PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWARD R. FELICIANO, ANITA G. LAURORA, EDITHA C. MAGLALANG, MAY G. ESTRELLA, AND ROMELITO G. RUELO, ACCUSED, EDWARD R. FELICIA...

G.R. No. 190179. October 20, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the August 11, 2009 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03338 entitled People of the Philippines v. Edward R. Feliciano, Anita G. Laurora, Editha C. Maglalang, May G. Estrella and Romelito G. Ruelo which affirmed the July 23, 2007 Decision[2] of Branch 154 of the Regional Trial Court (RTC) of Pasig City. The RTC found accused-appellants Edward Feliciano and Anita Laurora guilty of violation of Section 5, Article II of Republic Act No. (RA) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, in Criminal Case No. 14639-D. Further, in Criminal Case Nos. 14641-D to 14645-D, the RTC found accused-appellants Feliciano and Laurora, together with accused Editha Maglalang and Romelito Ruelo guilty of violation of Sec. 15 of RA 9165.

The Facts

In Criminal Case No. 14639-D, the charge against accused-appellants Feliciano and Laurora stemmed from the following Information:

> On or about February 23, 2006 in Pasig City, and within the jurisdiction of this Honorable Court, the accused, not being lawfully authorized by law, conspiring, confederating together, and both of them mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously sell, deliver and give away to PO2 Badalf V. Monte, a police poseur buyer, one (1) pc. heat-sealed transparent plastic sachet containing 0.03 gram of white crystalline substance, which was found positive to the test for methylamphetamine hydrochloride, a dangerous drug, in violation of the said law.
>
> Contrary to law.[3]

In Criminal Case Nos. 14641-D to 14645-D, the Informations read:

> On or about February 23, 2006 in Pasig City, and within the jurisdiction of this Honorable Court, the accused, not being lawfully authorized by law, did then and there willfully, unlawfully and knowingly use, smoke and ingest into his body a methamphetamine hydrochloride, a dangerous drug, and that this is the first offense of the accused under Section 15 of the above-cited law, who after a confirmatory urine test, was found positive to the test for methamphetamine, a dangerous drug, in violation of the above-cited law.
>
> Contrary to law.[4]

On March 23, 2006, accused-appellants were arraigned, and they entered a plea of "not guilty" to the offense charged.[5]

After the pre-trial conference, trial on the merits ensued.

During the trial, the prosecution presented as its witnesses Police Senior Inspector Marilyn Dequito, Police Officer 2 (PO2) Badalf Monte, PO2 Ronald Caparas, and PO1 Allan Mapula.

On the other hand, the defense presented accused-appellants Laurora and Feliciano, and accused Maglalang and Ruelo as its witnesses.

The Prosecution's Version of Facts

On February 22, 2006, at around 10 o'clock in the evening, PO2 Monte, who was stationed at the police headquarters, received a telephone call from a concerned citizen. The caller reported that an illegal drug trade was being operated by a certain "Janggo" at the Rodriguez Compound, Barangay Rosario, Pasig City. Such information validated the letter-complaint the police had earlier received from the Barangay Captain of Barangay Rosario, implicating a similar person called "Janggo" in drug-related activities.[6]

Immediately after receiving the telephone call, PO2 Monte informed his team leader, Police Inspector Ronald Pamor, about the alleged drug trade. Pamor then instructed PO2 Monte to get the assistance of the concerned citizen for the immediate apprehension of "Janggo."[7] After learning about this, the concerned citizen sent a person by the name of "Buboy" to the police headquarters to help. Pamor talked with "Buboy," after which he organized a buy-bust operation against "Janggo."[8]

PO2 Monte was designated as poseur-buyer and, for that purpose, he was given two PhP 100 bills where he put his initials "BVM." Meanwhile, PO2 Caparas, PO1 Mapula, and PO1 Paterno Vega II were designated as immediate back-ups of PO2 Monte. A pre-operation report was prepared and sent to the Philippine Drug Enforcement Agency (PDEA).[9] After coordinating with the PDEA, the buy-bust team and the confidential informant went to the target area on board a passenger-type jeepney.

