

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODANTE DE LEON Y DELA ROSA, ACCUSED-APPELLANT.

G.R. No. 186471. January 25, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the April 4, 2008 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01811 entitled *People of the Philippines v. Rodante De Leon y Dela Rosa* which affirmed the December 20, 2005 Decision[2] in Criminal Case Nos. Q-03-122555-56 of the Regional Trial Court (RTC), Branch 82 in Quezon City. The RTC found accused-appellant Rodante De Leon guilty of violation of Sections 5 and 11, Article II of Republic Act No. (RA) 9165 or the Comprehensive Dangerous Drugs Act of 2002.

The Facts

The charges against appellant stemmed from the following Informations:

Criminal Case No. Q-03-122555

(Violation of Section 5 [Sale], Article II of RA 9165)

That on or about the 9[th] day of November, 2003, in the Quezon City, Philippines, the said accused, not being authorized by law, to sell, dispense, deliver, transport or distribute of any dangerous drug, did, then and there, wilfully and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction zero point sixteen (0.16) gram of methamphetamine hydrochloride a dangerous drug.

Contrary to law.[3]

Criminal Case No. Q-03-122556

(Violation of Section 11 [Possession], Article II of RA 9165)

That on or about the 9[th] day of November, 2003, in the Quezon City, Philippines, the said accused, not being authorized by law, to possess or use any dangerous drug, did, then and there, wilfully, unlawfully and knowingly have in his/her possession and control zero point eighteen (0.18) gram of methamphetamine hydrochloride, a dangerous drug.

Contrary to law.[4]

On February 16, 2004, appellant was arraigned and pleaded "not guilty" to the charge against him. After the pre-trial conference, trial on the merits ensued.

During the trial, the parties agreed to stipulate on the testimonies of Engr. Leonard Jabonillo, the Forensic Chemist, and Police Officer 1 (PO1) Oliver Estrelles, the police investigator of these cases. The prosecution thereafter presented PO2 Noel Magcalayo as its witness. The defense, on the other hand, presented Rodante De Leon, the accused himself.

The trial court summarized the stipulation of Engr. Jabonillo, as follows:

x x x that he is a Forensic Chemist of the Philippine National Police, that his Office received the request for laboratory examination marked as Annex "A"; that together with the said request was a plastic sachet marked as Exh. "B" which contained two (2) plastic sachets marked as Exhibits "B-1" and "B-2"; that he conducted the requested laboratory examination and, in connection therewith he submitted a Chemistry Report marked as Exhibit "C", the finding thereon showing the specimen positive for Methylamphetamine Hydrochloride was marked as Exhibit "C-1" and the signature of said police officer was marked as Exhibit "C-2"; that he then issued a Certification marked as Exhibits "D" and "D-1" and thereafter turned over the specimen to the evidence custodian x x x. (Order dated September 14, 2004).[5]

Also, as regards PO1 Estrelles, the following was agreed upon:

x x x that he was the investigator of these cases and in connection with the investigation conducted by him, he received the evidence, namely: the Joint Affidavit of Apprehension executed by PO2 Noel Magcalayo and PO2 Cesar Collado marked as Exhibit "E" and "E-1"; that likewise prepared the request for examination marked as Exhibit "A" and submitted the specimen to the Crime Laboratory and receive the Chemistry Report marked as Exhibit "C"; that he received the Pre-Operation Report marked as Exhibit "E" as well as the buy bust money marked as Exhibits "F" and "F-1", that he prepared the letter request to the City Prosecutor Office marked as Exhibit "G"; and that Exhibit "A" contains superimposition of the date thereof." (Order dated September 14, 2004).[6]

The Prosecution's Version of Facts

On November 9, 2003, at about 5 o'clock in the afternoon, a confidential informant arrived at the office of the Station Anti-Illegal Drug Special Operation Task Force at the Novaliches Police Station in Quezon City and reported the illegal activities of a person named "Rodante De Leon."

Thereafter, Police Senior Inspector (P/SInsp.) Nilo Wong formed a team for a buy-bust operation with PO2 Magcalayo as poseur-buyer and Senior Police Officer 3 (SPO3) Mario Concepcion, PO2 Fernando Salonga, PO2 Cesar Collado, PO2 Edmund Paculdar, and PO1 Emeterio Mendoza as team members. A pre-operation report was prepared. P/SInsp. Wong then handed to PO2 Magcalayo two (2) pieces of PhP 100 bills as buy-bust money and on which PO2 Magcalayo wrote his initials "NM."

