PEOPLE OF THE PHILIPINES, PLAINTIFF-APPELLEE, VS. RONWALDO LAFARAN Y ACLAN, ACCUSED-APPELLANT.

G.R. No. 208015. October 14, 2015

Ponente: PEREZ, J.

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PEREZ, J.:

Questioned in the present notice of appeal is the Decision dated December 14, 2012 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05008,[1] which affirmed the Decision dated May 4, 2011 of the Regional Trial Court (RTC), Branch 13, Lipa City in Criminal Case No. 0322-2006,[2] finding accused-appellant Ronwaldo Lafaran y Aclan (Ronwaldo) guilty beyond reasonable doubt of illegal sale of shabu under Sec. 5, Article II of Republic Act No. 9165 (R. A. No. 9165) or the Comprehensive Dangerous Drugs Act of 2002, sentencing him to suffer the penalty of life imprisonment and ordering him to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

In an Information dated 25 June 2006,[3] Ronwaldo was charged with violation of Sec. 5, first paragraph, Art. II of R. A. No. 9165, as follows:

> That on or about the 25[th] day of June 2006 at about 12:30 o'clock in the afternoon at Esteban Mayo St., Barangay 4, Lipa City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there wilfully, unlawfully sell, deliver, dispose or give away to a police/informer-poseur buyer, 0.02 gram/s of Methamphetamine Hydrochloride locally known as "shabu", which is a dangerous drug, contained in One (1) plastic sachet/s.

Upon arraignment, accused-appellant, assisted by counsel de oficio, pleaded not guilty to the crime charged.[4]

In presenting its case, the prosecution offered the testimonies of SPO2 Whency Aro (SPO2 Aro) and PO3 Cleofe Pera (PO3 Pera). As succinctly summarized by the RTC:[5]

> Prior to June 23, 2006, SPO3 Danilo Yema received reports from concerned barangay officials of Barangay Balintawak, Lipa City, Batangas, that herein accused was selling shabu. He asked his asset to confirm the information by monitoring the activities of the accused. His asset confirmed the report to be positive so that on June 23, 2006 at about 12:00 o'clock noon, his team planned and conducted a buy-bust operation against the accused using their asset as poseur-buyer.
>
> The team was composed of SPO3 Danilo Yema as the team leader, with SPO2 Whency Aro and PO3 Cleofe Pera as members. PO3 Pera prepared the Pre-operation Report (Exhibit "D") and sent it to the Philippine Drug Enforcement Agency (PDEA) thru the fax machine. The team together with their asset had a briefing at the police station on what to do during the operation. Their asset would use five (5) pieces 100-peso bills with serial numbers XJ540900 (Exhibit "1"), DN261366 (Exhibit "1-2"), QE654584 (Exhibit "1-3"), MN604255 (Exhibit "1-4"), and QQ360311 (Exhibit "1-5"), all of which were marked by PO3 Pera with her initials "CEP". The buy-bust operation was entered into the police blotter.
>
> The team and the asset left the police station at around 12:00 o'clock noon aboard the tinted car of SPO3 Danilo Yema and proceeded to Esteban Mayo Street, Barangay 4, Lipa City, Batangas, the place where the

