

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NELLY ULAMA Y ARRISMA, ACCUSED-APPELLANT.*G.R. No. 186530. December 14, 2011*

Ponente: LEONARDO-DE CASTRO, J.

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This is an appeal from the Decision[1] dated June 30, 2008 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01228 entitled, *People of the Philippines v. Nelly Ulama y Arrisma*, which affirmed the Decision[2] dated June 10, 2005 of the Regional Trial Court (RTC) of Makati, Branch 135, in Criminal Case No. 03-1308. The trial court found appellant Nelly Ulama y Arrisma guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 and imposed upon her the penalty of life imprisonment as well as a fine of five hundred thousand pesos (P500,000.00).

The prosecution's version of the events leading to appellant's arrest and detention follows:

Having received confidential information from an informant about the drug trafficking activities of appellant, Barangay Chairman Rodolfo Doromal convened a group of Makati Drug Abuse Council (MADAC) operatives to plan and carry out a buy-bust operation. In coordination with the Makati Police Station, Drug Enforcement Unit and the Philippine Drug Enforcement Agency (PDEA), the team composed of PO2 Rodrigo Igno, MADAC operatives Edison Bill, Leo Sese, Antonio Banzon proceeded to the corner of Dapitan and San Nicholas Streets, Barangay Guadalupe Nuevo, Makati City where according to the informant, appellant was conducting her illegal trade. MADAC operative Edison Bill was designated as poseur-buyer who kept the marked buy bust money (Exhibit A; p. 12, Record).

The team sighted appellant also known as "Kakay," who was at that time transacting with two (2) persons later identified as Jerrylyn Bernal (alias "Jane") and Robert Mercado (alias "Robert"). After Edison Bill was introduced, appellant asked him how much shabu he needed. The latter replied, "Katorse lang, panggamit lang naman" and handed to appellant two (2) one hundred peso bills, which were the previously marked buy-bust money. After having received the money, appellant asked the poseur-buyer to wait while she left to fetch the illegal drug. While waiting, the poseur-buyer was offered by Jane some sachets, containing what later proved to be shabu, with the words "sa susunod sa akin ka na lang kumuha, eto laging panalo." Soon after, appellant returned and handed to Edison Bill a plastic sachet containing some white crystalline substance. Appellant was also observed to have handed to Robert Mercado more of the same sachets (Exhibit A; p. 12, Record).

After receiving the sachet, the poseur-buyer signaled the members of the team that the deal was consummated. PO2 Rodrigo Igno with MADAC operatives Leo Se[s]e and Antonio Banzon who were just nearby immediately rushed to the scene. They disclosed their identity as police officer and MADAC operatives and effected the arrest of appellant, Jerrylyn Bernal y Ingco @ Jane and Robert Mercado y Taylo @ Robert (pp. 7-9, TSN, September 24, 2004).

PO2 Rodrigo Igno recovered from the left pocket of the short pants of appellant the bills previously marked with C4 above the serial numbers "GS371956 and BJ383104". MADAC operative Antonio Banzon seized from the right hand of Robert Mercado, three (3) small transparent plastic sachets containing suspected shabu.

Likewise, MADAC operative Leo Sese seized three (3) sachets containing suspected shabu from Jane's right hand when the latter tried to throw it away.

Upon arrest, appellant and the two other accused were informed of the nature of their arrest as well as their constitutional rights. MADAC operative Edison Bill marked the seven (7) small plastic sachets confiscated from the suspects with initials "NAU" (subject of sale from appellant Nelly A. Ulama), "JIB, JIB-1 and JIB-2" (subject of possession from Jerrylyn I. Bernal) and "RTM, RTM-1 and RTM-2" (subject of possession from Robert T. Mercado) in the presence of appellant and accused and at the place where they were arrested. The drug was later submitted to the PNP Crime Laboratory Office for appropriate examination. The suspects were also made to undergo drug test (Exhibit A; p. 12, Record).

