



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 246577

Present:

PERALTA, *C.J.*, Chairperson,
CAGUIOA, *Working Chairperson*,
REYES, J. JR.,
LAZARO-JAVIER, and
LOPEZ, *JJ.*

- versus -

**SIU MING TAT and LEE YOONG
HOEW,**
Accused-Appellants.

Promulgated:

JUL 13 2020

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DECISION

REYES, J. JR., J.:

Before us is an appeal assailing the Decision¹ dated October 9, 2018 of the Court of Appeals (CA) in CA G.R. CR-HC No. 09200.

Factual Antecedents

Accused-appellants Siu Ming Tat (Tat) and Lee Yoong Heow (Lee) were charged with Violation of Section 5 in relation to Section 26, paragraph (b), Article II of Republic Act (R.A.) No. 9165 under the following Information:²

¹ Penned by Associate Justice Zenaida T. Galapate-Laguilles, with Associate Justices Stephen C. Cruz and Geraldine C. Fiel-Macaraig; *rollo*, pp. 3-15.

² *Id.* at 3-4.

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That on or about the 26th day of July 2012, in the City of Manila, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law to sell and dispose of any dangerous drugs, did, then and there, willfully, unlawfully and knowingly, deliver and sell, in conspiracy with one another, to one PO3 Ernesto A. Mabanglo, one (1) light yellow colored plastic bag labeled “Shenzen Lido Hotel and Chinese Characters” containing one (1) heat sealed transparent plastic bag containing Four Hundred Twenty Six point Thirty grams (426.30 grams) of white crystalline substance, which after the corresponding laboratory examination conducted thereon by the PNP Crime Laboratory, gave positive results for the presence of Ephedrine, a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.

During arraignment, with the assistance of a counsel, appellants Tat and Lee entered a plea of “not guilty” to the offense charged against them. At the pre-trial conference, the parties stipulated on the following:³

1. The testimony of Assistant City Prosecutor (ACP) Purificacion A. Baring Tuvera that she was requested to serve as witness to the inventory of the items allegedly recovered from the accused. She signed as witness to the inventory after seeing that the same is already filled up and contains the signature of PO3 Mabanglo. Her image also appeared in the photographs taken during the investigation but she has no personal knowledge of the actual arrest and the recovery of items from the accused;

2. The testimony of SPO1 Enrico Calva that he acted as investigator of this case. He prepared the documents during the investigation and that the seized items were shown to him in the course of the investigation which he can readily identify before the court. He also declared that the appellants were presented to him and that he personally brought the seized items and the request for laboratory examination to the crime laboratory. He was also present when ACP Tuvera and Brgy. Chairman John Que arrived and signed as witnesses to the inventory. His image also appeared in the photographs taken during the investigation; and

3. The testimony of Brgy. Chairman John Que that he is the Chairman of Barangay 295, Zone 28, Binondo, Manila. He was present during the conduct of the inventory and that he signed as one of the witnesses in the inventory on June 26, 2012. He also signed the Certification after reading its contents.

Thereafter, trial on the merits ensued.⁴

Version of the Prosecution

The prosecution presented as witnesses the following: (1) Police Officer 3 (PO3) Ernesto Mabanglo (PO3 Mabanglo); (2) Police Chief

³ Id. at 4-5.

⁴ Id. at 5.

Inspector (PCI) Mark Alain Ballesteros (PCI Ballesteros); and Police Inspector (PI) Michael Angelo Salmingo (PI Salmingo).⁵

A briefing was conducted by the Anti-Illegal Drugs Special Operations Task Force (AIDSOTF), Special Operations Unit-2 at Camp Crame, Quezon City on July 25, 2012. The purpose of the briefing was to discuss the buy-bust operation that will be conducted on the basis of the information gathered from a confidential informant who was able to arrange a drug deal with certain persons, who turned out to be appellants Tat and Lee.⁶

During the briefing, PO3 Mabanglo was assigned as the *poseur*-buyer while PI Salmingo was his immediate backup. Thereafter, PCI Arnulfo Ibañez, (PCI Ibañez), the team leader, handed to PO3 Mabanglo 10 pieces of ₱1,000 bills to be used as the buy-bust money. The latter then prepared the boodle money to be used together with the genuine ₱1,000 bills as the deal made by the confidential informant was for about half-kilo of *shabu* worth ₱1.3 Million.⁷

