on the merits ensued.

During trial, the prosecution presented the testimonies of the following witnesses: (1) Police Officer 1 (PO1) Jomar Manaol; and (2) Police Officer 1 (PO1) Kingly James Bagay.

The combined testimonies of PO1 Manaol and PO1 Bagay sought to establish that at around 3:00 o'clock in the afternoon of 26 July 2004, an informant of the police arrived at the SAID of the Novaliches Police Station. The confidential informant relayed information regarding illicit drugs trade operations conducted by a certain Michael Sembrano alias `Takol' in the area of Gulod in Novaliches, Quezon City.

Superintendent (Supt.) Ramon Perez, head of SAID, formed a buy-bust team composed of PO1 Jomar Manaol, SPO1 Cesar Futol, PO1 Kingly James Bagay, PO1 Neil John Dumlao, and PO1 Fernando Salonga. SPO1 Futol prepared the pre-operation report for the team. The group then proceeded to Ignacio Street corner Villareal Street in Gulod, Novaliches, Quezon City for the entrapment operation.

The group arrived at the designated area at around 3:30 o'clock in the afternoon. PO1 Manaol was designated poseur-buyer. He was handed two (2) One Hundred Peso bills which he marked with his initials `JAM' on the lower right side thereof, right below the image of the Philippine Flag. PO1 Manaol, together with the confidential informant, then proceeded to the target site. The other members of the team, including witness PO1 Bagay, acted as back-up and positioned themselves about twenty-five meters away from where PO1 Manaol and the confidential informant were.

They waited until appellant arrived at around 5:00 o'clock in the afternoon. Upon appellant's arrival, the confidential informant introduced PO1 Manaol to him as an interested buyer of shabu. PO1 Manaol handed the two marked One Hundred Peso bills to appellant, who, in turn, handed one (1) plastic sachet containing white crystalline substance to him. The transaction having been consummated, PO1 Manaol executed their pre-arranged signal and scratched his head. When the other members of the team saw PO1 Manaol execute the pre-arranged signal, they immediately proceeded to their location and arrested appellant.

PO1 Manaol recovered the suspected shabu subject of the sale from appellant and placed his initials JAM thereon. PO1 Bagay was also able to retrieve the buy-bust money from appellant's right hand. A follow-up frisk on appellant resulted in the confiscation of two other plastic sachets of white crystalline substance suspected to be shabu, from the right hand pocket of his shorts. Immediately after retrieving the evidence, PO1 Bagay marked the confiscated sachets with his initials KJB.

After his arrest, the police officers took appellant to the police station where he was turned over to the desk officer and to the on-duty investigator. PO1 Bagay, who had custody of the confiscated evidence, turned over the seized three (3) plastic sachets of white crystalline substance to the investigator. PO1 Manaol and PO1 Bagay executed a Joint Affidavit of Arrest and signed the Inventory of Seized Drugs/Item prepared by SPO1 Cesar Futol.

The confiscated items were transmitted on the same day by the investigator on-duty, through PO1 Salonga, PO1 Manaol and PO1 Bagay to the Philippine National Police (PNP) Crime Laboratory for examination.

A forensic examination of the contents of the seized sachets as conducted by Police Senior Inspector (P/S Insp.) Leonard T. Arban, Forensic Chemical Officer yielded the following results in Chemistry Report No. D-698-04:

> SPECIMEN SUBMITTED:
>
> Three (3) heat-sealed transparent plastic sachets, each containing white crystalline substance with the following markings and recorded net weights:
>
> A (JAM - MCS) = 0.12 gram
>
> B (KJB - MCS1) = 0.10 gram
>
> C (KJB - MCS2) = 0.17 gram

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> FINDINGS:
>
> Qualitative examination conducted on the above-stated specimens gave POSITIVE result to the tests for Methylamphetamine Hydrochloride, a dangerous drug.[7]

