

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DARLENE QUIGOD Y MIRANDA, ACCUSED-APPELLANT.

G.R. No. 186419. April 23, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the October 13, 2008 Decision of the Court of Appeals (CA) in CA G.R. CR-H.C. No. 00279-MIN entitled *People of the Philippines v. Darlene Quigod y Miranda* which affirmed the August 6, 2004 Decision of the Regional Trial Court (RTC), Branch 4 in Butuan City in Criminal Case No. 9584 for Violation of Section 5, Article II of Republic Act No. 9165 (RA 9165), otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Facts

The charge against accused-appellant stemmed from the following Information:

The undersigned accuses DARLENE QUIGOD y MIRANDA of the crime of Violation of Sec. 5, Article II of R.A. 9165, committed as follows:

That on or about 4:30 o'clock in the afternoon of September 6, 2002 at Ong Yiu, Butuan City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously sell, deliver two (2) sachets of methamphetamine hydrochloride, otherwise known as shabu, weighing zero point four six seven zero (0.4670) grams, to SPO2 Antonio Paloma Jamila (acting as poseur-buyer), which is a dangerous drug.

CONTRARY TO LAW: (Violation of Sec. 5, Art. II of R.A. No. 9165)

Butuan City, Philippines, September 7, 2002.[1]

On January 3, 2003, the accused-appellant pleaded not guilty to the charge. After the pre-trial conference, trial on the merits ensued.

During the trial, the prosecution presented as their witnesses, SPO2 Antonio Jamila (SPO2 Jamila) and Police Inspector Cramwell Tanquiamco Banogon (P/Insp. Banogon). On the other hand, the defense presented as its witnesses, Darlene Quigod, the accused-appellant herself, and Manuel Vergara, Jr.

Version of the Prosecution

The facts, according to the prosecution, are as follows:

In the morning of September 6, 2002, the Philippine Drug Enforcement Agency (PDEA) Office, Region 13 received confidential information from a police informant that accused-appellant was selling "shabu" at Purok 7, Ong Yiu, Butuan City.[2] Acting on the said information, a team, composed of SPO2 Jamila, PO1 Ronnie

Morales (PO1 Morales) and the police informant, was formed to conduct a buy-bust operation. SPO2 Jamila was to act as the poseur-buyer.

At around 4:30 p.m., the team was dispatched to the designated area, particularly the area near the basketball court of Purok 7, Ong Yiu, Butuan City.[3] Thereafter, the police informant contacted accused-appellant upon instruction of SPO2 Jamila, and introduced the latter as a buyer of shabu. After agreeing to the price of shabu at PhP 1,000 per sachet, SPO2 Jamila ordered two (2) sachets. Accused-appellant left to get the shabu and asked them to wait for her.[4]

Shortly thereafter, accused-appellant came back with the two (2) sachets of shabu and demanded immediate payment for them from SPO2 Jamila who, in turn, carefully examined the articles. When he already had the two (2) sachets of shabu, SPO2 Jamila gave the pre-arranged signal to PO1 Morales, who was only about 10 to 15 meters away. The latter, along with other police officers, rushed towards accused-appellant, identified themselves as PDEA agents, and arrested her.[5]

The team, together with accused-appellant, immediately proceeded to their office for booking, documentation and filing of the case against her.[6] The 2 articles seized, respectively marked as RPM1 and RPM2, were under the initial custody of SPO2 Jamila.[7]

At about 6:35 p.m., SPO2 Jamila, together with PO1 Morales and accused-appellant, submitted the seized articles to the PNP Regional Crime Laboratory, Camp Rafael Rodriguez, Libertad, Butuan City, for qualitative examination.[8]

P/Insp. Banogon, a forensic chemist, conducted a qualitative examination on the specimen weighing 0.1821 gram (RPM1) and 0.2849 gram (RPM2), respectively. The specimen gave positive result to the tests for Methamphetamine Hydrochloride, a dangerous drug. This was indicated in Chemistry Report No. D-126-2002[9] issued by P/Insp. Banogon after conducting the afore-mentioned qualitative examination. The urine sample taken from accused-appellant also gave a "positive" result for the presence of the same drug,[10] as indicated in Chemistry Report No. and DT-070-2002.[11]

Version of the Defense

On the other hand, accused-appellant interposed the defense of denial.

