



Republic of the Philippines
Supreme Court

Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 209338

Present:

PERALTA, J.,*
Acting Chairperson,
DEL CASTILLO,**
VILLARAMA, JR.,
PEREZ,*** and
PERLAS-BERNABE,**** JJ.

- versus -

BIENVENIDO MIRANDA y
FELICIANO,
Accused-Appellant.

Promulgated:

June 29, 2015

X-----X

DECISION

VILLARAMA, JR., J.:

Before this Court is an appeal from the May 16, 2013 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR HC No. 04547, which affirmed the May 13, 2010 Decision² of the Regional Trial Court (RTC) of Angeles City, Branch 57, finding accused-appellant Bienvenido Miranda y Feliciano (appellant) guilty beyond reasonable doubt of violation of Sections 5³ and 11,⁴ Article II of Republic Act (R.A.) No. 9165.⁵

* Designated Acting Chairperson per Special Order No. 2071 dated June 23, 2015.
** Designated Acting Member per Special Order No. 2084-A dated June 29, 2015.
*** Designated additional Member per Raffle dated November 10, 2014.
**** Designated Acting Member per Special Order No. 2072 dated June 23, 2015.
¹ CA rollo, pp. 106-115. Penned by Associate Justice Manuel M. Barrios, with Associate Justices Remedios A. Salazar-Fernando and Normandie B. Pizarro concurring.
² Records, pp. 121-129. Penned by Judge Omar T. Viola.
³ Article II, Section 5 of R.A. No. 9165 provides:
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.
⁴ Article II, Section 11 of R.A. No. 9165 provides:
SEC. 11. *Possession of Dangerous Drugs.* — 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 possess any dangerous drug in the following quantities, regardless of the degree of purity thereof;

The case stemmed from two Informations both dated July 14, 2003, charging appellant with the crimes of violation of Sections 5 and 11, Article II, of R.A. No. 9165 for illegal sale and possession of methylamphetamine hydrochloride or *shabu*, the accusatory portions of which read as follows:

Criminal Case No. DC-03-316

That on or about the 11th day of July, 2003, in the municipality of Mabalacat, province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not having [been] lawfully authorized and/or permitted, did then and there [willfully], unlawfully and feloniously have in his possession, control and custody Seven Hundred Fifty Nine Ten Thousandth (0.0759) of a gram of methylamphetamine hydrochloride, (*shabu*), a dangerous drug.

Contrary to law.⁶

Criminal Case No. DC-03-317

That on or about the 11th day of July, 2003, in the municipality of Mabalacat, province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, BIENVENIDO MIRANDA y FELICIANO not having been lawfully authorized and/or permitted for and in consideration of the sum of Two Hundred (P200.00) Pesos, Philippine Currency, did then and there [willfully], unlawfully and feloniously sell and deliver to a poseur buyer Three Hundred Sixty Three Ten Thousandth (0.0363) of a gram of methylamphetamine hydrochloride (*shabu*), a dangerous drug.

Contrary to law.⁷

Upon arraignment, appellant pleaded not guilty to both charges.

At the pre-trial, stipulations were made: (1) as to the identity of the appellant; (2) that the appellant was also known as Dawie; (3) that the substance was given to the Philippine National Police (PNP) Crime Laboratory for examination pursuant to the letter request coming from the Philippine Drug Enforcement Agency (PDEA), Region III Office; (4) that the PNP Crime Laboratory issued a Chemistry Report with regard to the examination; and (5) that as per the Chemistry Report,⁸ the substance examined turned out to be positive for methylamphetamine hydrochloride or *shabu*.⁹

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand (P300,000.00) pesos to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu," or other dangerous drugs such as, but not limited to, MDMA or "ecstasy," PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

⁵ Comprehensive Dangerous Drugs Act of 2002.

⁶ Records, p. 1.

⁷ Id. at 14.

⁸ Chemistry Report No. D-324-2003 dated July 12, 2003, id. at 21.

⁹ Order dated November 20, 2003, id. at 37-38.

Trial on the merits ensued.

