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Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee,	**G.R. No. 219953**
	Present:
- versus -	CARPIO,* *J., Chairperson,* PERALTA, PERLAS-BERNABE, CAGUIOA, and REYES, JR., *JJ.*
ANGELITA REYES y GINOVE and JOSEPHINE SANTA MARIA y SANCHEZ, Accused-Appellants.	**Promulgated:** 23 APR 2018

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DECISION

PERALTA, *J.*:

This is an appeal of the Court of Appeals' (*CA*) Decision[1] dated January 13, 2015 dismissing accused-appellants' appeal and affirming the Decision[2] dated June 24, 2011 of the Regional Trial Court, Branch 82, Quezon City (*RTC*) in Criminal Case No. Q-06-143175 convicting accused-appellants of Violation of Section 5, Article II, Republic Act (*R.A.*) No. 9165.

The facts follow.

On September 22, 2006, around 4 o'clock in the afternoon, P/Insp. Alberto Gatus of the Galas Police Station – Anti-Illegal Drugs Unit received a report from a confidential informant about the activities of an alias

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* Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

1 Penned by Associate Justice Victoria Isabel A. Paredes with the concurrence of Associate Justices Magdangal M. De Leon and Jane Aurora C. Lantion; *rollo,* pp. 2-13.

2 Penned by Presiding Judge Severino B. De Castro, Jr.; CA *rollo,* pp. 16-22.

"Babang" at No. 13 Manungal Street, Barangay Tatalon, Quezon City. On the following day, around 4:30 in the afternoon, the chief of police dispatched some policemen to confirm the veracity of the information, conduct a surveillance and a buy-bust operation. P/Insp. Gatus gave PO2 Talosig two (2) ₱100 bills, which he marked with his initials. When they arrived at the place, the confidential informant told PO2 Talosig that the person standing in front of the house is alias "Babang," later identified as appellant Angelita Reyes. The informant introduced PO2 Talosig to appellant Reyes as a buyer of shabu. When appellant Reyes asked him how much he will buy, he replied ₱200.00. Appellant Josephine Santa Maria, who was standing beside appellant Reyes, asked for money. When PO2 Talosig gave appellant Santa Maria the marked money, she told appellant Reyes, "*bigyan mo na.*" Appellant Reyes then got a plastic sachet containing a crystalline substance from her right pocket. PO2 Talosig removed his cap, the pre-arranged signal that the transaction was consummated, and PO1 Mirasol Lappay, SPO1 Mario Abong, PO2 Jonathan Caranza, Insp. Alberto Gatus and another policeman swooped in. PO1 Lappay asked appellant Santa Maria to empty her pockets and retrieved the marked money from the right pocket. PO1 Lappay then placed appellant Santa Maria under arrest, while PO2 Talosig arrested appellant Reyes, keeping the seized plastic sachet in his possession. Appellants were informed of their violation and their rights. Thereafter, appellants and the seized evidence were brought to the police station. At the police station, PO2 Talosig placed the seized evidence in another plastic sachet, sealed it and marked it "DT-AR-JS." An inventory of seized items and request for laboratory examination were prepared by PO1 Erwin Bautista, while PO2 Talosig took the photo of appellants and the seized evidence. Thereafter, PO2 Talosig brought the request for laboratory examination and the seized plastic sachet of suspected shabu to the Quezon City Police District Crime Laboratory. He was furnished a copy of Chemistry Report No. D-381-2006.

Thus, an Information[3] was filed against the appellants for violation of Section 5, Article II of R.A. No. 9165 that reads as follows:

> That on or about the 23rd day of September 2006 in Quezon City, accused conspiring and confederating with and mutually helping each other without lawful authority did then and there wilfully and unlawfully sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport, or act as broker in the said transaction, a dangerous drug, to wit:
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> Zero point zero two (0.02) grams of Methylamphetamine Hydrochloride.
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> CONTRARY TO LAW.

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3 CA *Rollo*, p. 10

Appellants denied the allegations against them. According to appellant Reyes, on September 23, 2006, around 10 o'clock in the morning, she was sleeping with her husband and children in their house when someone knocked on their door. Her daughter woke her up and as she rose, three (3) men asked her if she knew a certain "Bugoy," to which query she replied in the negative. The men brought her out of the street, was made to board a jeep and then brought to the Galas Police Station. At the police station, she was again asked whether she knew a certain Bugoy and she insisted that she did not know this certain Bugoy. Thus, she was detained. Meanwhile, on the same date, appellant Santa Maria claimed that she left her house to sell rugs when PO2 Talosig and two (2) other policemen accosted her and asked if she knew a person running by. She answered "no." After about five minutes, she was brought to a passenger jeep where PO1 Lappay and the driver were waiting. PO2 Talosig arrived with appellant Reyes. The policemen then asked her if she knew a certain Ray, and when she replied in the negative, they were brought to the police station.