She testified that she was a fish vendor who looked after her family's carenderia before she got arrested. She resided at Mangachupoy St., Bayugan, Agusan del Sur, but later moved to Doongan, Butuan City, particularly in the house of a certain Toto Maravilla, a policeman. Accused-appellant identified herself as a police asset whose task is to conduct surveillance on persons suspected of selling illegal drugs in Ong Yiu, Butuan. According to her, she has worked with Toto Maravilla as a police asset since 2001. [12]

Accused-appellant recounted that on September 6, 2002, she was instructed to conduct surveillance on a certain Jamil Osman Manua, who was suspected of engaging in illegal drug trade activities, at Purok 7, Ong Yiu. In the course of the surveillance, SPO2 Jamila arrested accused-appellant and brought her to the PDEA Office for investigation. When accused-appellant identified herself as a police asset, SPO2 Jamila did not believe her.[13] Accused-appellant vehemently denied that she was selling shabu and was caught in a buy-bust operation. Also, she claimed that no marked money was given to her during the alleged buy-bust operation.[14]

Manuel Vergara, Jr., the second witness for the defense, testified that accused-appellant was indeed a police asset of a certain Toto Maravilla. He stated that he knew this because he allegedly was also a police asset and they had worked together in 2000 during buy-bust operations conducted in Bayugan and in RTR, Agusan del Norte.[15]

However, he did not know of the incident that transpired on September 6, 2002, which led to accused-appellant's arrest.

Ruling of the Trial Court

After trial, the RTC of Butuan City convicted accused-appellant. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the Court finds accused Darlene Quigod y Miranda guilty beyond reasonable doubt for violation of Section 5, Art. II of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby imposes upon her the penalty of life imprisonment and fine of Five Hundred Thousand (P500,000.00) Pesos.

The confiscated shabu is hereby ordered destroyed in accordance with the provisions of Section 21 of Republic Act 9165.

The accused shall serve her sentence at the Correctional Institute for Women at Mandaluyong, Metro Manila. She shall be entitled to the full benefits of her preventive imprisonment which shall be credited in the service of her sentence according to the provision of Article 29 of the Revised Penal Code, as amended.

SO ORDERED.[16]

On appeal to the CA, accused-appellant questioned the lower court's decision in convicting her despite the failure of the prosecution to prove her guilt beyond reasonable doubt. She raised the issue of whether the chain of custody of the shabu allegedly recovered from her was properly established. She argued that SPO2 Jamila failed to properly identify the prohibited drug and that the prosecution was unable to prove that the drugs presented in court were the same drugs seized from her.

Ruling of the Appellate Court

On October 13, 2008, the CA affirmed the judgment of the lower court. It ruled that all the elements necessary to establish the fact of sale or delivery of illegal drugs were aptly established by the prosecution, including the chain of custody, to wit:

During the trial, the prosecution through SPO2 Jamila (as poseur-buyer) was able to establish the consummation of the sale by agreeing to purchase sachets of shabu at P1,000.00 each from appellant, which the latter had voluntarily delivered at the total price of P2,000.00 for two (2) sachets of shabu. SPO2 Jamila personally identified appellant in court as the same person who sold to him the shabu. The two (2) sachets of shabu confiscated from appellant, properly marked as Exhibits "RPM1 and RPM2", were immediately brought to the laboratory for qualitative examination. The result of tests conducted confirmed that the specimen submitted were positive for Methamphetamine Hydrochloride. More so, appellant's urine specimen that was taken by the authorities was found with traces of Methamphetamine Hydrochloride, thus indicating that she had recently "used" shabu.

Tested against the elements necessary to establish the fact of sale or delivery of illegal drugs, i.e., (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 therefore, the prosecution was able to establish that appellant is guilty of the crime with which she was charged.[17]

The CA also held that in the face of SPO2 Jamila's positive testimony, accused-appellant's denial is self-serving and has little weight in law.

