

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERNESTO QUEJADA, ACCUSED-APPELLANT.

G.R. Nos. 97309-10. June 03, 1993

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

On 31 October 1989, separate informations for the violation of Section 15, Article III of the Dangerous Drugs Act of 1972 (R.A. No. 6425 as amended) docketed as Criminal Case No. 1036-D, and for the violation of Section 16 of the said Act, docketed as Criminal Case No. 1037-D, were filed with the Regional Trial Court of Pasig, Metro Manila against Ernesto Quejada and Lilia Quejada, respectively. Both cases were assigned to Branch 164 of the said court, which had been designated as a Special Criminal Court, and were tried jointly because both accused were arrested in the same buy-bust operation. After their individual pleas of not guilty had been entered during the arraignment, trial was held. In its Decision promulgated on 15 August 1990,[1] the trial court found the accused guilty beyond reasonable doubt of the respective charges against them. The dispositive portion of the decision reads:

"In view of all the foregoing, the Court finds that the evidence presented by the prosecution has established the guilt of both of the accused beyond reasonable doubt of the charges as charged in the two informations filed against them.

ACCORDINGLY, for illegally selling and delivering metamphetamine hydrochloride, a regulated drug and known by its street name 'shabu' by the herein accused Ernesto Quejada in violation of Section 15, Article III of Republic Act No. 6425 as amended, the Court hereby imposes upon him the penalty of life imprisonment and a fine of P20,000.00; and likewise for illegally possessing metamphetamine hydrochloride, a regulated drug which is also known by its street name 'shabu', in violation of Section 16, Article III of the same Act, the Court hereby imposes upon the accused Lilia Quejada the penalty of imprisonment of SIX (6) YEARS AND ONE (1) DAY and to pay a fine of P6,000.00." [2]

Only accused Ernesto Quejada, hereinafter referred to as the Appellant, filed a notice of appeal[3] after his and Lilia Quejada's motion for reconsideration[4] was denied by the trial court.[5] In criminal cases, an appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.[6]

The accusatory portion of the information in Criminal Case No. 1036-D against Ernesto Quejada[7] reads as follows:

"That on or about the 28th day of October, 1989 in the Municipality of Pasig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized by law, did then and there willfully, unlawfully and feloniously and knowingly sell and deliver one (1) small transparent plastic bag containing 0.09 grams of metamphetamine hydrochloride also known as 'shabu' a regulated drug."

In both cases, the prosecution presented three (3) witnesses, namely: Leslie Chambers, forensic chemist of the PC/INP Crime Laboratory Service, Camp Crame, Pat. Benjamin Placido and Pat. Donato Geda, both of the Pasig Police Station.

Chemist Leslie Chambers testified regarding the tests she conducted on the items submitted by the Pasig Police Station on 30 October 1990^[8] which were allegedly recovered from the appellant and Lilia Quejada. She declared that the "shabu" (Exhibit "D-2") allegedly recovered from the appellant showed positive results to three (3) tests for metamphetamine hydrochloride; that the "shabu" (Exhibit "D-3") of about 0.04 grams and five (5) glass tubings which were allegedly taken from accused Lilia Quejada also showed positive results when tested for metamphetamine hydrochloride,^[9] while the nine (9) pieces of aluminum foils showed negative results in the tests conducted.^[10]

The principal witness for the prosecution was Pat. Benjamin Placido, the poseur-buyer. He testified thus: That on and prior to 28 October 1989, he was assigned at the Pasig Police Station and was a member of its Anti-Narcotics Unit. When he reported for work on 28 October 1989, their Officer-In-Charge (OIC), Sgt. Florencio Caruncho, acting upon a tip from an informant that someone was selling shabu along Lorenzo Street, Caniogan, Barracks, Pasig, organized a buy-bust team where he (Placido) would be the poseur-buyer. The other members of the team were the OIC himself, Sgt. Caruncho, Cpl. Inocencio Baldon, Pat. Donato Geda and Pat. Raul Casiño. Before they proceeded to the area, two (2) fifty (P50.00) peso bills (Exhibits "J" and "J-1") were marked and the serial numbers listed by them in the police blotter. The team proceeded to the area at around 8:30 to 8:45 o'clock in the evening. When they reached the place, they saw two (2) persons, a male and a female, standing along the street, whom he (Placido) identified as the appellant and his wife Lilia Quejada. He approached the appellant and asked him if he has shabu for sale, at the same time showing him the two (2) pre-marked fifty (P50.00) peso bills. The appellant took the money from him and got a small transparent plastic bag (Exhibit "D-2") from the red bag (Exhibit "G") of Lilia Quejada. He then examined the plastic bag and after ascertaining that it contained shabu, he gave the hand signal to his companions who immediately approached them, arrested the appellant and his wife, and brought them to the police headquarters. Inside the bag carried by Lilia Quejada was shabu (Exhibit "D-1").^[11]