The RTC found appellants guilty beyond reasonable doubt of the crime charged and sentenced them to the following:

> WHEREFORE, premises considered, judgment is hereby rendered finding accused ANGELITA REYES y GINOVE and JOSEPHINE SANTA MARIA y SANCHEZ guilty beyond reasonable doubt of violation of Section 5, Article II, of R.A. No. 9165, otherwise known as the Comprehensive Dangerous Act of 2002.
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> Accordingly, they are hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to each pay a fine in the amount of Five Hundred Thousand (P500,000.00) PESOS.
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> The Branch Clerk of Court is hereby directed to transmit to the Philippine Drug Enforcement Agency the dangerous drug subject hereof for proper disposition and final disposal.
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> SO ORDERED.[4]

The RTC ruled that appellants were validly arrested through a buy-bust operation and that appellants' denials are weak and unsubstantiated.

The CA affirmed the decision of the RTC *in toto*, thus:

> WHEREFORE, the appeal is DISMISSED. The Decision dated June 24, 2011, issued by the Regional Trial Court, Branch 82, Quezon City in Criminal Case No. Q-06-143175 is AFFIRMED.
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> SO ORDERED.[5]

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4 *Id.* at 22.

5 *Rollo*, p. 12.

The CA ruled that the illegal sale of *shabu* has been established beyond reasonable doubt. It also ruled that the defense of denial should be looked with disfavor for they are easily concocted but difficult to prove, especially the claim that one has been the victim of a frame-up. The CA also ruled that appellants' arrest was valid and there was a necessity to conduct a buy-bust operation. Finally, it ruled that there is no broken chain of custody of the recovered dangerous drugs.

Hence, the present appeal. Pending appeal, appellant Reyes passed away, hence, her appeal was dispensed with by this Court in its Resolution[6] dated February 15, 2016.

The errors presented in the appeal are the following:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS FOR THE CRIME CHARGED WHEN THEIR GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

II.

THE TRIAL COURT GRAVELY ERRED IN FINDING THE PROSECUTION EVIDENCE TO BE ADMISSIBLE DESPITE BEING THE RESULT OF AN INVALID WARRANTLESS SEARCH AND ARREST.

According to appellant Santa Maria, her guilt was not proven beyond reasonable doubt and that the trial court erred in finding the prosecution evidence to be admissible despite being the result of an invalid warrantless search and arrest.

There is merit in the appeal.

First of all, as to the argument of appellant Santa Maria that the arresting officers illegally arrested them because they did not have with them any warrant of arrest nor a search warrant considering that the police officers had enough time to secure such, the same does not deserve any merit. Buy-bust operations are legally sanctioned procedures for apprehending drug peddlers and distributors. These operations are often utilized by law enforcers for the purpose of trapping and capturing lawbreakers in the execution of their nefarious activities.[7] There is no textbook method of conducting buy-bust operations. A prior surveillance, much less a lengthy

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[6] In a Resolution dated February 15, 2016, this Court dispensed the appeal of appellant Angelita Reyes, her liability having been extinguished by her death pursuant to Article 89 of the Revised Penal Code. The case therefore is considered CLOSED and TERMINATED as to appellant Reyes.

[7] *People v. Rebotazo,* 711 Phil. 150, 162 (2013).

one, is not necessary, especially where the police operatives are accompanied by their informant during the entrapment.[8] Hence, the said buy-bust operation is a legitimate, valid entrapment operation.

As to whether the prosecution was able to prove appellants' guilt beyond reasonable doubt, this Court finds that the prosecution failed to do so.

Under Article II, Section 5 of R. A. No. 9165 or illegal sale of prohibited drugs, in order to be convicted of the said violation, the following must concur:

> (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor.[9]
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> In illegal sale of dangerous drugs, it is necessary that the sale transaction actually happened and that "the [procured] object is properly presented as evidence in court and is shown to be the same drugs seized from the accused."[10]

In illegal sale, the illicit drugs confiscated from the accused comprise the *corpus delicti* of the charges.[11] In *People v. Gatlabayan*,[12] the Court held that it is of paramount importance that the identity of the dangerous drug be established beyond reasonable doubt; and that it must be proven with certitude that the substance bought during the buy-bust operation is exactly the same substance offered in evidence before the court. In fine, the illegal drug must be produced before the court as exhibit and that which was exhibited must be the very same substance recovered from the suspect.[13] Thus, the chain of custody carries out this purpose "as it ensures that unnecessary doubts concerning the identity of the evidence are removed."[14]