After the briefing at around 4 p.m. of the same day, PO3 Mabanglo and PI Salmingo left the office and checked in at the China Town Hotel as the confidential informant informed them that the appellants were already in the said hotel. They stayed at Room 316 and waited for the confidential informant's call. At 9 p.m. the following day, the confidential informant called PO3 Mabanglo and met him at the hotel lobby at around 9:30 a.m. At the lobby, the confidential informant told PO3 Mabanglo that the deal that he arranged will be held at Room 315 of the hotel.⁸

Subsequently, PO3 Mabanglo called PCI Ibañez and informed him about what had transpired. The latter then gave the former the "go" signal and thus, the confidential informant and PO3 Mabanglo proceeded to Room 315 while PI Salmingo was instructed to remain on standby in Room 316.⁹

Upon reaching the target area, they were greeted by a Chinese-looking man, later identified as appellant Tat, who told them to go inside. Inside the room, PO3 Mabanglo was introduced to appellant Tat by the confidential informant as the one who will buy the drugs. Appellant Lee was also seen in the room seated on the bed. PO3 Mabanglo was then asked if he had the money to which he answered in the affirmative. After that, appellant Tat then went to the cabinet at the left side of the room and got a travelling bag. He placed the bag on top of the bed and pulled out a yellow plastic bag with Chinese characters. From the yellow plastic bag, appellant Tat took out one heat-sealed transparent plastic sachet containing 426.30 grams of white

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id. at 5-6.

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crystalline substance. Appellant Tat then showed the sachet to PO3 Mabanglo, who told the former that “it was good” and gave the money to appellant Lee.¹⁰

Immediately thereafter, PO3 Mabanglo executed the pre-arranged signal by pressing on his cellphone PI Salmingo’s number to signify that the deal had already been consummated. The latter then rushed to the scene and effected the arrest of appellant Lee while PO3 Mabanglo arrested appellant Tat. The appellants were then apprised of their violation and constitutional rights.¹¹

Following that, SPO1 Calva and PCI Ibañez arrived at the crime scene while the other members of the buy-bust team prepared the documentation of the evidence seized from the appellants. Seized from the appellants were the yellow plastic bag and one plastic sachet containing white crystalline substance as well as the buy-bust money. PO3 Mabanglo then, with the assistance of the members of the team, conducted the marking and physical inventory of the seized items in the presence of the appellants, ACP Tuvera, Brgy. Chairman Que, and Marco Gutierrez, a media representative from ABS-CBN. The plastic sachet containing white crystalline substance confiscated from the appellants was marked as “EAM 07-26-2012 EXH. A.” Photographs of the same were taken as well. The seized items were then turned over to the duty investigator, SPO1 Calva, by PO3 Mabanglo after accomplishing the Receipt/Inventory Form and the Chain of Custody Form as proof that he was turning over the seized items to the former.¹²

After making the request for laboratory examination and drug testing, the specimen was brought to the laboratory for qualitative examination. After conducting the said examination on the contents of the plastic sachet, Forensic Chemist, PCI Ballesteros found that the seized item tested positive for *ephedrine*, a dangerous drug, as shown in the Chemistry Report No. D-220-1213 dated July 26, 2012. The *ephedrine* subject of the sale was brought to and duly identified in open court.¹³

Version of the Defense

The defense, on the other hand, presented its witness in the person of appellants Tat and Lee who denied the accusations against them.¹⁴

Appellant Tat declared that on July 25, 2012, he and appellant Lee arrived in the Philippines from Hongkong through Clark International Airport in Pampanga to take their vacation. From the airport, they immediately proceeded to Binondo, Manila by taking a taxi. Upon arrival

¹⁰ Id. at 6.

¹¹ Id.

¹² Id.

¹³ Id. at 6-7.

¹⁴ Id. at 7.