Pat. Donato Geda testified that he was the investigator assigned to the incident in question and that he prepared the affidavit of the arresting officer, Pat. Placido, based on the facts narrated to him by the latter, and the letter request sent to the PC/INP Crime Laboratory (PCCL) for examination of the evidence taken from the appellant and Lilia Quejada. He stated that the person who submitted the items and letter-request to the PCCL was Cpl. Baldon and that the money taken from the appellant was turned over to him for safekeeping. He corroborated the testimony of Pat. Placido on the preparation of the marked money and the entry of such fact in the police blotter before the buy-bust operation was conducted.^[12]

The defense presented both the appellant and Lilia Quejada. The latter testified thus: That on 28 October 1989 at about 8:30 o'clock in the evening, she and her husband were standing along Lorenzo Street, Caniogan, Pasig, waiting for a ride. The street was illuminated by street lamps, there were several people along the street and vehicles were passing by.^[13] At that time, her husband was talking with an acquaintance when suddenly Jojo Santiago, whom she later knew to be a policeman, approached them from the opposite side of the road followed by another man. Santiago held the hands of her husband and when she asked him why, Santiago uttered, "Wala. Basta sumama ka." The other man poked a gun at them, began to search their bags and then handcuffed them. Santiago and his companion hailed a passenger jeepney where two (2) other men joined them. They were brought to the investigation room of the Narcotics Unit of the police in the Municipal Hall of Pasig. There, they were joined inside the room by Pat. Placido who told them that their case can be settled for a fee and that he was giving

them two (2) days or until 30 October 1989 to settle the matter.[14]

Appellant's testimony[15] corroborates that of Lilia Quejada.

In this appeal, which this Court accepted on 15 April 1991,[16] the appellant raises the following assignment of errors in his Brief:[17]

"First Assignment of Error:

THE TRIAL COURT GROSSLY ERRED IN NOT FINDING THE PROSECUTION'S VERSION OF THE ALLEGED 'BUY-BUST' OPERATION AS UNNATURAL, IMPROBABLE, INCREDIBLE AND DEFIES LOGIC.

Second Assignment of Error:

THE TRIAL COURT GROSSLY ERRED IN NOT FINDING AS FATALLY DEFECTIVE THE UTTER FAILURE OF THE PROSECUTION TO PRESENT THE ALLEGED INFORMANT WHO ALLEGEDLY TIPPED-OFF AND WHICH LED TO THE ALLEGED 'BUY-BUST' OPERATION.

Third Assignment of Error:

THE TRIAL COURT GROSSLY ERRED IN NOT RULING THAT THE IRRECONCILABLE AND UNEXPLAINED CONTRADICTIONS AND INCONSISTENCIES OF THE PRINCIPAL PROSECUTION WITNESSES CAST DOUBT ON THE GUILT OF THE ACCUSED-APPELLANT.

Fourth Assignment of Error:

THE TRIAL COURT GRAVELY ERRED IN GIVING UNDUE AND UNWARRANTED RELIANCE ON THE PRESUMPTION OF THE REGULARITY OF THE PERFORMANCE OF OFFICIAL FUNCTIONS OVER THAT OF THE CONSTITUTIONALLY PROVIDED PRESUMPTION OF INNOCENCE OF THE APPELLANT.

Fifth Assignment of Error:

THE TRIAL COURT GROSSLY ERRED IN NOT RULING THAT THE ACCUSED-APPELLANT AND WIFE WERE UNLAWFULLY ARRESTED, SEARCHED OF THEIR BELONGINGS AND CUSTODIALLY INVESTIGATED."[18]

In the first and second assigned errors, the appellant claims that the alleged buy-bust operation was brought about by a tip phoned in by an informant whose identity was never revealed and who was not presented in court by the prosecution, hence, whatever information he had provided to the police has no evidentiary value, being merely self-serving and hearsay in nature. Moreover, it is incredible and unnatural for the police officers to proceed to the target area without apprising themselves with the basic information regarding the identity or, at least, the description of their suspect and once there, to immediately pounce upon the first person they see in the target area, who happened to be the appellant and his wife standing in well-lighted and moderately busy street. Finally, appellant argues that it is unbelievable that he would readily take the money from Pat. Placido and give to the latter the prohibited drug in plain view of the public.