> asset would meet the accused. Before reaching the place, the asset alighted from the vehicle and walked to the agreed meeting place. In the meantime, the police officers parked the vehicle about 10 meters away where they could see their asset and the accused. They watched their asset meet the accused near a cellphone repair shop and store. They saw them talked (sic) and, thereafter, witnessed the exchange between them: the asset gave the marked money to the accused and the latter, after accepting the money, drew something from his pocket and handed it to the asset. What was handed to the asset turned out to be one (1) small plastic sachet containing suspected shabu. The asset executed the pre-arranged signal by touching his head signifying that the transaction has been completed. The police officers then alighted from their vehicle and immediately approached the asset and the accused. As they accosted the accused, the asset secretly handed the plastic sachet containing the suspected shabu (Exhibit "H-l") to SPO2 Whency Aro, who immediately placed the markings "WGA-RAL" (Exhibit "H-l-A") which stands for his initial and that of the accused, as the scene of operation. PO3 Pera was able to recover the marked money from the right hand of the accused.
>
> They brought the accused to the police station together with the sachet of suspected shabu and the recovered marked money. At the police station, SPO2 Aro turned over the sachet of suspected shabu to PO3 Pera who prepared the Request for Forensic Examination (Exhibit "C) duly signed by P/Sr. Supt David Micu Quimio, Jr., and the Inventory of Confiscated Items (Exhibit "F"). A spot report (Exhibit "E") was also accomplished and a picture of the accused with the confiscated items (Exhbit "G") was taken. PO3 Pera thereafter gave the plastic sachet of suspected shabu together with the Request for Forensic Examination to PO3 Cesario Mandayuhan who brought them to the Batangas Crime Laboratory. They were received by SPO1 Vargas at the said crime laboratory who turned them over to PSI Jupri C. Delantar for forensic examination.
>
> PSI Delantar conducted the forensic examination on the specimen. Based on his Chemistry Report No. BD-054-06 (Exhibit "B"), the specimen submitted was found positive for the presence of Melhamphetamine Hydrochloride (Exhibit "B-2).
>
> The testimony of the Forensic Chemist, PSI Delantar was dispensed with in view of the admission by the Defense of the genuineness and due execution of the chemistry report, with the qualification by the Defense that the specimen subject of the forensic examination did not come from the accused.
>
> The Defense stipulated and admitted that PO3 Cesario Mandayuhan received the specimen subject matter of this case from PO3 Pera and delivered the same to the PNP Crime Laboratory for forensic examination. The defense also admitted that SPO1 Vargas was the one who received the specimen as well as the request for forensic examination from PO3 Mandayuhan at said crime laboratory; that the fact of receipt of the specimen and request was entered in the logbook of the Batangas Provincial Crime Laboratory; and that after receiving the same, he turned them over to PSI Delantar for examination. Thus, with the stipulations and admissions made by the Defense, the testimonies of police officers Mandayuhan and Vargas were dispensed with.

For his defense, accused-appellant denied any wrongdoing, claiming that he was only selling his cellphone when he was wrongly apprehended, to wit:[6]

> The accused denied the allegations against him and contends that on said date and time complained of, he was in front of Anson Shoemart at Barangay 5, Lipa City, Batangas with a certain Pango and Kwek-kwek. He was selling his cellphone and Pango was going to buy it. They just alighted from the tricycle and he was surprised when somebody in civilian clothes held him by the neck and poked a gun at him. He turned to his left and saw a female person approaching. She searched his body but was not able to get anything from him. The female took his cellphone and they boarded him in a car and brought him to the police headquarters.
>
> At the headquarters, the police officers got his name and fingerprints. When he asked why he was brought there, he was told to be quiet and to just answer the questions. He was also made to point at the illegal drugs and marked money while a photograph was taken. He did as told otherwise he would [be] hurt. Thereafter, he was detained. While he was detained, his parents came to see him.

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> On cross-examination, he admitted that he does not know of any reason why the police officers would concoct a story charging him with an offense of selling shabu considering that they do not have any motive to do so.

Finding the evidence of the prosecution sufficient to establish the guilt of Ronwaldo, the RTC rendered a judgment of conviction, viz.:[7]

> WHEREFORE, in view of the foregoing, the Court finds the accused Ronwaldo Lafaran y Aclan a.k.a. "Ronnie" GUILTY beyond reasonable doubt for Violation of Section 5, 1[st] paragraph, Article II of Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Act of 2002 and hereby sentences him to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (Php 500,000.00) without subsidiary imprisonment in case of insolvency.
>
> The period which the accused has undergone preventive imprisonment during the pendency of this case shall be credited to him provided he agreed in writing to abide by and comply strictly with the rules and regulations imposed upon committed prisoners.
>
> The Jail Warden of the Bureau of Jail Management and Penology (BJMP), Lipa City is hereby directed to immediately commit herein accused to the National Penitentiary, Muntinlupa City, for him to serve his sentence.
>
> The 0.02 grams of shabu subject matter of the instant case is hereby confiscated in favor of the government. The Branch Clerk of Court is directed to turn-over the same to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.
>
> SO ORDERED.

Accused-appellant appealed before the CA, assigning a lone error:[8]

> THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR.