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thereat, they checked-in into a hotel in Binondo. The following day, around 8 a.m., Tat asked appellant Lee to go to a travel agency in Binondo to buy airline tickets. While he was left alone inside the hotel room, police officers went inside the room and pointed a gun at him. One of the police officers handcuffed him and searched the room. When appellant Lee arrived at the hotel room at around 10:30 a.m., he was surprised to see appellant Tat in handcuffs and being ganged up by police officers. He was also handcuffed and he saw one of the police officers bring something into the room and placed this thing inside a plastic bag owned by him. He also saw a paper bag with money inside and photographs were taken as well by a media representative. Thereafter, they were brought to the police station.¹⁵

Appellant Lee corroborated the testimony of appellant Tat in its material points.¹⁶

Merlyn Tadoy, was the last witness who testified for the defense. She declared that she works as a Reservation Officer at Timberfield Travel and Tours Agency. She presented documents to show that appellant Lee purchased a Cebu Pacific ticket bound for Malaysia on July 26, 2012. However, she stated later that she does not know Lee as she was not the one who dealt with the latter but her boss.¹⁷

After the prosecution and the defense rested their respective cases, the RTC, Branch 13 of Manila rendered its assailed Decision dated November 22, 2016, finding appellants Tat and Lee guilty beyond reasonable doubt of the offense charged in the Information, the decretal portion of which reads:¹⁸

WHEREFORE, in view of the foregoing, this Court finds the accused SIU MING TAT & LEE YOONG HOEW GUILTY beyond reasonable doubt as principals for violation of Sections 5 in relation to Article 26 of Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 (for pushing ephedrine) as charged and sentences each of them to suffer the penalty of LIFE IMPRISONMENT and to pay a Fine in the amount P500,000.00 each.

The plastic bag of ephedrine and the other items recovered from the accused are ordered confiscated in favor of the government to be disposed of in accordance with law.

Issue mittimus orders committing SIU MING TAT & LEE YOONG HOEW to the National Bilibid Prisons for service of sentence.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id. at 7-8.

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Send copies of this Decision to the Director General of the Philippine Drug Enforcement Agency (PDEA), to the Director of the National Bureau of Investigation (NBI) and to the Philippine National Police Anti-Illegal Drugs Group (PNP- AIDG).

SO ORDERED.¹⁹

Displeased, appellants Tat and Lee moved for a reconsideration of the foregoing ruling but the same was denied by the RTC, Branch 50 of Manila in its Order dated March 3, 2017.²⁰

Appellants appealed to the CA and assigned the following errors:²¹

- (1) the court *a quo* (RTC Branch 13) seriously erred when it issued its Decision dated November 22, 2016 finding them guilty beyond reasonable doubt of Violating Section 5, 1st paragraph in relation to Section 26 (B) of Article II of R.A. No. 9165, when the testimonies of the two (2) prosecution witnesses are highly incredible and unbelievable to prove the alleged buy-bust that happened inside a hotel room;
- (2) the court *a quo* seriously erred in issuing the assailed Decision when it failed to give credence to the testimony of the defense witnesses who clearly testified that no buy-bust occurred on July 26, 2012 at 9:00 am;
- (3) the court *a quo* seriously erred when it issued the assailed Decision despite the fact that the prosecution witnesses failed to comply with the mandatory provisions of Section 21 of R.A. No. 9165, on the matter of physical inventory, and picture-taking of the pieces of evidence allegedly seized from them;
- (4) the court *a quo* seriously erred when it failed to give credence to the testimony of the third witness for the defense Merly Tadoy who testified that appellant Lee was at their office buying airline tickets on the date and time of the arrest; and
- (5) the court *a quo* (RTC Branch 50) seriously erred when it issued the Order dated March 3, 2017 denying their Motion for Reconsideration.

On the other hand, the plaintiff-appellee People of the Philippines (People), through the Office of the Solicitor General (OSG), argued that:²²

- (1) The prosecution's evidence established appellants' guilt beyond reasonable doubt.
- (2) The difference between the drugs that were supposedly bought and the drugs that were actually bought is irrelevant
- (3) The *corpus delicti* has not lost its integrity and evidentiary value

¹⁹ CA rollo, pp. 134-135.

²⁰ Rollo, p. 8.

²¹ CA rollo, pp. 43-44.

²² Id. at 149.

- (4) Appellants' defense of denial fa[i]ls in the face of positive identification and lack of motive from the witnesses.