After parking their vehicle about 50 meters away from the house of "Janggo," PO2 Monte and the informant proceeded towards it, followed by other members of the team.[10] Upon reaching the house, PO2 Monte saw a man standing in front of it whom the informant identified as "Janggo." They approached "Janggo" and then saw a woman standing on the doorway.[11] The informant introduced PO2 Monte to "Janggo" as a regular buyer of shabu. The latter then asked PO2 Monte how much he intended to buy, to which he answered, "P200.00."[12] While PO2 Monte was talking to "Janggo," he noticed two women and a man seated inside the house. "Janggo" then asked the woman standing near the doorway if she had any shabu. The woman then pulled a plastic sachet from her right pocket which she handed to "Janggo," who, in turn, handed it to PO2 Monte.[13]

Upon receiving and examining the plastic sachet, PO2 Monte took off his baseball cap, the pre-arranged signal to signify the consummation of the sale.[14] The back-up operatives then rushed to assist PO2 Monte. At this point, PO2 Monte identified himself as a police officer and grabbed the left arm of "Janggo." When PO2 Caparas arrived at the scene, PO2 Monte shouted that there were more persons inside the house. PO2 Caparas then apprehended the woman standing near the doorway, while PO1 Vega and PO1 Mapula cornered the three other persons inside the house.[15]

Subsequently, in open court, "Janggo" was identified as accused-appellant Feliciano, while the woman standing near the doorway as accused-appellant Laurora. The other persons apprehended inside the house were likewise identified as the other accused Ruelo, Maglalang, and the now deceased May Estrella. All of them were brought

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to the police station for further investigation, after which they were brought to the Philippine National Police (PNP) Crime Laboratory at Camp Crame for the mandatory drug examination.

Version of the Defense

In contrast, accused-appellants interposed the defense of denial. Live-in partners Feliciano and Laurora claimed that, at the fateful night of their arrest, they were preparing dinner when certain police officers just barged inside their house.[16] The police officers then put them under arrest without any reason or explanation and despite their protests. Accused-appellants further claimed that the police officers asked them to produce PhP 10,000 in exchange for their release.[17] Failing to produce the amount, charges were then filed against them.

The testimony of Ruelo is corroborative of the story of accused-appellants. He said that he was staying at the house and that he is the brother of Laurora. He confirmed the statement of his co-accused that the police just barged inside the house and, without any reason, put all of them under arrest after searching it.

Ruling of the Trial Court

After trial, the RTC found all the accused guilty of the crime. The dispositive portion of its Decision reads:

> WHEREFORE, premises considered, judgment is hereby rendered:
>
> (1) In Crim. Case No. 14639-D (violation of Section 5 of R.A. 9165 - sale of dangerous drugs) finding the accused therein EDWARD FELICIANO y Remoblas and ANITA LAURORA y Gonzales GUILTY beyond reasonable doubt of the offense charged in the information and they are sentenced to suffer LIFE IMPRISONMENT. They are also ordered to pay a fine of ONE MILLION PESOS each.
>
> x x x x
>
> (4) In Crim. Cases Nos. 14641-D to 14645-D (violation of Section 15 - use of dangerous drugs), judgment is hereby rendered finding the accused EDWARD FELICIANO y Remoblas, EDITHA MAGLALANG y Cupin, ANITA LAURORA y Gonzales and ROMELITO RUELO y Gonzales GUILTY beyond reasonable doubt of the crime of violation of Section 15 of R.A. 9165 as charged in the information and they are hereby sentenced to undergo rehabilitation in a government drug rehabilitation center for a minimum period of ONE (1) YEAR considering that based on the information this is their first offense.
>
> x x x x
>
> SO ORDERED.[18]

On appeal to the CA, accused-appellants disputed the lower court's decision finding them guilty beyond reasonable doubt of the crime charged. They argued that the lower court erred in admitting the seized dangerous drugs as evidence considering that the arrest was unlawful. Further, they contend that the prosecution failed to establish every link in the chain of custody of the drugs.

Ruling of the Appellate Court

On August 11, 2009, the CA affirmed the judgment of the lower court. The dispositive portion of the Decision of the CA reads:

> WHEREFORE, the foregoing considered, the instant appeal is hereby DISMISSED and the assailed Decision AFFIRMED in toto. No costs.
>
> SO ORDERED.[19]

Accused-appellants timely filed a notice of appeal of the decision of the CA.