In his third assigned error, the appellant enumerates what he claims are irreconcilable and unexplained inconsistencies and contradictions in the testimony of Pat. Placido, to wit:

1. Pat. Placido gave different names on various occasions when asked who the other members of the buy-bust team were. Placido's testimony that Pat. Geda was also a member of the buy-bust team was belied by Pat. Geda himself.

2. Pat. Placido gave inconsistent narrations on when the drugs were discovered from the red bag (Exhibit "G") allegedly carried by Lilia Quejada. When he was first presented, he testified:

"Q What happened after you gave the signal?

A They approached us, Sir.

Q By the way, who handed to you the shabu taken inside Exhibit "G"?

A Ernie, Sir.

Q And how about Lilia, what was she doing at that time?

A At that time, sir, while the incident was going on, Lilia Quejada was just standing there. However, after I gave the signal to my companions and they approached us, one inspected the bag that Lilia Quejada was carrying at that time and we found out that the bag contained paraphernalia. (TSN, March 20, 1990, p.7)"

But when he was presented anew, he declared:

"Q When you said containing shabu, how did you come to know that it contains shabu?

x x x

A We came to know that this bag Exhibit "G" contains shabu, sir, because after we took them to our headquarters, our investigator opened Exhibit "G" and that was the time when I came to know that the bag is containing (sic) shabu. (TSN, April 3, 1990, pp. 12-13)."

3. Placido gave differing accounts as to who placed marks on the buy-bust money. Thus, when he testified for the first time on 20 March 1990, he said:

"Witness:

A The investigator, sir, was the one who made this marking, (Illegible signature, then 10-28-89 and mark money, notation, mark money). However, Sir, the serial numbers AU547890 was already entered in our log book before the operation, Sir. (TSN, March 20, 1990, p. 14)"

But when he took the witness stand again, he contradicted his previous testimony, thus:

"Q And there is an Initial here and a date 10-28-90 and the word mark money on Exhibit "H" on the lower portion of the money marked as Exhibit "H" who placed this marking here?

A I was the one who placed it, Sir. (TSN, April 3, 1990, p. 6)"

4. Pat. Placido gave varying testimonies on when he placed the markings on the buy-bust money. In his first testimony, he said that the markings were made after the operation,[19] but when he was presented again, he answered that the markings were made before they proceeded to the target area.[20]

5. In the affidavit[21] of Pat. Placido, he stated that "their office received reports from confidential informants regarding drug pushing activities operating within the vicinity of Brgy. Caniogan, Pasig, Metro Manila"; that they conducted a surveillance "to check the veracity of said report and after a week long of covert operation said report yielded positive result." However, when he testified in court, he said that an informant had told them on the same day that they conducted the buy-bust operation that a person was selling shabu; there was, therefore, no surveillance made.

The fourth and fifth assigned errors are conclusions drawn from the appellant's disquisitions on the preceding assigned errors.

At the bottom of these grievances are the factual findings of the trial court which go into the issue of credibility of witnesses. We shall then take up the errors jointly. Deeply embedded in our jurisprudence is the rule that when the issue of credibility of witnesses is concerned, appellate courts will generally not disturb the findings of facts of the trial court considering that the latter is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless certain facts of substance and value have been plainly overlooked which, if considered, might affect the result of the case.[22] The trial court's finding on the credibility of the prosecution's witnesses is entitled to great respect unless and until they are clearly shown to be arbitrary.[23]

We have carefully reviewed the records of this case and the testimonies of the witnesses and We agree with the trial court's finding that the guilt of the appellant was proven beyond reasonable doubt. We are also convinced that the appellant was caught in flagrante selling the regulated drug commonly known as shabu during the buy-bust operation conducted on 28 October 1989. While it may be true that there are inconsistencies in the testimony of the principal prosecution witness, Pat. Placido, like those pointed out by the appellant regarding the composition or number of the members of the buy-bust team, the time when the buy-bust money was marked and by whom and when the confidential information was received, they pertain to minor and insubstantial matters which do not affect the proof of the elements of the offense charged. Discrepancies or inconsistencies on minor matters do not impair the essential integrity of the prosecution's evidence as a whole or reflect on the witnesses' honesty.[24]

In a prosecution for illegal sale of prohibited drugs or, as in this case, of regulated drugs, what is essential is proof of the consummation of the sale.[25] Whether the buyer is a stranger or not is immaterial. In real life, small-level drug pushers sell their prohibited wares to customers who have the money to pay for the drug, be they strangers or not. What matters is not the existing familiarity between the buyer and the drug pusher, but rather the agreement and the acts constituting the sale and delivery of the prohibited or regulated drug.[26]

That the buy-bust operation transpired in a public place does not make the operation improbable or unnatural. In *People vs. Paco*,[27] this Court stated:

"Drug pushing when done on a small level as in this case belongs to that class of crimes that may be committed at anytime and at any place. After the offer to buy is accepted and the exchange is made, the illegal transaction is completed in a few minutes. The fact that the parties are in a public place and in the presence of other people may not always discourage them from pursuing their illegal trade as these factors may even serve to camouflage the same. Hence, the Court has sustained the conviction of drug pushers caught selling illegal drugs in a billiard hall, in front of a store, along a street at 1:45 p.m., and in front of a house." [28]

Pat. Placido, who was himself the poseur-buyer, was categorical, direct and firm on both occasions when he took the witness stand. He categorically testified that the appellant sold him one (1) deck of shabu during the buy-bust operation. The first time he was presented in court on 20 March 1990, he testified as follows:

"FISCAL:

Q Mr. Witness, how did your group conduct the operation along Lorenzo Street, Barracks, Caniogan, Pasig, Metro Manila?

A I was tasked to act as poseur-buyer, Sir.

Q What have you done when you were tasked as the poseur-buyer?

A At the time, Sir, the suspect was standing accompanied by a female person.

Q When you said the suspect was standing with a female companion, to whom are you referring to?

A The suspect is one alias Ernie, Sir.

x x x

Q What is the real name of this Ernie?

A Ernesto Quejada y Gallego, Sir.

Q How about the woman companion of Ernesto Quejada. What is the real name of this woman, if you recall?

A Lilia Quejada y Santo Romano, Sir.

x x x

Q When you said that you have seen these two persons standing on the place where you conducted the buy-bust operation, what have you done when you have seen (sic) them?

A I approached Ernie and asked him if it would be possible for me to buy one deck of suspected shabu?

Q And what did they do upon informing them that you are going to buy one deck of suspected shabu?

A He asked me, Sir, if I have some money with me.

Q What happened when you were asked if you have money?

A I took hold of the two-50 peso bills and showed them to him.

Q When you said you showed them to him, to whom are you referring to?

A To Ernie, Sir.

Q What happened when you showed them the two-50 peso bills?

A After he has taken hold of the two 50-peso bills, he got this red bag containing suspected shabu.

Q I am showing to you a red bag which is marked as Exhibit "G". Tell the Honorable Court what relation has this with regards to the red bag which you said the accused handed to you?

A This contained the shabu. He got the stuff from this Exhibit "G".

x x x

Q By the way, who handed to you the shabu taken inside this Exhibit "G"?

A Ernie, Sir.

Q And how about Lilia, what was she doing at the time?

A At the time, Sir, while this incident was going on, Lilia Quejada was just standing there. However, after I gave the signal to my companions and they approached us, we inspected the bag that Lilia Quejada was carrying at the time and we found out that the bag contained paraphernalia."^[29]

When he was presented again on 3 April 1990, he reiterated his previous testimony in this wise:

"Q When you act (sic) as the poseur-buyer, what did you do if there be any?

A I pretended to be a buyer, Sir.

Q How did you pretend to be a buyer?

A I saw them standing and I approached them, Sir.

Q To whom are you referring when you said them?

A Ernesto Quejada and Lilia Quejada, Sir.

x x x

Q When you saw these persons whom you identified a while ago, what did you do, if there be any?

A I approached them and asked them if they have shabu, Sir.

Q What happened when you asked them if they have shabu?

A I showed them the money, the two-50 peso bills, Sir.

x x x

FISCAL:

You said that you have showed these two-50 peso bills to the accused. To whom among these two accused did you show these money?

A To Ernie Quejada, Sir.

Q And after you showed these two-50 peso bills to Ernesto Quejada, what happened next if there be any?

A He got the two-50 peso bills from me and after that he took out something from his companion.

Q And what [was] this something that he took from his companion?

A A transparent bag containing shabu.

Q After he handed to you this transparent plastic bag containing shabu, what happened next, if there be any?

A I examined the transparent plastic tea bag given to me to determine whether it really contains shabu. After that, Sir, as you know, my companions were already positioned in different places and after ascertaining that it is really shabu I gave them a hand signal."^[30]

Appellant cannot take refuge under the mantle of *People vs. Ale*,^[31] *People vs. Fernando*,^[32] *People vs. Rojo*,^[33] *People vs. Guinto*^[34] and *People vs. Salcedo*,^[35] cases wherein We reversed the judgments of the trial courts convicting the appellants. Said cases stand on different factual settings from that in this appeal. In each of the said cases, except in *People vs. Fernando*, the poseur-buyer, who alone could testify on the transaction between himself and the accused, was not presented as a witness. In *People vs. Fernando*,^[36] while the poseur-buyer was presented as a witness, he was not categorical in saying whether he was able to buy the prohibited drug from the accused. We said therein:

"This same witness [alleged poseur-buyer, Conde] testified that he was unable to buy marijuana from the defendant-appellant in the afternoon of October 28, 1983, but NARCOM agents Rodolfo Aquino and Norberto Francia declared under oath that he did."

In *People vs. Ale*,^[37] We noted that:

"Sgt. Binan testified that he and Sgt. Rosaroso observed the alleged sale of the marijuana cigarettes between the appellant and the poseur-buyer from a distance of some ten to fifteen meters. At that distance, Sgt. Rosaroso testified that they could see the appellant and the poseur-buyer very well. However, Rosaroso testified on two occasions that their knowledge of the alleged consummation of the sale came only from a hand-signal from the poseur-buyer. What transpired between the alleged buyer and seller, how the sticks of marijuana changed hands, and whether or not the four sticks introduced in court were actually the sticks

supposedly purchased at that time is unknown."

In *People vs. Rojo*,^[38] this Court held:

"These are the facts as found by the trial court which show that none of the prosecution witnesses actually saw the appellant deliver the alleged bag of flowering tops of marijuana which was allegedly sold to the informant. It also indicates that they did not see the informant pay the alleged consideration of the sale with a 10-peso bill. They just assumed that the transaction was consummated upon a signal from the informant. There is, therefore, no direct evidence, much less conclusive proof, to establish the alleged unlawful sale of marijuana being pinned on the appellant."

In *People vs. Salcedo*,^[39] this Court gave significance to the inconsistencies in the testimonies of the prosecution witnesses, and the non-presentation of the alleged poseur-buyer.

And in *People vs. Guinto*,^[40] We noted:

"No wonder Vitug's [a member of the buy-bust team but not the poseur-buyer] testimony was conflicting and confusing if not concocted. As the Solicitor General notes, this witness offered no less than four inconsistent versions of how the crime was committed by the accused-appellants, all of which analyzed together, reflected on his credibility."

There is no uniform mode of conducting a buy-bust operation. Usually, the suspects are identified or at least, described by the informant; however, there are cases where no such identity or description is given, but information regarding his "territory" or the usual place where he conducts his trade is supplied. Information that there would be a transaction involving the purchase and sale of marijuana at around 5:00 o'clock of the same day at a particular place,^[41] that there was rampant drug trafficking in the vicinity of a particular area,^[42] that drug pushers are roaming around at a specific place,^[43] or that a person was selling marijuana at a certain street^[44] were deemed sufficient for police officers to conduct a buy-bust operation. In the instant case, the information furnished was that someone was selling shabu along Lorenzo Street; the police officers deemed such information adequate to conduct a buy-bust operation.

The informant did not have to testify because he was not a participant in that operation and would have been incompetent to narrate the details thereof.^[45] Hence, the second assigned error must perforce fail. In any event, since the appellant was in fact caught in flagrante, the issue on the presentation of the informant was rendered academic, if not irrelevant.

The presumption has always been that police officers are performing their official functions when they conduct buy-bust operations and entrap and arrest violators.^[46] In the absence of any ill motive on their part to testify falsely against the accused, such a presumption must prevail against the bare denial of the accused. In this case, both accused admitted that they do not know the police officers who conducted the buy-bust operation and that they had no misunderstanding with any of them.^[47] Hence, there is no reason for these officers to testify falsely against them. The testimony of the appellant regarding the alleged attempt of Pat. Placido to extort money from them in exchange for the dropping of the charges is a delayed afterthought which is easily concocted. If this were true, the accused and his wife should have filed the appropriate criminal and administrative charges against Placido.

Having thus ruled that there was a successful buy-bust operation during which the appellant was caught in flagrante selling and delivering shabu to the poseur-buyer, Pat. Placido, the appellant could be -- as in fact he was -- lawfully arrested without a warrant pursuant to Section 5, Rule 113 of the Rules of Court. The search, being merely an incident to the lawful arrest, cannot be stigmatized as unlawful. Section 12, Rule 126 of the Rules of Court explicitly provides:

"SEC. 12. Search incident to lawful arrest. -- A person lawfully arrested may be searched for dangerous weapon or anything which may be used as proof of the commission of an offense, without a search warrant."

WHEREFORE, the Decision of the Regional Trial Court of Pasig, Branch 164, in Criminal Case No. 1036-D is hereby AFFIRMED.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

[1] Original Records (OR), Crim. Case No. 1036-D, 166-178. Per Judge Apolonio R. Chavez, Jr. The decision is dated 13 August 1990.

[2] OR, Crim. Case No. 1036-D, 178.

[3] Id., 198.

[4] Id., 184-196.

[5] Id., 197.

[6] Section 11(a), Rule 122, 1985 Rules on Criminal Procedure.

[7] OR, Crim. Case No. 1036-D, 1.

[8] TSN, 9 March 1990, 15.

[9] Id., 9.

[10] Id., 11.

[11] TSN, 3 April 1990, 5-13.

[12] TSN, 30 March 1990, 5-6; 7; 18.

[13] TSN, 15 June 1990, 3-4.

[14] TSN, 15 June 1990, 4-8.

[15] TSN, 22 June 1990, 8-11.

[16] Rollo, 23.

[17] Id., 26-62.

[18] Rollo, 29-30.

[19] TSN, 20 March 1990, 12-13.

[20] TSN, 3 April 1990, 7.

[21] OR, Crim. Case No. 1036-D, 164.

[22] *People vs. Garcia*, 89 SCRA 440 [1979]; *People vs. Bautista*, 92 SCRA 465 [1979]; *People vs. Abejueda*, 92 SCRA 503 [1979]; *People vs. Simon*, 209 SCRA 148 [1992].

[23] *People vs. Caldito*, 182 SCRA 66 [1990]; *People vs. Linsangan*, 195 SCRA 784 [1991]; *People vs.*

Mandapat, 196 SCRA 157 [1991].

[24] People vs. Bernardino, 193 SCRA 448 [1991].

[25] People vs. Catan, 205 SCRA 235 [1992]; People vs. Dekingco, 189 SCRA 512 [1990]; People vs. Marcos, 185 SCRA 154 [1990].

[26] People vs. Madriaga, 211 SCRA 698 [1992], citing People vs. Sanchez, 173 SCRA 305 [1989]; People vs. Tejada, 170 SCRA 497 [1989]; People vs. Rodriguez, 172 SCRA 742 [1989]; People vs. Borja, 182 SCRA 581 [1990]; and People vs. Fernandez, 209 SCRA 1 [1992].

[27] 170 SCRA 681, 689 [1989].

[28] Citing People vs. Sarmiento, 147 SCRA 252 [1987]; People vs. Rubio, 142 SCRA 329 [1986]; People vs. Toledo, 140 SCRA 259 [1985]; and People vs. Policarpio, 158 SCRA 85 [1988]. See also, People vs. Garcia, 198 SCRA 603 [1991].

[29] TSN, 20 March 1990, 5-7.

[30] TSN, 3 April 1990, 4-5; 9.

[31] 145 SCRA 50 [1986].

[32] 156 SCRA 35 [1987].

[33] 175 SCRA 119 [1989].

[34] 184 SCRA 287 [1990].

[35] 195 SCRA 345 [1991].

[36] Supra. at 41.

[37] Supra. at 59.

[38] Supra. at 128.

[39] Supra.

[40] Supra. at 290.

[41] People vs. Bati, 189 SCRA 97 [1990].

[42] People vs. Mariano, 191 SCRA 136 [1990].

[43] People vs. William, 209 SCRA 808 [1992].

[44] People vs. De Jesus, 205 SCRA 383 [1992].

[45] People vs. Carpio, 207 SCRA 569 [1992].

[46] People vs. Linsangan, 195 SCRA 784 [1991]; People vs. Ramos, 203 SCRA 237 [1991].

[47] TSN, 22 June 1990, 5.

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