

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARNOLD CASTRO Y YANGA, ACCUSED-APPELLANT.

*G.R. No. 194836. June 15, 2011*

Ponente: VELASCO JR., J.

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### VELASCO JR., J.:

#### The Case

This is an appeal from the July 21, 2010 Decision [1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03800 entitled *People of the Philippines v. Arnold Castro y Yanga* which affirmed the January 6, 2009 Decision [2] in Criminal Cases Nos. Q-04-125048-9 of the Regional Trial Court (RTC), Branch 103 in Quezon City. The RTC found accused Arnold Castro y Yanga (Castro) guilty of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165 or the Comprehensive Dangerous Drugs Act of 2002.

#### The Facts

Criminal Case No. Q-04-125048 pertains to the Information filed against Castro for violation of Section 5, Article II of RA 9165, the accusatory portion of which reads:

That on or about the 26[th] day of February, 2004 in Quezon City, Philippines, the said accused not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did, then and there, wil[l]fully, and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction, 0.03 (zero point zero three) gram of white crystalline substance containing Methylamphetamine Hydrochloride[,] a dangerous drug.

CONTRARY TO LAW. [3]

On the other hand, in Criminal Case No. Q-04-125049, Castro was charged with violation of Section 11, Article II of RA 9165, as follows:

That on or about the 26[th] day of February, 2004 in Quezon City, Philippines, the said accused not being authorized by law to possess or use any dangerous drug, did, then and there, wil[l]fully, unlawfully and knowingly have in his/her possession and control 0.07 (zero point zero seven) gram of white crystalline substance containing Methylamphetamine Hydrochloride[,] a dangerous drug.

CONTRARY TO LAW. [4]

On arraignment, Castro pleaded "not guilty" to both charges. [5] Thereafter, trial on the merits ensued.

During trial, the prosecution presented the testimonies of two (2) police witnesses, namely: P/Insp. Jaime Armenta (P/Insp. Armenta) and PO2 Napoleon Zamora (PO2 Zamora). [6] On the other hand, the defense presented the testimonies of Amalia Infante, Amor Castro, and the accused himself. [7]

#### The Prosecution's Version of Facts

On February 26, 2004, at around 1:00 a.m., P/Insp. Armenta and PO2 Zamora, members of the Galas Police

Station, received a report from a male informant that a certain alias "Idol" had been illegally selling drugs along Cordillera and Ramirez Streets in Brgy. San Isidro, Quezon City. [8] P/Insp. Armenta immediately relayed the said report to their chief, Col. Robert Razon (Col. Razon). [9]

Consequently, Col. Razon formed a buy-bust operation team, composed of more than four (4) policemen, which included P/Insp. Armenta and PO2 Zamora. [10] P/Insp. Armenta was designated as the poseur-buyer and was given a one hundred peso bill as the buy-bust money, which he marked with his initials "JA". [11] P/Insp. Armenta was also the one who prepared and sent a Pre-Operation Report [12] to the Philippine Drug Enforcement Agency (PDEA) for proper coordination. [13]

The buy-bust team was dispatched in two (2) private vehicles to Brgy. San Isidro, Quezon City. [14] It arrived at the area of operation at around 2:00 a.m. Both P/Insp. Armenta and the confidential informant walked towards an eskinita with a distance of more than ten (10) meters. [15] PO2 Zamora saw them talk to another person, who turned out to be Castro, near a lighted Meralco post. [16]

The confidential informant introduced P/Insp. Armenta to Castro as a prospective buyer of shabu. [17] Thereafter, Castro asked P/Insp. Armenta how much, to which the latter responded "piso", which meant Php100.00. [18] P/Insp. Armenta then handed the one hundred peso buy-bust money to Castro. [19] The latter, in turn, gave him a transparent plastic sachet containing white crystalline substance that he pulled out from his pocket. [20]

Afterwards, P/Insp. Armenta scratched his head to signal to his team members that the transaction was already consummated. [21] Accordingly, the buy-bust team immediately closed in and arrested Castro. PO2 Zamora informed Castro of his violation, frisked him and recovered from his pocket two (2) more transparent plastic sachets of white crystalline substance, as well as the marked money. [22]

P/Insp. Armenta took custody of the transparent plastic sachet that Castro sold to him, while PO2 Zamora kept the marked money and the two (2) other plastic sachets which he recovered. [23] When they reached their office, P/Insp. Armenta marked the transparent plastic sachet in his custody with his initials and the initials of Castro (JA-AC). [24] PO2 Zamora also marked the two (2) other sachets with his initials and also that of Castro's (NZ-AC). [25] The three (3) transparent plastic sachets were then turned over to the investigator, police officer Alexander Jimenez, who prepared and submitted a letter-request for analysis. [26]

