

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EMILY MENDOZA Y SARTIN, ACCUSED-APPELLANT.

G.R. No. 189327. February 29, 2012

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

On appeal[1] is the July 21, 2009 Decision[2] of the Court of Appeals in CA-G.R. CR.-H.C. No. 02725, which affirmed the Regional Trial Court's (RTC) March 20, 2007 Decision[3] in Criminal Case No. 03-214163, wherein accused-appellant Emily Mendoza y Sartin (Mendoza) was found guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. 9165, or the "Comprehensive Dangerous Drugs Act of 2002."

On May 23, 2003, Mendoza was charged before the RTC, Branch 23 of the City of Manila, of violating Section 5, Article II of Republic Act No. 9165. The accusatory portion of the Information provides:

The undersigned accuses EMILY MENDOZA Y SARTIN of a Violation of Section 5, of Republic Act 9165, committed as follows:

That on or about May 12, 2003, in the City of Manila, Philippines, the said accused, not being lawfully authorized by law to sell, trade, deliver or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell ZERO POINT ONE FIVE NINE (0.159) gram of white crystalline substance commonly known as SHABU, containing methylamphetamine hydrochloride, a dangerous drug.[4]

Mendoza pleaded not guilty upon her arraignment[5] on June 4, 2003.

On August 5, 2003, the pre-trial conference was terminated without any stipulations or markings,[6] as the parties jointly manifested that they will mark their respective documentary and physical evidence during the course of the trial.[7] Thus, trial on the merits immediately followed, with the prosecution calling as witness Police Inspector Judycel Macapagal (Macapagal), the forensic chemist of the Western Police District (WPD), United Nations Avenue, Manila, who examined the specimen, which is the subject matter of this case.[8] Her testimony was dispensed with after the defense admitted to the following:

- That Macapagal was an expert in the field of science;[9]
- That there is a letter dated May 12, 2003,[10] requesting for the laboratory examination of one heat-sealed small, transparent, plastic sachet containing white crystalline substance, marked as "SOG-1";
- That Macapagal, after examining the contents of the plastic sachet, placed such sachet in a small brown envelope, which she signed, dated, and sealed with a staple wire;
- That the contents of the plastic sachet, as retrieved from the brown envelope, weighed 0.159 grams; and
- That a qualitative examination of the white crystalline substance in the plastic sachet yielded positive for presence of methylamphetamine hydrochloride, as shown in Chemistry Report No. D-1058-03, issued by Macapagal.[11]

The prosecution then presented their version of the events, as stated in the Affidavit of Apprehension,[12] which was executed by Police Inspector Israel Mangilit (Mangilit), Police Officer (PO) 3 Randy Ching (Ching), and PO2 Gerardo Talusan; and testified to by Mangilit[13] and Ching,[14] summarized as follows:

At around 12:20 p.m. of May 12, 2003, the Special Operations Group (SOG) of the WPD, U.N. Avenue, Manila received information from a confidential informant that one Emily Mendoza, a pregnant woman, was selling shabu in Gagalangin, Tondo, Manila. Acting on this information, Mangilit immediately formed a buy-bust operation team, with Ching as the poseur-buyer. Mangilit gave Ching a five-hundred-peso (P500.00) bill, the serial number of which was noted, to be used as the buy-bust money. The team, composed of Mangilit, Ching, and Talusan, together with the informant, first coordinated with the Barangay Chairman of Gagalangin, Tondo, before proceeding to Benita St., where Mendoza was to be found. Mangilit and Talusan placed themselves at a viewing distance, while Ching and the informant approached Mendoza. The informant introduced Ching to Mendoza as a buyer, and in return, Mendoza asked how much he would buy. After Ching told her that he would be buying P500.00 worth of shabu, Mendoza handed him one plastic sachet containing white crystalline substance. Ching then gave her the P500.00 bill, and executed the pre-arranged signal to inform his team of the completed transaction. Thereafter, the team read Mendoza her constitutional rights and the nature of the accusation against her before arresting her. In the meantime, Ching marked the plastic sachet he bought from Mendoza with "SOG-1," while Talusan recovered the P500.00 bill from Mendoza's coin purse. Afterwards, Ching brought the Request for Laboratory Examination[15] and the specimen to the chief of the WPD Crime Laboratory. The results of the laboratory examination, as stated in Chemistry Report No. D-1058-03, and as testified to by Macapagal, are as follows:

TIME AND DATE RECEIVED: 1520H 12 May 2003

REQUESTING PARTY/UNIT: Chief, CHISRU Branch

SOG=City Hall, Manila

SPECIMEN SUBMITTED:

A – One (1) heat-sealed transparent plastic sachet with marking "SOG-1" containing 0.159 gram of white crystalline substance. x x x.