The items seized from [her] were brought to the crime laboratory where they were weighed and examined. (Exhibit B) Qualitative examination conducted on the seized articles by the PNP Crime Laboratory Field Office yielded positive results for the presence of methylamphetamine hydrochloride, a dangerous drug. (Exhibit C.)[3]

In her defense, appellant narrated a different version of the story, to wit:

On April 10, 2003, NELLY ULAMA was washing clothes inside their house when somebody kicked the gate made of GI sheets and four (4) male persons came in. The four (4) were looking for a male person who according to them, entered the compound. They also started to search the house and asked the owner of the room if there was somebody inside. No search warrant was presented to her.

She asked the four (4) who they were, but she was told to keep quiet and remain seated. She started to cry and she also felt angry. Afterwards, a man who was carrying a gun went outside and told her to come with him as she was to be asked some questions. They are forcing her to go with them but she told the four (4) that she was innocent. But they still insisted for her to go with them. She denied all the allegations against her.

Thereafter, she was made to board a tricycle and she was taken to the Pinagkaisahan Barangay Hall where she waited for one (1) hour. They were then taken to the DEU and while there, a female officer took her to the comfort room and frisked her. Nothing illegal was found in her possession. They were taken to Fort Bonifacio for drug test but she was not able to give them her urine sample as she failed to urinate at that time. (pp. 2-9, TSN dated May 11, 2005.)[4]

Appellant was prosecuted for violation of Sections 5 and 15, Article II of Republic Act No. 9165. These cases were tried jointly with those of Jerrylyn Bernal (Bernal) and Robert Mercado (Mercado), each of whom were prosecuted for violation of Section 11, Article II of the same law.

The Information[5] dated April 11, 2003 charging appellant with violation of Section 5, Article II of Republic Act No. 9165 reads:

That on or about the 10[th] day of April, 2003, in the City of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously without being authorized by law, sell, distribute and transport zero point zero three (0.03) gram of Methylamphetamine Hydrochloride (shabu), which is a dangerous drug, in violation of the above-cited law.

On the other hand, the Information[6] dated May 14, 2003 charging appellant with violation of Section 15, Article II of Republic Act No. 9165 reads:

That on or about the 10[th] day of April, 2003, in the City of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law to use dangerous drug and having been arrested and found positive for use of Methylamphetamine after a confirmatory test, did then and there, willfully, unlawfully and feloniously use Methylamphetamine, a dangerous drug, in violation of the said law.

Appellant pleaded “not guilty” to the charges leveled against her in Criminal Case Nos. 03-1308 and 03-2066 when arraigned on May 14, 2003[7] and August 7, 2003,[8] respectively. Thereafter, joint trial with Bernal’s and Mercado’s cases commenced.

In its Decision dated June 10, 2005, the trial court convicted appellant of violation of Section 5, Article II of Republic Act No. 9165 but, at the same time, acquitted her of the charge of violation of Section 15, Article II of the same statute. The dispositive portion of which reads:

WHEREFORE, it appearing that the guilt of the accused NELLY ULAMA y ARRISMA, and accused JERRYLYN BERNAL y INGCO and accused ROBERT MERCADO y TAYLO, was proven beyond reasonable doubt for violation of Section 5 and Section 11, respectively, of Republic Act No. 9165, as principals, with no mitigating or aggravating circumstances:

- In Criminal Case No. 03-1308, accused NELLY ULAMA y ARRISMA is hereby sentenced to suffer life imprisonment and to pay a fine of P500,000.00;
- In Criminal Case No. 03-1309 accused ROBERT MERCADO y TAYLO is hereby sentenced to suffer imprisonment for an indeterminate term of twelve [12] years and one [1] day, as minimum, to fourteen [14] years and eight [8] months, as maximum and to pay a fine P300,000.00;
- In Criminal Case No. 03-1310 accused JERRYLYN BERNAL y INGCO is hereby sentenced to suffer imprisonment for an indeterminate term of twelve [12] years and one [1] day, as minimum, to fourteen [14] years and eight [8] months, as maximum and to pay a fine of P300,000.00;
- In Criminal Case No. 03-2066, accused NELLY ULAMA y ARRISMA is hereby ACQUITTED, and
- All accused to pay the costs.[9]

On appeal by appellant, the Court of Appeals, in its Decision dated June 30, 2008, affirmed the ruling of the trial court and disposed of the case in this manner:

WHEREFORE, the appeal is dismissed and the Decision on appeal is affirmed in toto.[10]

Hence, the present appeal where appellant submits a lone assignment of error:

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF VIOLATION OF ARTICLE II, SECTION 5, REPUBLIC ACT 9165.[11]

In the instant petition, appellant argues that the prosecution failed to establish the chain of custody of the confiscated items because it was not made clear if the plastic sachet of shabu allegedly confiscated from her was the same specimen examined at the crime laboratory. In support of this argument, appellant points to the fact that the chief investigator who allegedly brought the seized item to the crime laboratory was not presented to testify before the proceedings in the trial court.

The argument is without merit.

It is settled in jurisprudence that:

The elements necessary for the prosecution of illegal sale of drugs are (1) the identities of the buyer and the seller, the object, and consideration; and (2) the delivery of the thing sold and the payment therefor. What is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of evidence of corpus delicti.[12]

A thorough review of the records would indicate that the foregoing requisites are present in the case at bar. The

proof of the drug transaction was established by prosecution witness Edison Bill (Bill), the poseur-buyer, who made a positive identification of the appellant as the one who gave him the plastic sachet which contained shabu and to whom he gave the marked money during the buy-bust operation. The following are the pertinent portions of Bill's testimony before the trial court:

Q: Now do you recall if you have participated in a buy bust operation sometime on April 10, 2003 1:00 p.m. along Dapitan St. and San Nicolas St., Brgy. Guadalupe Nuevo, Makati City?

A: Yes, sir.

Q: Against whom does that buy bust operation was conducted?

A: Against Kakay, sir.

Q: Did you come to know the full name of this Kakay?

A: Yes, sir.

Q: Tell us.

A: Nelly Ulama, sir.

Q: Now who were your companions in this buy bust operation?

A: Capt. Doromal, our team leader PO2 Igno and MADAC Cluster 4.

Q: And what was your participation in this buy bust operation?

A: I acted as the poseur buyer, sir.

Q: Tell us what does a poseur buyer do in a buy bust operation?

A: Being accompanied by an informant to buy drugs, sir.

Q: To buy drugs?

A: Yes, sir.

Q: What does the poseur buyer use usually to buy drugs?

A: Money with markings, sir.

x x x x

Q: Who provided you with the marked money?

A: PO2 Igno, sir.

Q: How much is that buy bust money or marked money?

A: Two pieces of P100.00 bill.

x x x x

Q: What markings can you recall was put in that marked money?

A: C-4, sir.

Q: Now tell us briefly how you were able to buy shabu from this Nelly Ulama?

A: I was accompanied by an informant, sir.

x x x x

Q: Now what happened after you found Nelly Ulama and noticed her talking to two persons?

A: I was introduced by the informant, sir.

Q: How were you introduced?

A: I was introduced [as] a person in need of shabu.

Q: What was the response of Nelly Ulama?

A: She asked me how much, sir.

Q: What was your answer?

A: Katorse lang, panggamit lang.

Q: When you said katorse lang panggamit lang, what do you mean by that P14.00 only?

A: No, sir.

Q: What do you mean by katorse lang?

A: P200.00, sir.

Q: And after you said katorse lang panggamit lang, what did the accused, Nelly Ulama, do if any?

A: She got the P200.00, sir.

Q: What did she give you in exchange of the P200.00?

A: One plastic sheet containing suspected shabu, sir.

Q: In exchange of P200.00?

A: Yes, sir.

Q: Now what about the two persons whom you said you observed talking to Nelly Ulama, where were they when the two of you were transacting?

A: They were near the accused, sir.

Q: After she handed to you a plastic sachet containing suspected shabu in exchange of P200.00, what happened?

A: After confirming that plastic sachet contained suspected shabu, I executed the pre-arranged signal.

Q: What was that pre-arranged signal?

A: By removing a cap, sir.

Q: And what happened after that?

A: I introduced myself as a member of the MADAC.

Q: And what happened next?

A: Immediately my back-up rushed to my place, sir.

Q: And what happened after that?

A: I searched them, sir.

Q: Who did you search?

A: I was not the one who searched, it was my back-up, sir.

Q: Now after the search, what happened?

A: We brought them at the DEU, sir.

Q: Now can you still identify the plastic sachet [which] you said you bought for P200.00 from Nelly Ulama?

A: Yes, sir.

Q: Why do you say you can still identify it Mr. Witness?

A: By means of markings, sir.

x x x x

Q: I am handing to you seven plastic sachets Mr. Witness with markings. I want you to identify from these plastic sachet[s] the one [which] you said [was] sold to you by Nelly Ulama?

A: This one, sir.

Q: The witness identified a plastic sachet with markings NAU, is this the one?

A: Yes, sir.

x x x x

Q: Who put the markings?

A: I was the one, sir.[13]

If we compare the foregoing testimony with the Pinagsanib na Salaysay ng Pag-aresto or Joint Affidavit of Arrest[14] executed a day after appellant's arrest by Police Officer (PO) 2 Rodrigo Igno and MADAC operatives Bill, Antonio Banzon and Leo Sese, it would appear that both aver the same narrative with regard to the arrest of appellant. The pertinent portions of the said affidavit read as follows:

Na, noong humigit kumulang 1:00 ng tanghali petsa-10 ng April 2003, sa kanto ng Dapitan at San Nicolas Street, Barangay Guadalupe Nuevo, Makati City, ay aming naaresto sina NELLY ULAMA y Arrisma @ Kakay, 41 taong gulang, dalaga, walang hanap-buhay at nakatira [sa] no. 8305 Dapitan St., Brgy., Guadalupe Nuevo, Makati City, sa kasong paglabag nya [ng] Sec. 5, Art II ng RA 9165 (Sale of Dangerous Drugs), x x x.

Na, bago naaresto ang mga nabanggit na tao ay nakatanggap ang opisina ng MADAC Cluster 4 ng impormasyon mula sa isang impormante at inireport ang pagkakasangkot nitong si @ Kakay sa pagbebenta ng droga, partikular na ang shabu, sa kanilang lugar.

x x x x

Na, matapos mabuo ang plano ay nagtungo kami at ang aming impormante sa lugar na tinutukoy, habang ang ibang mga kasapi ng grupo ay pumuwesto sa di kalayuan kung saan ay tanaw ang mangyayaring transaksyon. Sa limitadong oras nang pagmamamanman naming ng impormante ay natukoy ang kinaroroonan ni @ Kakay na nang mga oras na iyon ay katransaksyon ang isang lalaki na nakilala nang huli na si Robert Mercado @ Robert at isang babae na nakilalang si Jerrylyn Bernal @ Jane sa kanto ng Dapitan at San Nicolas Sts., Brgy. Guadalupe Nuevo, Makati City kaya naman agad nilapitan naming sila. Na pagkalapit namin ng impormante ay agad akong ipinakilala kay @ Kakay at matapos na malaman niya (@ Kakay) na ako rin ay nangangailangan ng shabu ay agad akong tinanong ni @ Kakay kung magkano naman ang kailangan ko na agad naman akong tumugon ng "KATORSE LANG, PANGGAMIT LNG NAMAN", na ang ibig sabihin ay dalawang daang piso (Php 200), kasunod ng pag-abot ko ng markadong pera na agad tinanggap nitong si @ Kakay at isinilid sa kaliwang bulsa ng suot niyang short pants. Sa puntong ito ay nagpaalam siya (Kakay) at umalis. Pagkaalis ni @ Kakay ay nagsalita itong @ Jane nang "SA SUSUNOD SA AKIN KA NA LANG KUMUHA, ETO, LAGING PANALO", sabay nang pagpapakita sa kin ng ilang piraso ng plastic sachets na pawing naglalaman ng pinaghihinalaang shabu. Ilang saglit lamang ay bumalik si @ Kakay at inabutan ako ng isang sachet na may lamang pinaghihinalaang shabu kasunod nito personal ko ring naobserbahan at nakita na itong lalaki na naghihintay na nakilalang si @ Robert ay inabutan din ng ilang piraso ng plastic sachets na pawang may laman ding pinaghihinalaang shabu.