Forensic Chemist/Police Inspector Leonard T. Arban of the PNP Crime Laboratory made a chemical analysis on the seized items. [27] In his Chemistry Report No. D-226-04, he confirmed that the three (3) transparent plastic sachets were positive for Methylamphetamine Hydrochloride. [28]

#### Version of the Defense

Castro claimed that on February 24, 2004, at around 9:00 p.m., he was taking a rest in front of their house at No. 92 Union Sibika St., Galas, Quezon City when a Quezon City Police mobile car suddenly parked in front of him. [29] Four (4) men alighted, forced him to board the patrol car, and brought him to the Galas Police Station, where a plastic sachet was shown to him. [30] After Castro denied ownership of the said plastic sachet, a police officer then allegedly told him that he would be released only if he had money. [31]

To corroborate Castro's claim, his neighbor, Amalia Infante, testified that while she was walking along Mindanao St. at around 9:00 p.m. on February 24, 2004, she saw that Castro was surrounded by four (4) men. [32] They were about 15 to 20 meters away from her. [33] Despite her curiosity, she, however, went straight to the bakery to buy bread for her son. [34]

Castro's father, Amor Castro, also testified that on February 24, 2004, at around 9:00 p.m., he was watching

television with his other children when he heard the sound of a car engine in front of his house. [35] When he looked outside, he saw four (4) men in civilian clothes putting his son, Castro, inside a police mobile car. [36] These men then told him to follow them at the Galas Police Station. [37] When he arrived at the police station, Castro told him that PO2 Zamora was allegedly demanding Php30,000.00 for his release. [38] He also claimed that Castro was plying his route as a tricycle driver on February 26, 2004. [39]

#### Ruling of the Trial Court

After trial, the RTC, on January 6, 2009, convicted Castro. The dispositive portion of its Decision reads:

ACCORDINGLY, judgment is rendered finding the accused ARNOLD CASTRO y Yanga GUILTY beyond reasonable doubt of the two offenses of which he is charged at bench, and he is hereby sentenced as follows:

I. In Q-04-125048 the accused is sentenced to LIFE IMPRISONMENT for violation of Section 5, of RA 9165 (drug-pushing) as charged, and ordered to pay a fine of P500,000.00; and

II. In Q-04-125049 the same accused is sentenced to suffer a jail term of 12 years and 1 day, as minimum to 13 years, as maximum and to pay a fine of P300,000.00 for violating Section 11, R.A. 9165 (possession).

The three (3) plastic sachets of shabu in these two cases are ordered transmitted to the PDEA thru DDB for proper disposal as per RA 9165.

In the court's personal opinion, the accused Arnold y Castro should only be found guilty of one (1) crime of drugpushing and not possession in addition, for his possession of the two other sachets appears to be sachets that he intended to sell to others. Nonetheless, since the Supreme Court has a contrary opinion in decided cases, this court cannot do anything but follow and obey that Supreme Court doctrine for as long as it has not been changed.

SO ORDERED. [40]

On appeal to the CA, Castro questioned the lower court's Decision in convicting him notwithstanding the prosecution's alleged failure to preserve the integrity and identity of the corpus delicti of the offenses charged, and its supposed failure to prove his guilt with moral certainty. [41]

#### Ruling of the Appellate Court

On July 21, 2010, the CA affirmed the judgment of the lower court. It ruled that both the sale and possession of illegal drugs were adequately established by the prosecution. It noted that Castro was caught in flagrante delicto in selling shabu to P/Insp. Armenta during the buy-bust operation and that he was also caught in possession of two (2) other sachets of shabu in his pocket. [42]

The CA also held that the trial court's findings on the credibility of witnesses are accorded great weight and respect because the trial judge has the direct opportunity to observe them on the stand and ascertain if they are telling the truth or not. [43] Further, the CA ruled that the chain of custody of the seized prohibited drugs was shown not to have been broken as the handling of the sachets was free of any physical distortion. [44]

The fallo of the CA Decision reads:

Accordingly, the appeal is DISMISSED. The Decision dated January 6, 2009 is AFFIRMED.

