PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GODOFREDO RUIZ, JR. Y SALAMANCA, ACCUSED-APPELLANT.

G.R. Nos. 135679 and 137375. October 10, 2001

Ponente: PARDO, J.

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PARDO, J.:

Accused-appellant is the son of a retired police colonel.[1] His accusers are also police officers who claimed that he was caught selling and possessing illegal drugs in a buy-bust operation. While accused-appellant insists that he was set-up, the police officers who accosted him cry arrest in flagrante delicto. The task before the Court is to determine which of the two factual versions is the truth. On the line is the life line is the life and freedom of a young man sentenced to reclusion perpetua. Also in the balance is the State's firm policy against those who wreak havoc on young lives by pushing illegal drugs vis-a-vis the constitutional requirement that the guilt of the accused be proven beyond reasonable doubt.

The Case

An appeal from the joint decision of the Regional Trial Court, Branch 103, Quezon City finding accused Godofredo S. Ruiz, Jr. (hereafter, "Jun") guilty beyond reasonable doubt of two (2) counts of violation of R. A. No. 6425, the Dangerous Drugs Act of 1972.[2]

In Q-98-74941, the court sentenced Jun to reclusion perpetua and to pay a fine of one million pesos for illegal possession of methamphetamine hydrochloride.

In Q-98-74942, the court sentenced Jun to suffer an indeterminate penalty of two (2) years and ten (10) months of prision correccional, as minimum, to eight (8) years and one (1) day of prision mayor, as maximum, and to pay a fine of one million pesos for illegally selling and delivering methamphetamine hydrochloride.

The joint decision also ordered that the methamphetamine hydrochloride subject of the two cases be confiscated in favor of the government and be disposed of in accordance with law.

The Facts

There are two versions of what transpired on January 18, 1998. The prosecution claimed that there was a buy-bust operation that resulted in the arrest of Jun while the defense claimed that there was none and that the police planted the several plastic bags of methylamphelene hydrochloride (hereafter, "shabu") confiscated from him.

We summarize the testimonies of the witnesses for the prosecution and the defense.

For the Prosecution

SPO3 Rolando Noguera (hereafter, "SPO3 Noguera") is connected with the Criminal Investigation Unit, PNP, Camp Karingal, Sikatuna Village, Quezon City.

On January 18, 1998, at around five o'clock in the afternoon, he and other members of his team (SPO1 Vizcarra,

SPO1 Allan de la Cruz, SPO1 Salito Uy, SPO1 del Rosario, PO3 Cruz and PO3 Joselito Velasquez) were called by their Chief Officer, P/Sr. Insp. Remigio Gregorio for a briefing.

During the briefing, they were instructed to conduct a buy-bust operation at No. 54 Mustang Street, Fairview, Quezon City (hereafter "the house"). After the meeting, they left Camp Karingal in three (3) motor vehicles and proceeded to Regalado Street in Fairview where they waited for each other. They proceeded to Mustang Street. From a distance of about 30 to 35 meters, SPO3 Noguera observed SPO1 Allan de la Cruz. He saw SPO1 Vizcarra run into the house and he followed him. When he entered, members of the team had accosted Jun and several persons around a table were engaged in a pot session.[3]

SPO1 Allan de la Cruz (hereafter, "SPO1 de la Cruz") testified that their unit received numerous complaints from the residents of Fairview, Quezon City of "pot sessions" going on in their subdivision. Because of this, Chief Officer P/Sr. Insp. Remigio Gregorio formed an entrapment team against their suspect Jun and designated SPO1 de la Cruz as poseur-buyer. For this purpose, SPO1 de la Cruz withdrew the amount of ten thousand pesos (P10,000.00) in one hundred (P100.00) peso bills and marked each of them by affixing his initials at the upper portion of the bills.[4]

On January 18, 1998, at around seven o' clock p.m. (7:00), along with their confidential informant, three (3) separate groups of policemen left Camp Karingal for Fairview subdivision. While driving along Mustang Street in Fairview, the confidential informant saw Jun standing on the pavement. He and the confidential informant approached Jun. The confidential informant introduced Jun to him. Posing as a buyer, he told Jun he was interested in buying ten thousand pesos (P10,000.00) worth of shabu.

