

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MELVIN DUNGO Y OCAMPO, APPELLANT.*G.R. No. 229720. August 19, 2019*

Ponente: CARPIO, ACTING C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-229720/>**CARPIO, ACTING C.J.:****The Case**

Before the Court is an appeal from the Decision[1] of the Court of Appeals dated 29 July 2016 in CA-G.R. CR-H.C. No. 06833, which affirmed in toto the Decision[2] of the Regional Trial Court of San Fernando City, Pampanga, Branch 43 (RTC), finding appellant Melvin Dungo y Ocampo (Dungo) guilty beyond reasonable doubt of violation of Article II, Section 5, Republic Act No. 9165 (RA9165).[3]

The Facts

On 2 September 2009, a confidential informant went to the police station in Sto. Tomas, Pampanga to report that a certain "Ogag" was selling illegal drugs from his residence on Paralaya Street, San Matias, Sto. Tomas, Pampanga.[4] Police Officer 3 Jason Canda[5] (PO3 Canda) relayed the information to their station commander, Police Chief Inspector Ricardo Pangan, Jr. (PCI Pangan). They then started planning a buy-bust operation in coordination with the Philippine Drug Enforcement Agency (PDEA) and Barangay San Matias Punong Barangay Valeriano C. Lingat (PB Lingat). PO2 Jamil Lugtu (PO2 Lugtu) was to act as poseur-buyer with PO3 Canda as back and arresting officer, while the rest of the team were to provide perimeter security.[6]

At the target site, the confidential informant and PO2 Lugtu went to meet Ogag, while PO3 Canda hid in a strategic location. The informant saw Ogag in front of the latter's house, so he and PO2 Lugtu approached. He introduced PO2 Lugtu as a prospective buyer of shabu. PO2 Lugtu handed a P500 bill to Ogag, who, in turn, gave him two plastic sachets containing white crystalline substance suspected to be shabu. At that point, PO2 Lugtu scratched his head, the pre-arranged signal, and PO3 Canda approached. Ogag was placed under arrest, frisked, and informed of his rights.[7]

PO3 Canda then called PCI Pangan and barangay officials to witness the search on Ogag's person and seizure of the evidence. They seized the P500 bill used in the transaction and the two plastic sachets, which PO2 Lugtu marked with his initials, JBL-1 and JBL-2.[8]

They then proceeded to the police station where the items and Dungo were turned over to Senior Police Officer 4 (SPO4) Danilo Fernandez, the chief investigator on duty.[9]

According to PO3 Canda, they prepared the Turn Over Receipt and Confiscation Report and the latter was signed by representatives from the Department of Justice (DOJ), media, and the barangay. Subsequently, the sachets containing the suspected shabu were brought to the Philippine National Police (PNP) Crime Laboratory by another police officer, PO2 Fer Adonis Gonzales. Upon examination, the PNP Crime Laboratory concluded that the white crystalline substance was, in fact, methamphetamine hydrochloride.[10]

The prosecution also presented, by way of stipulation, the testimony of PCI Angel Timario (PCI Timario), the Chemical Officer who examined the confiscated substance at the Regional Crime Laboratory Office, Camp Olivas, San Fernando, Pampanga. PCI Timario testified that he examined the contents of the heat sealed transparent sachets marked JBL-1 and JBL-2, and confirmed them to contain shabu. However, upon clarificatory questions, PCI Timario admitted that he had "no knowledge as to whether the sachets of shabu with markings JBL-1 and JBL-2 were the ones particularly sold by [Dungo] in the instant case." [11]

On the other hand, Dungo testified in his defense. He claimed that on the day of the buy-bust operation, he was at his workplace near his home when PO2 Lugtu and PO3 Canda arrived looking for him. He approached them and they went to his house. Upon their arrival, the policemen poked their guns at him and frisked him. They then searched the house but found nothing. Another group of policemen arrived and they brought him to the police station. After photographs were taken, he was brought to jail. [12]