To ensure an unbroken chain of custody, Section 21 (1) of R.A. No. 9165[15] specifies:

> (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

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8 See *People v. Manlangits*, 654 Phil. 427, 437 (2011).
9 *People v. Ismael y Radang*, G.R. No. 208093, February 20, 2017.
10 *Id.*
11 *Id.*
12 699 Phil. 240. 252 (2011).
13 *People v. Mirondo*, 711 Phil. 345, 357 (2015).
14 See *People v. Ismael y Radang*, G.R. No. 208093, February 20, 2017.
15 Took effect on July 4, 2002.

> 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.

Supplementing the above-quoted provision, Section 21 (a) of the IRR of R.A. No. 9165 provides:

> (a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items[.]

On July 15, 2014, R.A. No. 10640 was approved to amend R.A. No. 9165. Among other modifications, it essentially incorporated the saving clause contained in the IRR, thus:

> (1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items 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, with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: Provided, finally, That noncompliance of 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 and custody over said items.

In her Sponsorship Speech on Senate Bill No. 2273, which eventually became R.A. No. 10640, Senator Grace Poe admitted that "while Section 21 was enshrined in the Comprehensive Dangerous Drugs Act to safeguard the integrity of the evidence acquired and prevent planting of evidence, the

application of said section resulted in the ineffectiveness of the government's campaign to stop increasing drug addiction and also, in the conflicting decisions of the courts."[16] Specifically, she cited that "compliance with the rule on witnesses during the physical inventory is difficult. For one, media representatives are not always available in all corners of the Philippines, especially in more remote areas. For another, there were instances where elected barangay officials themselves were involved in the punishable acts apprehended."[17] In addition, "[t]he requirement that inventory is required to be done in police station is also very limiting. Most police stations appeared to be far from locations where accused persons were apprehended."[18]

Similarly, Senator Vicente C. Sotto III manifested that in view of the substantial number of acquittals in drug-related cases due to the varying interpretations of the prosecutors and the judges on Section 21 of R.A. No. 9165, there is a need for "certain adjustments so that we can plug the loopholes in our existing law" and "ensure [its] standard implementation."[19] In his Co-sponsorship Speech, he noted:

> Numerous drug trafficking activities can be traced to operations of highly organized and powerful local and international syndicates. The presence of such syndicates that have the resources and the capability to mount a counter-assault to apprehending law enforcers makes the requirement of Section 21(a) impracticable for law enforcers to comply with. It makes the place of seizure extremely unsafe for the proper inventory and photograph of seized illegal drugs.
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> Section 21(a) of RA 9165 needs to be amended to address the foregoing situation. We did not realize this in 2002 where the safety of the law enforcers and other persons required to be present in the inventory and photography of seized illegal drugs and the preservation of the very existence of seized illegal drugs itself are threatened by an immediate retaliatory action of drug syndicates at the place of seizure. The place where the seized drugs may be inventoried and photographed has to include a location where the seized drugs as well as the persons who are required to be present during the inventory and photograph are safe and secure from extreme danger.
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> It is proposed that the physical inventory and taking of photographs of seized illegal drugs be allowed to be conducted either in the place of seizure or at the nearest police station or office of the apprehending law enforcers. The proposal will provide effective measures to ensure the integrity of seized illegal drugs since a safe location makes it more probable for an inventory and photograph of seized illegal drugs to

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16 Senate Journal, Session No. 80, 16th Congress, 1st Regular Session, June 4, 2014, p. 348.
17 *Id.*
18 *Id.*
19 *Id.* at 349.

> be properly conducted, thereby reducing the incidents of dismissal of drug cases due to technicalities.
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> Non-observance of the prescribed procedures should not automatically mean that the seizure or confiscation is invalid or illegal, as long as the law enforcement officers could justify the same and could prove that the integrity and the evidentiary value of the seized items are not tainted. This is the effect of the inclusion in the proposal to amend the phrase "justifiable grounds." There are instances wherein there are no media people or representatives from the DOJ available and the absence of these witnesses should not automatically invalidate the drug operation conducted. Even the presence of a public local elected official also is sometimes impossible especially if the elected official is afraid or scared.[20]

The foregoing legislative intent has been taken cognizance of in a number of cases. Just recently, We opined in *People v. Miranda*:[21]