After a review of the case, the CA affirmed the RTC Decision. The appellate court ruled that the elements of the offense charged were proven beyond reasonable doubt,[9] and that there was substantial compliance with the requirements of Sec. 21 of R. A. No. 9165 which shows that the chain of custody was unbroken.[10] Thus, the CA held:[11]

> WHEREFORE, premises considered, the instant appeal is DISMISSED. The assailed 04 May 2011 Decision of the Regional Trial Court, Branch 13, Lipa City, in Criminal Case No. 0322-2006 is hereby AFFIRMED.

Ronwaldo is now before the Court, re-pleading the defenses and arguments he raised before the CA.[12] Specifically, accused-appellant cites the following instances as badges of a lack of a prima facie case against accused-appellant: (a) the apprehending officers are not members of the PDEA and their buy-bust operation, as well as their so-called surveillance [which was only conducted by an unnamed asset], were not supervised nor witnessed by any PDEA officer;[13] (b) the so-called confiscated drug item was examined only for qualitative examination, and not for quantitative examination;[14] (c) the non-appearance in court of any PDEA officer to testify that the drug agency was really aware of the buy-bust operation against Ronwaldo and that the PDEA possesses official records regarding the case for tracing and monitoring or for further official action as to the drug supplier of the accused-appellant, if any;[15] (d) the failure of the prosecution to present in court the testimony of the poseur-buyer, given that the police officers were inside a "tinted" car during the alleged exchange, and as said poseur-buyer was the one who "secretly" handed the subject plastic sachet to SPO2 Aro;[16] and (e) the failure of the prosecution to establish an unbroken chain of custody.[17]

We dismiss the appeal.

In a catena of cases, this Court laid down the essential elements to be duly established for a successful prosecution of offenses involving the illegal sale of dangerous or prohibited drugs, like shabu, under Section 5, Article II of Republic Act No. 9165, to wit: (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 payment therefor. Briefly, the delivery of the illicit drug to the poseur-buyer and the receipt of the marked money by the seller successfully consummate the buy-bust transaction. What is material, therefore, is the proof that the transaction or sale transpired, coupled with the presentation in court of the corpus delicti.[18]

The testimonies of SPO2 Aro and PO3 Pera both establish the identity of accused-appellant as the seller of the shabu, as well as its delivery and the payment for such. SPO2 Aro testified:[19]

> Q.
>
> Do you know the accused in this case in the person of Ronwaldo Lafaran y Aclan?
>
> A.
>
> Yes, Sir.
>
> Q.
>
> Is he present in Court?
>
> A.
>
> Yes, Sir.
>
> Q.
>
> Will you point to him?
>
> Witness:
>
> A.
>
> (witness pointing to the third person from the right seated in the bench for the accused)
>
> Court:
>
> Have him stood up.
>
> Interpreter:
>
> Please stand up. (referring to the person pointed to by the witness)
>
> Q.
>
> What is your name?
>
> Person Who Stood Up:
>
> Ronwaldo Lafaran, Ma'am.
>
> Interpreter:
>
> The person pointed to when asked for his identity, gave his name as Ronwaldo Lafaran.

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Pros. C. Ballelos:

Why do you know the accused in this case?

Witness:

A.

He was the one that we arrested during the buy-bust operation on June 23, 2006, Sir.

Similarly, PO3 Pera was able to identify the accused-appellant in open court.[20]

As to the consummation of the illegal sale of shabu, SPO2 Aro testified as follows:[21]

Q.

And you said you planned buy-bust operation against the accused, tell us what preparations did you make, if any, in connection with the buy-bust operation?

A.

We prepared a pre-operation report, Sir.

Q.

What else?

A.

Marked money. Sir.

Q.

What else?

A.

Our operation was put into blotter, Sir.

Q.

What else, aside from those you already mentioned?

A.

Only those mentioned, Sir.

Q.

Now, after conducting or making those preparations, what happened next?

A.

We proceeded to the place where we can see Ronwaldo Lafaran, Sir.

Pros. C. Ballelos:

Q.

And where is that place where you proceeded?

Witness:

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A.

At Esteban Mayo, Barangay 4, Lipa City, Sir.

Q.

Where was your asset at the time that you proceeded to Barangay 4?

A.

He is with us, Sir.

Q.

Did you actually reach Barangay 4?

A.

Yes, Sir.

Q.

What happened thereat, if any?

A.

Before we reached the place where we can see Ronwaldo Lafaran, Sir, our asset first alighted in our vehicle, the vehicle of police officer Yema, Sir.