SO ORDERED. [45]

On August 5, 2010, Castro filed his Notice of Appeal of even date. [46]

In Our Resolution dated January 26, 2011, [47] We notified the parties that they may file their respective

supplemental briefs, if they so desire, within thirty (30) days from notice. On March 21, 2011, Castro manifested that he will no longer file a supplemental brief as the assigned errors and issues have already been thoroughly discussed in his Brief for the Accused-Appellant dated October 20, 2009. [48] Similarly, the People of the Philippines, on March 30, 2011, manifested that it is no longer filing a supplemental brief considering that all the issues raised by Castro have been exhaustively discussed in its Brief for the Plaintiff-Appellee dated February 18, 2010. [49]

#### The Issues

Castro contends in his Brief that:

##### I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PRESERVE THE INTEGRITY AND IDENTITY OF THE CORPUS DELICTI OF THE OFFENSES CHARGED.

##### II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIMES CHARGED WHEN HIS GUILT WAS NOT PROVEN WITH MORAL CERTAINTY.

#### Our Ruling

We sustain Castro's conviction.

#### Chain of Custody Established

Castro contends that the prosecution patently failed to preserve the integrity of the seized items and to establish an unbroken chain of custody. [50] He claims that the police officer who had initial contact with the seized articles failed to observe the proper procedure in its handling and custody. [51] He insists that under Section 21 of the Implementing Rules and Regulations (IRR) of RA 9165, the apprehending team having initial control of the seized items 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. [52]

He further asserts that the dangerous drug itself constitutes the very corpus delicti of the offense and the fact of its existence is vital to a judgment of conviction, thus, it is essential that the identity of the prohibited drug be established beyond doubt. [53]

Undeniably, in every prosecution for illegal sale of prohibited drugs, the presentation in evidence of the seized drug, as an integral part of the corpus delicti, is most material. [54] It is therefore vital that the identity of the prohibited drug be proved with moral certainty. [55] Also, the fact that the substance bought or seized during the buy-bust operation is the same item offered in court as exhibit must be established with the same degree of certitude. [56] It is in this respect that the chain of custody requirement performs its function, that is, to ensure that all unnecessary doubts concerning the identity of the evidence are removed. [57]

Contrary to the claim of Castro, the chain of custody of the seized prohibited drugs was adequately established in the case at bar. As aptly observed by the CA:

Here, appellant was brought to the police station immediately after the illegal drugs and marked money were seized from him. The confiscated substances were marked accordingly, turned over to investigator PO Alexander Jimenez, and submitted to the PNP crime laboratory for analysis. Forensic chemist Arban tested the substances and after finding them positive for shabu, issued his chemistry report also on February 26, 2004, or

within 24 hours after confiscation of the items. Thus, the trial court correctly upheld the admissibility of the seized items upon its finding that handling of the sachets was free of any physical distortion. [58]

Admittedly, testimony about a perfect chain is not always the standard as it is almost always impossible to obtain an unbroken chain. [59] Nonetheless, what is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items. [60]

Pertinently, the Implementing Rules and Regulations of RA 9165 on the handling and disposition of seized dangerous drugs is clear on this matter, thus:

SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof; Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items x x x. (Emphasis supplied.)

Based on the above-quoted provision, the custodial chain rule is not to be rigorously applied provided "the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team". [61] Consequently, the purported procedural infirmities harped on by Castro concerning the custody, photographing, inventory and marking of the seized items do not in any manner affect the prosecution of the instant case. Neither do the alleged infirmities render Castro's arrest illegal nor the items seized from him inadmissible.

Castro, however, further contends that "in order to properly establish, with moral certainty, the chain of custody, it is the prosecution's duty to show that in every link of the chain - from the moment the item was picked up to the time it is offered into evidence - there was no contamination or an opportunity to alter the object evidence." [62]

We disagree. In the recent case of *People v. Quiamanlon*, this Court held that "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." [63]

Concomitantly, it is Castro who bears the burden to make some showing that the evidence was tampered or meddled with to overcome a presumption of regularity in the handling of exhibits by public officers, as well as a presumption that said public officers properly discharged their duties. [64] Since Castro failed to discharge such burden, it cannot be disputed that the drugs seized from him were the same ones examined in the crime laboratory. The prosecution, therefore, established the crucial link in the chain of custody of the seized drugs.

Proof of guilt beyond reasonable doubt adequately established

After a careful examination of the records of this case, this Court is satisfied that the prosecution's evidence

established Castro's guilt beyond reasonable doubt.