Expectedly, the defense had an entirely different version, with Sembrano testifying on the witness stand. He narrated that at around 1:00 o'clock in the afternoon of 26 July 2004; he was buying lumber somewhere along Quirino Highway in Novaliches, Quezon City, when a maroon Tamaraw FX stopped in front of him. The occupants thereof, PO1 Bagay and PO1 Manaol, alighted from the vehicle and arrested him. After being arrested, the police officers took him to Station 4 whereupon he was required to sign a document. Sembrano learned later on that the police officers filed a case against him for violation of Republic Act No. 9165. When asked on the witness stand if he knew the two police officers, Sembrano answered in the affirmative, having met the two since he had been their police asset since 23 April 2003. In support of his claim, Sembrano presented a copy of an Oath of Loyalty and Agent's Agreement to prove he was indeed a police asset. On cross examination, however, he testified that the police officers he mentioned were not signatories to the Oath of Loyalty and Agent's Agreement he presented in court.

The RTC found accused-appellant guilty as charged in Criminal Cases Nos. Q-04-128370 and Q-04-128371. Weighing the body of evidence submitted by both parties, the trial court gave little credence to appellant's unsubstantiated claim that he was a police asset and ascertained that the prosecution established all the elements of illegal sale and illegal possession of a dangerous or prohibited drug.

Thus, in its Decision dated 14 February 2007, the trial court rendered judgment disposing as follows:

> WHEREFORE, premises considered, judgment is hereby rendered as follows:
>
> a) Re: Criminal Case No. Q-0-4128370, accused MICHAEL SEMBRANO is hereby found guilty beyond reasonable doubt a (sic) of a violation of Section 5, Article II of R.A. No. 9165, and accordingly, he is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine in the amount of FIVE HUNDRED THOUSAND PESOS (P500,000.00) PESOS;
>
> b) Re: Criminal Case No. Q-04-128371, said accused is likewise found guilty beyond reasonable doubt of violation of Section 11, Article II of the same Act and, accordingly, he is hereby sentenced to suffer the indeterminate penalty of imprisonment of TWELVE (12) YEARS and one (1) DAY as MINIMUM to FOURTEEN (14) YEARS as MAXIMUM and to pay a fine in the amount of THREE HUNDRED THOUSAND (P300,000.00) PESOS.[8]

Seeking recourse from his conviction by the trial court, the appellant elevated the case to the Court of Appeals via Notice of Appeal. Insisting on his innocence, the defense questioned the admissibility of the confiscated evidence on the ground of illegality of appellant's arrest. The defense also attacked the credibility of the prosecution witnesses, claiming their stories are unbelievable and should have led to the dismissal of the charges.

According credence to the evidence of the prosecution, the Court of Appeals promulgated its Decision on 18 June 2008, where the appellate court affirmed the findings and conclusions of the trial court, but reduced the penalty imposed in the illegal possession case to six (6) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum.[9]

Appellant is now appealing his conviction to this Court, as a final recourse, praying that he be absolved of the charges. Instead of filing supplemental briefs, the defense and the prosecution adopted the arguments in their respective appellate briefs submitted before the Court of Appeals.

Thus, this Court is tasked to resolve the following assignment of errors:

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- THE TRIAL COURT GRAVELY ERRED IN NOT FINDING THAT APPELLANT WAS ILLEGALLY ARRESTED AND AS SUCH, THE SACHETS OF SHABU ALLEGEDLY RECOVERED FROM HIM WERE INADMISSIBLE IN EVIDENCE.

- THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE INCREDIBLE TESTIMONIES OF THE PROSECUTION WITNESSES.

- THE TRIAL COURT GRAVELY ERRED IN FINDING APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.

The defense challenges the RTC and Court of Appeals rulings, anchored on its claim that the warrantless arrest against appellant was unlawful. Consequently, applying the `fruit of the poisonous tree' doctrine, any evidence allegedly obtained during such unlawful warrantless arrest cannot be used as evidence. The defense proffers that the illegal drugs allegedly seized from appellant during the buy-bust operation should have been declared inadmissible. Alleging he is a victim of frame-up by the police officers, appellant attacks the credibility of the prosecution witnesses. In sum, appellant seeks acquittal on the ground that the prosecution failed to prove his guilt beyond reasonable doubt.

