

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MADS SALUDIN MANTAWIL, MAGID MAMANTA AND ABDULLAH TOMONDOG, ACCUSED-APPELLANTS.

G.R. No. 188319. June 08, 2011

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

Before us is an appeal from the January 30, 2009 Decision [1] of the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 02627. The CA had affirmed the September 12, 2006 Decision [2] of the Regional Trial Court (RTC) of Manila, Branch 41, convicting appellants for violation of Section 15, [3] Article III of Republic Act (R.A.) No. 6425, otherwise known as The Dangerous Drugs Act of 1972, as amended. [4]

The information against appellants reads:

That on or about June 2, 1999, in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, accused MADS SALUDIN MANTAWIL a.k.a. MADS ALI, MAGID MAMANTA and ABDULLAH TOMONDOG, conspiring, confederating and mutually helping one another, did then and there, wilfully, unlawfully and feloniously sell, deliver and give away to a poseur-buyer One Thousand Three Hundred Sixteen point five (1,316.5) grams of Methamphetamine Hydrochloride, commonly known as SHABU, a regulated drug, without authority of law or the corresponding license therefor.

CONTRARY TO LAW. [5]

At the trial, the prosecution presented as witnesses P/C Insp. Arthur V. Bisnar (Bisnar), SPO3 Rolando Sayson (Sayson), SPO1 Rodolfo Gonzales (Gonzales), and P/Insp. Ma. Luisa David. Their testimonies presented the following factual scenario:

On June 2, 1999 at around 10:00 in the morning, the Presidential Anti-Organized Crime Task Force (PAOCTF) buy-bust operations team composed of P/Supt. John Lopez (Lopez), Bisnar, Sayson, Gonzales and other PAOCTF operatives, conducted a briefing to discuss a buy-bust operation with a confidential informant. The confidential informant revealed that he was able to confirm a drug deal with a drug dealer named Mads Ali for 1½ kilos of shabu worth P900,000.00. The deal would be consummated at the Quirino Grandstand, Rizal Park, Manila near Museong Pambata between two to three o'clock that afternoon. [6]

Together with the confidential informant, the buy-bust team boarded four unmarked vehicles bearing confidential security plates of the PAOCTF and proceeded to the designated place, arriving thereat around 1:45 p.m. Bisnar was to act as the poseur-buyer, Sayson the arresting officer, and Gonzales the back-up poseur-buyer. [7]

Around 2:00 p.m., a maroon Toyota FX Mega Taxi marked "Margy" with plate no. TVC 479 arrived at the Quirino Grandstand and parked two meters away from Bisnar's car. Appellant Mads Saludin Mantawil (Mantawil) alighted from the FX taxi, approached Bisnar's car, and greeted the confidential informant, who greeted Mantawil back and introduced Bisnar as the buyer of the shabu. Bisnar showed Mantawil the boodle

money placed inside a Giordano® paper bag and the latter went back to the FX taxi and left the place. [8]

After thirty (30) minutes, Mantawil returned on board the same FX taxi. The FX taxi parked about five meters away from Bisnar's car. Mantawil alighted and approached Bisnar's car. He demanded to see the money. When Bisnar insisted on seeing the shabu first, Mantawil waved to his two companions who were inside the FX taxi. Magid Mamanta (Mamanta) and Abdullah Tomondog (Tomondog) alighted from the FX taxi and approached Bisnar. [9]

Mamanta then handed a light blue Bench® plastic bag to Bisnar through the car window. Inside the bag was a self-sealing transparent plastic bag containing white crystalline substance, which Bisnar suspected to be shabu. After seeing the contents of the plastic bag, Bisnar handed the boodle money to Mantawil and immediately made the pre-arranged signal for the arrest by switching on the hazard lights of his car. The PAOCTF team then rushed to Bisnar's car and arrested the appellants. [10] After apprising appellants of their constitutional rights, the buy-bust team brought appellants separately to Camp Crame. Mamanta was transported by Gonzales while Sayson transported Tomondog. Bisnar, for his part, transported the confiscated shabu and Mantawil. [11]