Q.

So, your asset was the first who alighted the vehicle of police officer Yema?

A.

Yes, Sir.

Q.

And where did he, your asset, proceed?

A.

He casually walk [sic] going to the place where Ronwaldo Lafaran was, Sir.

Q.

And while your asset casually walk [sic] where the accused was at that time, where were you and your team leader?

A.

Still on board on the vehicle of SPO2 Yema, Sir.

Q.

What happened next?

A.

We saw Ronwaldo Lafaran and our asset talking

Witness:

A.

... and after that we saw the handing of marked money by our asset to Ronwaldo Lafaran, Sir.

Pros. C. Ballelos:

Q.

Did accused Ronwaldo Lafaran accept the alleged marked money?

A.

Yes, Sir.

Q.

And after accepting the alleged marked money, what did the accused do, if any, in return?

A.

He gave one piece of plastic sachet to our asset, Sir.

Q.

How far were you and your team leader at the time that you witnessed the alleged exchange of money and shabu between you and your asset?

A.

More or less ten (10) meters, Sir.

Q.

About what time was that?

A.

12:30, Sir.

Q.

In the?

A.

Afternoon, Sir.

x x x x

Q.

At the distance often (10) meters, how did you know that what your asset handed to the accused was marked money and what the accused handed to your asset was shabu?

A.

Once our asset was in possession of the drugs which was bought from Ronwaldo Lafaran he will give a signal, Sir.

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Q.

Did you (sic) asset actually give a signal?

A.

Yes, Sir.

Q.

What signal?

A.

By holding his head, Sir.

Q.

What was the significance of the act of the asset in holding his head?

A.

Meaning, the shabu that he bought from Ronwaldo Lafaran is already with him, Sir.

Q.

And after that, what did he do, Mr. Witness, after witnessing the exchange?

A.

We alighted the vehicle and we immediately approached Ronwaldo Lafaran, Sir.

Q.

And after you approached the accused, what happened next?

A.

PO2 Pera recovered to him the marked money, Sir.

Pros. C. Ballelos:

Q.

Police officer?

A.

Pera, Sir.

Q.

What else was recovered during that buy-bust operation?

A.

The shabu was secretly handed to me by our asset, Sir.

Q.

You stated that police officer Pera recovered from the accused marked money. From what part of the body of the accused was the marked money recovered?

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A.

He is still holding it, Sir.

Q.

Holding the marked money?

A.

Yes, Sir.

Q.

In what hand?

A.

Right hand, Sir.

Q.

Where were you at the time that police officer Pera recovered the marked money from the accused?

A.

Near only, Sir.

Q.

[D]id you actually see police officer Pera recovered [sic] the marked money from the accused?

A.

Yes, Sir.

These statements were corroborated by PO3 Pera on all material points.[22]

Accused-appellant avers that the testimony of the poseur-buyer is vital to the prosecution's case, given that the police officers who testified were inside a tinted car during the alleged transaction, and as the poseur-buyer "secretly" handed over the subject plastic sachet to SPO2 Aro.

A review of the testimonies reveals, however, that the police officers were able to fully witness the exchange. On cross-examination, PO3 Pera testified:[23]

Q:

When you proceeded to the place, Madam Witness, where the accused and the asset, this civillian asset of yours, how far were you from these two persons?

A:

About ten (10) meters, more or less, Sir.

Q:

And there were persons passing by or along the corner of Esteban Mayo Street?

A:

Yes, but very few, Sir.

Q:

And with that distance you were able to see the exchange of this transaction betwen the two?

A:

Yes, Sir.

ATTY. ARADA:

Q:

You only see [sic] the exchange but you did not see the sachet of shabu which was being handed by the accused to the civillian asset, is that correct?

A:

We saw it, Sir.

Q:

How was it handed by the accused to the civillian asset?

A:

It was given to him openly, Sir.

Accused-appellant tries to impute irregularity in the conduct of the buy-bust operation, saying that since the poseur-buyer "secretly" handed over the subject plastic sachet to SPO2 Aro, there could have been no object of the sale to speak of or what the poseur-buyer handed over to SPO2 Aro could be planted evidence. Although the use of the word "secretly" by SPO2 Aro may have been inopportune, the fact remains that SPO2 Aro himself testified that he received the same plastic sachet that the poseur-buyer got from accused-appellant.[24] In the absence of any evidence to the contrary, as in this case, the testimony of SPO2 Aro carries with it the presumption of regularity in the performance of official duties. As admitted by accused-appellant, there is no evidence that the actions of the police officers, including SPO2 Aro, were impelled by ill motive.