> The Court, however, clarified that under varied field conditions, strict compliance with the requirements of Section 21 of RA 9165 may not always be possible. In fact, the Implementing Rules and Regulations (IRR) of RA 9165 – which is now crystallized into statutory law with the passage of RA 10640 – provide that the said inventory and photography may be conducted at the nearest police station or office of the apprehending team in instances of warrantless seizure, and that non-compliance with the requirements of Section 21 of RA 9165 – under justifiable grounds – will not render void and invalid the seizure and custody over the seized items so long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer or team. Tersely put, the failure of the apprehending team to strictly comply with the procedure laid out in Section 21 of RA 9165 and the IRR does not ipso facto render the seizure and custody over the items as void and invalid, provided that the prosecution satisfactorily proves that: (a) there is justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved. In *People v. Almorfe,* the Court stressed that for the above-saving clause to apply, the prosecution must explain the reasons behind the procedural lapses, and that the integrity and value of the seized evidence had nonetheless been preserved. Also, in *People v. De Guzman*, it was emphasized that the justifiable ground for non-compliance must be proven as a fact, because the Court cannot presume what these grounds are or that they even exist.[22]

Under the original provision of Section 21, after seizure and confiscation of the drugs, the apprehending team was required to immediately conduct a physical inventory and to photograph the same in

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20 *Id.* at 349-350.

21 G.R. No. 229671, January 31, 2018.

22 See also *People v. Paz,* G.R. No. 229512, January 31, 2018; *People v. Mamangon,* G.R. No. 229102, January 29, 2018; *People v. Jugo,* G.R. No. 231792, January 29, 2018; *People v. Calibod,* G.R. No. 230230, November 20, 2017; *People v. Ching,* G.R. No. 223556, October 9, 2017; *People v. Geronimo,* G.R. No. 225500, September 11, 2017; *People v. Ceralde,* G.R. No. 228894, August 7, 2017; and *People v. Macapundag,* G.R. No. 225965, March 13, 2017.

the presence of (1) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, (2) a representative from the media **and** (3) the DOJ, and (4) any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof. It is assumed that the presence of these three persons will guarantee "against planting of evidence and frame up," i.e., they are "necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity."[23] Now, the amendatory law mandates that the conduct of physical inventory and photograph of the seized items must be in the presence of (1) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, (2) with an elected public official and (3) a representative of the National Prosecution Service **or** the media who shall sign the copies of the inventory and be given a copy thereof. In the present case, the old provisions of Section 21 and its IRR shall apply since the alleged crime was committed before the amendment.

The CA ruled that the chain of custody was aptly followed, thus:

> In this case, the chain of custody was aptly described in the testimony of PO2 Talosig, in the joint affidavit he and PO1 Lappay executed on September 24, 2006, and the stipulations and admissions made by the prosecution and the defense during pre-trial. These pieces of evidence showed that the transaction in the buy-bust operation was completed, the seized evidence remained in the custody of PO2 Talosig, the poseur-buyer, who placed the evidence in another plastic sachet, sealed it and marked it as "DT-AR-JS" at the police station where appellants and the seized evidence were brought; that PO2 Talosig delivered the request for laboratory examination together with the seized evidence to the crime laboratory; that Forensic Chemist P/Insp. Ma. Shirlee M. Ballete conducted a qualitative examination on the specimen contained in a plastic sachet with marking "DT-AR-JS" and found the specimen positive for methylamphetamine hydrochloride; that the said forensic chemist reduced her findings in Chemistry Report No. D-381-2006, incidentally marking the plastic sachet itself as "D-381" to correspond to the number of the Chemistry Report. Though there were deviations in the making of the Inventory of Seized Items, in that it was **signed by Kagawad Balignasan only**, and the seized item was marked and inventoried, and with appellants, photographed, without the presence of counsel; nonetheless, the prosecution proved that the integrity and evidentiary value of the seized evidence, was duly accounted for and preserved. The fact that the process of marking, inventory and photographing was undertaken without the presence of counsel was explained by PO2 Talosig, i.e. because appellants had no counsel at that time.
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> Time and again, jurisprudence is consistent in stating that substantial compliance with the procedural aspect of the chain of custody rule does not necessarily render the seized drug item inadmissible.

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23 *People v. Sagana,* G.R. No. 208471, August 2, 2017.