He further stated that he was not aware that there was a buy-bust operation and that he only learned of the case against him when it was already filed. He said that he only reached Grade VI and did not understand the policemen's testimonies against him. He also said that he did not know why he was brought for Inquest and was merely following the instructions of the policemen. Likewise, he was only assisted by counsel when he was already brought to court. [13]

The Ruling of the RTC

On 3 May 2014, the RTC handed down its decision, the dispositive portion of which reads:

WHEREFORE, all the foregoing considered, MELVIN DUNGO Y OCAMPO, finding him guilty beyond reasonable doubt of the offense charged, is hereby sentenced to suffer the penalty of life imprisonment; to pay a fine of Five Hundred Thousand (P500,000.00) Pesos; and the cost of suit.

The two (2) plastic sachet[s] (Exhibit "C-1" and "C-2"), the contents of which were positive for methylamphetamine hydrochloride, a dangerous drug, are hereby confiscated and forfeited in favor of the Government.

The Officer-in-Charge of this court is hereby directed to turn over the same to the PDEA for proper disposal thereof.

SO ORDERED. [14]

The RTC ruled that the prosecution was able to satisfactorily prove all the elements of the crime. [15] It gave full credence to the testimonies of the police officers, relying on the presumption of regularity in the performance of official duty and the lack of evidence of any improper motive on their part. [16]

The Ruling of the Court of Appeals

The Court of Appeals affirmed the RTC decision in toto. The Court of Appeals ruled that the "failure of the police officers to make a physical inventory, to photograph, and to mark the seized items at the place of arrest does not render said drugs inadmissible in evidence or automatically impair the integrity of the chain of custody of the same." [17] It held that the requirement to mark the seized items "immediately after seizure and confiscation" [18] allows for the marking to be done at the police station "as long as it is done in the presence of the accused and that what is of utmost importance is the preservation of its integrity and evidentiary value." [19]

The Court of Appeals held that the prosecution sufficiently established the unbroken chain of custody of the seized evidence, from the time of arrest to the submission of the specimen to PCI Timario for examination. [20]

Dungo is now before this Court appealing the decision on the ground that the same is contrary to facts, law, and

jurisprudence.[21]

The Issue

The lone issue in this case is whether the prosecution was able to prove Dungo's guilt beyond reasonable doubt.

The Ruling of the Court

The appeal is meritorious. The facts as established in this case raise reasonable doubt warranting the acquittal of Dungo.

The general rule is that the Court is not a trier of facts, but in a criminal case, the appellate court has the power to examine the records and review errors in the appealed judgment whether they are assigned or not.[22] This must be so "since no less than the liberty of an accused is at stake." [23]

Illegal sale of drugs is governed by RA 9165:

SEC. 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.

x x x x

Central to the prosecution for the illegal sale of drugs is establishing the identity of the object of the sale since "the existence of the dangerous drug is a condition sine qua non for conviction. The dangerous drug [being the] very corpus delicti of the crime." [24]

Thus, Section 21 of RA 9165 sets out the procedure to be followed by law enforcement officers:

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, and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

x x x x

This procedure is further amplified in the Implementing Rules and Regulations (IRR) of RA 9165:

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;

x x x x

Since it is the dangerous drugs that comprise the corpus delicti, its identity "must also be established with the same unwavering exactitude as that requisite to make a finding of guilt." [25] In other words, no less than proof beyond reasonable doubt is required to establish the corpus delicti in every case under RA 9165.

The duty of the prosecution then is to establish "proof that the identity and integrity of the x x x prohibited or regulated drug, has been preserved" [26] by accounting "for each link in the chain of custody over the dangerous drug from the moment of seizure up to its presentation in court as evidence of the corpus delicti." [27]

Chain of custody is defined in Section 1 of Dangerous Drugs Board Regulation No. 1, Series of 2002 as "the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction."

