

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EMALYN N. MORENO, ACCUSED-APPELLANT.

G.R. No. 234273. September 18, 2019

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CAGUIOA, J:

Before this Court is an ordinary appeal[1] filed by the accused-appellant Emalyn N. Moreno (Moreno) assailing the Decision[2] dated March 9, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07977, which affirmed the Decision[3] dated September 29, 2015 of the Regional Trial Court of Calapan City, Oriental Mindoro, Branch 39 (RTC) in Criminal Case No. CR-12-10,539, finding Moreno guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002,"[4] as amended.

The Facts

An Information was filed against Moreno in this case, the accusatory portion of which reads as follows:

That on or about the 12[th] day of July 2012, at around 12:00 midnight, more or less, [in] Barangay Salong, City of Calapan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without any legal authority nor corresponding license or prescription, did then and there willfully, unlawfully and feloniously sell, deliver, or distribute to a poseur-buyer, one (1) heat-sealed transparent plastic sachet containing methamphetamine hydrochloride (shabu), a dangerous drug weighing of 0.016 (zero point zero one six) gram, more or less.

CONTRARY TO LAW.[5]

Upon arraignment, Moreno pleaded not guilty. Thereafter, pre-trial and trial on the merits ensued.

The prosecution's version, as summarized by the CA, is as follows:

The prosecution's evidence shows that on 11 July 2012, at around 9:00 p.m., Marleo B. Sumale (Agent Sumale), an agent of the Philippine Drug Enforcement Agency (PDEA), was informed by a fellow PDEA agent that a certain person named "Ara," a waitress at the WRJ Resto Bar in Barangay Salong, Calapan City, Oriental Mindoro, was peddling dangerous drugs in said establishment. Acting on this information, Agent Sumale -along with other PDEA agents - formed a team to conduct a buy-bust operation against subject Ara. Agent Sumale was designated as the poseur-buyer, while Rosemarie Catain (Agent Catain), was assigned to be the arresting officer. Before the operation, Agent Sumale marked the money to be used with "SMB."

In accordance with the plan, Agent Sumale and the informant proceeded to the establishment. At around 12:00 midnight, a woman approached them. The informant identified the woman as the same "Ara" who was the alleged drug-seller. After having been introduced to Agent Sumale, accused-appellant handed to him a plastic sachet containing suspected shabu. Upon receipt of the sachet, Agent Sumale handed to accused-appellant the marked P500.00 bill. Thereafter, Agent Sumale removed his baseball cap, signifying the completion of the transaction, upon which the other agents, originally positioned in strategic spots around the area, converged on the scene and effected the arrest of accused-appellant. Agent Catain frisked accused-appellant and found the marked bill. Agent Sumale then placed the marking "SMB 12/07/12" on the sachet containing suspected shabu.

The apprehending team, along with the accused-appellant, then proceeded to the PDEA office where the inventory of the confiscated arms was done.

At around 3:10 a.m., Agent Sumale personally brought a letter-request from PDEA to the PNP Regional Crime Laboratory for the conduct of laboratory examination on the powdery white substance inside in the sachet sold by accused-appellant. Agent Sumale endorsed the sachet to PO1 Alex Redruco, who, in turn, turned it over to PSI Eugenio Garcia, a forensic chemist, for the conduct of chemical examinations.

In Chemistry Report No. D-065-12 dated 12 July 2012, PSI Garcia concluded that the white crystalline substance in the sachet was positive for methamphetamine hydrochloride, more commonly known as shabu.[6]

On the other hand, the version of the defense, similarly summarized by the CA, is as follows:

For her part, accused-appellant interposed the defense of denial and frame-up. She alleged that at around 6:00 p.m. of 11 July 2012, she reported for work at the WRJ Resto Bar. Three (3) hours later, she returned home to check on her child. At around 11:00 p.m., while on board a tricycle returning to said establishment, a group of persons flagged down said tricycle and forced her to alight. The group then asked if she was "for hire" in her workplace, to which she answered in the negative. The group then forced accused-appellant into their vehicle and brought her to the PDEA office. After twenty (20) minutes of waiting in said vehicle, the group brought accused-appellant back to where she was taken. Upon arrival thereat, the group took pictures of her, after which accused-appellant was again forced into the vehicle. At around 3:00 a.m., accused-appellant was brought to the PDEA office and was placed in a detention cell.[7]

Ruling of the RTC

After trial on the merits, in its Decision dated September 29, 2015, the RTC convicted Moreno of the crime charged. The dispositive portion of the said Decision reads:

A C C O R D I N G L Y, in view of the foregoing, judgment is hereby rendered finding the accused EMALYN MORENO y NAPOLITANO GUILTY beyond reasonable doubt as principal of the crime charged in the aforementioned Information and in default of any modifying circumstances attendant, hereby sentences her to suffer the penalty of imprisonment of LIFE IMPRISONMENT and to pay a fine of FIVE HUNDRED THOUSAND (P500,000.00) PESOS, with the accessory penalties provided by law and with credit for preventive imprisonment undergone, if any.