It is hornbook doctrine that the factual findings of the CA affirming those of the trial court are binding on this Court unless there is a clear showing that such findings are tainted with arbitrariness, capriciousness or palpable error. [65] In *People v. Lusabio, Jr.*, this Court held:

All in all, we find the evidence of the prosecution to be more credible than that adduced by accused-appellant. When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is obvious. Having the full opportunity to observe directly the witnesses' deportment and manner of testifying, the trial court is in a better position than the appellate court to evaluate testimonial evidence properly. [66] (Emphasis supplied; citations omitted)

Since Castro failed to show any palpable error, arbitrariness, or capriciousness on the findings of fact of the lower courts, the same deserve great weight and are deemed conclusive and binding.

In the prosecution for the crime of illegal sale of prohibited drugs under Section 5, Article II of RA 9165, the following elements must concur: (1) the identities of the buyer and seller, object, and consideration; and (2) the delivery of the thing sold and the payment thereof. [67] Significantly, what is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually occurred, coupled with the presentation in court of the substance seized as evidence. [68]

In the instant case, P/Insp. Armenta, the poseur-buyer, clearly testified on the first element, thus:

FISCAL ARAULA

Q

You said you were one of the members of the group that composed the team, in your particular way what will be your role?

WITNESS (P/INSP. ARMENTA)

A

Poseur buyer.

Q

Being a poseur buyer, what Col. Razon informed (sic) you?

A

He provided P100 to be used on the buy bust operation.

xxx

Q

Upon receiving that buy bust money, what did you do to that buy bust money?

A

I put my initial JA on the right portion of the money.

Q

Showing to you the photocopy of the buy bust money, what can you say?

A

This is the machine copy.

Q

Why do you say that is the machine copy, tell me why did you say that this is the buy bust money you received?

A

Because of my initial (sic).

xxx

Q

You said after the briefing Col. Razon gave you the money, what happened after that?

A

We were on board the private vehicle and we proceeded to the place.

Q

How many vehicles did you use?

A

Two, sir.

Q

What time was that?

A

Past 2:00, sir.

Q

What time your group arrived (sic) on (sic) barangay Cordillera St.?

A

About 4:00 o'clock a.m.

Q

Upon arrival on (sic) that area, what happened then?

A

Our informant introduced to me a male person identified as alias Idol.

Q

In what particular place were you introduced?

A

Near the lighted Meralco post.

Q

Was he alone at the time?

A

Yes, sir.

Q

Were there other persons in the area?

A

Very rare, sir.

Q

How about your companions?

A

They positioned themselves away that can view me.

xxx

Q

The person you named Idol is present in the courtroom, can you identify that person?

A

Yes, sir.

Q

Please tap his shoulder? (sic)

INTERPRETER

Witness tapped the shoulder of a person inside the courtroom who identified himself as ARNOLD CASTRO.

Q

By the way you said you received the transparent sachet coming from the accused in this case, if that transparent sachet will be shown to you can you identify that?

A

Yes, sir.

Q

Showing to you the transparent sachet, what can you say to that. (sic) Among the 3 sachets, can you identify the sachet you received from the accused?

A

This is the one.

Q

Why do you say?

A

Because of my initial JA-AC.

xxx

Q

You testified a while ago that you scratch (sic) your head as a pre-arranged signal, upon scratching your head what happened?

A

The rest of the team rush (sic) to our place and effect the arrest of the accused. [69]

As regards the second element, P/Insp. Armenta also testified on the material details of the buy-bust operation. Particularly:

Q

You said you were introduced to the person named Idol, how did this informant of yours introduced you to the subject?

A

He said to Idol that I am going to buy shabu.

Q

What was the answer of Idol at that time?

A

He asked me how I will (sic) going to buy.

Q

What was your answer?

A

Piso for P100.00

Q

What was the action then?

A

He asked [for] the money.

Q

Did you give the money?

A

Yes, sir.

Q

After that?

A

He placed it on (sic) his pocket and he took on (from) the same pocket the transparent sachet.

Q

What did he do to the plastic sachet?

A

He gave it to me.

Q

And what did you do?

A

I received it and I made a signal to my companion. [70]

As the poseur-buyer, P/Insp. Armenta positively identified Castro during trial as the seller of the illegal drugs. He also testified that, using the marked money, he paid for the object of the crime, i.e., the shabu that was handed to him by Castro. Notably, the testimony of P/Insp. Armenta was substantially corroborated by PO2 Zamora.

With respect to the charge of illegal possession of dangerous drugs under Section 11, Article II of RA 9165, the evidence of the prosecution has sufficiently established the elements thereof, to wit: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug. [71]

Pertinently, possession of dangerous drugs constitutes prima facie evidence of knowledge or animus possidendi sufficient to convict an accused in the absence of a satisfactory explanation of such possession. [72] As a consequence, the burden of evidence is shifted to the accused to explain the absence of knowledge or animus possidendi. [73] In the case at bar, Castro miserably failed to discharge such burden.

When Castro was arrested upon the conclusion of the buy-bust operation, PO2 Zamora bodily frisked him and was able to recover not only the buy-bust money, but two (2) transparent plastic sachets containing white crystalline substance as well. As testified by PO2 Zamora:

FISCAL ARAULA

Q

When you accosted him, what happened, [M]r. [W]itness?

WITNESS (PO2 ZAMORA)

A

We introduced ourselves as police officers[,] sir.

xxx

Q

After that what happened, [M]r. [W]itness?

A

I bodily frisked the person[,] sir.

Q

What is the result [M]r. [W]itness?

A

I was able to recover the buy bust money sir.

Q

What part of the body, [M]r. [W]itness?

A

Left front pocket[,] sir.

Q

Other than that, what else, [M]r. [W]itness?

A

Two small transparent plastic sachet[s], [M]r. [W]itness? (sic)

Q

If that transparent plastic sachet you recovered will be shown to you, can you identify the same, [M]r. [W]itness?

A

Yes[,] sir.

Q

Why, [M]r. [W]itness?

A

Because of the marking[,] sir.

Q

What is the markings (sic), [M]r. [W]itness?

A

NZ-AC sir. [74]

Significantly, the owner-possessor of said sachets can be no other than Castro, who has neither shown any proof of the absence of animus possidendi nor presented any evidence that would show that he was duly authorized by law to possess them during the buy-bust operation, thus leading to no other conclusion than that Castro is equally liable for illegal possession of dangerous drugs under Section 11, Article II of RA 9165.

### Denial as an Inherently Weak Defense

A bare denial is an inherently weak defense [75] and has been invariably viewed by this Court with disfavor for it can be easily concocted but difficult to prove, and is a common standard line of defense in most prosecutions arising from violations of RA 9165. [76]

Concomitantly, this Court has held in several cases that "denials unsubstantiated by convincing evidence are not enough to engender reasonable doubt particularly where the prosecution presents sufficiently telling proof of guilt," [77] as in the case at bar.

As against P/Insp. Armenta's positive identification of Castro as the seller of the sachet containing the white crystalline substance eventually confirmed to be a dangerous drug, Castro's denial is perceptibly self-serving and has little weight in law.

Also, it is of note that the testimonies of Amalia Infante and Amor Castro failed to corroborate the testimony of Castro as they both failed to witness the event from the time the police arrived at the scene leading to the arrest of Castro.

Further, in the absence of any intent on the part of the police authorities to falsely impute such crime against the accused, the presumption of regularity in the performance of duty should stand. [78]

In view of the foregoing, We uphold the presumption of regularity in the performance of official duty and find that the prosecution has discharged its burden of proving the guilt of Castro beyond reasonable doubt.

WHEREFORE, the appeal is DENIED. The Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 03800 finding accused-appellant Arnold Castro y Yanga guilty of the crimes charged is AFFIRMED.

### SO ORDERED.

Leonardo-De Castro, Bersamin,\*\* Del Castillo, and Perez, JJ., concur.  
Velasco, Jr., (Acting Chairperson),[\*]

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[\*] Per Special Order No. 1003 dated June 8, 2011.

[\*\*] Additional member per Special Order No. 1000 dated June 8, 2011.

[1] Rollo, pp. 2-13. Penned by Associate Justice Amy C. Lazaro-Javier and concurred in by Associate Justices Rebecca de Guia-Salvador and Sesinando E. Villon.

[2] CA rollo, pp. 19-24. Penned by Presiding Judge Jaime N. Salazar, Jr.

[3] CA rollo, p. 15.

[4] CA rollo, p. 17.

[5] Rollo, p. 3.

[6] CA rollo, p. 20.

[7] CA rollo, p. 21.

[8] Rollo, pp. 3-4.

[9] Rollo, p. 4.