Coming from an entirely different perspective, the Office of the Solicitor General (OSG), representing the prosecution, disagrees with the aforementioned contentions from the defense side. It counters that the sachets of shabu were seized from appellant during a buy-bust operation. Thus, any opposition thereto with respect to its admissibility on the ground that said sachets were seized during an illegal arrest is unfounded. As for the testimonies of the prosecution witnesses, the testimony of the poseur-buyer, in particular, was corroborated by the police operatives on material points.

We find no merit in the appeal.

Conviction is proper in prosecutions involving illegal sale of regulated or prohibited drugs if the following elements are present: (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 thereto.[10] What is material is proof that the transaction or sale actually took place, coupled with the presentation in court of the prohibited or regulated drug.[11] We reiterate the meaning of the term corpus delicti which is the actual commission by someone of the particular crime charged.[12]

Having weighed the arguments and evidence propounded by the defense and the prosecution, this Court is satisfied that the prosecution discharged its burden of establishing all the elements of illegal sale of regulated or prohibited drugs and proved appellant's guilt beyond reasonable doubt.

The collective testimonies of the prosecution witnesses, as well as the documentary evidence offered in court, provide a detailed picture of the sequence of events leading to the consummation of the transaction, the very moment PO1 Manaol received the drug from accused-appellant, the seller. The foregoing is the very corpus delicti of the offense.

Whatever doubt concerning appellant's culpability is now beyond question after he was caught in a buy-bust operation conducted by the operatives of the Novaliches Police Station in the afternoon of 26 July 2004 along Villareal Street.

Appellant was caught in flagrante delicto delivering 0.12 gram of methamphetamine hydrochloride or shabu to PO2 Manaol, the poseur-buyer, for a consideration of P200.00. Upon frisking after his arrest, another 0.27 gram of methamphetamine hydrochloride were recovered from him. It is clear from the evidence on record that the sachet of shabu sold by appellant was marked by PO2 Manaol with his initials, while the other two sachets were

marked by PO1 Bagay with his initials. PO1 Bagay, who had custody of the seized evidence, brought confiscated three plastic sachets of white crystalline substance to the police station and turned over to the investigator. At the police station, an Inventory of Seized Drugs/Item was prepared by SPO1 Cesar Futol and signed by PO1 Manaol and PO1 Bagay. The investigator on duty, to whom the seized evidence were encrusted by PO1 Bagay, through PO1 Salonga, PO1 Manaol and PO1 Bagay, turned over the evidence to the PNP-Crime Laboratory for forensic examination on the same day he received the items. In a Chemistry Report released by P/S Insp. Leonard T. Arban, the white crystalline substance taken from the three sachets proved positive for shabu.

PO1 Manaol, the poseur-buyer, positively identified Sembrano as the person who sold and handed him the sachet containing white crystalline substance, proven to be shabu.[13]

On the legality of the warrantless arrest, We reiterate that appellant was arrested during an entrapment operation where he was caught in flagrante delicto selling shabu. When an arrest is made during an entrapment operation, it is not required that a warrant be secured in line with the provisions of Rule 113, Section 5(a) of the Revised Rules of Court allowing warrantless arrests, to wit:

> Section 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.[14] If carried out with due regard for constitutional and legal safeguards, a buy-bust operation, such as the one involving appellant, deserves judicial sanction. Consequently, the warrantless arrest and warrantless search and seizure conducted on the person of appellant were allowed under the circumstances. The search, incident to his lawful arrest, needed no warrant to sustain its validity.[15] Thus, there is no doubt that the sachets of shabu recovered during the legitimate buy-bust operation, are admissible and were properly admitted in evidence against him.[16]