The dispositive portion of the Decision of the CA reads:

WHEREFORE, in view of the foregoing, the Decision dated August 16, 2004 (sic) of the trial court appealed

from is hereby AFFIRMED IN TOTO.

SO ORDERED.[18]

On November 5, 2008, accused-appellant filed her Notice of Appeal of the Decision dated October 13, 2008 rendered by the CA.[19]

In Our Resolution dated March 30, 2009,[20] We notified the parties that they may file their respective supplemental briefs, if they so desire, within thirty (30) days from notice. On June 16, 2009, the People of the Philippines manifested that it is no longer filing a supplemental brief as it believes that the Brief for the Appellee dated October 16, 2006 has adequately addressed the issues and arguments in the instant case.[21] Accused-appellant, on the other hand, filed her Supplemental Brief on July 14, 2009.[22]

The Issues

Accused-appellant contends in both her Brief for Accused-Appellant[23] and Supplemental Brief[24] that:

I.

the court of appeals erred in CONVICTING accused-appellant DESPITE THE failure OF THE PROSECUTION to prove HER guilt beyond reasonable doubt.

II.

THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN CONVICTING ACCUSED-APPELLANT DESPITE NON-COMPLIANCE WITH THE REQUIREMENTS FOR THE PROPER CUSTODY OF SEIZED DANGEROUS DRUGS UNDER R.A. NO. 9165.

III.

THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN GIVING FULL WEIGHT AND CREDENCE TO THE PROSECUTION'S EVIDENCE NOTWITHSTANDING ITS FAILURE TO PROVE THE INTEGRITY OF THE SEIZED DRUG.

Our Ruling

We sustain accused-appellant's conviction.

Factual finding of the trial court, especially when affirmed by the CA, are generally binding and conclusive upon this Court

After a careful examination of the records of this case, We are satisfied that the prosecution's evidence established the guilt of accused-appellant beyond reasonable doubt.

In deciding this appeal, the Court once again reiterates the legal aphorism that factual findings of the CA affirming those of the trial court are binding on this Court unless there is a clear showing that such findings are tainted with arbitrariness, capriciousness or palpable error.[25] Unfortunately, however, accused-appellant failed to show any of these as to warrant a review of the findings of fact of the lower courts.

Furthermore, it is an oft-stated doctrine that factual findings of the trial court, its calibration of the testimonies of the witnesses and its assessment of their probative weight is given high respect if not conclusive effect, unless the trial court ignored, misconstrued, misunderstood or misinterpreted cogent facts and circumstances of substance, which, if considered, will alter the outcome of the case.[26] In the instant case, a meticulous review of the records

gave us no reason to deviate from the factual findings of the trial court.

Buy-Bust Operation is a Legitimate Mode of Apprehending Drug Pushers

A buy-bust operation is a form of entrapment whereby ways and means are resorted to for the purpose of trapping and capturing the lawbreakers in the execution of their criminal plan.[27] In this jurisdiction, the operation is legal and has been proven to be an effective method of apprehending drug peddlers, provided due regard to constitutional and legal safeguards is undertaken.[28]

In the case at bar, the evidence clearly shows that the buy-bust operation conducted by the police officers, who made use of entrapment to capture accused-appellant in the act of selling a dangerous drug, was valid. It has been established that it was the police informant who made the initial contact with accused-appellant when he introduced SPO2 Jamila as a buyer for shabu. SPO2 Jamila then ordered two (2) sachets of shabu which accused-appellant agreed to sell at PhP 1,000 per sachet. Accused-appellant left for a while and shortly thereafter, she came back with the two (2) sachets containing a white crystalline substance which was later identified as shabu and gave them to SPO2 Jamila. The latter then paid her with the previously marked money he brought with him. Subsequently, upon giving the pre-arranged signal, the accused-appellant was arrested. Evidently, the facts themselves demonstrate a valid buy-bust operation that is within the bounds of a fair and reasonable administration of justice.