The CA, in its Decision dated October 9, 2018, denied the appeal. The CA found that the integrity and evidentiary value of the seized item as provided by the rules was substantiated beyond an iota of doubt by the prosecution.²³

On October 25, 2018, appellants filed a Notice of Appeal with the CA on grounds of serious errors in the findings of facts and conclusions of law.²⁴

The Court issued a Resolution dated June 26, 2019 requiring the parties to submit their respective Supplemental Briefs simultaneously, if they so desire, within thirty (30) days from notice.²⁵

On September 6, 2019, appellee People of the Philippines, through the OSG, filed a Manifestation and Motion (In Lieu of Supplemental Brief), manifesting that it will no longer file a Supplemental Brief considering that the appellants did not raise new matters, and in order to expedite the resolution of the present proceedings.²⁶

Appellants also filed an Ex-Parte Manifestation and Motion (In Lieu of Supplemental Brief) dated September 17, 2019, stating that they are no longer filing their Supplemental Brief and hereby adopt the allegations contained in their Brief in support of this appeal.²⁷

The Court's Ruling

This Court finds the appeal unmeritorious.

The elements of illegal sale of dangerous drugs had been proven beyond reasonable doubt.

To secure a conviction for illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165, the prosecution must establish the following elements: (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. What is important is that the sale transaction of drugs actually took place and that the object of the transaction is properly

²³ *Rollo*, p. 9.

²⁴ *Id.* at 16.

²⁵ *Id.* at 20-21.

²⁶ *Id.* at 27-30.

²⁷ *Id.* at 36-37.

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presented as evidence in court and is shown to be the same drugs seized from the accused.²⁸

In the crime of illegal sale of dangerous drugs, the delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money consummate the illegal transaction. What matters is the proof that the transaction or sale actually took place, coupled with the presentation in court of the prohibited drug, the *corpus delicti*, as evidence.²⁹

As noted by the CA, it is clear from the records of the case that appellants Tat and Lee were caught *in flagrante delicto* of selling a dangerous drug, *ephedrine*, to PO3 Mabanglo on July 26, 2012. The appellants sold and delivered the plastic sachet containing *ephedrine* to PO3 Mabanglo posing as buyer. There was an actual exchange of the marked money and the plastic sachet containing *ephedrine*. Further, the appellants were positively identified in open court by the prosecution witnesses as the persons who sold the dangerous drugs to PO3 Mabanglo.³⁰

Appellants also claim that there are inconsistencies in the testimonies of the prosecution witnesses and that they were framed by the police. We also find the same to be untenable.

Well-entrenched is the rule that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh such testimonies in light of the declarant's demeanor, conduct and position to discriminate between truth and falsehood. This is especially true when the trial court's findings have been affirmed by the appellate court, because said findings are generally conclusive and binding upon this Court, unless it be manifestly shown that the lower courts had overlooked or disregarded arbitrarily the facts and circumstances of significance in the case.³¹

We find no compelling reason to disturb the findings of both the RTC and CA which would justify an exception to the rule.

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 suggesting ill motive on the part of the police officers or deviation from the regular performance of their duties.³² The defense of denial or frame-up, like alibi, has been viewed with disfavor for it can easily be concocted and is a common defense ploy in most prosecutions for violation of the Dangerous Drugs Act. For this claim to

²⁸ *People v. Ismael y Radang*, 806 Phil. 21, 29 (2017) (citations omitted).

²⁹ *People v. Amaro y Catubay*, 786 Phil. 139, 147 (2016) (citations omitted).

³⁰ *Rollo*, pp. 11-12.

³¹ *Madali v. People*, 612 Phil. 582, 595 (2009).

³² *People v. De Guzman y Miranda*, 564 Phil. 282, 293 (2007).

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prosper, the defense must adduce clear and convincing evidence to overcome the presumption that government officials have performed their duties in a regular and proper manner, which the appellants failed to do in the instant case.³³

Absent any clear showing that the arresting officers had ill motive to falsely testify against the appellant, their testimonies must be respected and the presumption of regularity in the performance of their duties must be upheld.³⁴

A mere denial, like alibi, is inherently a weak defense and constitutes self-serving negative evidence, which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters.³⁵

In addition, the claimed inconsistencies by appellants pertain to the events prior to the buy-bust operation. Appellants point out that there is a material discrepancy as to the time of coordination with other police offices including PDEA which was made as early as 10:00 a.m. on July 25, 2012, when in fact the police informant only arrived at their office at 1:00 p.m. on July 25, [2012]. We find the same to be immaterial to the determination of the guilt or innocence of the accused and does not affect the credibility of PI Salmingo. The alleged inconsistencies do not even pertain to the *corpus delicti* and its integrity.

This Court has ruled that “inconsistencies in the testimonies of witnesses which refer to minor and insignificant details cannot destroy their credibility. Such minor inconsistencies even guarantee truthfulness and candor.”³⁶

It is well settled that immaterial and insignificant details do not discredit a testimony on the very material and significant point bearing on the very act of accused-appellants. As long as the testimonies of the witnesses corroborate one another on material points, minor inconsistencies therein cannot destroy their credibility. Inconsistencies on minor details do not undermine the integrity of a prosecution witness. The minor inconsistencies and contradictions only serve to attest to the truthfulness of the witnesses and the fact that they had not been coached or rehearsed.³⁷

³³ Id.

³⁴ *People v. Calvelo y Consada*, G.R. No. 223526, December 6, 2017.

³⁵ *People v. Umapas y Crisostomo*, 807 Phil. 975, 989-990 (2017).

³⁶ *Tionco y Ortega v. People*, 755 Phil. 646, 653 (2015).

³⁷ *Madali v. People*, *supra* note 31, at 604.

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There was an unbroken chain of custody of the seized drugs and the corpus delicti has not lost its integrity and evidentiary value.

In cases of illegal sale and illegal possession of dangerous drugs, the dangerous drug seized from the accused constitutes the *corpus delicti* of the offense. Thus, it is of utmost importance that the integrity and identity of the seized drugs must be shown to have been duly preserved. The chain of custody rule performs this function as it ensures that unnecessary doubts concerning the identity of the evidence are removed.³⁸

In all prosecutions for violations of R.A. No. 9165, the *corpus delicti* is the dangerous drug itself. The *corpus delicti* is established by proof that the identity and integrity of the subject matter of the sale, *i.e.*, the prohibited or regulated drug, has been preserved; hence, the prosecution must establish beyond reasonable doubt the identity of the dangerous drug to prove its case against the accused. The prosecution can only forestall any doubts on the identity of the dangerous drug seized from the accused to that which was presented before the trial court if it establishes an unbroken chain of custody over the seized item. The prosecution must be able to account for each link in the chain of custody over the dangerous drug, from the moment of seizure up to its presentation in court as evidence of the *corpus delicti*. In other words, it must be established with unwavering exactitude that the dangerous drug presented in court as evidence against the accused is the same as that seized from him in the first place.³⁹

Generally there are four links in the chain of custody of the seized illegal drug: (i) its seizure and marking, if practicable, from the accused, by the apprehending officer; (ii) its turnover by the apprehending officer to the investigating officer; (iii) its turnover by the investigating officer to the forensic chemist for examination; and, (iv) its turnover by the forensic chemist to the court.⁴⁰

We find that the prosecution sufficiently established all the links in the chain of custody and proved that the integrity and evidentiary value of the seized drugs had not been compromised. We adopt the findings of the CA, which is consistent with that of the RTC:

A perusal of the records clearly reveals how PO3 Mabanglo, assisted by PI Salmingo, effected the arrests immediately after appellants Tat and Lee sold to him the plastic sachet containing white crystalline substance. Thereafter, he immediately marked the seized item with "EAM 07-26-2012 EXH. A". The same was inventoried and photographed in the

³⁸ *People v. Ismael y Radang*, supra note 28, at 29.

³⁹ *People v. Calvelo y Consada*, supra note 34 (citations omitted).

⁴⁰ *People v. De Leon*, G.R. No. 227867, June 26, 2019.

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presence of the appellants, ACP Tuvera, Brgy. Chairman Que and Marco Gutierrez, a media representative from ABS-CBN. Clearly, the requirements provided under Section 21 (1) of R.A. No. 9165 as amended by R.A. No. 10640 was faithfully complied with by the apprehending team. Following that, the seized item was brought to the police station and was turned over to the duty investigator, SPO1 Calva. After making the proper documentation, the specimen was brought to the crime laboratory for qualitative examination which was received by PCI Ballesteros. Upon receipt of the specimen, consisting of one (1) heat-sealed transparent plastic sachet with markings “EAM 07-26-2012 EXH. A” containing 426.30 grams of white crystalline substance, PCI Ballesteros conducted the examination thereof. The said specimen tested positive for *ephedrine*, a dangerous drug, as shown in the Chemistry Report No. D-220-12 dated July 26, 2012. The *ephedrine* subject of the sale was brought to and duly identified in open court.⁴¹

The difference between the drugs that were supposedly bought and the drugs that were actually bought is irrelevant

Appellants also question the finding of guilt by the trial court on the ground that the drugs that were supposedly bought, seized, recovered, confiscated and inventoried are “*shabu*,” but the prosecution presented “*ephedrine*.”