Jun told him to wait. Jun went into the house some twenty-five (25) meters away. Jun was in the house for a few minutes. When Jun came out, he asked SPO1 dela Cruz for the money which he immediately gave. In exchange for the money, Jun handed over a clear plastic bag containing shabu. SPO1 de la Cruz testified that he examined the contents of the bag and signaled his fellow operatives who were deployed nearby to arrest Jun.[5]

While Jun was being frisked by operatives, Jun escaped and ran inside the house. The police operatives chased Jun into the house, where they found several other persons sniffing shabu[6] - Clarissa Espectacion, Roberto Veloz, Joselito Galon (defense witnesses) and Arland Lamagna.[7] The police operatives were able to recover an improvised water pipe, aluminum foil and a small quantity of shabu from the aforementioned persons.[8]

SPO1 dela Cruz testified that he was able to take a blue colored leatherette case from Jun. The case contained three large plastic bags and two small plastic bags containing crystalline substances.[9]

Alexis Guinanao, forensic analyst testified that the plastic bags confiscated from Jun were positive for shabu.[10] The bag sold to SPO1 dela Cruz (Exhibit "A")[11] weighed 10.01 grams.[12] The others weighed as follows:[13]

1. Exh. B 1.71 grams
2. Exh. C 9.96 grams
3. Exh. D 98.00 grams
4. Exh. E 97.74 grams
5. Exh. F 98.03 grams

TOTAL 305.44 grams

For the Defense

The defense witnesses testified that they were drinking beer, watching television and eating at the house owned by their friend, Boy de Luna. While in the course of eating, drinking and playing darts, policemen - SPO1 Joey

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Velasquez (hereafter, "Velasquez") and SPO1 dela Cruz came into the house and frisked them. They searched the rooms of the house for about ten (10) to fifteen (15) minutes.

Roberto Veluz testified that while they were frisked, SPO1 dela Cruz told him, "sa iyo ito" and when he looked, he saw Velasquez carrying a long dark green leather case containing a substance that looked like tawas. Velasquez then said to him, "bitay ka dito bata ka." He also testified that when the policemen searched the rooms of the house, they found nothing illegal.[14]

Joselito Galon testified that while he was at the house, Jun instructed him to accompany a certain Maureen to the tricycle terminal at Regalado Street.[15] When he got to the terminal, five (5) men flagged him whom he later learned were police officers. The police officers frisked him, searched his car and inquired about Jun and where the house was located. The police officers recovered a plastic bag containing shabu from the car. They then proceeded to the house where the police officers instructed him "not to make any sign or signal and just to knock on the gate."

Clarissa Espectacion opened the gate. The police officers ran into the house and instructed the persons inside to sit in the living room. The policemen searched the rooms. Joselito Galon testified that when the policemen came out from one of the rooms they were carrying several plastic bags of shabu. He further testified that when the policemen entered the house, Jun was playing darts and there was no "buy-bust operation."[16]

Clarissa Espectacion corroborated their testimonies.[17]

SPO1 Alfredo Vizcarra (hereafter, "SPO1 Vizcarra") summoned by compulsory process by the defense testified as a hostile witness.[18] He testified that first, there was no buy - bust operation conducted by the police. That at around six o'clock in the evening of January 18, 1998, SPO1 de la Cruz was at Regalado Street in Fairview and called the office at Camp Karingal requesting for "back-up." Responding to the call, he, together with police officers Salito Uy and Velasquez went to Regalado Street and arrived there at eight thirty in the evening. When they arrived, SPO1 dela Cruz was with Joselito Galon. They proceeded to the house at Mustang Street in three (3) vehicles - an owner jeep, a taxicab and the vehicle used by Joselito Galon.[19]

Second, when they got to the house, Clarissa Espectacion opened the gate. When they entered the house, five (5) to six (6) persons were inside eating. Jun was among them. They searched the house without a warrant. He testified that Velasquez found shabu in the house and that he himself found a short firearm[20] on the sofa. While shabu was found inside the house, SPO1 Vizcarra testified that shabu was not found in Jun's possession.[21]

Third, Vizcarra testified that SPO1 dela Cruz caused the arrest of Jun because he had a personal grudge[22] against him. When the police officers returned to the Camp Karingal station, SPO1 dela Cruz commented to him, "nakabawi na raw sila kay Ruiz." Apparently, SPO1 dela Cruz had a personal grudge against Jun because he beat-up a certain Jake Bueno who is the brother of SPO1 dela Cruz' girlfriend.[23]