Chain of Custody was Properly Established

Accused-appellant contends in both her Brief for Accused-Appellant[29] and Supplemental Brief[30] that there was failure on the part of the police officers who allegedly conducted the buy-bust operation to properly make an inventory of the shabu allegedly recovered from her. She further argues that the police officers also failed to photograph and mark the shabu immediately after the alleged buy-bust operation. In other words, she claims that there is clear doubt on the identity of the shabu that was allegedly recovered from the accused-appellant because the prosecution failed to establish the chain of custody of the prohibited drug.

We do not agree.

In the prosecution for the illegal sale of prohibited drugs, the Court has reiterated the essential elements in *People v. Pendatun*, to wit: (1) the accused sold and delivered a prohibited drug to another; and (2) he knew that what he had sold and delivered was a prohibited drug.[31] All these elements were ably proven by the prosecution in the instant case. The accused-appellant sold and delivered the shabu for PhP 2,000 to SPO2 Jamila posing as buyer; the said drug was seized and identified as a prohibited drug and subsequently presented in evidence; there was actual exchange of the marked money and contraband; and finally, the accused-appellant was fully aware that she was selling and delivering a prohibited drug. As testified by SPO2 Jamila:

Q:

Now, at about 4:30 o'clock in the afternoon of September 6, 2002, where were you at that time, Mr. Witness?

A:

We were at the vicinity of Purok Ong Yiu, Butuan City, Sir.

Q:

What particular purok, if you can remember?

A:

At Purok 7, near the basketball court.

Q:

Who were your companions at that time?

A:

One PO1 Morales and our confidential agent, Sir.

Q:

When you arrived at the place as you already mentioned a while ago, what else transpired?

A:

Our confidential agent tried to contact one alias Darlene Quigod.

Q:

And under whose instruction was that?

A:

By myself, Sir.

Q:

Your instruction?

A:

Yes, Sir.

Q:

Was that confidential agent, a boy or a girl?

A:

A boy, Sir.

Q:

Was that confidential agent able to contact a certain Darlene?

A:

Yes, Sir.

Q:

And, what transpired next after he was able to contact Darlene?

A:

I was introduced to one Darlene that I am the buyer of shabu, and we agreed that she will sell the shabu at P1,000.00 per sachet.

Q:

Did you agree to the proposal?

A:

Yes, Sir, I ordered two (2) sachets.

Q:

So, at that time Darlene was there in your presence.

A:

Yes, Sir.

Q:

What transpired next after that?

A:

She asked permission that she will get the stuff and for us to wait and so we waited for her near the basketball court.

Q:

Did she arrive?

A:

After several minutes, she arrived, Sir.

Q:

Who was with her, if there was any?

A:

She was alone, Sir.

Q:

What transpired when she arrived?

A:

She handed to me the two (2) sachets and demanded the money, and I told her that I will first see the stuff whether it is a real one.

Q:

How much amount was she demanding as purchase price?

A:

It was P2,000, Sir.

Q:

Why is that P2,000?

A:

Because that is what we agreed that the price would be P1,000 per sachet.

Q:

Did she give you the alleged shabu?

A:

Yes, Sir.

Q:

And, what did you do when you were already in the possession of the two (2) sachets of shabu which is, according to you, worth P2,000 as per sachet is P1,000?

A:

I gave the pre-arranged signal to PO1 Morales and then he rushed up and introduced ourselves as PDEA agents and made the arrest. After which we informed of her constitutional rights.

Q:

By the way, at the time when the sachets of shabu were handed to you by Darlene, where was Morales situated?

A:

In a distance of about ten (10) to fifteen (15) meters, more or less, where the suspect could not detect him.[32]

Clearly, all the elements for the crime of illegal sale of prohibited drugs were proven in the instant case. The testimony of SPO2 Jamila plainly showed that a sale occurred between the accused-appellant, as the seller, and himself, as the buyer, for PhP 2,000 worth of shabu.