Further, the same section states that the record "shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition." [28]

The prosecution must establish these four links:

- (1) the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer;
- (2) the turn-over of the illegal drug seized to the investigating officer;
- (3) the turn-over by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and
- (4) the turn-over and submission of the illegal drug from the forensic chemist the court. [29]

The Court has ruled that this procedure is "a matter of substantive law, and cannot be brushed aside as a simple procedural technicality." [30] The purpose of the procedure is to "duly [monitor] the authorized movements of the illegal drugs and/or drug paraphernalia from the time they are seized from the accused until the time they are presented in court." [31]

In *People v. Aneslag*, the Court laid down the task as such:

It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered in evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.[32]

The chain of custody starts immediately after seizure when the apprehending officers are required to do a physical inventory of the items seized.[33] Marking "means the placing by the apprehending officer or the police poseur-buyer of his/her initials and signature on the dangerous drug seized." [34]

Since marking "is the starting point in the custodial link," it is "vital that the seized contraband be immediately marked because succeeding handlers of the specimens will use the markings as reference." [35] This is also to "ensure that the objects seized are the same items that enter the chain and are eventually offered in evidence, as well as to protect innocent persons from dubious and concocted searches, and the apprehending officers from harassment suits based on planting of evidence." [36]

The Court has interpreted the requirement of "immediately after seizure" broadly. It even allows for marking at the nearest police station or office of the apprehending team.[37] However, it has also warned that the apprehending team "must prove that they exerted efforts to comply with the mandated procedure, and that under the given circumstances, their actions were reasonable." [38]

Further, the IRR requires that said inventory be done "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 x x x." [39]

In this case, the marking was done immediately after seizure at the place of arrest, but the inventory was done at the police station, as testified to by PO2 Lugtu.[40] The Confiscation Report was also prepared at the police station.[41] There were also no photographs taken at the scene, only at the police station.[42]

Both PO3 Canda and PO2 Lugtu testified that the marking was witnessed by the Chief of Police and a Barangay Kagawad.[43] The Office of the Solicitor General, likewise, acknowledged that Kagawad Joseph Lingat and Kagawad Vener Lugtu witnessed the inventory and signed the Confiscation Report. PB Lingat himself admitted during trial that he was not present during the inventory nor did he sign any document pertaining to the procedure.[44]

Yet, neither of the kagawads were presented in court, or their testimonies offered as evidence, and no explanation has been offered why this was so. Their testimonies would have sufficed as they were the ones with personal knowledge of the inventory, not PB Lingat, who was not present at the time of confiscation and inventory. PB Lingat only testified to issuing the certification that the police officers coordinated with the barangay for the buy-bust operation.[45]

In *People v. Tampus*, [46] the Court reiterated that:

x x x the conduct of physical inventory and taking of photograph of the seized items in drugs cases must be in the presence of at least three (3) witnesses, particularly: (1) the accused or the persons from whom such items were confiscated and seized or his/her counsel, (2) an elected public official, and (3) a representative of the National Prosecution Service or the media. The three witnesses, thereafter, should sign copies of the inventory and be given a copy thereof. (Emphasis supplied)

The rule, the Court continued, is subject only to well-settled exceptions, namely:

(1) their attendance was impossible because the place of arrest was a remote area; (2) their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf; (3) the elected official themselves were involved in the punishable acts sought to be apprehended; (4) earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.[47]

Thus, the Court in that case acquitted the accused on the ground of the prosecution's "non-observance of the three-witness rule" as well as its failure to justify such non-observance.[48]

The case at bar suffers from the same infirmity. No representatives from the DOJ or the media were present at the inventory at the police station. The prosecution has failed to even acknowledge this fact, much less provide a justification for it.

Next, there is the matter of turnover to the PNP Crime Laboratory. The person who delivered the specimen to the crime laboratory - PO2 Gonzales - is not a member of the buy-bust team, nor is he the investigator in charge of the case. There is no explanation who this person is, when PCI Fernandez turned over the specimen to him, or why he was the one who brought the specimen to the crime laboratory. Moreover, PO2 Gonzales did not testify in court, nor his testimony offered as evidence, on his part in the custody of the evidence.[49]

Additionally, PCI Timario admitted having no knowledge as to whether the specimen he examined was the one confiscated during the buy-bust operation.