Procedural Antecedents

On January 20, 1998, the prosecution[24]filed two (2) informations against Jun. The first was for violation of Section 16, Article 111 in relation to Section 2 (e), Article 1 of R. A. No. 6425, as amended by R. A. No. 7659. We quote:[25]

"

> That on or about the 18th day of January 1998 in Quezon City, Philippines, the said accused did then and there willfully, unlawfully and knowingly possess and/or use 305.44 grams of methylamphelene hydrochloride, a regulated drug, without the necessary license and/or prescription thereof, in violation of said law.

"CONTRARY TO LAW."

The second information accused Jun of violation of Section 15, Article 111 in relation to Section 2 (e) (f) (m) (o) Article 1 of R. A. No. 7659, committed as follows:[26]

"That on or about the 18th day of January 1998 in Quezon City, Philippines, the said accused not having been authorized by law to sell, dispense, deliver, transport or distribute any regulated drugs did then and there willfully and unlawfully sell or offer for sale 10.01 grams of white crystalline substance containing METHYLAMPHETAMINE HYDROCHLORIDE, which is a regulated drug.

"CONTRARY TO LAW."

On March 18, 1998, the trial court arraigned Jun. He entered a plea of "not guilty" to both crimes charged.[27]

On March 19, 1998, the trial court consolidated[28]the two criminal cases.[29]

On September 12, 1998, the trial court rendered a joint decision convicting Jun, thus:[30]

"ACCORDINGLY, judgment is hereby rendered finding the accused GODOFREDO RUIZ, JR. y SALAMANCA GUILTY beyond reasonable doubt as PRINCIPAL in theses two cases of Violation of the Dangerous Drugs Act of 1972, as amended (R. A. No. 6425), as charged herein, and he is hereby sentenced to suffer:

"1. In Q-98-74941 for the illegal possession of 305.44 grams of methamphetamine hydrochloride a jail term of Reclusion Perpetua and to pay a fine of One Million Pesos; and

"2. In Q-98-74942 for illegally selling and delivering methamphetamine hydrochloride weighing 10.01 grams, an indeterminate jail term of Two (2) Years and Ten (10) Months of Prision Correctional as minimum to Eight (8) Years and One (1) day of Prision Mayor, as maximum and to pay a fine of One Million Pesos.

"The 305.44 grams of shabu in Q-98-74941 and the 10.01 of shabu in Q-98-74942 are ordered confiscated in favor of the government. They are further ordered disposed on in accordance with law upon finality of these judgments.

"Costs vs. accused.

"SO ORDERED."

On the same day, September 22, 1998, Jun filed a notice of appeal.[31]

The Court's Ruling

The issue before this Court is whether Jun's guilt was proved beyond reasonable doubt.

We find that the evidence failed to show Jun's guilt. While proof beyond reasonable doubt requires only moral certainty of guilt, not an absolute certainty of guilt,[32] here, we find that the prosecution even failed to establish moral certainty of guilt.

In arguing for the affirmation of the trial court's ruling, the Solicitor General stressed that the inconsistencies cited by the defense are minor, trivial and inconsequential as they have "nothing to do with the essential fact of sale and possession of shabu."

According to the Solicitor General, Jun cannot deny that he was caught selling shabu and that shabu was found in his possession.[33] We do not agree, as this is precisely the factual matter in issue.

Whether or not a "buy-bust operation" was conducted and whether or not Jun was caught red-handed during the

operation are in issue.

The testimony of SPO1 Vizcarra is crucial.

The trial court did not believe SPO1 Vizcarra's testimony reasoning that: First, the very next day after the operation, on January 19, 1998, SPO1 Vizcarra subscribed to a joint affidavit[34]which described and outlined with specificity the role that the police officers played in the buy-bust operation.[35] If the operation was illegal from the beginning, reason and conscience should have prompted SPO1 Vizcarra not to sign the joint affidavit. He should have realized the impact of signing the joint affidavit on the lives of the people it implicated. Second, the manner in which SPO1 Vizcarra testified in open court, was "cold" and showed no feeling of remorse for possibly ruining the lives of innocent young people, leading the trial court to doubt the veracity of his testimony. Third, if SPO1 dela Cruz truly had a personal vendetta against Jun, then why is it that it was PO3 Velasquez who frisked Jun and searched the house producing the contraband and not SPO1 dela Cruz himself? Fourth, SPO1 Vizcarra testified that he did not see a single bottle of beer or liquor in the house[36]which directly contradicted the testimony of the other defense witnesses who stated that they were in the house to play darts and drank beer. According to the trial court, this was a "major contradiction."[37]

If we examine the reasons behind the trial court's credulity, we must conclude that such are not enough to reject SPO1 Vizcarra's testimony.