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of dangerous drugs. x x x.

F I N D I N G S :

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

C O N C L U S I O N :

Specimen A contains Methylamphetamine hydrochloride, a dangerous drug. x x x.

REMARKS:

TIME AND DATE COMPLETED: 1720H 12 May 2003[16]

After the prosecution rested its case, the defense presented Mendoza to refute and disprove the material allegations made against her. Mendoza denied that she sold shabu to Ching. She alleged that she was in front of her house, waiting for her aunt, when a man, whom she had never seen before, and whom she had not seen during the trial, asked her about the owner of a video game. She told the man that it was her neighbor. The man inquired

further about the pusher of shabu, to which she claimed lack of knowledge. The man then asked if she could be invited to the precinct. Mendoza said she asked the man why she was being invited, but the man allegedly told her to just explain at the precinct. She tried to resist but the man reportedly forced her to go with him to the SOG, Manila City Hall, via a sidecar. Upon reaching the police station, she was subjected to an inquest when she refused to give the man fifty thousand pesos (P50,000.00).[17]

On March 20, 2007, the RTC rendered its Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the court hereby finds the accused, GUILTY, of the crime charged against her, beyond reasonable doubt, and is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

The shabu, subject of this case, is hereby forfeited in favor of the State and ordered destroyed pursuant to existing Rules.[18]

In convicting Mendoza of violating Section 5 of Republic Act No. 9165, the RTC held that the prosecution was able to establish and prove the elements in the sale of illegal drugs. The RTC said that the prosecution's version of the events was "positive, probable, and in accord with human experience." [19] The RTC also applied the presumption of regularity in the performance of official duties, as Mendoza failed to show that Mangilit and Ching, in testifying against her, "were motivated by reasons other than the duty to curb the sale of dangerous drugs." [20] Finally, the RTC averred that Mendoza's denial and cry of frame-up deserve no merit as not only was she unable to present any sufficient evidence to support them, but they are also weak defenses disfavored by this Court.[21]

On March 29, 2007, Mendoza filed her Notice of Appeal[22] with the RTC. Mendoza anchored her appeal on the following errors:

I

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

II

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE ON THE EVIDENCE OF THE PROSECUTION AND DISREGARDING ACCUSED-APPELLANT'S DEFENSE.[23]

On July 21, 2009, the Court of Appeals promulgated its Decision, affirming the RTC's judgment of conviction, to wit:

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The assailed Decision dated March 20, 2007 of the Regional Trial Court, Branch 23, Manila in Crim. Case No. 03-214163 is hereby AFFIRMED.[24]

The Court of Appeals found Mendoza's appeal bereft of merit as the prosecution was able to establish the elements of the charge against her. It deemed as waived Mendoza's argument that the police officers failed to establish the identity of the corpus delicti as it was raised for the first time on appeal.[25] The Court of Appeals further agreed with the RTC that absent a showing of ill motive on the part of the police officers, their testimonies deserve full faith and credit and the presumption that they regularly performed their duties must be upheld.[26]

Undeterred, Mendoza elevated her case to this Court, with the same issues she raised before the Court of Appeals.[27]

Discussion

Mendoza was charged and convicted for selling methylamphetamine hydrochloride, more popularly known as shabu, in violation of Section 5, Article II of Republic Act No. 9165 or the Dangerous Drugs Law, which provides:

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

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemicals trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

Mendoza posits that her guilt was not proven beyond reasonable doubt as the prosecution failed to establish the identity of the dangerous drug with certainty. She claims that "[t]he arresting officers [did not] comply with the proper custody and disposition of the seized and confiscated plastic sachet" under Section 21 of Republic Act No. 9165. Mendoza further argues that the prosecution failed to prove how the seized drug reached the forensic chemist for examination. She also avers that the police officers did not conduct any inventory or take pictures of the plastic sachet. [28] Moreover, Mendoza avers, no barangay official or representative from the media was present during the buy-bust operation, and no coordination with the PDEA, within the time specified in the rules, was done.[29]

Proof of corpus delicti

Section 21 of Republic Act No. 9165 reads as follows:

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:

(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[.]