At around 6:30 p.m. in the evening, the team proceeded to Sarmiento St., Barangay Sta. Monica, Novaliches, Quezon City, where the confidential informant introduced PO2 Magcalayo to appellant as a buyer of shabu. PO2 Magcalayo then asked appellant if he had shabu and the latter answered in the affirmative and asked him how much he would buy. PO2 Magcalayo handed the money and, in return, appellant handed him one (1) plastic sachet containing white crystalline substance. He then scratched his head, which was the pre-arranged signal that the transaction was consummated, and thereafter arrested appellant. He recovered the buy-bust money from appellant as PO2 Collado approached them and handcuffed appellant. Upon frisking appellant, PO2 Collado discovered another plastic sachet on the person of appellant.

Afterwards, appellant was brought to the police station for investigation. PO2 Collado then placed his initials on the sachet he found on appellant. The evidence was subsequently turned over to the police investigator, PO1 Estrelles, who prepared a request for its laboratory examination.

PO2 Collado, PO1 Mendoza, PO2 Paculdar, and PO2 Magcalayo then brought the transparent plastic sachets containing the white crystalline substance subject of the buy-bust operation to the Philippine National Police (PNP) Crime Laboratory, Eastern Police District on St. Francis Street, Mandaluyong City for examination. Engr. Jabonillo, a Forensic Chemical Officer, conducted a qualitative examination on the specimens, which yielded

positive results for Methylamphetamine Hydrochloride, a dangerous drug. He issued Chemistry Report No. D-1240-2003 dated November 9, 2003, which showed the following results:

SPECIMEN SUBMITTED:

Two (2) heat-sealed transparent plastic sachets each containing white crystalline substance having the following markings and recorded net weights:

A (NM) = 0.16 gm

B (CC) = 0.18 gm

x x x x

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of dangerous drugs.

x x x x

FINDINGS:

Qualitative examination conducted on the above-stated specimens gave POSITIVE result to the test for Methylamphetamine Hydrochloride, a dangerous drug. x x x

CONCLUSION:

Specimen A and B contain Methylamphetamine Hydrochloride, a dangerous drug. x x x

Version of the Defense

On the other hand, appellant testified that, prior to his arrest, he was a police officer of Station 7, Araneta, Cubao, Quezon City and had been connected with the PNP for 10 years. On November 9, 2003, at around 3 o'clock in the afternoon, he went to Sarmiento St., Barangay Sta. Monica, Novaliches, Quezon City to look for a kumpadre from whom he intended to borrow money when policemen accosted him and poked their guns at him. The people around him ran, and as he was the only one left on the scene, the policemen asked him to sit down. He told SPO3 Concepcion, whom he knew, that he was a police officer but he was told to shut up and to explain his side at the police station instead.

Upon arrival at the police station in Novaliches, Quezon City, his wallet, with his I.D. and police badge, were taken from him. PO2 Magcalayo told him that he had a fake police I.D. When appellant tried to explain himself, PO2 Magcalayo allegedly kicked him saying, "Hindi na uso ang pulis, sundalo na ang nakaupo ngayon."

The following night, he was presented on inquest during which he was charged with violation of Secs. 5 and 11 of RA 9165. He denied all the charges against him claiming that the alleged shabu marked as Exhibits "B-1" and "B-2" came from the arresting police officers. He did not file a case against them, because he had no money and because he knew that he was not guilty.

On cross-examination, appellant further testified that he was a follow-up operative at the Station Investigation Division of Police Station 7. He admitted that he was separated from the service because he was absent without official leave due to a business problem he had to attend to. He likewise said that he did not know his arresting officers, whom he saw then for the first time, and that he was not familiar with RA 9165.

Ruling of the Trial Court

After trial, the RTC convicted appellant. The dispositive portion of its Decision reads:

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

Re: Criminal Case NO. Q-03-122555, the Court finds accused RODANTE DE LEON y DELA ROSA guilty beyond reasonable doubt of a violation of Section 5, Article II of R.A. No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby sentences him to suffer the penalty of life imprisonment and to pay a fine in the amount of P500,000.00;

Re: Criminal Case NO. Q-03-122556, the Court finds accused RODANTE DE LEON y DELA ROSA guilty beyond reasonable doubt of a violation of Section 11, Article II of R.A. No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby sentences him to suffer the indeterminate penalty of twelve (12) years and one (1) day as minimum to fifteen (15) years and one (1) day as maximum and to pay a fine in the amount of P300,000.00;

SO ORDERED.[7]

On appeal to the CA, appellant disputed the trial court's decision finding him guilty beyond reasonable doubt of the crimes charged. He argued that the alleged buy-bust operation conducted by the police officers was tainted with irregularities and that the prosecution failed to prove the chain of custody of the evidence.

Ruling of the Appellate Court

On April 4, 2008, the CA affirmed the judgment of the trial court. The dispositive portion of its Decision reads:

WHEREFORE, premises considered, the appeal is DENIED for lack of merit. The Decision dated 20 December 2005 of the Regional Trial Court of Quezon City, Branch 82 finding accused-appellant Rodante De Leon y Dela Rosa guilty beyond reasonable doubt in Criminal Case No. Q-03-122555 for violation of Section 5, Article II of Republic Act No. 9165 and sentencing him to suffer the penalty of life imprisonment and to pay a fine in the amount of P500,000.00, and in Criminal Case No. Q-03-122556 for violation of Section 11, Article II of R.A. No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, sentencing him to suffer the indeterminate penalty of twelve (12) years and one (1) day as minimum to fifteen (15) years and one (1) day as maximum and to pay a fine in the amount of P300,000.00, is AFFIRMED.

SO ORDERED.[8]

Appellant filed a timely notice of appeal of the decision of the CA.

The Issues

Appellant assigns the following errors:

I.

The trial court gravely erred in ignoring the fact that the prosecution failed to prove the chain of custody of the alleged confiscated items from the accused-appellant.

II.

The trial court gravely erred in finding the accused-appellant guilty of the crimes charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt.

Our Ruling

We sustain appellant's conviction.

Guilt of Appellant Was Proved Beyond Reasonable Doubt

Appellant assails his conviction by contending that the trial court failed to prove his guilt beyond reasonable

doubt. According to him, the trial court erroneously convicted him on the basis of the evidence of the prosecution despite a question of the legality of the buy-bust operation. Further, he asserts that the trial court relied on the disputable presumption of regularity in the performance of the police function, despite the police officers violated the rule on chain of custody of the alleged confiscated items.

The contentions are unmeritorious.

It is a fundamental rule that findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.[9] The reason for this is that the trial court is in a better position to decide the credibility of witnesses having heard their testimonies and observed their deportment and manner of testifying during the trial.[10]

After a thorough examination of the entire records of this case, this Court has failed to identify any error committed by the trial court in its appreciation of the evidence presented before it and in the conclusion it reached.

In the prosecution for the crime of 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.[11] Therefore, what is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of evidence of the corpus delicti.[12] Corpus delicti is the body or substance of the crime, and establishes the fact that a crime has actually been committed. It has two elements, namely: (1) proof of the occurrence of a certain event; and (2) some person's criminal responsibility for the act.[13]

In the instant case, the prosecution sufficiently established the elements of the crime. Appellant sold and delivered the shabu for PhP 200 to PO2 Magcalayo 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, appellant was fully aware that he was selling and delivering a prohibited drug. In fact, PO2 Magcalayo testified, thus:

Q: Mr. Witness, on November 9, 2003, did you report for duty?

A: Yes, sir.

Q: What happened when you reported for duty?

A: Our confidential informant personally appeared in our station and reporting to us the alleged drug pushing activity of Rodante De Leon.

Q: What time was that when this confidential informant arrived at your office?

A: Around 5:00 p.m., sir.

Q: What happened when this confidential informant relayed to you the information about this Rodante De Leon?

A: Our Chief sir, formed a team for possible buy bust operation.

COURT:

Who formed?

A: P/Sr. Inspector Nilo Wong, your honor.

PROS. ANTERO:

Who composed this team?

A: Us, sir. SPO3 Mario Concepcion, PO2 Fernando Salonga, PO2 Cesar Collado, PO2 Edmund Paculdar and PO1 Emeterio Mendoza, your Honor.

Q: What happened when this team was formed, Mr. Witness?

A: We proceeded to Sarmiento Street, sir, for buy bust operation.

COURT:

Were you among the team?

A: Yes, your Honor.

PROS. ANTERO:

Prior to the dispatch to conduct that buy-bust operation, what happened, if any?

A: We prepared the pre-operation report and our Chief handed to me the two (2) pieces of P100.00 bills as buy bust money.

Q: What did you do with that two (2) P100.00 bills?

A: Before we were dispatched, I put my initial on the buy-bust money.

Q: What initial?

A: NM, sir.

Q: What [does] NM stand for?

A: Noel Magcalayo, sir.

Q: I am showing you these two (2) P100.00 bills, kindly examine the same whether you know those P100.00 bills?

A: These are the buy bust money that we used in the operation, sir.

x x x x

Q: What happened after you were given these buy bust money?

A: We proceeded to Sarmiento Street, Barangay Sta. Monica, Novaliches, Quezon City.

Q: What time was that when you proceeded there?

A: At around 6:30 in the afternoon, sir.

Q: What happened, Mr. Witness?

A: We were able to meet Rodante De Leon.

Q: How did you meet this Rodante De Leon?

A: By the help of our confidential informant, sir.

Q: Can you tell this Hon. Court how you made a contact with this Rodante De Leon?

A: We approached him and then our confidential informant introduced me to him as a buyer of shabu.

COURT:

What?

A: I was introduced to him by the confidential informant as a buyer of shabu.

PROS. ANTERO:

What happened thereafter?

A: He made transaction with us, sir.

Q: What happened during the transaction?

A: I asked him sir if he has shabu and then he answered yes and magkano.

Q: What did he tell you, if any?

A: He asked me how much I would buy shabu.

Q: What did you tell, if any?

A: That was the time when I handed to him the money, sir.

Q: What happened when you handed the money to him?

A: In return, sir, he handed to me one (1) plastic sachet containing suspected shabu.

Q: One?

A: Yes, sir.

Q: What happened after he handed to you one plastic sachet?

A: I gave pre-arranged signal to my back-up and immediately effected the arrest, sir.

Q: What was the pre-arranged signal?

A: By scratching my head, sir.

Q: Scratching your head?

A: Yes, sir.

Q: What happened when you made that pre-arranged signal?

A: I effected the arrest, sir, and confiscated the buy bust money from Rodante De Leon.[14]

Evidently, all the elements of the crime of illegal sale of prohibited drugs were proved in the instant case. The testimony cited above shows clearly that a sale occurred between appellant, as the seller, and PO2 Magcalayo, as the buyer, for PhP 200 worth of shabu. In addition, the said testimony illustrated the seizing of the prohibited drug and the exchange of the marked money. As a matter of fact, the trial court, in disposing of the case, said:

x x x Set against this legal yardstick, the evidence adduced by the prosecution have sufficiently established the elements aforesaid. The prosecution witnesses in the person of PO2 Noel Magcalayo, the one who acted as the poseur buyer in the buy bust operation conducted by his team, described in detail how the operation was commenced with the help of an informant, his introduction to the accused, the ensuing negotiation and consummation of the sale of shabu which ended up in the exchange of the item as well as the buy bust money. Accused was positively identified as the seller thereof and the source of the plastic sachet which contained crystalline substance later on determined after laboratory examination as positive for methylamphetamine, a dangerous drug. Said evidence was presented in court and properly identified as the subject of the buy bust and which was submitted for examination by the Forensic Chemist. All told, all the elements aforementioned are hereby present.[15] x x x

Further, the chain of custody was clearly established by the prosecution. It is elementary that, in every prosecution for the illegal sale of prohibited drugs, the presentation of the drug as evidence in court is material.[16] It is, therefore, essential that the identity of the prohibited drug be established beyond doubt. What is more, the fact that the substance bought during the buy-bust operation is the same substance offered in court should be established. The chain of custody requirement performs this function in that it ensures that unnecessary doubts concerning the identity of the evidence are removed.[17]

To ensure that the chain of custody is established, the Implementing Rules and Regulations of RA 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. (Emphasis supplied.)

A close examination of the law reveals that it admits of certain exceptions. Thus, contrary to the assertions of appellant, Sec. 21 of the foregoing law need not be followed as an exact science. Non-compliance with Sec. 21 does not render an accused's arrest illegal or the items seized/confiscated from him inadmissible.[18] 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." [19]

In the instant case, there was substantial compliance with the law and the integrity of the drugs seized from 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 PO2 Magcalayo seized and confiscated the dangerous drugs, as well as the marked money, appellant was immediately arrested and brought to the police station for investigation, where the sachet of suspected shabu was marked with "NM." Immediately thereafter, the confiscated substance, with a letter of request for examination, was submitted to the PNP Crime Laboratory for examination to determine the presence of any dangerous drug. Per Chemistry Report No. D-1240-2003 dated November 9, 2003, the specimen submitted contained methylamphetamine hydrochloride, a dangerous drug. The examination was conducted by one Engr. Jabonillo, a Forensic Chemical Officer of the PNP Crime Laboratory, whose stipulated testimony clearly established the chain of custody of the specimens he received. Thus, it is without a doubt that there was an unbroken chain of custody of the illicit drug purchased from appellant.

Likewise, the prosecution was able to prove that appellant is guilty of illegal possession of dangerous drugs with moral certainty. In the prosecution for illegal possession of dangerous drugs, the following elements must be proved with moral certainty: (1) that the accused is in possession of the object identified as a prohibited or regulatory drug; (2) that such possession is not authorized by law; and (3) that the accused freely and consciously possessed the said drug.[20]

Here, appellant was caught in actual possession of the prohibited drugs without showing any proof that he was duly authorized by law to possess them. Having been caught in flagrante delicto, there is prima facie evidence of animus possidendi on appellant's part. As held by this Court, the finding of a dangerous drug in the house or within the premises of the house of the accused is prima facie evidence of knowledge or animus possidendi and is enough to convict in the absence of a satisfactory explanation.[21] In the case at bar, appellant failed to present any evidence to rebut his animus possidendi of the shabu found in his pocket during the buy-bust operation.

Buy-Bust Operation Was Valid

Appellant further argues that the buy-bust operation was full of irregularities, rendering it illegal. He notes that the Pre-Operation Report was full of discrepancies and that the Joint Sworn Affidavit of Apprehension of PO2 Magcalayo and PO2 Collado failed to mention that they placed their markings on the plastic sachets.

The arguments are specious. Such irregularities cannot overturn the finding of the presence in this case of the elements of violations of Secs. 5 and 11, Art. II of RA 9165.

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.[22] In this jurisdiction, the operation is legal and has been proved to be an effective method of apprehending drug peddlers, provided due regard to constitutional and legal safeguards is undertaken.[23]

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 appellant in the act of selling a dangerous drug, was valid and legal. Moreover, the defense has failed to show any evidence of ill motive on the part of the police officers. Even appellant himself declared that it was the first time he met the police officers during his cross-examination. There was, therefore, no

motive for the police officers to frame up appellant.

Likewise, the identity of appellant as the person who sold the dangerous drugs to PO2 Magcalayo and the one in possession of the shabu cannot be doubted anymore. Such positive identification prevails over appellant's defenses of denial and alibi. These defenses have been invariably viewed by the Court with disfavor, for they can easily be concocted but difficult to prove, and they are common and standard defense ploys in most prosecutions arising from violations of the Comprehensive Dangerous Drugs Act.[24]

Absent any proof of motive to falsely accuse appellant of such a grave offense, the presumption of regularity in the performance of official duty and the findings of the trial court with respect to the credibility of witnesses shall prevail over appellant's bare allegation.[25]

We, therefore, uphold the presumption of regularity in the performance of official duties and find that the prosecution has discharged its burden of proving the guilt of appellant beyond reasonable doubt.

WHEREFORE, the appeal is DENIED. The CA's Decision in CA-G.R. CR-H.C. No. 01811 finding appellant Rodante De Leon y Dela Rosa guilty of the crimes charged is AFFIRMED.

SO ORDERED.

Corona, (Chairperson), Nachura, Peralta, and Mendoza, JJ., concur.

[1] Rollo, pp. 2-27. Penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Regalado E. Maambong and Agustin S. Dizon.

[2] CA rollo, pp. 17-24. Penned by Judge Severino B. De Castro, Jr.

[3] Id. at 9.

[4] Id. at 11.

[5] Id. at 18.

[6] Id.

[7] Id. at 23-24.

[8] Rollo, pp. 26-27.

[9] *People v. Macatingag*, G.R. No. 181037, January 19, 2009; *People v. Bayani*, G.R. No. 179150, June 17, 2008, 554 SCRA 741.

[10] Id.

[11] 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.

[12] *People v. Del Mundo*, G.R. No. 169141, December 6, 2006, 510 SCRA 554.

[13] Id.

[14] Records, pp. 176-180.

[15] CA rollo, p. 21.

- [16] *People v. Doria*, G.R. No. 125299, January 22, 1999, 301 SCRA 668, 718; citations omitted.
- [17] *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632.
- [18] *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.
- [19] *Id.*; citing *People v. Concepcion*, G.R. No. 178876, June 27, 2008, 556 SCRA 421.
- [20] *People v. Del Norte*, G.R. No. 149462, March 29, 2004, 426 SCRA 383.
- [21] *U.S. v. Bandoc*, 23 Phil. 14, 15 (1912).
- [22] *Cruz v. People*, G.R. No. 164580, February 6, 2009; *People v. Del Mundo*, *supra* note 12.
- [23] See *People v. Herrera*, G.R. No. 93728, August 21, 1995, 247 SCRA 433; *People v. Tadepa*, G.R. No. 100354, May 26, 1995, 244 SCRA 339.
- [24] *People v. Del Mundo*, *supra* note 12; *People v. Isnani*, G.R. No. 133006, June 9, 2004, 431 SCRA 439.
- [25] *People v. Agulay*, G.R. No. 181747, September 26, 2008, 566 SCRA 571, 599; citing *People v. Bongalon*, 425 Phil. 96, 116 (2002).

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