Effect of Joint Affidavit

We note that during SPO1 Vizcarra's cross-examination, the prosecution did not challenge his credibility. The joint affidavit, which was a prior inconsistent statement could have been used to impeach him.[38] The prosecution chose not to do so. This is fatal to its cause. All the expedients devised by man to determine the credibility of a witness should be utilized to determine which of the contradictory testimonies represents the truth.[39]

In a case, the Court ruled that if a witness is not impeached during cross-examination, his testimony "must be taken as any other testimony, with the presumption of truthfulness as it was given under oath."[40]

In People v. De la Cruz,[41] the Court held that for the credibility of a witness to be impeached, the witness should be "confronted with the alleged prior inconsistent statement and given a chance to explain."

When the trial court, motu proprio used the joint affidavit to impeach SPO1 Vizcarra, it did so in error. An affidavit is hearsay and cannot have more strength than testimony given in open court.[42]

Manner of Testifying

The trial court was bewildered over SPO1 Vizcarra's coldness on the stand showing an utter lack of remorse for falsely accusing Jun. We cannot subscribe to this manner of reasoning as precisely SPO1 Vizcarra testified to clear his conscience to rectify a previous wrong done.

What must beguile the trial court was why SPO1 Vizcarra would endanger his own career and why he would risk earning the ire of his fellow police officers by imputing wrongdoing against them and by admitting participation in an illegal raid. We cannot see any reason why SPO1 Vizcarra would jeopardize his own career in open court. Other than a desire to tell the truth, the records are bereft of any motive for his hostile and unwilling support of the defense.

He did not personally know Jun prior to the incident of January 18, 1998. He was not a family friend of the Ruizes. He did not owe the Ruiz family any debt of gratitude. When he entered the police service in 1996, Jun's father had already retired.[43]

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SPO1 Vizcarra's testimony was straightforward. When asked whether he saw Jun outside the house before they entered it, he categorically answered that he did not.[44] When asked if there was a buy-bust operation, SPO1 Vizcarra's answer was clear, to wit:[45]

> "ATTY. TICMAN:
>
> Q-: The prosecution witnesses particularly dela Cruz and Noguera testified that immediately before you entered that house a buy-bust operation was conducted against Godofredo Ruiz, Jr., is that statement of the witnesses are correct or not (sic)?
>
> "WITNESS:
>
> A-: No, that is not true.
>
> "ATTY. TICMAN:
>
> Q-: Likewise in the testimony of these witnesses they alleged they confiscated from Godofredo Ruiz, Jr. a bag containing shabu, did you see Godofredo Ruiz, Jr. in possession that bag containing shabu?
>
> "WITNESS:
>
> A-: No, sir."

SPO1 Vizcarra's testimony was corroborated by the other defense witnesses on its material points. Indeed, it is so disparaging to the prosecution's case that to ignore it would run against the very mandate that the guilt of the accused must be proven beyond reasonable doubt.

Minor Inconsistencies

SPO1 Vizcarra testified that he did not see beer bottles on the table when he entered the house. This is not fatal. In fact, it added credence to his testimony and indicated that his testimony was not rehearsed or fabricated to suit the purposes of the defense.[46]

Corroborative Testimonies

Even the testimony of prosecution witness SPO1 Noguera corroborated SPO1 Vizcarra's testimony with respect to whether there was an actual buy-bust operation.

A close scrutiny of SPO1 Noguera's testimony shows that he did not actually see the events as narrated by SPO1 de la Cruz. He did not see the exchange of marked money for the contraband. He did not see Jun frisked. He did not see the buy-bust operation conducted. In fact, he testified that his view of SPO1 dela Cruz as the buy-bust operation was being conducted was blocked by another vehicle also on Mustang Street.[47] When SPO1 Noguera arrived at the house, Jun was already arrested. So while SPO1 Noguera testified that they were instructed to hold a buy-bust operation, he did not testify that it was actually conducted.[48]

We agree with Jun that,[49]

> "the only narration in court which could have corroborated the buy bust tale was that of prosecution witness SPO3 Noguera. His statement as regards said aspect however left much to be desired as there was not mention as to such operation nor that he witnessed the same."

The rule is that conviction must rest not on the weakness of the defense but on the strength of the prosecution.[50]

We also find peculiar the fact that SPO1 Noguera testified that they converged on Regalado Street at a place where there were many tricycles before proceeding to Mustang Street.[51] This corroborates SPO1 Vizcarra's and

Joselito Galon's testimony as to their presence at the tricycle terminal.

Proof Beyond Reasonable Doubt

While the trial court found that the defense's version is shot with holes and ridden with inconsistencies, we view that the prosecution likewise failed to establish a strong case against Jun. Accusations are not proof. There must be corroborative evidence.[52] The prosecution failed to rebut the testimony of SPO1 Vizcarra that was very damaging to it. First, the cross-examination failed to expose any selfish motive SPO1 Vizcarra may have had for testifying against the interests of his fellow police officers. Second, the cross-examination failed to question SPO1 Vizcarra with respect to his allegation that SPO1 dela Cruz was motivated by a personal vendetta against Jun. Thus unchallenged, the veracity of the statement stands.

We reiterate the rule that in this jurisdiction the overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt.[53] To justify a conviction there must be moral certainty of guilt.[54] In this case, there is none.

Neither can the Court use as basis for affirming Jun's conviction the "presumption of regularity in the performance of official functions." The reason is two-fold. First, the presumption is precisely just that - a mere presumption.[55] Once it is challenged by evidence, as in this case, SPO1 Vizcarra's testimony cannot be regarded as binding truth. Second, the presumption of regularity in the performance of official functions cannot preponderate over the presumption of innocence that prevails if not overthrown by proof beyond reasonable doubt.[56]

The Fallo

WHEREFORE, we REVERSE the decision of the Regional Trial Court, Quezon City dated September 12, 1998 in Criminal Cases Nos. Q-98-74941-Q-98-74942. We ACQUIT accused-appellant, GODOFREDO "JUN" RUIZ, JR. y SALAMANCA of the crime charged, on reasonable doubt.

Costs de oficio.

The Director, Bureau of Corrections is directed to cause his RELEASE, unless he is lawfully held for another cause and to inform the Court of his release, or the reasons for his continued confinement, within ten days from notice.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, and Ynares-Santiago, JJ., concur.
Kapunan, J., on official leave.

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[1] TSN, April 27, 1998, p. 41.

[2] In Criminal Cases Nos. Q-98-74941 and Q-98-74942, promulgated on September 12, 1998, Judge Jaime N. Salazar, Jr., presiding.

[3] TSN, April 1, 1998, pp. 1-13.

[4] Buy Bust Money, Photocopy, Regional Trial Court Records, pp. 16-40; TSN, April 27, 1998, pp. 22-24, 33.

[5] TSN, April 27, 1998, pp. 24-27.

[6] Ibid., pp. 28-29.

[7] Who would all later be charged before Judge Hilario L. Laqui, Presiding Judge of Branch 218, Regional Trial Court, Quezon City (Regional Trial Court Records, p. 42).

[8] TSN, April 27, 1998, p. 29.

[9] TSN, April 27, 1998, pp. 27-28.

[10] Ibid., pp. 8, 11.

[11] Ibid., p. 38.

[12] Ibid., p. 9.

[13] Initial Laboratory Report, Regional Trial Court Records, p. 15.

[14] TSN, June 17, 1998, pp. 21-27.

[15] This is corroborated by Roberto Veluz and Clarissa Espectacion who both overheard accused-appellant Jun instruct Joselito Galon to accompany Maureen to the tricycle terminal (TSN, June 17, 1998, pp. 14-15; TSN, July 22, 1998, pp. 52-53).

[16] TSN, July 17, 1998, pp. 14-41.

[17] TSN, July 22, 1998, pp. 10-18.

[18] TSN, July 31, 1998, pp. 3, 6.

[19] Ibid., pp. 10-24.

[20] A 9 mm. Revolver.

[21] TSN, July 31, 1998, pp. 25-34.

[22] "Alitan"

[23] TSN, July 31, 1998, pp. 36-38.

[24] By Assistant City Prosecutor, Quezon City, Delio M. Aseron.

[25] Information, Rollo, pp. 1-2, p. 1; Regional Trial Court Records, pp. 1-2.

[26] Information, Rollo, pp. 8-9, p. 8.

[27] Certificate of Arraignment, Regional Trial Court Records, p. 64; Order, Regional Trial Court Records, p. 66.

[28] Order, Regional Trial Court Records, p. 90.

[29] Criminal Case No. Q-98-74941 and Criminal Case No. Q-98-74942.

[30] Decision of the Regional Trial Court, Rollo, pp. 21-31, p. 31.

[31] Notice of Appeal, Rollo, p. 32. On June 9, 1999, we resolved to accept the appeal (Rollo, p. 39).

[32] Manuel Huang Chua v. People, G. R. No. 128095, January 19, 2001.

[33] Brief for the Appellee, Rollo, pp. 112-140, pp. 120-121.

[34] Joint Affidavit, Regional Trial Court Records, pp. 12-14.

[35] The typewritten joint affidavit was subscribed before Asst. City Fiscal Delio Aseron by SPO3 Rolando

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Noguera, SPO3 Jose Cruz and PO3 Joselito Velasquez. In the said joint affidavit the affiants mentioned the preparations made prior to the buy bust operation and what they saw during the actual buy bust operation, such as (a) Jun Ruiz putting the ten thousand pesos (P10,000.00) marked money into his back pants' pocket; (b) the handing over of the plastic bag of shabu to SPO1 dela Cruz; (c) the fact that after Ruiz' arrest, it was SPO1 Vizcarra who frisked him and found a .9 mm pistol tucked in his waistline as well as the marked money; (d) the fact that Jun was able to struggle free as he was being frisked and ran into the house where he was caught; (e) the fact that the attache case revealed three large and two two small pieces of heat sealed plastic bags; and (f) that when they entered the house, the people they found there were sniffing shabu. (Joint Affidavit, Regional Trial Court Records, pp. 12-14).

[36] TSN, July 31, 1998, p. 58.

[37] Decision of the Trial Court, Rollo, pp. 21-33, pp. 29-30.

[38] Under Rule 132 Section 11 (of the Revised Rules of Evidence) "A witness may be impeached by the party against whom he was called, xxx by evidence that he has made at other times statements inconsistent with his present testimony...xxx" and in Rule 132 Section 13 "Before a witness can be impeached by evidence that he has made at other times statements inconsistent with his present testimony, the statements must be related to him, with the circumstances of the times and places and the persons present, and he must be asked whether he made such statements, and if so, allowed to explain them. If the statements be in writing they must be shown to the witness before any question is put to him concerning them."

[39] People v. Panida, 310 SCRA, 66, 93 [1999].

[40] People v. Manabat, 100 Phil. 603, 609 [1956].

[41] G. R. No. 128362, January 16, 2001.

[42] Osias v. Court of Appeals, 326 Phil. 107, 128-129 [1996]; People v. Conde, 322 Phil. 757, 768 [1996].

[43] TSN, July 31, 1998, pp. 41-45.

[44] Ibid., p. 30.

[45] Ibid., pp. 33-34.

[46] People v. Mataro, G. R. No. 131378, March 8, 2001.

[47] TSN, April 1, 1998, p. 28.

[48] Ibid., pp. 5-18.

[49] Brief for Accused-Appellant, Rollo, pp. 48-80, p. 64.

[50] People v. Cirilo, G. R. No. 134245, December 1, 2000; People v. Absalon, G. R. No. 137750, January 25, 2001.

[51] TSN, April 1, 1998, pp. 21-22.

[52] Manuel Huang Chua v. People, supra, Note 33.

[53] People v. Salangga, 234 SCRA 407, 423 [1994].

[54] Huang Chua v. People, supra, Note 33.

[55] Under Rule 131, Section 3. A disputable presumption is satisfactory if uncontradicted, but may be

contradicted and overcome by other evidence (underscoring ours).

[56] People v. Pagaura, 334 Phil. 683 [1997].

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