The 0.016 gram of "shabu" subject matter of this case is hereby ordered confiscated in favor of the government to be disposed of in accordance with law.

SO ORDERED.[8]

The RTC ruled that the prosecution proved all the essential elements of the crimes charged.[9] It further held that "[a]lthough it may be true that the inventory of the confiscated item was conducted at the PDEA office in Calapan City, and not at the crime scene, the Court finds no sufficient reason to suspect that the "shabu" and buy-bust money recovered from the accused were unduly compromised. Besides, granting arguendo that the PDEA agents failed to strictly comply with Section 21(1), Article II of R.A. No. 9165, such omission is not fatal and does not automatically render the accused's arrest as illegal or the items seized/confiscated from her inadmissible." [10] The RTC further held that Moreno's defense of denial and frame-up could not overcome the testimonies of the police officers as to the conduct of the buy-bust operation. The RTC therefore convicted Moreno of the crime.

Aggrieved, the Moreno appealed to the CA.

Ruling of the CA

In the questioned Decision dated March 9, 2017 the CA affirmed the RTC's conviction of Moreno, holding that the prosecution was able to prove the elements of the crimes charged, namely: (1) the identity of the buyer, as

well as the seller, the object, and the consideration of the sale; (2) the delivery of the thing sold and the payment therefor.[11] The CA gave credence to the testimonies of the prosecution witnesses over the accused-appellant's claim of denial and frame-up.

As regards compliance with Section 21, Article II of the Implementing Rules and Regulations (IRR) of RA 9165, the CA held that strict compliance with the said provision was the ideal, although substantial compliance with the same may suffice provided the integrity of the evidence is properly preserved.[12] It then held that, in this case, there was substantial compliance with the requirements of Section 21. Thus, Moreno's guilt beyond reasonable doubt was sufficiently established.

Hence, the instant appeal.

Issue

For resolution of this Court is the issue of whether the RTC and the CA erred in convicting Moreno.

The Court's Ruling

The appeal is meritorious.

In cases involving dangerous drugs, the State bears not only the burden of proving the elements of the crime charged, but also of proving the corpus delicti or the body of the crime. In drug cases, the dangerous drug itself is the very corpus delicti of the violation of the law.[13] While it is true that a buy-bust operation is a legally effective and proven procedure, sanctioned by law, for apprehending drug peddlers and distributors,[14] the law nevertheless also requires strict compliance with procedures laid down by it to ensure that rights are safeguarded.

In all drugs cases, therefore, compliance with the chain of custody rule is crucial in any prosecution that follows such operation. Chain of custody means the duly recorded authorized movements and custody of seized drugs or controlled chemicals from the time of seizure/confiscation, to receipt in the forensic laboratory, to safekeeping, to presentation in court until destruction.[15] The rule is imperative, as it is essential that the prohibited drug confiscated or recovered from the suspect is the very same substance offered in court as exhibit; and that the identity of said drug is established with the same unwavering exactitude as that required to make a finding of guilt.[16]

In this connection, Section 21, Article II of RA 9165,[17] the applicable law at the time of the commission of the alleged crime, lays down the procedure that police operatives must follow to maintain the integrity of the confiscated drugs used as evidence. The provision requires that: (1) the seized items be inventoried and photographed immediately after seizure or confiscation; and (2) the physical inventory and photographing must be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the Department of Justice (DOJ), all of whom shall be required to sign the copies of the inventory and be given a copy thereof.

This must be so because the possibility of abuse is great given the very nature of anti-narcotics operations, the need for entrapment procedures, the use of shady characters as informants, the ease with which sticks of marijuana or grams of heroin can be planted in pockets or hands of unsuspecting provincial hicks, and the secrecy that inevitably shrouds all drug deals.[18]

Section 21 of RA 9165 further requires the apprehending team to conduct a physical inventory of the seized items and the photographing of the same immediately after seizure and confiscation. The said inventory must be done in the presence of the aforementioned required witnesses, all of whom shall be required to sign the copies of the inventory and be given a copy thereof.