> Although the police officers did not strictly comply with the requirements of Section 21, Article II of R.A. No. 9165, their noncompliance did not affect the evidentiary weight of the drug seized from appellant Reyes as the chain of custody of the evidence was shown to be unbroken under the circumstances of the case.[24]

Clearly, from the very findings of the CA, the requirements stated in Section 21 of R.A. 1965 have not been followed. There was no representative from the media and the National Prosecution Service present during the inventory and no justifiable ground was provided as to their absence. It must be emphasized that the prosecution must be able to prove a justifiable ground in omitting certain requirements provided in Sec. 21 such as, but not limited to the following: (1) media representatives are not available at that time or that the police operatives had no time to alert the media due to the immediacy of the operation they were about to undertake, especially if it is done in more remote areas; (2) the police operatives, with the same reason, failed to find an available representative of the National Prosecution Service; (3) the police officers, due to time constraints brought about by the urgency of the operation to be undertaken and in order to comply with the provisions of Article 125[25] of the Revised Penal Code in the timely delivery of prisoners, were not able to comply with all the requisites set forth in Section 21 of R.A. 9165.

Certainly, the prosecution bears the burden of proof to show valid cause for non-compliance with the procedure laid down in Section 21 of R.A. No. 9165, as amended.[26] It has the positive duty to demonstrate observance thereto in such a way that, during the proceedings before the trial court, it must initiate in acknowledging and justifying any perceived deviations from the requirements of the law.[27] Its failure to follow the mandated procedure must be adequately explained and must be proven as a fact in accordance with the rules on evidence. The rules require that the apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized item.[28] A stricter adherence to Section 21 is required where the quantity of illegal drugs seized

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24 *Rollo*, pp. 11-12. (Emphasis ours; citations omitted)

25 **Article 125.** *Delay in the delivery of detained persons to the proper judicial authorities.* - The penalties provided in the next preceding article shall be imposed upon the public officer or employee who shall detain any person for some legal ground and shall fail to deliver such person to the proper judicial authorities within the period of; twelve (12) hours, for crimes or offenses punishable by light penalties, or their equivalent; eighteen (18) hours, for crimes or offenses punishable by correctional penalties, or their equivalent and thirty-six (36) hours, for crimes, or offenses punishable by afflictive or capital penalties, or their equivalent. In every case, the person detained shall be informed of the cause of his detention and shall be allowed upon his request, to communicate and confer at any time with his attorney or counsel. (As amended by E.O. Nos. 59 and 272, Nov. 7, 1986 and July 25, 1987, respectively).

26 See *People v. Macapundag, supra* note 22.

27 See *People v. Miranda, supra* note 21; *People v. Paz, supra* note 22; *People v. Mamangon, supra* note 22; and *People v. Jugo, supra* note 22.

28 *People v. Saragena*, G.R. No. 210677, August 23, 2017.

is miniscule since it is highly susceptible to planting, tampering, or alteration.[29]

If doubt surfaces on the sufficiency of the evidence to convict, regardless that it does only at the stage of an appeal, our courts of justice should nonetheless rule in favor of the accused, lest it betray its duty to protect individual liberties within the bounds of law.[30]

Absent therefore any justifiable reason in this case for the non-compliance of Section 21 of R.A. No. 9165, the identity of the seized item has not been established beyond reasonable doubt. As such, this Court finds it apt to acquit the appellant.

WHEREFORE, premises considered, the Decision dated January 13, 2015 dismissing appellants' appeal and affirming the Decision dated June 24, 2011 of the Regional Trial Court, Branch 82, Quezon City in Criminal Case No. Q-06-143175 is **REVERSED AND SET ASIDE**. Appellant Josephine Santa Maria y Sanchez is **ACQUITTED** for failure of the prosecution to prove her guilt beyond reasonable doubt. She is **ORDERED IMMEDIATELY RELEASED** from detention, unless she is confined for any other lawful cause. Let an entry of final judgment be issued immediately.

Let a copy of this Decision be furnished to the Superintendent of the Correctional Institution for Women, for immediate implementation. Said Superintendent is **ORDERED** to **REPORT** to this Court within five (5) working days from receipt of this Decision the action he/she has taken.

SO ORDERED.

DIOSDADO M. PERALTA
Associate Justice

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[29] See *People v. Abelarde,* G.R. No. 215713, January 22, 2018; *People v. Macud,* G.R. No. 219175, December 14, 2017; *People v. Arposeple,* G.R. No. 205787, November 22, 2017; *Aparente v. People,* G.R. No. 205695, September 27, 2017; *People v. Cabellon,* G.R. No. 207229, September 20, 2017; *People v. Saragena, supra* note 28; *People v. Saunar,* G.R. No. 207396, August 9, 2017; *People v. Sagana, supra* note 23; *People v. Segundo,* G.R. No. 205614, July 26, 2017; and *People v. Jaafar,* G.R. No. 219829, January 18, 2017.

[30] *People v. Miranda,supra* note 21.

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ESTELA M. PERLAS-BERNABE
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ANDRES B. REYES, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.

ANTONIO T. CARPIO
Acting Chief Justice