All these omissions have been left without any acknowledgment, explanation, and justification by the prosecution, leaving a broken chain of custody of the seized illegal drugs. Thus, there is already doubt if the specimen presented in the trial court is the same one seized from Dungo during the buy-bust operation.

The Court has held that a perfect chain is not required since it is almost impossible to obtain an unbroken chain.[50] Hence, it has ruled in some cases that non-compliance will not necessarily render the arrest illegal or the items seized inadmissible.[51] In fact, Section 21 of the IRR allows for partial or non-compliance under justifiable grounds and as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team.

These two elements must concur. The presence of justifiable ground for the deviation or non-compliance must be accompanied by evidence that the integrity and evidentiary value of the items are preserved.[52]

Further, not only must these be present, these requirements must be alleged and proven by the prosecution. As held by the Court in *People v. De Guzman*:

The failure to follow the procedure mandated under RA No. 9165 and its IRR must be adequately explained. The justifiable ground for non-compliance must be proven as a fact. The court cannot presume what these grounds are or that they even exist.

x x x. There must be proof that these two (2) requirements were met before such non-compliance may be said to fall within the scope of the proviso.[53]

Since, in this case, the prosecution failed to allege, much less prove, these justifying grounds as a fact, there is none for the Court to consider. Without these justifying grounds, the saving clause under Section 21 of the IRR

will not apply.

Again, said saving clause under Section 21 of the IRR is only operationalized if the two elements above concur. Otherwise, the prosecution "loses the benefit of invoking the presumption of regularity and bears the burden of proving — with moral certainty — that the illegal drug presented in court is the same drug that was confiscated from the accused during his arrest." [54]

Thus, the presumption of regularity in the performance of duty will not save this case for the prosecution for the same "stands only when no reason exists in the records by which to doubt the regularity of the performance of official duty." [55]

In the case at bar, the numerous missteps by the law enforcement officers precisely underscore that irregularities attended the police operation. [56] As a general rule, "the testimonies of the police officers who apprehended the accused are accorded full faith and credit because of the presumption that they have performed their duties regularly." [57] However, their failure to observe the proper procedure without justifiable cause effectively obliterates that presumption.

Gaps in the chain of custody when not properly acknowledged and justified, "cannot be filled in by the mere invocation of the presumption of regularity." [58] The presumption "is not conclusive and cannot prevail over the constitutional right of the accused to be presumed innocent or to constitute proof of guilt beyond reasonable doubt." [59] To hold otherwise will allow a mere rule of evidence to defeat a constitutionally protected right.

The right to be presumed innocent until the contrary is proven beyond reasonable doubt is guaranteed by the Constitution. The heavy burden to prove the guilt of the accused in a criminal case is reposed in the State. [60] On one hand, law enforcement officers have the duty to preserve the chain of custody and safeguard the integrity of the seized drugs; while on the other, the prosecution has the burden to present the evidence required to overcome the presumption of innocence.

In proving an accused's guilt, it is the prosecution's duty not only to acknowledge, but also justify, any perceived deviations from the procedural requirements of Section 21 of RA 9165. [61]

In *People v. Sipin*, the Court ruled:

The prosecution bears the burden of proving a valid cause for non-compliance with the procedure laid down in Section 21 of RA No. 9165, as amended. It has the positive duty to demonstrate observance thereto in such a way that during the trial proceedings, it must initiate in acknowledging and justifying any perceived deviations from the requirements of law. Its failure to follow the mandated procedure must be adequately explained, and must be proven as a fact in accordance with the rules on evidence. It should take note that the rules require that the apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized items. Strict adherence to Section 21 is required where the quantity of illegal drugs seized is miniscule, since it is highly susceptible to planting, tampering or alteration of evidence. [62]

In turn, the courts must "subject the prosecution evidence through the crucible of a severe testing" [63] and "take a more than casual consideration of every circumstance or doubt favoring the innocence of the accused." [64]

It is striking that the RTC itself found these badges of irregularity in the prosecution's case but still elected to rely solely on the presumption of regularity in the performance of the police officer's duty to reach the conclusion on Dungo's guilt.

The RTC treated the evidence with less than the level of scrutiny it deserves. The gaps in the case are too obvious to have been missed, and glaring enough to cast that shadow of doubt upon the case built against Dungo.

Likewise, it is crystal clear that the prosecution in this case failed in its duty to prove Dungo's guilt beyond reasonable doubt. It failed to discharge its burden to acknowledge and justify the police officers' non-compliance with the procedure required under the law, and to present the quantum of evidence required to overcome the presumption of innocence.

Based on this and numerous other cases that have come to the Court, it seems that law enforcement officers, the prosecutorial service, and even the trial courts have fallen into the bad habit of relying too heavily on the presumption of regularity in the performance of official duty such that the same is used in place of proper investigation, meticulous case preparation, and judicious study of the evidence. Thus, the Court reiterates that the following are now enforced as mandatory policy upon finality of its ruling in *People v. Lim*:^[65]

- In the sworn statements/affidavits, the apprehending/seizing officers must state their compliance with the requirements of Section 21(1) of R.A. No. 9165, as amended, and its IRR.
- In case of non-observance of the provision, the apprehending/seizing officers must state the justification or explanation therefor as well as the steps they have taken in order to preserve the integrity and evidentiary value of the seized/confiscated items.
- If there is no justification or explanation expressly declared in the sworn statements or affidavits, the investigating fiscal must not immediately file the case before the court. Instead, he or she must refer the case for further preliminary investigation in order to determine the (non) existence of probable cause.
- If the investigating fiscal filed the case despite such absence, the court may exercise its discretion to either refuse to issue a commitment order (or warrant of arrest) or dismiss the case outright for lack of probable cause in accordance with Section 5, Rule 112, Rules of Court.^[66]

From the foregoing, the Court has no other recourse but to reverse Dungo's conviction, for "[w]hen moral certainty as to culpability hangs in the balance, acquittal on reasonable doubt becomes a matter of right, irrespective of the reputation of the accused who enjoys the right to be presumed innocent until the contrary is shown."^[67]

WHEREFORE, the appeal is GRANTED. The Decision of the Court of Appeals dated 29 July 2016 in CA-G.R. CR-H.C. No. 06833 is REVERSED and SET ASIDE and appellant Melvin Dungo y Ocampo is ACQUITTED on the ground of reasonable doubt. The Court ORDERS his IMMEDIATE RELEASE from detention, unless he is being lawfully held for another cause. Let an entry of final judgment be ISSUED immediately.

Let a copy of this Decision be furnished the Superintendent of the New Bilibid Prison, Bureau of Corrections in Muntinlupa City for immediate implementation of the Court's order. The Superintendent is ORDERED to REPORT to this Court the action he has taken within five (5) working days from receipt of this Decision.

SO ORDERED.

Caguioa, J. Reyes, Jr., and Lazaro-Javier, JJ., concur.
Gesmundo,^[*] J., on official business.

[*] On official business. Designated additional member per Raffle dated 13 August 2019.

[1] Rollo, pp. 2-14. Penned by Associate Justice Rodil V. Zalameda (now a member of this Court), with Associate Justices Sesinando E. Villon and Pedro B. Corales concurring.

[2] CA rollo, pp. 53-62. Penned by Judge Mary Jane B. Dacara-Buenaventura.

[3] Comprehensive Dangerous Drugs Act of 2002.

[4] CA rollo, p. 54

[5] Also referred to in the records as PO3 Jayson Canda.

[6] Rollo, p. 5.

[7] Id. at 5-6.

[8] Id. at 6.

[9] Id.

[10] CA rollo, p. 55.

[11] Id. at 57.

[12] Id. at 59.

[13] Id. at 60.

[14] Id. at 62.

[15] Id. at 61.

[16] Id. at 61-62.

[17] Rollo, p. 11.

[18] Id.

[19] Id.

[20] Id. at 12.

[21] Id. at 15.

[22] *People v. Mercader*, G.R. No. 233480, 20 June 2018.

[23] *People v. Ga-a*, G.R. No. 222559, 6 June 2018.

[24] *People v. De Guzman*, 630 Phil. 637, 646 (2010), citing *People v. Kimura*, 471 Phil. 895, 909 (2004).

[25] *People v. Aneslag*, 699 Phil. 146, 162 (2012), citing *People v. Malillin*, 576 Phil. 576, 587 (2008).

[26] *People v. Abella*, G.R. No. 213918, 27 June 2018. Citations omitted.

[27] Id.

[28] Id.

[29] *People v. Sipin*, G.R. No. 224290, 11 June 2018; *People v. Abella*, supra note 26, citing *People v. Alboka*, G.R. No. 212195, 21 February 2018.

[30] *People v. Mercader*, supra note 22, citing *People v. Macapundag*, 807 Phil. 234, 244 (2017).

[31] *People v. Sipin*, supra.

[32] Supra note 25, at 163; *People v. Angeles*, G.R. No. 218947, 20 June 2018.

[33] Section 21, IRR of RA 9165.

[34] *People v. Enad*, 780 Phil. 346, 359 (2016), citing *People v. Sanchez*, 590 Phil. 214, 241 (2008).

[35] *People v. Saragena*, G.R. No. 210677, 23 August 2017, 837 SCRA 529, 552-553, citing *People v. Sabdula*, 733 Phil. 85, 95 (2014). Emphasis in the original.

[36] *People v. Enad*, supra note 34, at 359.

[37] See *People v. Somoza*, 714 Phil. 368, 388 (2013).

[38] *People v. Angeles*, supra note 32, citing *People v. Crispo*, G.R. No. 230065, 14 March 2018.

[39] Sec. 21, IRR of RA 9165.

[40] CA rollo, p. 57.

[41] Id. at 58.

[42] Id. at 47.

[43] Id. at 56 and 57.

[44] Id. at 45.

[45] Id. at 58.

[46] G.R. No. 221434, 6 February 2019. Emphasis in the original.

[47] Id., citing *People v. Sipin*, supra note 29.

[48] Id.

[49] CA rollo, p. 48.

[50] See *People v. Amansec*, 678 Phil. 831, 856 (2011).

[51] *People v. Aneslag*, supra note 25, at 161. Citations omitted.

[52] See *People v. Ga-a*, supra note 23.

[53] Supra note 24, at 649, citing *People v. De la Cruz*, 591 Phil. 259, 271 (2008).

[54] *People v. Alvarado*, G.R. No. 234048, 23 April 2018, citing *People v. Cayas*, 789 Phil. 70, 80 (2016).

[55] *People v. Reyes*, 797 Phil. 671, 692 (2016). Citations omitted.

[56] See *People v. Alvarado*, supra.

[57] *People v. De Guzman*, supra note 24, at 655.

[58] *People v. Tomawis*, G.R. No. 228890, 18 April 2018.

[59] *People v. Angeles*, supra note 32, citing *People v. Capuno*, 655 Phil. 226, 244 (2011), further citing *People v.*

Sanchez, 590 Phil. 214, 243 (2008).

[60] People v. De Guzman, supra note 24, at 645.

[61] People v. Ga-a, supra note 23.

[62] People v. Sipin, supra note 29.

[63] People v. Saragena, supra note 35, at 544, citing People v. Tan, 401 Phil. 259, 273 (2000).

[64] Id.

[65] G.R. No. 231989, 4 September 2018.

[66] Id.

[67] People v. Enad, supra note 34, at 370, citing Zafra v. People, 686 Phil. 1095, 1109 (2012).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.