Na, matapos kong matanggap ang pinaghihinalaang shabu ay agad kong (poseur buyer) ibinigay ang napagkasunduang hudyat para sa aking mga kasamahang operatiba sa pamamagitan ng pag-alis ng suot kong sombrero, hudyat na tapos na ang transaksyon at sa ganoong pagkakataon ay agad akong nagpakilala kina @ Kakay, @ Jane at @ Robert bilang kasapi ng MADAC at sa tulong ng aking kasamang operatiba na sina PO2 RODRIGO IGNO at MADAC operatives LEO SESE at ANTONIO BANZON na di kalayuan sa naging transaksyon at personal na naka-obserba sa buong pangyayari ay agad naming inaresto ang mga nasabing tao.

Na, ako si PO3 RODRIGO IGNO ang siyang umaresto kay @ Kakay at nang utusan ko siya na ilabas ang laman ng kanyan bulsa ay nabawi ko mu[1]a sa kaliwang bulsa ng suot niyang short pants ang buy bust money

na dalawang piraso ng isang daang piso na pawang may markang C4 sa ibaba ng serial numbers nito, samantalang akong MADAC operatives na si LEO SESE siyang nakakumpiska sa kanang kamay ni Jerrylyn Bernal @ Jane ng tatlong (3) piraso ng maliliit na plastic sachets na pawang naglalaman ng pinaghihinalaang shabu na tinangka niya itong itapon at ako naman si MADAC operative ANTONIO BANZON ang siyang nakumpiska sa kanang kamay ni ROBERT MERCADO @ Robert nang tatlong (3) piraso ng plastic sachet na naglalaman din ng pinaghihinalaang shabu.

Na, ang mga nakumpiskang pingahihinalaang shabu ay minarkahan ko [MADAC Edison Bill] sa mismong presensiya ng akusado sa lugar ng pinangyarihan ng inisyal na “NAU” (subject of sale from @ Kakay), “JIB, JIB-1 at JIB-2” (subject of possession from @ Jane) at “RTM, RTM-1 AT RTM-2” (subject of possession from @ Robert).

Na, matapos na maaresto ang mga nabanggit na tao ay agad kong [PO2 Rodrigo Igno] ipinabatid sa kanila ang kanilang mga karapatan at ang dahilan ng kanilang pagkaaresto bago namin sila dinala sa aming opisina at pagkatapos ay dinala namin agad sila sa Drug Enforcement Unit ng Makati City Police Station para sa pagsasampa ng kaukulang reklamo. (Emphasis in the original.)

Moreover, the appellant’s allegation that the chain of custody of the illegal drugs taken from her was not firmly established cannot be countenanced. On the contrary, there is enough evidence which can account for the crucial links in the chain of custody of the confiscated plastic sachet of shabu starting from its seizure from appellant up to its examination by the forensic chemist.

The records would indicate that, immediately after appellant’s arrest and in her presence, poseur-buyer Bill marked the plastic sachet with the markings “NAU.”[15] This piece of evidence was turned over directly to the Drug Enforcement Unit (DEU) under the Office of the Criminal Investigation Division of the Makati City Police Station where it was included in the items subject to laboratory examination by the PNP Crime Laboratory of the Southern Police District Office as indicated in the Request for Laboratory Examination[16] dated April 10, 2003 which was signed by Police Senior Inspector (PSINSP) Leandro Mendoza Abel, the chief of the DEU. An examination of the lower left portion of the said document would bear out a mark stamp of the PNP Crime Laboratory showing that the request letter along with the accompanying evidence specimens was delivered by poseur-buyer Bill at 4:45 p.m. on April 10, 2003. Furthermore, Physical Science Report No. D-443-03[17] which was signed and prepared by PINSP Maria Ana Rivera-Dagasdas (Rivera-Dagasdas) indicates that the plastic sachet with the markings “NAU,” which was recovered from appellant and listed as item “D” in the said document, yielded 0.3 grams of Methylamphetamine Hydrochloride, commonly known as shabu. The same report likewise indicates that the evidence specimen was received at 4:45 p.m. on April 10, 2003 and that the laboratory examination conducted by PINSP Rivera-Dagasdas was completed at 6:45 p.m. on the same date.