The phrase "immediately after seizure and confiscation" means that the physical inventory and photographing of the drugs were intended by the law to be made immediately after, or at the place of apprehension. It is only when the same is not practicable that the IRR of RA 9165 allows the inventory and photographing to be done as soon as the buy-bust team reaches the nearest police station or the nearest office of the apprehending officer/team.[19] In this connection, this also means that the three required witnesses should already be physically present at the time of apprehension — a requirement that can easily be complied with by the buy-bust team considering that the buy-bust operation is, by its nature, a planned activity. Verily, a buy-bust team normally has enough time to gather and bring with them the said witnesses.

It is true that there are cases where the Court had ruled that the failure of the apprehending team to strictly comply with the procedure laid out in Section 21 of RA 9165 does not ipso facto render the seizure and custody over the items void and invalid. However, this is with the caveat, as the CA itself pointed out, that the prosecution still needs to satisfactorily prove that: (a) there is justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.[20] The Court has repeatedly emphasized that the prosecution should explain the reasons behind the procedural lapses.[21]

In the present case, none of the three required witnesses was present at the time of seizure and apprehension, and only two of them were present during the conduct of the inventory. As Agent Marleo Sumale (Agent Sumale), the one who acted as poseur-buyer, himself testified:

Q

Who handed to you this buy bust money?

A

Agent Naulgan.

Q

Who were to assist you in the conduct of the operation?

A

Agent Naulgan assigned Agent Rosemarie and Agent Quitain.

Q

What time did you jump off the operation?

A

Twelve o' clock midnight of July 13, Ma'am.

Q

Who was with you when you went to the place of the operation?

A

I was with the confidential informant.

Q

How about Agent Quitain who was with her?

A

We both boarded the same vehicle.

x x x x

Q

What happened next after you executed the pre-arranged signal?

A

The tram rushed to the place where alyas Ara was standing.

Q

When the arresting team was apprehending Ara where were you?

A

I was with the team.

Q

What did Agent Quitain do to Ara?

A

She arrested her and informed Ara of her rights. She also informed her of the nature of her offense and then she frisked Ara.

Q

What was the result of the search?

A

The Five Hundred Peso (Php 500.00) bill was found in her possession

Q

Which Five Hundred Peso (Php 500.00) bill did Agent Quitain retrieved (sic) from Ara?

A

The buy bust money Ma'am.

Q

After the arrest of Ara what happened?

A

We brought alyas Ara to the office and conducted an inventory.

x x x x

Q

On page 18 of the records is the Inventory of Confiscated/Seized Items. Is this the one you were referring to?

A

Yes Ma'am

Q

Who prepared this?

A

I was the one who wrote everything on this document.

Q

There appears a signature above the name IO1 Marleo Sumale. Whose signature is that?

A

Mine Ma'am.

PROS. JOYA:

We pray that the Inventory of Confiscated/Seized Items be marked as Exhibit "F," the items inventories as "F-1" and the signature of the witness as Exhibit "F-2."

Q

Whose signature is this that appears above the name Anacleto Vergara?

A

That is the signature of the elected official.

Q

How about the signature above the name of Maricris de Jaro?

A

That is the signature of the media representative.

Q

Why do you know that those are their signatures?

A

They signed in my presence.[22] (Emphasis supplied)

The foregoing testimony confirms that only the agents of the Philippine Drug Enforcement Agency (PDEA) were present in the conduct of the buy-bust operation, and that the inventory was not immediately conducted and was only done subsequently at the PDEA office. Worse, only two of the three required witnesses — the media representative and the elected official — were present in the conduct of the inventory done at the PDEA office.

The records of this case are bereft of any explanation as to why no representative from the DOJ was present in the inventory. The prosecution, despite its burden to prove the officers' compliance with the procedure outlined in Section 21, did not address the issue in their pleadings, and the RTC and the CA instead had to rely on supposed substantial compliance with the rules to justify Moreno's conviction.