Its Implementing Rules and Regulations state:

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 the 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[.] (Emphasis supplied.)

This Court has, in many cases, held that while the chain of custody should ideally be perfect, in reality it is not, “as it is almost always impossible to obtain an unbroken chain.”[30] The most important factor is the preservation of the integrity and the evidentiary value of the seized items as they will be used to determine the guilt or innocence of the accused.[31] Hence, the prosecution’s failure to submit in evidence the physical inventory and photograph of the seized drugs as required under Article 21 of Republic Act No. 9165, will not render Mendoza’s arrest illegal or the items seized from her inadmissible.[32]

In the case at bar, it was shown that the integrity and evidentiary value of the seized drugs had been preserved. The prosecution had submitted enough evidence to account for the crucial links in the chain of custody of the seized shabu, starting from its confiscation from Mendoza up to its presentation as evidence in the RTC.

The records would indicate that the plastic sachet containing shabu was marked, kept, and delivered to the forensic chemist by the same officer who received it from Mendoza. Ching, the poseur-buyer, marked the plastic sachet he bought from Mendoza with “SOG-1” after the buy-bust team arrested her. Thereafter, the marked plastic sachet, together with the laboratory request, was delivered by Ching himself to Macapagal for examination. Macapagal’s Chemistry Report showed that she received a plastic sachet marked “SOG-1” for examination at around 3:20 p.m. After she completed her examination at 5:20 p.m., she placed the same marked plastic sachet in a small brown envelope, which she in turn dated, signed, and sealed with a staple wire.

It is therefore clear, that the prosecution was able to account for each link in the chain of custody over the shabu, from the moment it was seized from Mendoza, up to the time it was presented during the trial as proof of the corpus delicti.

In any case, unless Mendoza can show that there was bad faith, ill will, or tampering with the evidence, the presumption that the integrity of the evidence has been preserved will be upheld. It is upon Mendoza to show the foregoing to overcome the presumption that the police officers handled the seized drugs with regularity, and that they properly performed their duties.[33] This burden, she failed to discharge.

Moreover, as the Court of Appeals said, Mendoza only questioned the chain of custody when she appealed her conviction. This issue was neither raised nor mentioned during the trial before the RTC. Whatever justifiable ground may excuse the prosecution from complying with the statutory requirements on chain of custody will remain in obscurity but will not adversely affect the prosecution's case if not timely questioned during the trial. In *People v. Sta. Maria*,[34] the Court held:

The law excuses non-compliance under justifiable grounds. However, whatever justifiable grounds may excuse the police officers involved in the buy-bust operation in this case from complying with Section 21 will remain unknown, because appellant did not question during trial the safekeeping of the items seized from him. Indeed, the police officers' alleged violations of Sections 21 and 86 of Republic Act No. 9165 were not raised before the trial court but were instead raised for the first time on appeal. In no instance did appellant least intimate at the trial court that there were lapses in the safekeeping of seized items that affected their integrity and evidentiary value. Objection to 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.[35]

It is also worthy to note the fact that Mendoza has not ascribed any improper motive on the part of the police officers as to why they would choose to implicate her in a very serious crime. Mendoza herself admitted that she had not seen any of the police officers who testified against her prior to the trial. As the RTC pronounced, she has not shown that Ching and Mangilit were motivated by reasons other than their duty to curb the sale of prohibited drugs.[36] Thus, it is only right that until Mendoza can show clear and convincing evidence that the members of the buy-bust operation team were motivated illicitly, or had failed to properly perform their duties, their testimonies deserve full faith and credit.[37]

Coordination with PDEA

Mendoza likewise assails the legality of her arrest as no coordination with PDEA was done. Section 86 of the Dangerous Drugs Law states:

Section 86. Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions. – The Narcotics Group of the PNP, the Narcotics Division of the NBI and the Customs Narcotics Interdiction Unit are hereby abolished; however they shall continue with the performance of their task as detail service with the PDEA, subject to screening, until such time that the organizational structure of the Agency is fully operational and the number of graduates of the PDEA Academy is sufficient to do the task themselves: Provided, That such personnel who are affected shall have the option of either being integrated into the PDEA or remain with their original mother agencies and shall, thereafter, be immediately reassigned to other units therein by the head of such agencies. Such personnel who are transferred, absorbed and integrated in the PDEA shall be extended appointments to positions similar in rank, salary, and other emoluments and privileges granted to their respective positions in their original mother agencies.

Its Implementing Rules and Regulations read:

SECTION 86. Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA

and Transitory Provisions.— The Narcotics Group of the PNP, the Narcotics Division of the NBI and the Customs Narcotics Interdiction Unit are hereby abolished, however, they shall continue with the performance of their task as detail service with the PDEA, subject to screening, until such time that the organizational structure of the Agency is fully operational and the number of graduates of the PDEA Academy is sufficient to do the task themselves: Provided, that such personnel who are affected shall have the option of either being integrated into the PDEA or remain with their original mother agencies and shall thereafter, be immediately reassigned to other units therein by the head of such agencies. Such personnel who are transferred, absorbed and integrated in the PDEA shall be extended appointments to positions similar in rank, salary and other emoluments and privileges granted to their respective positions in their original mother agencies.

The transfer, absorption and integration of the different offices and units provided for in this Section shall take effect within eighteen (18) months from the effectivity of the Act: Provided, that personnel absorbed and on detail service shall be given until five (5) years to finally decide to join the PDEA.

Nothing in the Act shall mean a diminution of the investigative powers of the NBI and the PNP on all other crimes as provided for in their respective organic laws: Provided, however, that when the investigation being conducted by the NBI, the PNP or any ad hoc anti-drug task force is found to be a violation of any of the provisions of the Act, the PDEA shall be the lead agency. The NBI, the PNP or any of the task force shall immediately transfer the same to the PDEA; Provided, further, that the NBI, the PNP and the Bureau of Customs shall maintain close coordination with the PDEA on all drug related matters.

(a)

Relationship/Coordination between PDEA and Other Agencies. — The PDEA shall be the lead agency in the enforcement of the Act, while the PNP, the NBI and other law enforcement agencies shall continue to conduct anti-drug operations in support of the PDEA: Provided, that the said agencies shall, as far as practicable, coordinate with the PDEA prior to anti-drug operations; Provided, further, that, in any case, said agencies shall inform the PDEA of their anti-drug operations within twenty-four (24) hours from the time of the actual custody of the suspects or seizure of said drugs and substances, as well as paraphernalia and transport equipment used in illegal activities involving such drugs and/or substances, and shall regularly update the PDEA on the status of the cases involving the said anti-drug operations; Provided, furthermore, that raids, seizures, and other anti-drug operations conducted by the PNP, the NBI, and other law enforcement agencies prior to the approval of this IRR shall be valid and authorized; Provided, finally, that nothing in this IRR shall deprive the PNP, the NBI, other law enforcement personnel and the personnel of the Armed Forces of the Philippines (AFP) from effecting lawful arrests and seizures in consonance with the provisions of Section 5, Rule 113 of the Rules of Court. (Emphasis supplied.)

Lack of coordination with the PDEA will not invalidate a buy-bust operation. This Court has declared that coordination with the PDEA is not an indispensable requirement in buy-bust operations. Neither Section 86 of Republic Act No. 9165 nor its Implementing Rules and Regulations make PDEA's participation a condition sine qua non for the conduct of a buy-bust operation, especially since a buy-bust operation is merely a form of an in flagrante arrest, which is sanctioned by Section 5, Rule 113 of the Rules of Court.[38]

Elements of Illegal Sale of Dangerous Drugs

This Court has repeatedly held that the prosecution of the sale of dangerous drugs case is dependent on the satisfaction of the following elements:

- (1) [T]he identity of the buyer and the seller, the object, and the consideration; and
- (2) [T]he delivery of the thing sold and the payment therefor.[39]

Simply put, “[w]hat 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.”[40]

This Court finds the prosecution to have established the foregoing elements.