- [10] Rollo, p. 4.
- [11] Rollo, p. 4.
- [12] This Pre-Operation Report was given control number PDEA No. C-250204; rollo, p. 4.
- [13] Rollo, p. 4.
- [14] Rollo, p. 4.
- [15] CA rollo, p. 20.
- [16] Rollo, p. 4.
- [17] Rollo, p. 4.
- [18] Rollo, p. 4.
- [19] Rollo, pp. 4-5.
- [20] Rollo, pp. 4-5.
- [21] CA rollo, p. 20.
- [22] Rollo, p. 5.
- [23] Rollo, p. 5.
- [24] Rollo, p. 5.
- [25] Rollo, p. 5.
- [26] Rollo, p. 5.
- [27] Rollo, p. 5.
- [28] Rollo, p. 5.
- [29] Rollo, p. 6.
- [30] Rollo, p. 6.
- [31] Rollo, p. 6.
- [32] Rollo, p. 6.
- [33] Rollo, p. 6.
- [34] Rollo, p. 6.
- [35] CA rollo, p. 22.
- [36] CA rollo, p. 22.
- [37] Rollo, p. 6.
- [38] Rollo, p. 6.
- [39] Rollo, pp. 6-7.
- [40] CA rollo, pp. 23-24.

[41] CA rollo, p. 36.

[42] Rollo, p. 12.

[43] Rollo, p. 12.

[44] Rollo, p. 11.

[45] Rollo, pp. 12-13.

[46] Rollo, pp. 14-15.

[47] Rollo, pp. 19-20.

[48] Rollo, pp. 21-23.

[49] Rollo, pp. 29-30.

[50] CA rollo, pp. 43-44.

[51] CA rollo, p. 44.

[52] CA rollo, p. 45.

[53] CA rollo, p. 43.

[54] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011 citing *People v. Doria*, G.R. No. 125299, January 22, 1999, 301 SCRA 668, 718.

[55] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011 citing *People v. Cortez*, G.R. No. 183819, July 23, 2009, 593 SCRA 743, 762.

[56] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011 citing *People v. Cortez*, G.R. No. 183819, July 23, 2009, 593 SCRA 743, 762.

[57] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011 citing *People v. Cortez*, G.R. No. 183819, July 23, 2009, 593 SCRA 743, 762 citing *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632.

[58] Rollo, p. 11.

[59] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011 citing *People v. Cortez*, G.R. No. 183819, July 23, 2009, 593 SCRA 743, 763.

[60] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011.

[61] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011.

[62] CA rollo, p. 47.

[63] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011 citing *People v. Ventura*, G.R. No. 184957, October 27, 2009, 604 SCRA 543, 562.

[64] *People v. Ventura*, G.R. No. 184957, October 27, 2009, 604 SCRA 543, 562.

[65] *Fuentes v. Court of Appeals*, G.R. No. 109849, February 26, 1997, 268 SCRA 703, 708-709.

[66] G.R. No. 186119, October 27, 2009, 604 SCRA 565, 590.

[67] *People v. Alberto*, G.R. No. 179717, February 5, 2010, 611 SCRA 706, 713 citing *People v. Dumlao*, G.R.

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[68] *People v. Alberto*, G.R. No. 179717, February 5, 2010, 611 SCRA 706, 713 citing *People v. Dumlao*, G.R. No. 181599, August 20, 2008, 562 SCRA 762, 770.

[69] TSN, December 13, 2004, pp. 6-15.

[70] TSN, December 13, 2004, pp. 11-13.

[71] *People v. Gutierrez*, G.R. No. 177777, December 4, 2009, 607 SCRA 377, 390-391 citing *People v. Pringas*, G.R. No. 175928, August 31, 2007, 531 SCRA 828, 846.

[72] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011 citing *Buenaventura v. People*, G.R. No. 171578, August 8, 2007, 529 SCRA 500, 513.

[73] *People v. Quiamanlon*, G.R. No. 191198, January 26, 2011 citing *Buenaventura v. People*, G.R. No. 171578, August 8, 2007, 529 SCRA 500, 513.

[74] TSN, March 20, 2006, pp. 14-17.

[75] *People v. Dulay*, G.R. No. 150624, February 24, 2004, 423 SCRA 652, 662 citing *People v. Arlee*, G.R. No. 113518, January 25, 2000, 323 SCRA 201, 214.

[76] *People v. Barita*, G.R. No. 123541, February 8, 2000, 325 SCRA 22, 38.

[77] *People v. Eugenio*, G.R. No. 146805, January 16, 2003, 395 SCRA 317, 326 citing *People v. Del Mundo*, GR No. 138929, October 2, 2001, 366 SCRA 471.

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