It bears emphasis that the presence of the required witnesses at the time of the apprehension and inventory is mandatory, and that the law imposes the said requirement because their presence serves an essential purpose. In

People v. Tomawis,[23] the Court elucidated on the purpose of the law in mandating the presence of the required witnesses as follows:

The presence of the witnesses from the DOJ, media, and from public elective office is necessary to protect against the possibility of planting, contamination, or loss of the seized drug. Using the language of the Court in People v. Mendoza,[24] without the insulating presence of the representative from the media or the DOJ and any elected public official during the seizure and marking of the drugs, the evils of switching, "planting" or contamination of the evidence that had tainted the buy-busts conducted under the regime of RA 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the subject sachet that was evidence of the corpus delicti, and thus adversely affected the trustworthiness of the incrimination of the accused.

The presence of the three witnesses must be secured not only during the inventory but more importantly at the time of the warrantless arrest. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able testify that the buy-bust operation and inventory of the seized drugs were done in their presence in accordance with Section 21 of RA 9165.

The practice of police operatives of not bringing to the intended place of arrest the three witnesses, when they could easily do so — and "calling them in" to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished — does not achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs.

To restate, the presence of the three witnesses at the time of seizure and confiscation of the drugs must be secured and complied with at the time of the warrantless arrest; such that they are required to be at or near the intended place of the arrest so that they can be ready to witness the inventory and photographing of the seized and confiscated drugs "immediately after seizure and confiscation." [25] (Emphasis in the original)

It is important to stress that the prosecution has the burden of (1) proving its compliance with Section 21, RA 9165, and (2) providing a sufficient explanation in case of non-compliance. As the Court en banc unanimously held in the case of People v. Lim:[26]

It must be alleged and proved that the presence of the three witnesses to the physical inventory and photograph of the illegal drug seized was not obtained due to reason/s such as:

(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.[27]

In People v. Umipang[28] the Court dealt with the same issue where the police officers involved did not show any genuine effort to secure the attendance of the required witnesses before the buy-bust operation was executed. In the said case, the Court held:

Indeed, the absence of these representatives during the physical inventory and the marking of the seized items does not per se render the confiscated items inadmissible in evidence. However, we take note that, in this case,

the SAID-SOTF did not even attempt to contact the barangay chairperson or any member of the barangay council. There is no indication that they contacted other elected public officials. Neither do the records show whether the police officers tried to get in touch with any DOJ representative. Nor does the SAID-SOTF adduce any justifiable reason for failing to do so — especially considering that it had sufficient time from the moment it received information about the activities of the accused until the time of his arrest.

Thus, we find that there was no genuine and sufficient effort on the part of the apprehending police officers to look for the said representatives pursuant to Section 21(1) of R.A. 9165. A sheer statement that representatives were unavailable — without so much as an explanation on whether serious attempts were employed to look for other representatives, given the circumstances — is to be regarded as a flimsy excuse. We stress that it is the prosecution who has the positive duty to establish that earnest efforts were employed in contacting the representatives enumerated under Section 21(1) of R.A. 9165, or that there was a justifiable ground for failing to do so.[29] (Emphasis and underscoring supplied)

The Court emphasizes that while it is laudable that police officers exert earnest efforts in catching drug pushers, they must always do so within the bounds of the law.[30] Without the insulating presence of the representative from the media and the DOJ, and any elected public official during the seizure and marking of the sachets of shabu, the evils of switching, "planting" or contamination of the evidence would again rear their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the sachet of shabu that was evidence herein of the corpus delicti. Thus, this failure adversely affected the trustworthiness of the incrimination of the accused. Indeed, the insulating presence of such witnesses would have preserved an unbroken chain of custody.[31]

Concededly, Section 21 of the IRR of RA 9165 provides 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." For this provision to be effective, however, the prosecution must (1) first recognize any lapse on the part of the police officers and (2) then be able to justify the same.[32] Breaches of the procedure contained in Section 21 committed by the police officers, left unacknowledged and unexplained by the State, militate against a finding of guilt beyond reasonable doubt against the accused as the integrity and evidentiary value of the corpus delicti would be compromised.[33] As the Court explained in *People v. Reyes*:[34]

Under the last paragraph of Section 21 (a), Article II of the IRR of R.A. No. 9165, a saving mechanism has been provided to ensure that not every case of non-compliance with the procedures for the preservation of the chain of custody will irretrievably prejudice the Prosecution's case against the accused. To warrant the application of this saving mechanism, however, the Prosecution must recognize the lapse or lapses, and justify or explain them. Such justification or explanation would be the basis for applying the saving mechanism. Yet, the Prosecution did not concede such lapses, and did not even tender any token justification or explanation for them. The failure to justify or explain underscored the doubt and suspicion about the integrity of the evidence of the corpus delicti. With the chain of custody having been compromised, the accused deserves acquittal.[35] (Emphasis supplied)

In sum, the prosecution failed to provide justifiable grounds for the apprehending team's deviation from the rules laid down in Section 21 of RA 9165. The integrity and evidentiary value of the corpus delicti have thus been compromised. In light of this, Moreno must perforce be acquitted.