A review of the records would show that Ching, the poseur-buyer, made a positive identification of Mendoza as the one who sold him the plastic sachet with white crystalline substance and to whom he gave the buy-bust money to during the entrapment operations. This was seconded by Mangilit, who also positively identified Mendoza as the subject of their buy-bust operation on May 12, 2003. Mendoza’s weak defenses of denial and frame-up cannot prevail over such positive identification.[41]

This Court has invariably viewed the common and standard defenses of denial and frame-up in drugs cases with disfavor for being easily concocted.[42]

For a police officer to frame her up, he must have known her prior to the incident. However, the informant had to introduce Ching to Mendoza before the sale of the shabu took place. Mendoza testified that she did not know Ching or the other police officers prior to her arrest.[43] Moreover, Mendoza herself admitted that not only should she be considered as part of the urban poor, but that she also had no means of income. Her very circumstance belies her claim that the police officers charged her with this crime because she refused to pay the P50,000.00 they were allegedly extorting from her. For such defenses to succeed, they must be proven with strong and convincing evidence.[44] Mendoza has not given this Court anything except her bare assertions.

WHEREFORE, premises considered, the Court hereby AFFIRMS the July 21, 2009 Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 02725.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Villarama, Jr., and Perlas-Bernabe,[*] JJ., concur.

[*] Per Special Order No. 1207 dated February 23, 2012.

[1] Rollo, pp. 13-15.

[2] Id. at 2-12; penned by Associate Justice Juan Q. Enriquez, Jr. with Associate Justices Celia C. Librea-Leagogo and Antonio L. Villamor, concurring.

[3] CA rollo, pp. 11-17.

[4] Records, p. 1.

[5] Id. at 12.

[6] Id. at 21.

[7] Id. at 23.

[8] TSN, August 5, 2003, p. 2.

[9] Id. at 3.

[10] Records, p. 85.

[11] TSN, August 5, 2003, pp. 4-5.

- [12] Records, p. 8.
- [13] TSN, August 5, 2003, pp. 6-31.
- [14] TSN, November 6, 2004, pp. 2-21.
- [15] Records, p. 4.
- [16] Id. at 86.
- [17] TSN, November 23, 2006, pp. 2-7.
- [18] CA rollo, pp. 16-17.
- [19] Id. at 15.
- [20] Id.
- [21] Id. at 16.
- [22] Records, p. 82.
- [23] CA rollo, p. 38A.
- [24] Rollo, p. 12.
- [25] Id. at 6.
- [26] Id. at 10.
- [27] Id. at 25-27.
- [28] CA rollo, Appellant's Brief, pp. 6-8.
- [29] Id. at 11.
- [30] *Asiatico v. People*, G.R. No. 195005, September 12, 2011.
- [31] *People v. Campomanes*, G.R. No. 187741, August 9, 2010, 627 SCRA 494, 507.
- [32] *People v. Concepcion*, G.R. No. 178876, June 27, 2008, 556 SCRA 421, 436.
- [33] *People v. Hernandez*, G.R. No. 184804, June 18, 2009, 589 SCRA 625, 647.
- [34] G.R. No. 171019, February 23, 2007, 516 SCRA 621.
- [35] Id. at 633-634.
- [36] *People v. Lee*, 407 Phil. 250, 260 (2001).
- [37] *People v. Valencia*, 439 Phil. 561, 567 (2002).
- [38] *People v. Roa*, G.R. No. 186134, May 6, 2010, 620 SCRA 359, 368-369.
- [39] *People v. Tiu*, 469 Phil. 163, 173 (2004).
- [40] *People v. Andres*, G.R. No. 193184, February 7, 2011, 641 SCRA 602, 608.
- [41] *People v. Amansec*, G.R. No. 186131, December 14, 2011.
- [42] *People v. Bandang*, G.R. No. 151314, June 3, 2004, 430 SCRA 570.

[43] Id. at 589-590.

[44] People v. Lazaro, Jr., G.R. No. 186418, October 16, 2009, 604 SCRA 250, 269.

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