Further, it is worth noting that the chain of custody was also clearly established. In every prosecution for the illegal sale of prohibited drugs, the presentation of the drug, i.e., as part of the corpus delicti, as evidence in court is also material.[33] Corpus delicti is the body or substance of the crime, and establishes the fact that a crime has actually been committed.[34]

In the instant case, the existence of the dangerous drug is vital to a judgment of conviction. It is, therefore, essential that the identity of the prohibited drug be established beyond doubt. Even more than this, what must also be established is the fact that the substance bought during the buy-bust operation is the same substance offered in court as exhibit. The chain of custody requirement performs this function in that it ensures that unnecessary doubts concerning the identity of the evidence are removed.[35]

For the purpose of ensuring that the chain of custody is established, the Implementing Rules and Regulations of R.A. 9165 provide:

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:

(a) The apprehending officer/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, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and 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; x x x[36] (Emphasis and underscoring supplied.)

Significantly, non-compliance with Section 21 does not render an accused's arrest illegal or the items seized/confiscated from him inadmissible.[37] What is essential 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." [38]

In the instant case, there was substantial compliance with the law, and the integrity of the drugs seized from the accused-appellant was preserved. The chain of custody of the drugs subject matter of the case was shown not to have been broken. The factual milieu of the case reveals that after SPO2 Jamila seized and confiscated the dangerous drugs, as well as the marked money, the accused-appellant was immediately arrested and brought to the police station for investigation.

Immediately thereafter, the confiscated substance marked as "RPM1" and "RPM2," respectively, together with a letter of request for examination, was submitted by SPO2 Jamila to the PNP Crime Laboratory for laboratory examination to determine the presence of any dangerous drug. Notably, PO1 Morales and accused-appellant herself were with SPO2 Jamila when he delivered the same to the laboratory.

Also, it was P/Insp. Banogon himself who received the specimen from SPO2 Jamila. As mentioned above, P/Insp. Banogon is the Forensic Chemical Officer of the PNP Crime Laboratory who conducted the laboratory examination on the specimen, and based on Chemistry Report No. D-126-2002, the specimen submitted indeed contained Methamphetamine Hydrochloride, a dangerous drug. As testified by P/Insp. Banogon:

PROSECUTOR GUIRITAN:

Q:

Now, insofar as this Exh. 'A' which is the written request for laboratory examination, based on this written request, please tell the court as to when it was actually received by your office?

A:

It was received, sir, at around 1835 Hours or 6:30 in the evening on 06 September 2002.

Q:

And who actually delivered the specimen to your office?

A:

It was delivered by a certain SPO2 Jamila.

PROSECUTOR GUIRITAN:

Q:

And who actually received the specimen in your office?

A:

It was me who received the specimen, sir.

PROSECUTOR GUIRITAN:

For identification purposes, Your Honor, may we request the office stamp mark - it's already marked as Exh. 'A' for the prosecution, Your Honor.

Q:

Now, what was the result? Who actually did? The examination of this specimen?

A:

It was me, sir, the forensic examiner, the forensic chemist of the Regional Crime Laboratory who did the actual laboratory examination wherein both of the specimen tested positive for the presence of methamphetamine hydrochloride, otherwise known as shabu.

Q:

You mean the two (2) sachets of alleged shabu were?

A:

All positive, sir.

Q:

All positive. And what is your basis in saying that? Was that report of findings of yours reduced into writing, Mr. Witness?

A:

Yes, sir. I immediately consolidated my results into an official chemistry report which is now in your possession having the Chemistry Report No. of D-126-2002."[39]

Based on the foregoing, it is evident that there was an unbroken chain in the custody of the prohibited drug purchased from accused-appellant.

Defense of Denial is Inherently Weak

In the face of SPO2 Jamila's positive testimony, accused-appellant's denial is self-serving and has little weight in law. A bare denial is an inherently weak defense[40] and has been invariably viewed by this Court with disfavor for it can be easily concocted but difficult to prove, and is a common standard line of defense in most prosecutions arising from violations of RA 9165.[41] Time and again, We have held that "denials unsubstantiated by convincing evidence are not enough to engender reasonable doubt, particularly where the prosecution presents sufficiently telling proof of guilt." [42]

Also, in the absence of any intent on the part of the police authorities to falsely impute such crime against the accused-appellant, the presumption of regularity in the performance of duty stands.[43] More so in the instant case, where an assiduous analysis of SPO2 Jamila's testimony does not indicate any inconsistency, contradiction or fabrication. In addition, SPO2 Jamila testified that prior to the incident, he does not know accused-appellant.