WHEREFORE, in view of the foregoing, the appeal is hereby GRANTED. The Decision dated March 9, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 07977 is hereby REVERSED and SET ASIDE. Accordingly, accused-appellant Emalyn N. Moreno is ACQUITTED of the crime charged on the ground of reasonable doubt, and is ORDERED IMMEDIATELY RELEASED from detention unless she 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 Correctional Institution for Women, Mandaluyong City, for immediate implementation. The said Superintendent is ORDERED to REPORT to this Court within five (5) days from receipt of this Decision the action she has taken.

SO ORDERED.

Carpio,* Acting Chief Justice, (Chairperson), Lazaro-Javier, and Zalameda, JJ., concur.

[*] Acting Chief Justice as per Special Order No. 2703 dated September 10, 2019.

[1] See Notice of Appeal dated April 7, 2017, rollo, pp. 13-14.

[2] Id. at 2-12. Penned by Associate Justice Manuel M. Barrios with Associate Justices Ramon M. Bato, Jr. and Maria Elisa Sempio Diy concurring.

[3] CA rollo, pp. 50-57. Penned by Judge Manuel C. Luna, Jr.

[4] Titled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES" (2002).

[5] Rollo, pp. 3-4.

[6] Id. at 4-5.

[7] Id. at 5.

[8] CA rollo, p. 57.

[9] Id. at 54-55.

[10] Id. at 56.

[11] Rollo, p. 7.

[12] Id. at 10, citing *People v. Dela Cruz*, 794 Phil. 516 (2016).

[13] *People v. Guzon*, 719 Phil. 441, 451 (2013).

[14] *People v. Mantalaba*, 669 Phil. 461, 471 (2011).

[15] *People v. Guzon*, supra note 13 at 451, citing *People v. Dumaplin*, 700 Phil. 737, 747 (2012).

[16] Id., citing *People v. Remigio*, 700 Phil. 452, 464-465 (2012).

[17] The said section reads as follows:

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[.]

[18] *People v. Santos, Jr.*, 562 Phil. 458, 471 (2007), citing *People v. Tan*, 401 Phil. 259, 273 (2000).

[19] IRR of RA 9165, Art. II, Sec. 21(a).

[20] *People v. Ceralde*, G.R. No. 228894, August 7, 2017, 834 SCRA 613, 625.

[21] *People v. Dela Victoria*, G.R. No. 233325, April 16, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64112>>; *People v. Descalso*, G.R. No. 230065, March 14, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64066>>; *People v. Ano*, G.R. No. 230070, March 14, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63982>>; *People v. Lumaya*, G.R. No. 231983, March 7, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63985>>; *People v. Magsano*, G.R. No. 231050, February 28, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63959>>; *People v. Ramos*, G.R. No. 233744, February 28, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63948>>; *People v. Manansala*, G.R. No. 229092, February 21, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63936>>; *People v. Paz*, 854 SCRA 23, 37; *People v. Miranda*, 854 SCRA 42, 55; *People v. Mamangon*, 853 SCRA 303, 316; *People v. Jugo*, 853 SCRA 321, 333; *People v. Alvaro* 850 SCRA 464, 476; *People v. Almorfe*, 631 Phil. 51, 60 (2010).

[22] TSN, July 2, 2013, pp. 6-8.

[23] G.R. No. 228890, April 18, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64241>>.

[24] 736 Phil. 749 (2014).

[25] *People v. Tomawis*, supra note 23.

[26] G.R. No. 231989, September 4, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64400>>.

[27] *Id.*, citing *People v. Sipin*, G.R. No. 224290, June 11, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64255>>.

[28] 686 Phil. 1024 (2012).

[29] *Id.* at 1052-1053.

[30] *People v. Ramos*, 791 Phil. 162, 175 (2016).

[31] *People v. Mendoza*, supra note 24 at 764.

[32] *People v. Alagarme*, 754 Phil. 449, 461 (2015).

[33] See *People v. Sumili*, 753 Phil. 342, 350 (2015).

[34] 797 Phil. 671 (2016).

[35] *Id.* at 690.

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