We find this to be inconsequential and does not affect the finding of guilt by the accused. Even if the police transacted for the sale of *shabu*, the fact that the seized drugs are *ephedrine*, will not warrant a reversal of the finding of guilt of the accused.

In any case, the charge in the information was clearly for violation of Section 5 in relation to Section 26, paragraph (b), Article II of R.A. No. 9165. It is immaterial whether the allegation was for *shabu* or *ephedrine*, since both are dangerous drugs.

Further, the purpose of the laboratory examination is to confirm that the seized items are indeed dangerous drugs. The police officers cannot be expected to conclude with certainty whether the suspected dangerous drugs are *shabu* or *ephedrine* just by visual inspection. What matters is that the prosecution was able to prove that the seized items are indeed dangerous drugs and are the ones presented in court.

This matter was already settled in the case of *People v. Noque y Gomez*,⁴² wherein this Court held that an accused can be convicted for the

⁴¹ *Rollo*, p. 10.

⁴² 624 Phil. 187 (2010).


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sale of *shabu*, despite the fact that what was established and proven was the sale of *ephedrine*.


Sections 4 and 5, Rule 120 of the Rules of Court, can be applied by analogy in convicting the appellant of the offenses charged, which are included in the crimes proved. Under these provisions, an offense charged is necessarily included in the offense proved when the essential ingredients of the former constitute or form part of those constituting the latter. At any rate, a minor variance between the Information and the evidence does not alter the nature of the offense, nor does it determine or qualify the crime or penalty, so that even if a discrepancy exists, this cannot be pleaded as a ground for acquittal. In other words, his right to be informed of the charges against him has not been violated because where an accused is charged with a specific crime, he is duly informed not only of such specific crime but also of lesser crimes or offenses included therein.⁴³

WHEREFORE, the appeal is **DENIED**. The Decision dated October 9, 2018 of the Court of Appeals in CA G.R. CR-HC No. 09200 is **AFFIRMED**. Accused-appellants Siu Ming Tat and Lee Yoong Hoew are found **GUILTY** beyond reasonable doubt of illegal sale of dangerous drugs in violation of Section 5, Article II of R.A. No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, and are hereby **SENTENCED** to suffer the penalty of life imprisonment and to each **PAY** a **FINE** of Five Hundred Thousand Pesos (₱500,000.00).

SO ORDERED.

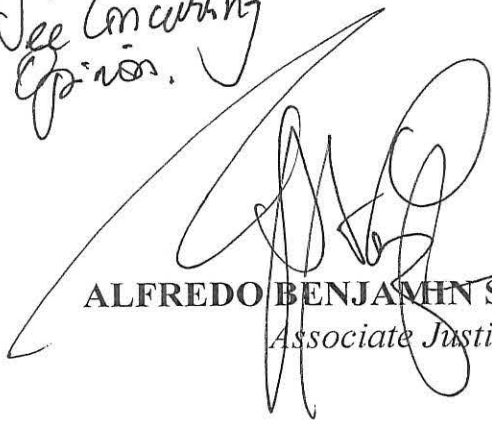

JOSE C. REYES, JR.
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Chief Justice
Chairperson

⁴³ *People v. Noque y Gomez*, 624 Phil. 187, 198 (2010) (citations omitted).

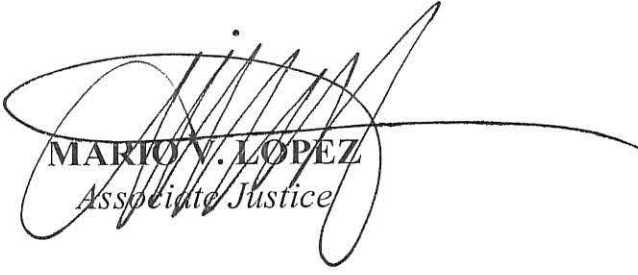
*See Concurring
Opinion.*



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice




AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
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.



DIOSDADO M. PERALTA
Chief Justice

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