Appellant's defenses of denial and frame-up are both self-serving and uncorroborated, and must fail in light of straightforward and positive testimony of poseur-buyer identifying him as the seller of shabu. The twin defenses of denial and frame-up hold little weight vis-à-vis the strong evidence gathered by the prosecution in proving his complicity to the offenses. To recall, PO1 Manaol's testimony was corroborated on material points by PO1 Bagay, who identified appellant as the one who handed the sachet of shabu to PO1 Manaol after being handed two (2) One Hundred Peso bills. Contrary to the defense's claim, it is not impossible for a buy-bust operation to be conducted in broad daylight, as in the case at bar. Frame-up, like denial, is viewed by this Court with disfavor for it can easily be concocted.[17]

Finally, in cases involving violations of Dangerous Drugs Act, credence should be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary.[18] In this regard, the defense failed to show any ill motive or odious intent on the part of the police operatives to impute such a serious crime that would put in jeopardy the life and liberty of an innocent person, such as in the case of appellant. Incidentally, if these were simply trumped-up charges against him, it remains a question why no administrative charges were brought against the police operatives. Moreover, in weighing the testimonies of the prosecution witnesses vis-à-vis those of the defense, it is a well-settled rule that in the absence of palpable error or grave abuse of discretion on the part of the trial judge, the trial court's evaluation of the credibility of witnesses will not be

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disturbed on appeal.[19]

On the merits of allegations of illegal possession of shabu, We find, likewise, against appellant and sustain the findings of the RTC and Court of Appeals.

For illegal possession of regulated or prohibited drugs, the prosecution must establish the following elements: (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 drug.[20] All the aforesaid elements were established. Incident to his lawful arrest resulting from the buy-bust operation, appellant was likewise found to have in his possession 0.27 gram of methamphetamine hydrochloride, or shabu, the same kind of dangerous drug he was caught selling in flagrante delicto. There is nothing on record to show that he had legal authority to possess the same. Finally, this Court held in a number of cases, as in People v. Noque, G.R. No. 175319, 15 January 2010, citing People v. Tee, 443 Phil. 521, 551 (2003), `mere possession of a regulated drug per se constitutes prima facie evidence of knowledge or animus possidendi sufficient to convict an accused absent a satisfactory explanation of such possession - the onus probandi is shifted to the accused, to explain the absence of knowledge or animus possidendi.'

We now determine the imposable penalties.

The sale of shabu is punishable under Section 5, Article II of Republic Act No. 9165, viz.:

> Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions. x x x

Under the provisions of said law, the sale of any dangerous drug, e.g. 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 (P500,000.00) to Ten Million Pesos (P10,000,000.00).[21] With the effectivity, however, of Republic Act No. 9346, otherwise known as "An Act Prohibiting the Imposition of Death Penalty in the Philippines," the imposition of the supreme penalty of death has been proscribed. In this regard, the penalty applicable to Sembrano shall only be life imprisonment and fine without eligibility for parole. This Court thus sustains the penalty imposed by the RTC and later on affirmed by the Court of Appeals in Criminal Case No. Q-04-128370.

On the other hand, illegal possession of dangerous drugs is penalized under Section 11, Article II of Republic Act No. 9165, to wit:

> Section 11. Possession of Dangerous Drugs. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:
>
> x x x Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:
>
> (3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs

> such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana x x x.

The foregoing provision specifically states that illegal possession of less than five (5) grams of said dangerous drug is penalized with imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three Hundred Thousand Pesos (P300,000.00) to Four Hundred Thousand Pesos (P400,000.00).[22] The evidence adduced by the prosecution in Criminal Case No. Q-04-128371 established beyond reasonable doubt that appellant, without any legal authority, had in his possession 0.27 gram of shabu or less than five (5) grams of dangerous drug.

Applying the Indeterminate Sentence Law, the minimum period of the imposable penalty shall not fall below the minimum period set by the law; the maximum period shall not exceed the maximum period allowed under the law. Taking the foregoing into consideration, We find that the Court of Appeals erred in imposing the penalty of Three Hundred Thousand Pesos (P300,000.00) fine and imprisonment of six (6) years and one (1) day to eight (8) years only. Thus, the penalty of twelve (12) years and one (1) day to fourteen (14) years and fine of Three Hundred Thousand Pesos (P300,000.00) imposed by the RTC is proper.