The Issues

Accused-appellants assign the following errors:

> I.
>
> The trial court gravely erred in admitting the seized dangerous drug as evidence against the accused-appellants despite being the result of an unlawful arrest.
>
> II.
>
> The trial court gravely erred in pronouncing the guilt of the accused-appellants despite the arresting officers' non-compliance with the requirements for the proper custody of seized dangerous drugs under R.A. No. 9165.
>
> III.
>
> The trial court gravely erred in pronouncing the guilt of the accused-appellants despite the unjustified failure of the arresting officers to preserve the integrity and evidentiary value of the seized dangerous drug.[20]

Our Ruling

The appeal has no merit.

Buy-Bust Operation Was Legitimate and Valid

Accused-appellants contend that the police officers who conducted the buy-bust operation had sufficient time to obtain a warrant of arrest considering that they were already in possession of pertinent information, i.e., the letter-complaint from the Barangay Captain. Thus, they argue that the police officers had no basis to show any urgency upon which to justify a warrantless arrest.

We disagree.

It is settled that a buy-bust operation is a form of entrapment that is resorted to for trapping and capturing criminals. It 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.[21]

Accused-appellants want to convince this Court that their arrest was illegal. As aptly held by the CA, "[a]ppellant's argument that the police officers should have instead secured an arrest warrant is misplaced and untenable considering the nature of the offense involved, the obscurity of the transgressors thereof, and the unpredictability of the transaction subject of the offense." Moreover, this Court has ruled time and again that a buy-bust operation is employed to trap and catch a malefactor in flagrante delicto.[22] In fact, there is a fine distinction between entrapping a criminal versus instigating him to commit the crime, to wit:

> ENTRAPMENT AND INSTIGATION.¾While it has been said that the practice of entrapping persons into crime for the purpose of instituting criminal prosecutions is to be deplored, and while instigation, as distinguished from mere entrapment, has often been condemned and has sometimes been held to prevent the act from being criminal or punishable, the general rule is that it is no defense to the perpetrator of a crime that facilities for its commission were purposely placed in his way, or that the criminal act was done at the `decoy solicitation' of persons seeking to expose the criminal, or that detectives feigning complicity in the act were present and apparently assisting in its commission. Especially is this true in that class of cases where the offense is one of a kind habitually committed, and the solicitation merely furnishes evidence of a course of conduct. Mere deception by the detective will not shield defendant, if the offense was committed by him, free from the influence or instigation of the detective. The fact that an agent of an owner acts as a supposed confederate of a thief is no defense to the latter in a prosecution for larceny, provided the original design was formed independently of such agent; and where a person approached by the thief as his confederate notifies the

> owner or the public authorities, and, being authorised by them to do so, assists the thief in carrying out the plan, the larceny is nevertheless committed. It is generally held that it is no defense to a prosecution for an illegal sale of liquor that the purchase was made by a `spotter,' detective, or hired informer; but there are cases holding the contrary.[23]

Clearly, in this case, the buy-bust operation was proper. All the essential elements of the crime of illegal sale of drugs have been established, i.e., (1) the identity of the buyer and the seller, the object of the sale, and the consideration; and (2) the delivery of the thing sold and the payment for it.[24] What is material is the proof that the transaction or sale actually took place. The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummate the buy-bust transaction.

In the instant case, the prosecution was able to establish these elements beyond moral certainty. Accused-appellants sold the shabu for PhP 200 to PO2 Monte 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, accused-appellant Feliciano was fully aware that he was selling and delivering a prohibited drug. This much was testified to by PO2 Monte:

> Q- Mr. Witness, what time did you report for duty on February 23, 2006?
>
> A- 8:00 a.m.[25]
>
> x x x x
>
> Q- Staying in your office, do you remember having conducted an operation, a drug operation?
>
> A- Yes, sir.
>
> Q- What brought about this drug operation?
>
> A- On or about 10:00 P.M. of 22 February 2006, I received a report through telephone call from a concerned citizen that there is an alleged illegal drug trade at Rodriguez Compound, Barangay Rosario, Pasig City.
>
> Q- Before that incident, do you have particular knowledge of the illegal activities for drugs in that compound?
>
> A- Yes, sir.
>
> Q- What is your proof?
>
> A- Before the information coming from that concerned citizen, we received a letter report from the barangay captain.
>
> Q- What is the tenor of that report coming from the barangay captain of Barangay Rosario?
>
> A- The rampant drug-related activities from Rodriguez Compound, GSIS Road at Barangay Rosario.
>
> Q- And you stated that at around 10:00 o'clock of February 22 you received a call from a concerned citizen. What is that in relation to the call of a concerned citizen, what is that document?
>
> A- The letter from the barangay captain.
>
> Q- The call confirmed the report made to you by the barangay captain?
>
> A- Yes, sir.[26]
>
> x x x x
>
> Q- Receiving that information and confirming the report made by the barangay captain that that is the vicinity

of illegal drug activity, what did you do then?

A- I informed my team leader, Police Inspector Pamor.

Q- You informed him of this telephone call. What did he do thereafter?

A- He told me that we seek help from the concerned citizen for the immediate apprehension of the suspect. I asked the concerned citizen to help us for the immediate apprehension of alias Janggo.

Q- What was the response of that concerned citizen?

A- He told me that he will ask a certain person to go to our office.

Q- What happened when this concerned citizen informed you that he is sending somebody to help you, assist you with [regard] to that report?

A- We waited for him.

Q- Were you able to wait for that person?

A- At our office.

Q- What time did this person arrive?

A- On or about 12:00 a.m.

Q- 12:00 midnight?

A- Yes, sir.

Q- This person arriving, what did you do next after that?

A- Before the confidential informant arrived, we faxed the coordination report to the PDEA.

Q- Was there any certificate of coordination given to you?

A- Yes, sir. On or about 11:40, we received a certification of coordination.[27]

x x x x

Q- In order to conduct the drug operation on that particular place and on that particular person, what did you do?

A- Police Inspector Pamor conducted a briefing.[28]

x x x x

Q- Who was designated as the police poseur buyer?

A- I was tasked as the poseur buyer, sir.

Q- Who was designated as your immediate back-up officer?

A- PO2 Ronald Caparas.

Q- What operations were you going to conduct on that particular instance?

A- Buy bust operation.

Q- For the buy bust operation, what things did you prepare for the purpose in order that the buy bust operation will be conducted?

A- First, the coordination report from the PDEA and then the buy bust money.

Q- How much money?

A- P200.00.

Q- What did you do with the money given to you?

A- I marked the money.[29]

x x x x

Q- Where did you mark it and what markings did you place?

A- BBM which stands for my initials.[30]

x x x x

Q- The person sent by the concerned or by telephone call, who was she or he?

A- A he.

Q- When this person arrived as said by the concerned citizen, you said at 12:00 midnight, did you ask his name?

A- Alias only.

Q- What is his alias?

A- He said alias Buboy.

Q- What did you do after that, when he arrived?

A- Inspector Pamor talked to him and after that we conducted a briefing.

Q- You briefed also this alias Buboy?

A- Yes, sir.

Q- What happened?

A- Immediately, we proceeded to the area.

Q- How many were you who proceeded to the area?

A- Seven (7) including the confidential informant.

Q- What mode of transportation did you take?

A- A jeepney.[31]

x x x x

Q- Where did you park?

A- We parked more or less 50 meters away from the house of the suspect.[32]

x x x x

COURT:

Q- Your operation is directed against a certain Janggo?

A- Yes, sir.

PROSECUTOR TOLENTINO:

Q- When you arrived at that place, what did you do next?

A- We walked leading the confidential informant and discreetly my colleague positioned themselves at seeing distance.

Q- Were you able to go to the designated place?

A- Yes, sir.

Q- What did you notice?

A- Upon walking, we saw the man standing in front of a doorway.[33]

x x x x

Q- Was he with somebody else at that time?

A- He was alone.

Q- What transpired next when you saw that man standing in the doorway?

A- The confidential informant told me that he was alias Janggo.[34]

x x x x

Q- What happened when this person whom you call asset but sent by concerned citizen to assist you, when he informed you that this man standing near the door was alias Janggo, what happened next?

A- Upon approaching, we saw a woman standing inside the doorway.

Q- You went to approach this woman?