It has oft been held that the presentation of an informant as witness is not regarded as indispensable to the success of a prosecution of a drug-dealing accused. As a rule, the informant is not presented in court for security reasons, in view of the need to protect the informant from the retaliation of the culprit arrested through his efforts. Thereby, the confidentiality of the informant's identity is protected in deference to his invaluable services to law enforcement. Only when the testimony of the informant is considered absolutely essential in obtaining the conviction of the culprit should the need to protect his security be disregarded.[25] In the present case, as the buy-bust operation was duly witnessed by SPO2 Aro and PO3 Pera, their testimonies can take the place of that of the poseur-buyer.

Now, as to the identity of the object of the sale and the payment therefor, the testimony of PO3 Pera shows that she was the one who prepared the marked money, putting her initials "CEP" on five pieces of 100-peso bills.[26] She was also the one who recovered said bills from the right hand of accused-appellant after the latter was accosted.[27] These bills were duly presented in court as Exhbits "1," "1-2," "1-3," "1-4," and "1-5 "[28]

As to the subject shabu, accused-appellant claims that its chain of custody was not established as the poseur-buyer who allegedly touched and took the drug specimen during the buy-bust operation did not testify in court,[29] as

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the marking of the plastic sachet was not done at the place of operation,[30] and as the inventory is not signed by accused-appellant nor by his counsel or representative nor was it executed at the place of operation.[31]

In People v. Torres,[32] we held that equally important in every prosecution for illegal sale of dangerous or prohibited drugs is the presentation of evidence of the seized drug as the corpus delicti. The identity of the prohibited drug must be proved with moral certainty. It must also be established with the same degree of certitude that the substance bought or seized during the buy-bust operation is the same item offered in court as exhibit. In this regard, paragraph 1, Section 21, Article II of R. A. No. 9165 (the chain of custody rule) provides for safeguards for the protection of the identity and integrity of dangerous drugs seized, to wit:

> SEC. 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.

However, 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." 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.[33]

In the case at bar, the prosecution was able to prove the identity and integrity of the seized item. The testimony of SPO2 Aro establishes that the plastic sachet given by accused-appellant to the poseur-buyer was, in turn, handed over by the latter to him and that he marked it with his initials and the initials of accused-appellant "WGA-RAL."[34] Although accused-appellant claims that SPO2 Aro marked the plastic sachet at the police station, SPO2 Aro testified that he marked said plastic sachet in the area where accused-appellant was arrested,[35] and that such marking was witnessed by SPO3 Yema and PO3 Pera. In any event, marking the plastic sachet in the police station is not fatal to the prosecution's case. In People v. Loks,[36] we held that the marking of the seized substance immediately upon arrival at the police station qualified as a compliance with the marking requirement.

As testified to by PO3 Pera, upon reaching the police station, they had the Desk Officer record the seized items and the marked money in the police blotter.[37] The police officers then proceeded to their office, where SPO2 Aro turned over the plastic sachet to PO3 Pera,[38] who prepared the Inventory, Request for Forensic Examination, and Spot Report. After preparing these documents, PO3 Pera then turned over the plastic sachet to PO3 Cesario Mandayuhan, their liaison officer, who brought it to the PNP Crime Laboratory.[39] At the Batangas Crime Laboratory, the plastic sachet was received by SPO1 Vargas who turned it over to PSI Jupri Delantar (PSI Delantar) for forensic examination.[40] As certified by PSI Delantar, the subject plastic sachet contained methamphetamine hydrochloride, a dangerous drug.[41] The subject plastic sachet marked as WGA-RAL was then duly presented and identified by SPO2 Aro in open court.[42]

The chain of custody is not established solely by compliance with the prescribed physical inventory and the presence of the enumerated persons. The Implementing Rules and Regulations of R. A. No. 9165 on the handling

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and disposition of seized dangerous drugs states:[43]

> 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.

Finally, as to the issue of the non-participation of the PDEA in the buy-bust operation, suffice it to say that coordination with the PDEA is not an indispensable requirement before police authorities may carry out a buy-bust operation. While it is true that Section 86 of Republic Act No. 9165 requires the National Bureau of Investigation, Philippine National Police, and the Bureau of Customs to maintain "close coordination with the PDEA on all drug related matters," the provision does not, by so saying, make PDEA's participation a condition sine qua non for every buy-bust operation. After all, a buy-bust is just a form of an in flagrante arrest sanctioned by Section 5, Rule 113 of the Rules of Court, which police authorities may rightfully resort to in apprehending violators of Republic Act No. 9165 in support of the PDEA. A buy-bust operation is not invalidated by mere non-coordination with the PDEA.[44]

It is apropos to reiterate here that where there is no showing that the trial court overlooked or misinterpreted some material facts or that it gravely abused its discretion, the Court will not disturb the trial court's assessment of the facts and the credibility of the witnesses since the RTC was in a better position to assess and weigh the evidence presented during trial. Settled too is the rule that the factual findings of the appellate court sustaining 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.[45] In the case at bar, we see no justification for overturning the findings of fact of the RTC and CA.

Accused-appellant's guilt having been established beyond reasonable doubt, we likewise affirm the penalty imposed by the RTC and the CA. Under the law, the offense of illegal sale of shabu carries with it 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), regardless of the quantity and purity of the substance.[46] Thus, the RTC and CA were within bounds when they imposed the penalty of life imprisonment and a fine of Five Hundred Thousand Pesos (P500,000.00).

WHEREFORE, premises considered, the present appeal is DISMISSED.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Perlas-Bernabe, JJ., concur.

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[1] Rollo, pp. 2-22; CA rollo, pp. 123-143; penned by Associate Justice Agnes Reyes-Carpio, and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Priscilla J. Baltazar-Padilla.

[2] Records, pp. 308-318; penned by Judge Noel M. Lindog.

[3] Id. at 1-2, Information No. 05008.

[4] Id. at 26, Order dated October 2, 2007.

[5] Id. at 309-312, RTC Decision.

[6] Id. at 313.

[7] Id. at 317-318.

[8] Brief for the Accused-Appellant, CA rollo, p. 49.

[9] Supra note 1 at 7-8; CA rollo, pp. 128-129.

[10] Id. at 18-21; id. at 139-142.

[11] Id. at 21; id. at 142.

[12] Manifestation, rollo, p. 35.

[13] Supra note 8.

[14] Id. at 50.

[15] Id. at 51.

[16] Id. at 52.

[17] Id. at 54.

[18] People v. Torres, G.R. No. 191730, June 5, 2013, 697 SCRA 452, 462-463.

[19] TSN, April 1, 2008, pp. 4-5.

[20] TSN, November 24, 2009, pp. 5-6.

[21] TSN, April 1. 2008, pp. 8-10,12-13.

[22] TSN, November 24, 2009, pp. 11-14.

[23] TSN, January 13, 2010, pp. 4-5.

[24] TSN, May 20, 2009, p. 11.

[25] People v. Bartolome, G.R. No. 191726, February 6, 2013, 690 SCRA 159, 175.

[26] TSN, November 24, 2009, p. 8.

[27] TSN, April 1, 2008, p. ,13.

[28] RTC Decision, records', pp. 309-310.

[29] Supra note 8 at 54.

[30] Id.

[31] Id. at 58.

[32] Supra note 18 at 464.

[33] People v. Loks, G.R. No. 203433, 27 November 2013, 711 SCRA 187, 196.

[34] TSN, 1 April 2008, p. 15.

[35] Id.

[36] Supra note 33 at 195.

[37] TSN, 24 November 2009, p. 14.

[38] Id. at 17-18.

[39] Id.

[40] As stipulated upon by the Prosecution and Defense; TSN, 16 February 2010, p. 4-5.

[41] Report No. BD-054-06, records, p. 261.

[42] TSN, 7 October 2008, p. 10.

[43] Supra note 18 at 466. (Emphasis and underscoring omitted).

[44] People v. Roa, 634 Phil. 437, 446-448 (2010).

[45] People v. Vasque:, G.R. No. 200304, 15 January 2014, 714 SCRA 78, 101.

[46] Supra note 18 at 469.

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