The prosecution, through the testimonies of witnesses Police Chief Inspector Manuel Chica (P/CI Chica) of PDEA-Region 3 and Barangay Chairman Marcelino Cruz (Chairman Cruz) of San Francisco, Mabalacat, Pampanga, established the following:

Based on a tip from a confidential informant that a certain alias “Dawie” who would later on be identified as the herein appellant is actively engaged in the selling of *shabu* in Purok Roxas, Dau, Mabalacat, Pampanga, P/CI Chica immediately formed a team composed of Chairman Cruz and Police Officer 2 Richard Lambino (PO2 Lambino) to conduct a buy-bust operation on July 11, 2003. P/CI Chica himself was designated as the poseur-buyer. He prepared the buy-bust money consisting of two (2) one hundred peso bills¹⁰ which he marked by placing a dot on the forehead of the picture of the late President Manuel A. Roxas printed on the said bills.¹¹

At around 4:30 p.m. of the same date, the team proceeded to the target area.¹² The members of the team strategically positioned themselves around the area as P/CI Chica and the informant approached appellant. The informant introduced P/CI Chica to appellant as the buyer of *shabu*. Appellant readily handed to P/CI Chica a plastic sachet containing suspected *shabu* and in return, P/CI Chica paid appellant the marked money. When P/CI Chica made the pre-arranged signal, the other members of the team rushed to the scene. He then introduced himself as a police officer to appellant. Appellant tried to flee, but Chairman Cruz was able to grab him by his left hand and recover another plastic sachet of suspected *shabu*. Then the police officers asked appellant to empty his pockets and they recovered the marked money from him. Thereafter, they immediately brought appellant together with the seized drugs to the PDEA office for investigation.¹³

At the PDEA office, P/CI Chica and Chairman Cruz, among others, prepared the Receipt of Property Seized/Confiscations¹⁴ which appellant refused to sign. P/CI Chica marked the sachet bought from appellant with the markings “MCC¹⁵ BFM¹⁶ Exhibit A” while the sachet recovered by Chairman Cruz from appellant was marked as “MCC BFM B.”¹⁷ P/CI Chica also prepared a Request for Laboratory Examination¹⁸ dated July 11, 2003 indicating that “MCC BFM Exhibit A” weighed at approximately 0.0363 gram while “MCC BFM B” weighed at approximately 0.0759 gram. PO2 Lambino brought the said Request and the two specimens to the PNP Crime

¹⁰ With Serial Nos. EP093837 and ST774601, id. at 19.

¹¹ TSN, February 26, 2004, pp. 3-6.

¹² Id. at 6.

¹³ TSN, March 10, 2005, pp. 2-6.

¹⁴ Records, p. 9.

¹⁵ “MCC” stands for Manuel Cordovis Chica.

¹⁶ “BFM” stands for Bienvenido Feliciano Miranda.

¹⁷ TSN, March 10, 2005, pp. 8-9 and 11-13.

¹⁸ Records, p. 22.

Laboratory.¹⁹ The result of the laboratory examination of the submitted two (2) specimens as contained in Chemistry Report No. D-324-2003²⁰ dated July 12, 2003 yielded a positive result to the test for methylamphetamine hydrochloride.

Chairman Cruz also testified that he was deputized by PDEA-Region 3 to assist in anti-drug operations in its area of responsibility. He corroborated P/CI Chica's testimony on the details and circumstances of the aforementioned buy-bust operation.²¹

On the other hand, the defense gave a different version of the story.

Appellant denied the offenses charged. He narrated that while he was on his way home from his work at Dau Supermart, Marina Arcade at around 4:00 p.m. of July 11, 2003, he saw the two (2) cars from which the persons who arrested him alighted when he reached the corner of Roxas Street. He recognized one of those who handcuffed him as one Major Chica. He asked Major Chica the reason for his arrest, and the latter replied that the police officers were able to buy *shabu* from him. He posited that it was not possible for him to have sold *shabu* to them because he had just come from work and that he saw them only at the corner of Roxas Street. Appellant stressed that there were several people who witnessed the incident, but they were afraid of narrating the actual events because the police officers poked their guns at them. He added that even the barangay chairman of Roxas, Dau, one Dominador "Doming" Paniza, saw the incident but he, too, was afraid of the police officers. Appellant added that he was subsequently detained at a PDEA safehouse in Barangay San Francisco, Mabalacat, Pampanga and was later charged with violation of Sections 5 and 11, Article II of R.A. No. 9165.²²

On May 13, 2010, the RTC rendered a Decision²³ holding that the narration of P/CI Chica as corroborated by Chairman Cruz proved that appellant indeed committed the crimes and that all the elements thereof are present. The RTC opined that the appellant's sole defense of denial cannot prevail over the positive and direct assertions of the prosecution witnesses. The RTC also noted that the appellant failed to show the motive of the police officers when they arrested him. Thus, the RTC disposed of the case in this wise:

WHEREFORE, the prosecution having proven the guilt of the accused beyond reasonable doubt, the Court finds accused BIENVENIDO MIRANDA y FELICIANO GUILTY beyond reasonable doubt, and hereby sentences him to suffer the penalty of LIFE IMPRISONMENT in Criminal Case No. DC 03-317 for Violation of Section 5, R.A. 9165 and a fine of Php 500,000.00.