A- Yes, sir.[35]

x x x x

Q- What transpired?

A- I noticed that there are several persons inside the house.

Q- What happened when you were in front of this person, alias Janggo?

A- The confidential informant introduced me as a regular buyer of shabu.

Q- What did alias Janggo answer, if any?

A- He asked me how much I will buy.

Q- What did you say?

A- I said P200.00.[36]

x x x x

Q- When you said you are going to buy shabu worth P200.00, what happened next?

A- Alias Janggo asked the woman inside the doorway.

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Q- What did this Janggo ask that woman inside the doorway?

A- He asked the woman if there was any shabu.

Q- What happened when Janggo asked a woman inside the doorway if there is still some shabu left?

A- She dipped her hand into her right pocket and pulled out one (1) piece of plastic sachet of undetermined amount of shabu.

Q- After drawing out a plastic sachet containing shabu, what did this woman do?

A- She handed it to alias Janggo.

Q- What did alias Janggo do?

A- He handed it to me.

Q- That was after you gave the money?

A- Yes, sir.[37]

x x x x

Q- After the shabu was turned over to you by this person whom you recognized as alias Janggo and the accused Edward Feliciano, what happened next?

A- I examined the content of the plastic sachet.

Q- How many seconds elapsed after you have examined the plastic sachet?

A- About five (5) seconds, sir.

Q- After you examined the same, what happened?

A- I gave the pre-arranged signal discreetly to my back-up.

Q- Which was?

A- My bull cap.

Q- Handing and taking it off?

A- Yes, sir.

Q- What happened when you made the pre-arranged signal?

A- I introduced myself to alias Janggo, that I am a police officer and then I grabbed his left arm.

Q- While you were doing this, what happened to your back-up?

A- They rushed in to support me.

Q- Who arrived first?

A- PO2 Ronald Caparas.

Q- What happened when he arrived?

A- I shouted there were some persons inside.

Q- What did Caparas do?

A- He apprehended the woman standing near the doorway.

Q- What about the two other persons, a woman and a man because you said a while ago there were two women and a man?

A- My colleague PO1 Vega and PO2 Mapula cornered three (3) persons inside the house.

Q- Before the cornering of these three persons, what were they doing then?

A- They were seated inside the house.[38]

x x x x

Q- After making the arrest of all these persons including the accused Edward Feliciano and Anita Laurora, what transpired next including these two other persons you have just mentioned?

A- The suspects were subjected to mandatory frisking.

Q- When you say suspect, who did you frisk?

A- Alias Janggo.

Q- What did you recover?

A- I recovered two (2) pieces of P100.00 bill.[39]

x x x x

COURT:

Q- What did you do with the sachet?

A- I marked the sachet with the initials of the subject.

Q- Where did you mark it? In what place?

A- At the house of the subject. At the area itself.[40]

x x x x

PROSECUTOR TOLENTINO:

Q- What else did you do?

A- I informed them of their violation and their rights.

Q- After that, where did you bring these persons?

A- Immediately we brought them to our office for proper disposition of the Investigator.[41]

x x x x

Q- After turning over the persons of the accused, what transpired next?

A- We brought them to the Crime Lab for drug testing.

Q- After that, in order to bring appropriate charges against the accused, what document did you prepare?

A- My affidavit of arrest.[42]

Further, the subsequent seizure of the evidence against them was likewise proper. The illegal drug seized was not

the "fruit of the poisonous tree" as accused-appellants would like us to believe. The seizure made by the buy-bust team falls under a search incidental to a lawful arrest under Rule 126, Sec. 13 of the Rules of Court.[43] Since the buy-bust operation was proper, it necessarily follows that the search was also valid.

Chain of Custody Was Properly Established

Accused-appellant Feliciano further maintains that the police officers failed to mark, inventory, and photograph the prohibited items allegedly seized from him at the time of his apprehension. Further, he contends that the prosecution failed to present as its witness the investigator who was supposed to be the current custodian of the subject drug.

Such argument must fail.

The Implementing Rules and Regulations of RA 9165 provides:

> 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.¾The 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.)