All told, we uphold the presumption of regularity in the performance of official duty and find that the prosecution has discharged its burden of proving the guilt of accused-appellant beyond reasonable doubt.

WHEREFORE, the appeal is DENIED. The Decision of the CA in CA-G.R. CR-H.C. No. 00279-MIN finding accused-appellant Darlene Quigod guilty of the crime charged is AFFIRMED.

SO ORDERED.

Corona, (Chairperson), Leonardo-De Castro,[*] Peralta, and Mendoza, JJ., concur.

[*] Additional member per August 12, 2009 raffle.

[1] CA rollo, p. 5.

[2] TSN, June 6, 2003, p. 5.

[3] Rollo, p.8.

[4] TSN, June 6, 2003, p. 7.

[5] Id. at 8-9.

[6] Id. at 9.

[7] Rollo, p. 8.

[8] Id.

[9] Records, p. 54.

[10] Rollo, p.9.

[11] Records, p. 56.

[12] TSN, July 7, 2004, pp. 3-4.

[13] Id. at 8.

[14] Id. at 8-9.

[15] Rollo, p. 10.

[16] CA rollo, pp. 57-58.

[17] Rollo, pp. 12-13.

[18] Id. at 14.

[19] Id. at 16-17.

[20] Id. at 21.

[21] Id. at 19-20.

[22] Id. at 22-24.

[23] CA rollo, pp. 37-47.

[24] Rollo, pp. 44-53.

[25] Fuentes v. Court of Appeals, G.R. No. 109849, February 26, 1997, 268 SCRA 703.

- [26] *Mendoza v. People*, G.R. No. 165820, December 8, 2004; citing *People v. Cajurao*, G.R. No. 122767, January 20, 2004.
- [27] *People v. De Leon*, G.R. No. 186471, January 25, 2010; citing *Cruz v. People*, G.R. No. 164580, February 6, 2009, 578 SCRA 147 and *People v. Del Mundo*, G.R. No. 169141, December 6, 2006, 510 SCRA 554.
- [28] *People vs. De Leon*, G.R. No. 186471, January 25, 2010.
- [29] CA rollo, pp. 37-47.
- [30] Rollo, pp. 44-53.
- [31] G.R. No. 148822, July 12, 2004, 434 SCRA 148, 155-156; citing *People v. Cercado*, G.R. No. 144494, July 26, 2002, 385 SCRA 277; *People v. Pacis*, G.R. No. 146309, July 18, 2002, 384 SCRA 684.
- [32] TSN, June 6, 2003, pp. 6-8.
- [33] *People v. Doria*, G.R. No. 125299, January 22, 1999, 301 SCRA 668, 718; citing *People v. Zervoulakos*, 241 SCRA 625 (1995) and *People v. Rigodon*, 238 SCRA 271 (1994).
- [34] *People v. Del Mundo*, G.R. No. 169141, December 6, 2006, 510 SCRA 554.
- [35] *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632.
- [36] Implementing Rules and Regulations of Republic Act No. 9165, Section 21.
- [37] *People v. Naquita*, G.R. No. 180511, July 28, 2008, 560 SCRA 430, 448; citing *People v. Del Monte*, G.R. No. 179940, April 23, 2008, 552 SCRA 627.
- [38] *People v. Naquita*, G.R. No. 180511, July 28, 2008, 560 SCRA 430, 448; citing *People v. Concepcion*, G.R. No. 178876, June 27, 2008, 556 SCRA 421.
- [39] TSN, July 31, 2003, pp. 10-11.
- [40] *People v. Dulay*, G.R. No. 150624, February 24, 2004, 423 SCRA 652, 662; citing *People v. Arlee*, 323 SCRA 201, 214 (2000).
- [41] *People v. Barita*, 325 SCRA 22, 38 (2000).
- [42] *People v. Eugenio*, G.R. No. 146805, January 16, 2003, 395 SCRA 317; citing *People v. Del Mundo*, G.R. No. 138929, October 2, 2001, 366 SCRA 471.
- [43] *People v. Cruz*, G.R. No. 185381, December 16, 2009.

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