Accused BIENVENIDO MIRANDA y FELICIANO is also sentenced to suffer the penalty of imprisonment of TWELVE (12) YEARS

¹⁹ TSN, March 10, 2005, pp. 13-14.

²⁰ Supra note 8.

²¹ TSN, May 11, 2006, pp. 2-9.

²² TSN, October 29, 2009, pp. 2-5.

²³ Supra note 2.

and ONE (1) DAY, as minimum, to FOURTEEN (14) YEARS, as maximum, of Reclusion Temporal and a fine of Php 300,000.00 for Violation of Section 11, in Criminal Case No. DC 03-316 of R.A. 9165.

SO ORDERED.²⁴

Appellant through the Public Attorney's Office (PAO) sought recourse from the CA.²⁵ The PAO averred, among others, that the testimonies of the prosecution witnesses are contradictory and conflicting; that it appears from the testimony of P/CI Chica that the one who determined the propriety of conducting the buy-bust operation was the civilian informant; that the prosecution failed to present any document proving that indeed Chairman Cruz is a duly designated agent of the PDEA; and that appellant's guilt was tainted with reasonable doubt because the prosecution failed to prove that the sachets allegedly confiscated from him were the same ones submitted to the forensic chemist for examination. The PAO also averred that the prosecution failed to establish an unbroken chain of custody over the evidence. The PAO stressed that, other than the marking made by P/CI Chica on the specimens, there was no testimony that the specimens were photographed in the presence of the appellant, a member of the media, a Department of Justice (DOJ) representative, and an elective government official. Likewise, the marking was not done immediately upon seizure as the specimens were marked only upon arrival at the PDEA office. The PAO also highlighted the inability of Chairman Cruz to identify the specimens during his testimony. Lastly, PO2 Lambino who allegedly delivered the specimens to the PNP Crime Laboratory did not testify as to how he handled the items while in his custody.²⁶

For the State, the Office of the Solicitor General (OSG) maintained that the prosecution was able to prove the appellant's guilt beyond reasonable doubt, considering that all the essential elements of the crimes of illegal sale and possession of drugs were duly established in this case. The OSG asserted that the chain of custody was not broken as P/CI Chica positively identified the sachet of *shabu* which he himself bought from the appellant and the additional sachet of *shabu* which was recovered from the latter at the time of his arrest, made the proper markings thereon, prepared an inventory and request for examination and submitted the same to the PNP Crime Laboratory through PO2 Lambino. The OSG pointed out that laboratory results revealed that the specimens were found to be *shabu* and that said specimens were presented and identified by P/CI Chica during trial.²⁷

On May 16, 2013, the CA affirmed the RTC's Decision, holding, among others, that the inconsistencies noted by the defense are minor in nature and were not crucial to establish the offenses committed by the appellant. The CA found that all the essential elements of illegal sale and

²⁴ Id. at 128-129.

²⁵ Id. at 130.

²⁶ CA *rollo*, pp. 38-54.

²⁷ Id. at 70-99.

possession of *shabu* are present in this case. Affirming the factual findings of the RTC, the CA opined that P/CI Chica and Chairman Cruz testified in a straightforward and definite manner and that their testimonies jibe with the pieces of physical evidence.

Hence, this appeal.²⁸

On June 2, 2014, the Court issued a Resolution²⁹ requiring the parties to submit their respective supplemental briefs. Both the OSG³⁰ and the appellant as represented by the PAO³¹ manifested that they would just adopt their respective briefs filed before the CA as their supplemental briefs.

Hence, the issues before this Court are the same ones raised before and disposed of by the CA. Essentially, the Court is tasked to resolve the sole issue of whether or not the appellant's guilt was proven beyond reasonable doubt.

The appeal is bereft of merit.

Conviction is proper in prosecutions involving illegal sale of dangerous drugs if the following elements are present: (1) the identity of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment thereto.³²

We hold that the prosecution sufficiently discharged the burden of establishing the elements of illegal sale of dangerous drugs and in proving the guilt of the appellant beyond reasonable doubt.

In this case, the prosecution duly established the identity of the buyer and the seller, appellant being the seller and P/CI Chica as the poseur-buyer. The object of the transaction was a sachet of methylamphetamine hydrochloride or *shabu* marked as "MCC BFM Exhibit A" weighing approximately 0.0363 gram and the consideration was the ₱200 marked money. Through the testimonial and documentary evidence presented by the prosecution both the object and consideration have also been sufficiently established. As to the delivery of the thing sold and the payment therefor, P/CI Chica categorically testified that he caught appellant *in flagrante delicto* selling and delivering the *shabu* during a buy-bust operation. He also personally handed to appellant the marked money as payment for the same. Clearly, the aforementioned elements are present in this case.