Clearly, the law itself lays down exceptions to its requirements. Thus, non-compliance with the provision is not fatal. In fact, it is settled that non-compliance with Sec. 21 of the IRR does not render an accused's arrest illegal or make the items seized inadmissible.[44] What is imperative is "the preservation of the integrity and the evidential value of the seized items as the same would be utilized in the determination of the guilt or innocence of the accused."[45]

In the instant case, the chain of custody can be established through the following link: (1) PO2 Monte marked the seized sachet subject of the buy-bust with "ERF 2-23-06," the initials of accused-appellant Feliciano and the date of the buy-bust; (2) a request for laboratory examination of the seized item "ERF 2-23-06" was signed by Pamor;[46] (3) the request and the marked item seized were received by the PNP Crime Laboratory; (4) Chemistry Report No. D-161-06 confirmed that the marked items seized from accused-appellants were methylamphetamine hydrochloride;[47] and (5) the marked item was offered in evidence as Exhibit "K."

Moreover, no proof was adduced to support the claim that the integrity and the evidentiary value of the seized drugs were compromised. Thus, this Court finds no reason to overturn the finding of the trial court that the same drugs seized from accused-appellants were the same ones presented during trial. As it were, the chain of custody of the illicit drugs seized from accused-appellants remains unbroken.

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WHEREFORE, the appeal is DENIED. The CA Decision in CA-G.R. CR-H.C. No. 03338 finding accused-appellants Edward R. Feliciano and Anita G. Laurora guilty of the crimes charged is AFFIRMED IN TOTO.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Perez, JJ., concur.

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[1] Rollo, pp. 2-16. Penned by Associate Justice Josefina Guevara-Salonga and concurred in by Associate Justices Arcangelita M. Romilla Lontok and Romeo F. Barza.

[2] CA rollo, pp. 10-19. Penned by Judge Abraham B. Borreta.

[3] Records, p. 1.

[4] Id. at 15-24.

[5] Id. at 30-31.

[6] TSN, August 10, 2006, pp. 4-5.

[7] Id. at 5.

[8] Id. at 5-6, 8.

[9] Id. at 6.

[10] Id. at 9.

[11] Id. at 10.

[12] Id. at 11.

[13] Id. at 12.

[14] Id. at 13.

[15] Id. at 14.

[16] TSN, February 15, 2007, p. 3.

[17] Id. at 8.

[18] CA rollo, pp. 18-19.

[19] Rollo, p. 16.

[20] CA rollo, pp. 48, 52.

[21] People v. Herrera, G.R. No. 93728, August 21, 1995, 247 SCRA 433, 439; People v. Tadepa, G.R. No. 100354, May 26, 1995, 244 SCRA 339, 341.

[22] People v. Rodrigueza, G.R. No. 95902, February 4, 1992, 205 SCRA 791, 796.

[23] People v. Lua Chu and Uy Se Tieng, 56 Phil. 44, 52-53 (1931).

[24] People v. Gonzales, G.R. No. 143805, April 11, 2002, 380 SCRA 689, 697; People v. Bongalon, G.R. No.

125025, January 23, 2002, 374 SCRA 289; People v. Lacap, G.R. No. 139114, October 23, 2001, 368 SCRA 124; People v. Tan, G.R. No. 133001, December, 14, 2000, 348 SCRA 116; People v. Zheng Bai Hui, G.R. No. 127580, August 22, 2000, 338 SCRA 420.

[25] TSN, August 10, 2006, p. 4.

[26] Id. at 4-5.

[27] Id. at 5-6.

[28] Id. at 6.

[29] Id. at 7.

[30] Id. The initials are "BVM" in some parts of the records.

[31] Id. at 8.

[32] Id. at 9.

[33] Id.

[34] Id. at 10.

[35] Id.

[36] Id. at 11.

[37] Id. at 12.

[38] Id. at 13-14.

[39] Id. at 15.

[40] Id.

[41] Id. at 16.

[42] Id.

[43] Rule 126, Sec. 13. Search incident to lawful arrest.¾A person lawfully arrested may be searched for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense without a search warrant.

[44] People v. Del Monte, G.R. No. 179940, April 23, 2008, 552 SCRA 627, 636; citing People v. Pringas, G.R. No. 175928, August 31, 2007, 531 SCRA 828, 842-843.

[45] People v. Del Monte, supra.

[46] Records, p. 109.

[47] Id. at 110.

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