At Camp Crame, Sayson and Gonzales witnessed Bisnar mark the seized shabu. [12] Bisnar also filled up a corresponding Receipt for Property Seized dated June 2, 1999, [13] which appellants refused to sign. Bisnar and his team likewise executed a Joint Affidavit of Arrest [14] and prepared the Booking Sheet and Arrest Report of the appellants. [15] Thereafter, P/Supt. Lopez issued a request for laboratory examination of the confiscated shabu. [16] Gonzales delivered the request to the Philippine National Police (PNP) Crime Laboratory at 6:55 p.m. [17] with the confiscated shabu indicated to be contained in a self-sealing plastic bag marked "AVB 06/02/99" and placed inside a light blue Bench® plastic bag. A handwritten description was also placed on the laboratory report indicating that the shabu with the container weighed 1,325 grams. [18]

At the PNP Crime Laboratory, P/Insp. Ma. Luisa David, Forensic Chemist I, conducted a quantitative and qualitative examination of the specimen. The Initial Laboratory Report, as well as the Final Report, showed that the white crystalline substance, weighing 1,316.5 grams, tested positive for methamphetamine hydrochloride or shabu. [19]

On the other hand, the appellants, testifying on their own behalf, denied the charges and claimed that they were framed-up by the policemen. They also presented two other witnesses, Teddy Ziganay (Ziganay) and Solaiman Casan (Casan), to corroborate their defense. The testimony of the other defense witness, Atty. Rowaisa M. Pandapatan, was dispensed with as the parties stipulated that Tomondog was indeed an FX taxi driver.

Taken together, the defense witnesses' testimonies present the following version of the incident:

On June 2, 1999, while selling cigarettes at Globo de Oro, Quiapo, Manila, Mantawil was approached by two unidentified women who asked him to look for an FX taxi and accompany them to Luneta. As they offered to pay him P150.00 for the service, Mantawil agreed. The women, however, did not see the person they were supposed to meet in Luneta so they all returned to Quiapo. Mantawil then went back to selling cigarettes. [20]

Around 1:30 in the afternoon, one of the women whom Mantawil accompanied earlier came back and asked him to rent an FX taxi and go with her to Quirino Grandstand. Mantawil approached Tomondog, an FX taxi driver who was at the terminal for public utility vehicles in Quiapo, and asked the latter to take him and his companion to Quirino Grandstand. Tomondog agreed for a fee of P250.00. [21]

As they were about to leave the terminal, Mamanta, a sidewalk vendor, came and asked Tomondog to take him to San Andres Bukid. Tomondog acceded but he proceeded first to Quirino Grandstand. [22]

At the Quirino Grandstand, Mantawil and the woman alighted from the FX taxi while Mamanta remained inside. Tomondog also alighted but only to pour water into the taxi's radiator. Mantawil testified that he then saw the woman talk to two unidentified persons in a Honda Civic car. After that, appellants were surprised when several unidentified men in civilian clothes suddenly poked their guns at appellants and handcuffed them. They were brought to Camp Crame separately and tortured. They were detained there for a week before they were brought to the Department of Justice for inquest proceedings. [23]

Ziganay, a cigarette vendor, corroborated Tomondog and Mamanta's story. Ziganay testified that while he was resting near the Quirino Grandstand that afternoon on June 2, 1999, he saw an FX taxi containing three persons park near the Grandstand. The driver, Tomondog, alighted from the vehicle and poured water into the radiator. Then, armed men in civilian clothes approached and poked their guns at Tomondog and Mamanta. Tomondog and Mamanta were arrested by said men. At that time, Mamanta was the only remaining passenger on board the FX taxi. [24]

The RTC found the appellants guilty beyond reasonable doubt of violating Section 15, Article III of R.A. No. 6425, as amended. The dispositive portion of the RTC decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding the three accused, MADS SALUDIN MANTAWIL @ "Mads Ali", MAGID MAMANTA and ABDULLAH TOMONDOG guilty beyond reasonable doubt of the crime of Violation of Section 15, Article III, Republic Act No. 6425 and sentence them to suffer the penalty of Reclusion Perpetua.

SO ORDERED. [25]

The RTC held that the version of the prosecution was a standard entrapment story. Thus, it gave credence to the narration of the incident by the prosecution witnesses, noting that they were officers of the law who enjoyed the presumption of regularity in the performance of their duties, absent any evidence to the contrary.

As regards appellants' defense, the trial court held that frame-up, like alibi, is generally considered with disfavor, for it is easy to concoct but difficult to disprove. The trial court noted that in admitting that they went to Quirino Grandstand twice, Mantawil corroborated the testimony of the prosecution's witnesses that appellants first arrived at the place to look at the money then left and returned with the shabu. The trial court noted that no credible reason was given by the appellants why they were at the Quirino Grandstand, Luneta at the time and date of the drug deal. No motive was also given by the appellants why the police officers would fabricate a grave offense against them if it was not true. [26]

Aggrieved, appellants filed a notice of appeal to the CA. [27] In their brief, appellants faulted the RTC for giving weight and credence to the evidence of the prosecution and totally disregarding their defense. Appellants contended that the prosecution failed to prove the indispensable element of the corpus delicti since the arresting officers failed to mark the shabu immediately after the seizure, thus creating reasonable doubt as to whether the shabu presented in court were seized from them. [28]

The CA, however, affirmed the decision of the RTC. The dispositive portion of the CA decision reads:

WHEREFORE, premises considered, the assailed decision of the RTC of Manila City, Branch 41 dated September 12, 2006 is hereby AFFIRMED IN TOTO.

SO ORDERED. [29]

In affirming appellants' conviction, the appellate court held that the prosecution was able to establish all the elements of the crime of illegal sale of shabu. Bisnar positively identified the seller as Mantawil who sold the

drugs to him for P900,000.00. Appellants' contention that the prosecution failed to establish an essential link in the chain of custody of the seized item was untenable. The CA noted that appellants were with the members of the PAOCTF when they were brought to Camp Crame and Bisnar had custody of the Bench[™] plastic bag containing the shabu. Said shabu was immediately marked before it was given to the forensic chemist for chemical analysis. Absent any showing to the contrary, the members of the PAOCTF are presumed to have performed their duties regularly and faithfully. This is especially so since nothing in the records shows that the contents of the plastic bag were changed or the prosecution's witnesses perjured themselves. [30]

Thus, the case is now before us for final review.

Appellants raise the following assignment of errors:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF THE CRIME CHARGED BEYOND REASONABLE DOUBT.

II.

THE LOWER COURT GRAVELY ERRED IN GIVING WEIGHT AND FULL CREDENCE TO THE EVIDENCE OF THE PROSECUTION AND TOTALLY DISREGARDING THE DEFENSE OF THE ACCUSED-APPELLANT. [31]

Appellants posit that the prosecution utterly failed to prove the indispensable element of the corpus delicti of the crime. They point that the arresting officers did not immediately mark the seized item after its seizure and that the markings were admittedly made only in Camp Crame. Such failure, according to appellants, is sufficient to create reasonable doubt as the first link in the custodial chain was not established. Moreover, the arresting officers failed to comply with the procedure in the custody of the seized item suspected to be shabu. They failed to photograph and make a physical inventory of the seized item immediately in the presence of the appellants pursuant to Dangerous Drugs Board Regulation No. 3, Series of 1979 amending Board Regulation No. 7, Series of 1974. [32]

The Office of the Solicitor General, on the other hand, argues that the chain of custody of the shabu was not broken. Appellants were with the arresting officers when they were brought to Camp Crame and Bisnar was holding the bag containing the shabu. Upon arrival in Camp Crame, Bisnar immediately marked the seized items before it was sent to the forensic chemist for chemical analysis. There was also no showing that the contents of the bag taken from appellants were substituted with shabu.[33]

We affirm the verdict with respect to appellants Mantawil and Mamanta, but find reasonable doubt as to the guilt of Tomondog.

In *People v. Cervantes*, [34] we explained:

In every prosecution for illegal sale of dangerous drug, what is crucial is the identity of the buyer and seller, the object and its consideration, the delivery of the thing sold, and the payment for it. Implicit in these cases is first and foremost the identity and existence, coupled with the presentation to the court of the traded prohibited substance, this object evidence being an integral part of the corpus delicti of the crime of possession or selling of regulated/prohibited drug. There can be no such crime when nagging doubts persist on whether the specimen submitted for examination and presented in court was what was recovered from, or sold by, the accused. Essential, therefore, in appropriate cases is that the identity of the prohibited drug be established with moral certainty. x x x [35]

The chain of custody requirement, set forth in Dangerous Drugs Board Regulation No. 3, Series of 1979, [36] performs this function in that it ensures that unnecessary doubts concerning the identity of the evidence are

removed. [37] The said regulation reads:

Subject: Amendment of Board Regulation No. 7, series of 1974, prescribing the procedure in the custody of seized prohibited and regulated drugs, instruments, apparatuses, and articles specially designed for the use thereof.

x x x x

SECTION 1. All prohibited and regulated drugs, instruments, apparatuses and articles specially designed for the use thereof when unlawfully used or found in the possession of any person not authorized to have control and disposition of the same, or when found secreted or abandoned, shall be seized or confiscated by any national, provincial or local law enforcement agency. Any apprehending team having initial custody and control of said drugs and[/or] paraphernalia, should immediately after seizure or confiscation, have the same physically inventoried and photographed in the presence of the accused, if there be any, and/or his representative, who shall be required to sign the copies of the inventory and be given a copy thereof. Thereafter the seized drugs and paraphernalia shall be immediately brought to a properly equipped government laboratory for a qualitative and quantitative examination.

The apprehending team shall: (a) within forty-eight (48) hours from the seizure inform the Dangerous Drugs Board by telegram of said seizure, the nature and quantity thereof, and who has present custody of the same, and (b) submit to the Board a copy of the mission investigation report within fifteen (15) days from completion of the investigation. [38]

In *Malillin v. People*, [39] we laid down the chain of custody requirements that must be met in proving that the seized drugs are the same ones presented in court: (1) testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence; and (2) witnesses should describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the item.

After a meticulous scrutiny of the records, we are satisfied that there is no broken chain in the custody of the confiscated shabu, contrary to appellants' claim.

After the arrest, the confiscated shabu remained with Bisnar inside his car as the team and the appellants travelled separately back to Camp Crame. [40] Aside from Bisnar, only two other persons were with him throughout the said travel, namely Mantawil and another PAOCTF operative. [41] Immediately upon their arrival at Camp Crame, Sayson and Gonzales saw Bisnar place his initials and the date of the arrest on the light blue Bench[®] plastic bag and on the self-sealing transparent plastic bag. [42]

A physical inventory of the confiscated items was also made by Bisnar at Camp Crame, as evidenced by the Receipt of Property Seized dated June 2, 1999. [43] Notably, appellants did not question the accuracy and validity of the said document.

After conducting a physical inventory, Bisnar, accompanied by Gonzales, delivered the seized shabu to the PNP Crime Laboratory. [44]

At the PNP Crime Laboratory, P/Insp. Ma. Luisa David received the seized shabu together with the laboratory request form. She testified that:

Atty. Villacorta:

Q

When you examined, who received this specimen?

A

I personally received the specimen, [S]ir.

Q

Why? Is it a procedure that you should be the one to receive that (sic)?

A

I am the duty chemist (sic), [S]ir and it [was] 7 o'clock in the evening, [S]ir.

Q

You have no clerk at that time?

A

I am the only one present at (sic) the laboratory, [S]ir.

Q

So, when this stuff was examined, you were the [only] one present?

A

Yes, [S]ir. But prior to my examination, the requesting parties were present, [S]ir.

Q

Did you put that in your report?

A

No, [S]ir. But they counter[-]sign[ed] on the page which I took. They [were] present when I weighed the specimen, [S]ir.

x x x x

Atty. Mancao:

By the way, in your examination of this specimen, did you not ask for an assistance of another chemist?

A

No, [S]ir.

Q

So that you can have a better result?

A

No, [S]ir. Because we were already trained to perform such examination on our own, [S]ir.

Q

You want to tell this Honorable Court that you [were] the only one who conducted this examination and no other?

A

Yes, [S]ir.

Q

That because of this examination, you believe that such (sic) contain metha[m]phetamine hydrochloride?

A

Yes, [S]ir. [45]

Appellants anchor their argument on the PAOCTF team's failure to mark the confiscated shabu while they were still at the crime scene. This is, however, untenable. The buy-bust team's failure to immediately mark the seized drugs will not automatically impair the integrity of the chain of custody as long as the integrity and evidentiary value of the seized items have been preserved. [46]

Moreover, we have explained in *People v. Salak*,

While it appears that the buy-bust team failed to comply strictly with the procedure outlined above, the same does not overturn the presumption of regularity in the performance of their duty. A violation of the regulation is a matter strictly between the Dangerous Drugs Board and the arresting officers and is totally irrelevant to the prosecution of the criminal case since the commission of the crime of illegal sale of a prohibited drug is considered consummated once the sale or transaction is established and the prosecution thereof is not undermined by the arresting officers' inability to conform to the regulations of the Dangerous Drugs Board.

Further, the integrity of the evidence is presumed to be preserved, unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with. [47]

It is worthy to note that appellants never alleged that the drugs presented during the trial have been tampered with. Neither did appellants challenge the admissibility of the seized items when these were formally offered as evidence. In the course of the trial, the seized shabu were duly marked, made the subject of examination and cross-examination, and eventually offered as evidence, yet at no instance did the appellants manifest or even hint that there were lapses in the safekeeping of the seized items as to affect their admissibility, integrity and evidentiary value. It was only during their appeal that appellants raised the issue of non-compliance with the said regulation. Settled is the rule that objections to the admissibility of evidence cannot be raised for the first time on appeal; when a party desires the court to reject the evidence offered, he must so state in the form of objection. Without such objection, he cannot raise the question for the first time on appeal. [48]

However, as to Tomondog, the Court entertains nagging doubts as to his guilt considering that his participation to the transaction was not established. According to the three PAOCTF officers, Tomondog alighted from the FX taxi and went to Bisnar's car after Mantawil motioned to him. The prosecution, however, offered no further evidence as to his participation in the illegal transaction. It was not shown that he acted as guard nor that he had possession of the shabu at anytime. Neither was it shown that Tomondog knew that the other appellants had shabu in their possession at that time. In fact, it was even made clear from the testimonies of the witnesses, and even in the stipulation of the parties, that Tomondog was a simple FX taxi driver. Hence, the fact that he alighted and approached Mantawil after the latter motioned to him could very well have been due to a mistaken belief that Mantawil motioned to him so he could get his P250 payment. Whatever the reason, his mere presence in the vicinity when the illegal transaction took place should not be taken as participation in a conspiracy to commit the crime. To be guilty as a conspirator, the accused needs to have done an overt act in pursuit of the crime indubitably showing a community of purpose and design. [49] Here, the prosecution presented no proof tending to show that Tomondog knew of the criminal intentions of the other appellants, much less that he adopted the same.

WHEREFORE, the Decision dated January 30, 2009 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02627 is

MODIFIED. The Court AFFIRMS IN TOTO the judgment of conviction against appellants Mads Saludin Mantawil and Magid Mamanta, but ACQUITS appellant Abdullah Tomondog of the crime charged on the ground of reasonable doubt. Appellant Abdullah Tomondog is ordered immediately RELEASED from custody, unless he is being held for some other lawful cause. The Director of the Bureau of Corrections is ORDERED to implement this Decision forthwith and to INFORM this Court, within five (5) days from receipt hereof, of the date Abdullah Tomondog was actually released from confinement.

With costs against appellants Mads Saludin Mantawil and Magid Mamanta.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Bersamin, and Sereno, JJ., concur.

[1] Rollo, pp. 2-10. Penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Portia Aliño-Hormachuelos and Noel G. Tijam.

[2] CA rollo, pp. 44-50. Penned by Judge Vedasto B. Marco.

[3] SEC. 15. Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs.—The penalty of reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport or distribute any regulated drug.

x x x x

[4] Amended by R.A. No. 7659 or The Death Penalty Law.

[5] Records, Vol. I, p. 1.

[6] TSN, April 14, 2000, pp. 5-13; TSN, September 15, 2000, pp. 4-9; TSN, November 15, 2000, p. 4.

[7] Id. at 7, 13-14; id. at 7-10; id. at 5.

[8] Id. at 14-16; id. at 11-14; id at 6-8.

[9] Id. at 16-18; id. at 14-18; id. at 9-11.

[10] Id. at 18-21; id. at 18-20; id. at 12-16.

[11] TSN, September 15, 2000, pp. 20-21.

[12] Id. at 22-24; TSN, November 15, 2000, p. 36.

[13] Records, p. 213, Exhibit “I”.

[14] Id. at 10-12.

[15] Id. at 13-15.

[16] Id. at 206, Exhibit “A”.

[17] Id., Exhibit “A-2”.

[18] Id.

[19] TSN February 18, 2000, pp. 7-15; records, Vol. I, pp. 207-208.

- [20] TSN January 16, 2001, pp. 5-7.
- [21] Id. at 7-8; TSN, April 24, 2001, pp. 8-9.
- [22] Id. at 8; id. at 9-10; TSN, December 7, 2001, pp. 5-6.
- [23] Id. at 8-12; id. at 10-14.
- [24] TSN, September 24, 2003, pp. 4-8.
- [25] CA rollo, p. 50.
- [26] Id. at 49-50.
- [27] Id. at 51.
- [28] Id. at 65-68.
- [29] Rollo, p. 9.
- [30] Id. at 7-8.
- [31] CA rollo, p. 60.
- [32] Id. at 66-69.
- [33] Id. at 99-100.
- [34] G.R. No. 181494, March 17, 2009, 581 SCRA 762.
- [35] Id. at 776.
- [36] As amended by Dangerous Drugs Board Regulation No. 2, Series of 1990.
- [37] *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632.
- [38] As cited in *People v. Salak*, G.R. No. 181249, March 14, 2011, p. 9, citing *People v. Kimura*, G.R. No. 130805, April 27, 2004, 428 SCRA 51, 69; and *People v. Magat*, G.R. No. 179939, September 29, 2008, 567 SCRA 86, 95-96.
- [39] *Supra* note 37 at 632-633 as cited in *People v. Barba*, G.R. No. 182420, July 23, 2009, 593 SCRA 711, 718-719.
- [40] TSN, September 15, 2000, pp. 20-21, the pertinent portion of which reads:
- Q In going back to your office at Camp Crame, where did you place these three accused?
- Witness: Mads Ali with Chief Insp. Bisnar, Magid Mamanta was with SPO1 Gonzales who transferred to car No. 3 with another security man while Tomondog was with me with another security man, Ma'am.
- Pros. Macapagal:
- How about that blue plastic bag which was then being carried and handed by Magid Mamanta to either the C.I. or Major Bisnar, where was it?
- A It was inside the car of Chief Insp. Bisnar, Ma'am.
- Q And in going to Camp Crame, who has the custody of that blue plastic bag?

A Chief Insp. Bisnar, Ma'am.

[41] TSN, August 3, 2000, p. 23.

[42] TSN, September 15, 2000, p. 24; TSN, November 15, 2000, pp. 36-37.

[43] Records, p. 213.

[44] TSN, November 15, 2000, p. 19; records, p. 206 and reverse unnumbered page.

[45] TSN, February 18, 2000, pp. 20-21, 24.

[46] *People v. Morales*, G.R. No. 188608, February 9, 2011, p. 11, citing *People v. Resurreccion*, G.R. No. 186380, October 12, 2009, 603 SCRA 510, 518-519.

[47] *Supra* note 38 at 10. Emphasis supplied.

[48] *People v. Araneta*, G.R. No. 191064, October 20, 2010, p. 13 and *People v. Domado*, G.R. No. 172971, June 16, 2010, 621 SCRA 73, 84, citing *People v. Hernandez*, G.R. No. 184804, June 18, 2009, 589 SCRA 625, 645.

[49] See *Aquino v. Paiste*, G.R. No. 147782, June 25, 2008, 555 SCRA 255, 272; *Cajigas v. People*, G.R. No. 156541, February 23, 2009, 580 SCRA 54, 67.

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