The Court is aware of the stringent requirements laid down in Section 21, paragraph 1 of Republic Act No. 9165 which states that:

1) The apprehending team having initial custody and control of the drugs shall, immediately, after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof.

However, minor deviations from the foregoing procedure would not necessarily result in an acquittal. In the past, we have also declared that “the failure to conduct an inventory and to photograph the confiscated items in the manner prescribed under the said provision of law x x x cannot be used as a ground for appellant’s exoneration from the charge against him/her.”[18]

Similarly, in another case, we ruled that:

On the issue of non-compliance with the prescribed procedures in the inventory of seized drugs, the rule is that it does not render an accused's arrest illegal or the items seized/confiscated from him/[her] inadmissible. The requirements under R.A. No. 9165 and its Implementing Rules and Regulations (IRR) are not inflexible. 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]

Likewise, we have also ruled that "[t]he prosecution has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses." [20] Thus, appellant's argument that the prosecution's failure to present the chief investigator in court is fatal to its case cannot prosper.

In her defense, appellant merely denied the occurrence of the buy-bust operation. Instead, appellant insists that she was forcibly taken from her house by four men who suddenly entered her dwelling on the pretext of searching for a man who entered the compound where her house was located. She claimed that she and three other persons were later made to board a vehicle which took them to the Pinagkaisahan Barangay Hall. From there, they were taken to the DEU where she maintains that she was frisked but nothing illegal was found in her possession. Afterwards, they were taken to Fort Bonifacio for a drug test but she claims that she failed to urinate. In short, appellant insists that she was merely framed-up and that she is innocent of the charge against her.

This Court has repeatedly held that "the defense of denial or frame-up, like alibi, has been invariably viewed with disfavor for it can easily be concocted and is a common defense ploy in most prosecutions for violation of the Dangerous Drugs Act." [21] Indeed, the Court has observed that:

Charges of extortion and frame-up are frequently made in this jurisdiction. Courts are, thus, cautious in dealing with such accusations, which are quite difficult to prove in light of the presumption of regularity in the performance of the police officers' duties. To substantiate such defense, which can be easily concocted, the evidence must be clear and convincing and should show that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty. Otherwise, the police officers' testimonies on the operation deserve full faith and credit. [22]

In the instant case, no clear and convincing evidence to support the defense of frame-up was presented by appellant. Neither did she put forward in her pleadings or testimony any imputation or proof of ill motive on the part of the arresting police officers.

With the foregoing, the Court believes that appellant failed to show any reversible error on the part of the RTC and the Court of Appeals in the resolution of this case. Thus, the conviction of appellant must be sustained.

WHEREFORE, premises considered, the Decision dated June 30, 2008 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01228 is AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 2-11; penned by Associate Justice Sixto C. Marella, Jr. with Associate Justices Edgardo F. Sundiam and Monina Arevalo-Zenarosa, concurring.

[2] CA rollo, pp. 18-25.

[3] Id. at 73-75.

- [4] Id. at 43-44.
- [5] Records, p. 2.
- [6] Id. at 114.
- [7] Id. at 69.
- [8] Id. at 128.
- [9] CA rollo, pp. 24-25.
- [10] Rollo, p. 10.
- [11] CA rollo, p. 38.
- [12] *People v. Morales*, G.R. No. 188608, February 9, 2011, 642 SCRA 612, 619.
- [13] TSN, September 24, 2004, pp. 4-7, 9.
- [14] Records, pp. 12-13.
- [15] Id. at 13; TSN, September 24, 2004, p. 9.
- [16] Id. at 211.
- [17] Id. at 212.
- [18] *People v. Gratil*, G.R. No. 182236, June 22, 2011.
- [19] *People v. Soriaga*, G.R. No. 191392, March 14, 2011.
- [20] *People v. Zeng Hua Dian*, G.R. No. 145348, June 14, 2004, 432 SCRA 25, 32.
- [21] *People v. Gutierrez*, G.R. No. 177777, December 4, 2009, 607 SCRA 377, 390.
- [22] *People v. Capalad*, G.R. No. 184174, April 7, 2009, 584 SCRA 717, 727.

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