It bears stressing that the sale of the illegal drugs in this case was brought about by a buy-bust operation – a form of entrapment that is

²⁸ Id. at 119-120.

²⁹ *Rollo*, p. 21.

³⁰ Id. at 22-23.

³¹ Id. at 25-27.

³² *People v. Fundales, Jr.*, G.R. No. 184606, September 5, 2012, 680 SCRA 181, 190, citing *People v. Sembrano*, G.R. No. 185848, August 16, 2010, 628 SCRA 328, 339.

resorted to for trapping and capturing criminals. It is legal and has been proved to be an effective method of apprehending drug peddlers, provided due regard to constitutional and legal safeguards is undertaken. Time and again, this Court has ruled that a buy-bust operation is employed to trap and catch a malefactor in *flagrante delicto*.³³

Parenthetically, in illegal possession of dangerous drugs, such as *shabu*, the elements are: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.³⁴

These elements are also present in this case. P/CI Chica testified that after the appellant sold him *shabu*, another plastic sachet containing a white crystalline substance was recovered by Chairman Cruz from appellant at the time of his arrest. This too was marked as “MCC BFM B” weighing at approximately 0.0759 gram and submitted to the crime laboratory for analysis, and was positively found to contain *shabu*.

We note that P/CI Chica identified in court the sachet marked as “MCC BFM Exhibit A” as the very sachet he bought from appellant and the sachet marked as “MCC BFM B” as the sachet recovered by Chairman Cruz from appellant at the time of his arrest. The seized items, proven positive to be *shabu*, were properly identified and presented before the court.

The Court gives full faith and credence to the testimonies of the police officers and upholds the presumption of regularity in the apprehending officers’ performance of official duty. It is a settled rule that in cases involving violations of the Dangerous Drugs Act, credence is given to prosecution witnesses who are police officers, for they are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary.³⁵

On the other hand, appellant failed to present clear and convincing evidence to overturn the presumption that the arresting officers regularly performed their duties. Except for his bare allegation of denial, nothing supports his claim that the police officers were impelled by improper motives to testify against him. In fact, in his cross-examination, appellant cannot think of any reason why the police officers would fabricate stories against him and charge him with two serious offenses.³⁶

This Court has invariably viewed with disfavor the defense of denial. Denial is inherently a weak defense and cannot prevail over the positive identification by the prosecution. Negative and self-serving denial deserves no

³³ *People v. Feliciano*, 648 Phil. 653, 661 (2010).

³⁴ *People v. Politico*, 647 Phil. 728, 741 (2010).

³⁵ *People v. Marcelino*, 639 Phil. 643, 654 (2010).

³⁶ TSN, March 4, 2010, pp. 4-5.

weight in law when unsubstantiated by clear and convincing evidence. Such defense of denial, like frame-up, is a common and standard line of defense in most prosecutions arising from violations of the Dangerous Drugs Act.³⁷

Moreover, it bears stressing that in weighing the testimonies of the prosecution witnesses *vis-à-vis* those of the defense, the RTC gave more credence to the version of the prosecution. This Court finds no reason to disagree. Well-settled is the rule that in the absence of palpable error or grave abuse of discretion on the part of the trial judge, the trial court's evaluation of the credibility of witnesses will not be disturbed on appeal.³⁸ Prosecutions involving illegal drugs depend largely on the credibility of the police officers who conduct the "buy-bust" operation and appellate courts, upon established precedents and of necessity, rely on the assessment of the credibility of witnesses by the trial courts which have the unique opportunity, unavailable to the appellate courts, to observe the witnesses and to note their demeanor, conduct, and attitude under direct and cross-examination.³⁹

Lastly, appellant questions the failure of the buy-bust team to immediately mark the seized drugs and take photographs of the said items in the presence of the appellant, a member of the media, a DOJ representative, and an elective government official, as required under Section 21 of R.A. No. 9165. He argues that as a result of this failure, there is doubt as to the identity and integrity of the drugs and that there was a break in the chain of custody of the evidence.

Such argument cannot prosper.

Section 21 of the Implementing Rules and Regulations (IRR) of R.A. No. 9165 pertinently provides:

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**

³⁷ *People v. Honrado*, G.R. No. 182197, February 27, 2012, 667 SCRA 45, 53-54.

³⁸ *People v. Remerata*, 449 Phil. 813, 822 (2003).