WHEREFORE, in view of all the foregoing, the 18 June 2008 Decision of the Court of Appeals in CA-G.R. HC No. 02762, finding appellant MICHAEL SEMBRANO y CASTRO guilty beyond reasonable doubt of the crimes of illegal sale and illegal possession of dangerous drugs is AFFIRMED with MODIFICATIONS. As modified, appellant is sentenced to suffer the indeterminate penalty of imprisonment ranging from twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum, and to pay a fine of Three Hundred Thousand Pesos (P300,000.00) in Criminal Case No. Q-04-128371, for illegal possession of dangerous drugs under Section 11, of Republic Act No. 9165. The penalties imposed in Criminal Case No. Q-04-128370, for illegal sale of dangerous drugs under Section 15, of Republic Act No. 9165, is sustained.

SO ORDERED.
Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Del Castillo, JJ., concur.

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[1] Penned by Associate Justice Ramon R. Garcia, with the concurrence of Associate Justices Juan Q. Enriquez, Jr. and Isaias P. Dicdican; Rollo, pp. 2-19.

[2] Penned by Judge Severino B. De Castro, Jr., CA rollo, pp. 20-27.

[3] Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions. x x x.

Section 11. Possession of Dangerous Drugs. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

> x x x Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated

as follows:

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana x x x.

[4] Records, p. 2.

[5] Records, p. 6.

[6] Records, Vol. 1, p. 65.

[7]Chemistry Report D-698-04, Exhibit C, Records, p. 142.

[8] CA rollo, pp. 26-27.

[9] Rollo, p. 19, the dispositive portion of the assailed Decision reading:

WHEREFORE, premises considered, the Appeal is hereby DENIED. The Decision dated February 14, 2007 of the Regional Trial Court, Branch 82, Quezon City is AFFIRMED as to the penalty of life imprisonment for violation of Section 5, Article II of R.A. No. 9165 in Criminal Case No. Q-04-128370 while the penalty for violation of Section 11, Article II of R.A. No. 9165 in Criminal Case No. Q-04-128371 is MODIFIED in that the same is REDUCED to six (6) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum.

[10] People v. Partoza, G.R. No. 182418, 8 May 2009, 587 SCRA 809, 816.

[11] People v. Rivera, G.R. No. 182347, 17 October 2008, 569 SCRA 879, 893.

[12] People. v. Taboga, G.R. No. 144086-7, 426 Phil. 908, 922 (2002).

[13] Supra note 7 at 6.

[14] People v. Cabugatan, G.R. No. 172019, 12 February 2007, 515 SCRA 537, 552.

[15] There are eight (8) instances when a warrantless search and seizure is valid, to wit:

(1) consented searches; (2) as an incident to a lawful arrest; (3) searches of vessels and aircraft for violation of immigration, customs, and drug laws; (4) searches of moving vehicles; (5) searches of automobiles at borders or constructive borders; (6) where the prohibited articles are in "plain view;" (7) searches of buildings and premises to enforce fire, sanitary, and building regulations; and (8) "stop and frisk" operations.

[16] People v. Agulay, G.R. No. 181747, 26 September 2008, 566 SCRA 594.

[17] Chang v. People, G.R. No. 177237, 17 October 2008, 569 SCRA, 711, 733.

[18] People v. Lamado, G.R. No. 185278, 13 March 2009, 581 SCRA 544, 552.

[19] People v. Remerata, G.R. No. 147230, 449 Phil. 813, 822 (2003).

[20] People. v. Lagman, G.R. No. 168695, 8 December 2005, 573 SCRA 224, 232-233.

[21] People v. Serrano, G.R. No. 179038, 6 May 2010.

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[22] People v. Darisan and Gauang, G.R. No. 176151, 30 January 2009, 577 SCRA 486, 492.

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