³⁹ *People v. Desuyo*, 639 Phil. 601, 617 (2010).

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 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[.] (Emphasis supplied.)

Evidently, the law itself lays down exceptions to its requirements. Thus, non-compliance with the above-mentioned requirements is not fatal. In fact it has been ruled time and again that non-compliance with Section 21 of the IRR does not make the items seized inadmissible. Substantial compliance thereof is sufficient. “What is essential is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.” Here, the records reveal that the police officers substantially complied with the process of preserving the integrity of the seized *shabu*.⁴⁰

The chain of custody requirement is essential to ensure that doubts regarding the identity of the evidence are removed through the monitoring and tracking of the movements of the seized drugs from the accused, to the police, to the forensic chemist, and finally to the court.⁴¹

Section 1(b) of DDB Regulation No. 1, Series of 2002,⁴² defines chain of custody as follows:

b. “Chain of Custody” means 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. Such record of movements and custody of seized item 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[.]

We have laid down the following links that must be established in the chain of custody in a buy-bust situation:

First, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer;

Second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer;

Third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and

Fourth, the turnover and submission of the marked illegal drug

⁴⁰ *People v. Araza*, G.R. No. 190623, November 17, 2014, p. 10, citing *People v. Guiara*, 616 Phil. 290, 308 (2009).

⁴¹ *People v. Garcia*, 599 Phil. 416, 434 (2009).

⁴² Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, and Laboratory Equipment.

seized from the forensic chemist to the court.⁴³

In this case, the chain of custody was duly established through the following links: (1) P/CI Chica marked the seized sachet subject of the buy-bust operation as “MCC BFM Exhibit A” and the sachet recovered by Chairman Cruz as “MCC BFM B”; (2) a request for laboratory examination of the seized items so marked was signed by P/CI Chica; (3) the request and the marked items seized, which were personally delivered by PO2 Lambino, were received by the PNP Crime Laboratory; (4) Chemistry Report No. D-324-2003 confirmed that the marked items seized from appellant were methylamphetamine hydrochloride; and (5) the marked items were offered in evidence.

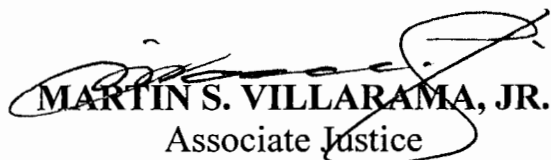
As the integrity and the evidentiary value of the seized drugs were preserved, this Court, therefore, finds no reason to overturn the findings of the RTC that the drugs seized from appellant were the same ones presented during trial.

In sum, we find no reversible error committed by the RTC and CA in convicting appellant of illegal sale and possession of drugs as to warrant the modification much less the reversal thereof. It is hornbook doctrine that the factual findings of the CA affirming those of the trial court are binding on this Court unless there is a clear showing that such findings are tainted with arbitrariness, capriciousness or palpable error.⁴⁴ This case is no exception to the rule. All told, this Court thus sustains the RTC’s conviction of the appellant for violation of Sections 5 and 11, Article II of R.A. No. 9165, as affirmed by the CA.

WHEREFORE, the appeal is **DISMISSED**. The May 16, 2013 Decision of the Court of Appeals in CA-G.R. CR HC No. 04547 is **AFFIRMED and UPHELD**.

With costs against accused-appellant.

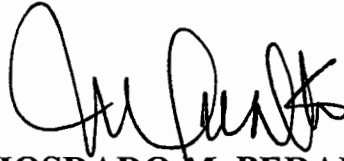
SO ORDERED.


MARTIN S. VILLARAMA, JR.
Associate Justice




⁴³ *People v. Enriquez*, G.R. No. 197550, September 25, 2013, 706 SCRA 337, 353, citing *People v. Magpayo*, 648 Phil. 641, 650 (2010).

⁴⁴ *People v. Castro*, 667 Phil. 526, 540 (2011).

WE CONCUR:

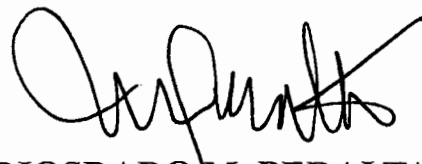


DIOSDADO M. PERALTA
Associate Justice
Acting Chairperson


MARIANO C. DEL CASTILLO
Associate Justice
JOSE PORTUGAL PEREZ
Associate Justice
ESTELA M. PERLAS-BERNABE
Associate Justice

ATTESTATION

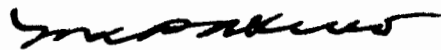
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Associate Justice
Acting Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the 1987 Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice

