



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES
Plaintiff-Appellee,

G.R. No. 223556

- versus -

Present:
CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JR., JJ.

MANUEL LIM CHING,
Accused-Appellant.

Promulgated:

09 OCT 2017

X-----X

DECISION

PERLAS-BERNABE, J.:

Assailed in this ordinary appeal¹ is the Decision² dated June 30, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01724, which affirmed the Decision³ dated June 17, 2013 of the Regional Trial Court of Catarman, Northern Samar, Branch 19 (RTC) in Criminal Case Nos. C-3522, C-3523, and C-3533 finding accused-appellant Manuel Lim Ching (Ching) guilty beyond reasonable doubt of violating Sections 11, 12, and 5 of Republic Act (RA) No. 9165,⁴ otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," respectively.

¹ See Notice of Appeal dated August 5, 2015; *rollo*, pp. 20-22.
² *Id.* at 4-19. Penned by Associate Justice Edgardo L. Delos Santos with Associate Justices Renato C. Francisco and Edward B. Contreras concurring.
³ Records (Crim. Case No. C-3522), pp. 375-391. Penned by Judge Norma Megenio-Cardenas.
⁴ Entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES," APPROVED ON JUNE 7, 2002.

The Facts

This case stemmed from four (4) Informations filed before the RTC charging Ching of violating Sections 11, 12, 5, and 6, Article II of RA 9165, the accusatory portions of which respectively read:

Criminal Case No. C-3522

That on or about the 29th of June 2003, at about 4:00 o'clock in the afternoon, more or less, in Purok 4, Barangay Jose Abad Santos, Municipality of Catarman, Province of Northern Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to violate the said provision of the law, did then and there, [willfully], unlawfully, and feloniously have in his possession, custody and control the following items, to wit[:]

1. One (1) sachet of "shabu" with estimated weight of (0.2) grams worth P300.00
2. One (1) sachet of "shabu" with an estimated weight of (0.2) grams worth P500.00
3. Five (5) sachets of "shabu" with an estimated weight of (5.3) grams

of methamphetamine hydrochloride popularly known as "shabu" a regulated drug without first securing the necessary permit or license to possess the same from competent authority which therefore is an open violation of Section 11, Article II of Republic Act No. 9165, in particular Possession of Dangerous Drugs.

CONTRARY TO LAW.⁵

Criminal Case No. C-3523

That on or about the 29th day of June 2003, at about 4:00 o'clock in the afternoon more or less, in Purok 4, Barangay Jose Abad Santos, Municipality of Catarman, Province of Northern Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to violate the said provisions of the law, did then and there, [willfully], unlawfully, [and] feloniously have in his possession, custody and control the following drug paraphernalia, to wit:

- 1.) Twenty three (23) pcs. of aluminum foils;
- 2.) Six (6) pcs. improvised aluminum tooters;
- 3.) One (1) pc. plastic tooter;
- 4.) One (1) pc. alcohol lamp;
- 5.) One (1) pc. plastic case color blue;
- 6.) Seven (7) pcs. disposable lighters;
- 7.) One (1) pc. scissor;
- 8.) Two (2) pcs. cutter blade;

without first securing the necessary permit or license to possess the dangerous drugs' Paraphernalia, Tools and instruments the same from

⁵ Records (Crim. Case No. C-3522), pp. 22-23.

✓

competent authority which therefore is an open violation of Section 12, Article II of Republic Act No. 9165.

CONTRARY TO LAW.⁶

Criminal Case No. C-3533

That on or about the 29th day of June, 2003 at about 4:00 o'clock in the afternoon, at Purok 4, Barangay Jose Abad Santos, Municipality of Catarman, Province of Northern Samar, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to violate the above provisions of the law, did then and there, [willfully], unlawfully and feloniously sold to police poseur-buyer PO1 Mauro Ubaldo Lim one (1) sachet of methamphetamine hydrochloride popularly known as "shabu" a regulated drug weighing 0.2 gram valued at Three Hundred (P300.00) Pesos and other sachet of the same substance weighing 0.2 gram valued at Five Hundred (P500.00) Pesos to a total of Eight Hundred (P800.00) Pesos, Philippine Currency without first securing the necessary permit or license from any competent authority to do the same.

CONTRARY TO LAW.⁷

Criminal Case No. C-3524

That on or about the 29th day of June, 2003, at about 4:00 o'clock in the afternoon more or less, in Purok 4, Barangay Jose Abad Santos, Municipality of Catarman, Province of Northern Samar Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to violate the said provision of the law, did then and there, intentionally, unlawfully and feloniously maintain and keep a drug den in his residence where methamphetamine hydrochloride popularly known as "shabu" are stored, distributed, traded and used by his visitors and where drug paraphernalia/tools/instruments are kept without first securing the necessary permit or license to maintain and sell the same from competent authority which therefore is an open violation of Section 6, Article II of Republic Act No. 9165 or Maintenance of a Drug Den.

CONTRARY TO LAW.⁸

The prosecution alleged that on June 29, 2003, and after the conduct of surveillance on the suspected illegal drug activities of Ching, as well as a test-buy wherein a civilian asset purchased one (1) sachet of suspected *shabu* worth P300.00, Police Superintendent Isaias B. Tonog (P/Supt. Tonog), formed a buy-bust team composed of, among others, Police Officer 1 Mauro Ubaldo Lim (PO1 Lim), the designated poseur-buyer, with the rest of the members serving as backup officers.⁹ At around four (4) o'clock in the afternoon of even date, the team proceeded to Ching's house located at Purok 4, Barangay Jose Abad Santos, Catarman, Northern Samar and upon

⁶ Records (Crim. Case No. C-3523), pp. 19-20.

⁷ Records (Crim. Case No. C-3533), p. 29.

⁸ CA *rollo*, p. 47.

⁹ See *rollo*, p. 7.

✓

arrival thereat, PO1 Lim approached Ching and bought a sachet of suspected *shabu* worth ₱500.00, handing as payment the marked money. As soon as PO1 Lim received the sachet, he gave the pre-arranged signal and the other team members, who were stationed more or less 15-20 meters from the target area, approached, causing Ching to run and hide in his room. The team followed Ching inside his house where he was eventually arrested for selling *shabu*.¹⁰ A subsequent search of the premises produced the following: two (2) sachets in a chicken cage outside the house, two (2) sachets on the wooden frames nailed to a wall inside the house, and one (1) sachet found in a pail outside the house. Similarly, the following drug paraphernalia were recovered in an adjacent makeshift structure outside the house: twenty-three (23) pieces of aluminum foil, six (6) pieces of improvised tooters, one (1) piece of plastic tooter, seven (7) pieces of disposable lighters, one (1) pair of scissors, two (2) pieces of cutter blade, one (1) piece of alcohol lamp and one (1) piece of color blue plastic case.¹¹ The sachets of *shabu* were sealed and labeled “MLC-1 to MLC-9” afterwhich, they were brought to the Northern Samar Police Provincial Office, Camp Carlos Delgado,¹² where P/Supt. Tonog signed four (4) Receipts for Property Seized¹³ as witnessed by barangay officials Benito Calindong, Leon Rosales, and Felipe Aurel.¹⁴

Days after, at around 10:35 in the morning of **July 9, 2003**, P/Supt. Tonog delivered the drug specimens to the Philippine Drug Enforcement Agency (PDEA) office in Tacloban where it was received and acknowledged by a certain Police Officer 3 Bernardo Bautista (PO3 Bautista),¹⁵ who, in turn, turned over the items on the same day to the Philippine National Police (PNP) Regional Crime Laboratory Office 8 and were received by Forensic Chemist Police Senior Inspector Benjamin Aguirre Cruto, Jr. (P/Sr. Insp. Cruto) for examination.¹⁶ In Chemistry Report No. D-300-2003,¹⁷ P/Sr. Insp. Cruto confirmed that the substance inside eight (8) out of the nine (9) sachets (marked as MLC-1 through MLC-6, MLC-8 and MLC-9) were positive for methylamphetamine hydrochloride or *shabu*, an illegal drug.¹⁸

¹⁰ See *id.* at 7-8. See also TSN, February 28, 2005, p. 7.

¹¹ *Id.* at 8.

¹² See Excerpt from the Police Blotter; records (Crim. Case No. C-3523), pp. 10-11.

¹³ See records (Crim. Case No. C-3523), pp. 6-9.

¹⁴ See *rollo*, p. 8. See also records (Crim. Case No. C-3523), pp. 6-9.

¹⁵ See Acknowledgement Form dated July 9, 2003 signed by PO3 Bautista; records (Crim. Case No. C-3533), p. 22.

¹⁶ See Certification dated July 9, 2003 signed by P/Sr. Insp. Cruto; records (Crim. Case No. C-3533), p. 23. See also *rollo*, p. 9.

¹⁷ Records (Crim. Case No. C-3533), p. 24.

¹⁸ See Chemistry Report No. D-300-2003 of P/Sr. Insp. Cruto stating that the sachets marked with: A-1 – (“MLC-1”) – 0.10gram; A-2- (“MLC-2”) – 0.20gram; A-3- (“MLC-3”) – 0.25gram; A-4 – (“MLC-4”) – 1.00 gram; A-5 – (“MLC-5”) – 0.06 gram; A-6 – (“MLC-6”) – 0.08 gram; A-8 marked as “MLC-8”; and A-9 marked as “MLC-9” all tested positive for *shabu*, while the A-7 sachet marked with “MLC-7” – 3.40 grams tested negative for dangerous drugs. (*Id.* at 24. See also *rollo*, p. 9.)

Upon arraignment, Ching pleaded not guilty¹⁹ and proceeded to deny the charges leveled against him. He claimed that on said date, he was in his house with his nephews and was about to leave when policemen, including P/Supt. Tonog, together with some barangay officials, arrived and roamed around his residence. He later saw one of the men insert a plastic inside the chicken cage and thereafter, gathered some things and placed them on top of a table. Not long after, a *pedicab* arrived and he was brought to the police station and detained. Ching further claimed that he was very close with P/Supt. Tonog, but the latter bore personal grudges against him.²⁰

The RTC Ruling

In a Decision²¹ dated June 17, 2013, the RTC ruled as follows: (a) in Criminal Case No. C-3522, Ching was found guilty beyond reasonable doubt of illegal possession of *shabu* under Section 11 of RA 9165 and, accordingly, sentenced to suffer the penalty of imprisonment for a period of twelve (12) years and one (1) day to twenty (20) years, and to pay a fine in the amount of ₱100,000.00;²² (b) in Criminal Case No. C-3523, Ching was found guilty beyond reasonable doubt of illegal possession of drug paraphernalia under Section 12 of RA 9165 and, accordingly, sentenced to suffer the penalty of imprisonment for a period of six (6) months and one (1) day to four (4) years, and to pay a fine of ₱10,000.00;²³ (c) in Criminal Case No. C-3533, Ching was found guilty beyond reasonable doubt of illegal sale of *shabu* under Section 5 of RA 9165 and, accordingly, sentenced to suffer the penalty of life imprisonment, and to pay a fine in the amount of ₱500,000;²⁴ and (d) in Criminal Case No. C-3524, Ching was acquitted on reasonable doubt.²⁵

The RTC found all the elements for the prosecution of illegal possession of dangerous drugs present as drugs were found within the premises of Ching's residence, *i.e.*, in the chicken cage, the wooden frames inside the house, and in a pail outside the house.²⁶ Moreover, the prosecution was able to show that the drug paraphernalia confiscated from the premises of Ching's residence were used in smoking, consuming, administering, ingesting or introducing dangerous drugs into the body.²⁷ Likewise, all the elements for the illegal sale of dangerous drugs were proven, noting that the sale of the *shabu* was consummated and Ching was positively identified as the seller.²⁸

¹⁹ *Rollo*, p. 7.

²⁰ See *id.* at 9-11.

²¹ Records (Crim. Case No. C-3522), pp. 375-391.

²² *Id.* at 382.

²³ *Id.* at 385.

²⁴ *Id.* at 390.

²⁵ *Id.*

²⁶ See *id.* at 380-382.

²⁷ See *id.* at 382-385.

²⁸ See *id.* at 385-390.

✓

Aggrieved, Ching elevated his conviction before the CA.²⁹

The CA Ruling

In a Decision³⁰ dated June 30, 2015, the CA upheld the RTC ruling, holding that all the elements of the crimes for which Ching was convicted were present. More importantly, it ruled that the apprehending officers duly complied with the chain of custody rule and the mandatory requirements under Section 21 (a), Article II of the Implementing Rules and Regulations (IRR) of RA 9165, as P/Supt. Tonog narrated in detail the conduct of the buy-bust operation and the due diligence he exercised to ensure that the very same confiscated sachets of *shabu* were the ones submitted to the PDEA for examination and eventually presented in court.³¹ The CA did not give credence to Ching's defenses of denial and frame-up, absent any ill-motive on the part of the police officers.³²

The Issue Before the Court

The issue for the Court's resolution is whether or not Ching is guilty beyond reasonable doubt of violating Sections 11, 12, and 5, Article II of RA 9165.

The Court's Ruling

Preliminarily, it must be stressed that an appeal in criminal cases opens the entire case for review, and it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine the records anew and revise the judgment appealed from, among others.³³

In this case, Ching was charged with illegal possession of dangerous drugs, illegal possession of drug paraphernalia, and illegal sale of dangerous drugs, respectively defined and penalized under Sections 11, 12, and 5, Article II of RA 9165. In order to secure the conviction of an accused charged with illegal possession of dangerous drugs, the prosecution must prove: (a) that the accused was in possession of an item or object identified as a dangerous drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.³⁴ Similarly, a violation of illegal possession of paraphernalia is deemed consummated the

²⁹ See Notice of Appeal dated July 8, 2013; *id.* at 396-397.

³⁰ *Rollo*, pp. 4-19.

³¹ See *id.* at 13-18.

³² See *id.* at 18.

³³ See *Gamboa v. People*, G.R. No. 220333, November 14, 2016; citations omitted.

³⁴ *People v. Bio*, 753 Phil. 730, 736 (2015).

moment the accused is found in possession of said articles without the necessary license or prescription.³⁵ Finally, the prosecution must establish the following elements to convict an accused charged with illegal sale of dangerous drugs: (a) the identity of the buyer and the seller, the object and the consideration; and (b) the delivery of the thing sold and the payment.³⁶

Jurisprudence states that in these cases, it is essential that the identity of the seized drug/paraphernalia be established with moral certainty. Thus, in order to obviate any unnecessary doubts on such identity, the prosecution has to show an unbroken chain of custody over the same. It must be able to account for each link in the chain of custody over the dangerous drug/paraphernalia from the moment of seizure up to its presentation in court as evidence of the *corpus delicti*.³⁷

Pertinently, Section 21, Article II of RA 9165 provides the chain of custody rule, outlining the procedure that police officers must follow in handling the seized drugs/paraphernalia, in order to preserve their integrity and evidentiary value.³⁸ Under the said section, the apprehending team shall, among others, **immediately after seizure and confiscation conduct a physical inventory and photograph the seized items in the presence of the accused or the person from whom the items were seized, or his representative or counsel, a representative from the media and the Department of Justice, and any elected public official who shall be required to sign the copies of the inventory and be given a copy of the same, and the seized items must be turned over to the PNP Crime Laboratory within twenty-four (24) hours from confiscation for examination.**³⁹

The Court, however, clarified that under varied field conditions, strict compliance with the requirements of Section 21, Article II of 9165 may not always be possible.⁴⁰ In fact, the Implementing Rules and Regulations (IRR) of RA 9165 – which is now crystallized into statutory law with the passage of RA 10640⁴¹ – provide, among others, that **non-compliance with the**

³⁵ See *People v. Bontuyan*, 742 Phil. 788, 799 (2014).

³⁶ *People v. Sumili*, 753 Phil. 342, 348 (2015).

³⁷ See *People v. Viterbo*, 739 Phil. 598, 601 (2014).

³⁸ See *People v. Sumili*, supra note 36, at 349-350.

³⁹ See Section 21 (1) and (2), Article II of RA 9165.

⁴⁰ See *People v. Sanchez*, 590 Phil. 214, 232 (2008).

⁴¹ Entitled “AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT No. 9165, OTHERWISE KNOWN AS THE ‘COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002,’” approved on July 15, 2014, Section 1 of which states:

SECTION 1. Section 21 of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”, is hereby amended to read as follows:

“SEC. 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

requirements of Section 21, Article II 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.⁴² In other words, 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.⁴³ In *People v. Almorfe*,⁴⁴ **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.**⁴⁵ Also, in *People v. De Guzman*,⁴⁶ 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.**⁴⁷

In this case, Ching prayed for his acquittal in view of the police officers' non-compliance with Section 21, Article II of RA 9165 and its Implementing Rules and Regulations (IRR) in that: (a) the sachets of drugs seized from his house were not properly identified as to which among them were connected to his particular offense; (b) no photographs were taken of the items taken from his house; (c) no sealing of the seized drugs took place; and, (d) it was not established who was entrusted with the safekeeping of the specimens before their presentation in court and what precautions were taken to ensure their integrity and value.⁴⁸

instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

“(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 persons 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.

x x x x”

⁴² See Section 21 (a), Article II of the IRR of RA 9165.

⁴³ See *People v. Goco*, G.R. No. 219584, October 17, 2016.

⁴⁴ 631 Phil. 51 (2010).

⁴⁵ *id.* at 60.

⁴⁶ 630 Phil. 637 (2010).

⁴⁷ *Id.* at 649.

⁴⁸ See *CA rollo*, pp. 40-44.

✓

Guided by the foregoing, the Court finds substantial gaps in the chain of custody of the seized dangerous drugs/paraphernalia which were left unjustified, thereby casting reasonable doubt on their integrity, as will be explained hereunder.

First, after Ching's arrest, P/Supt. Tonog marked the seized *shabu*. His testimony on this matter is as follows:

Q: Before going to Tacloban City purposely to submit the shabu that were confiscated during the buy-bust operation at the place or residence of accused Manuel Lim Ching, did you exercise due diligence to see to it that the same specimen or shabu confiscated from Manuel Lim Ching were the same specimen that were submitted to the PDEA?

A: Yes, sir.

Q: In what way did you exercise due diligence and effort to see to it that the very same shabu that were submitted to the PDEA?

A: The sachet of shabu was placed in a plastic and it was sealed, then it was placed also in another brown envelope and together with the request and it was sealed and after that in the evening, we rode early for Tacloban and submitted it to the PDEA.

Q: Did you make any specific markings to see to it that the same shabu that you were able to confiscate from Manuel Lim Ching were the same shabu to be submitted at the PDEA?

A: Yes, sir because before we submitted it to the PDEA, we wrote a letter on the shabu, the name of the suspect for example, Manuel Lim Ching, we put it MLC 1 up to how many numbers of shabu confiscated, if for example MLC 1 MLC 2 up to MLC 9.⁴⁹

While the fact of marking of the seized items was clear from such testimony and the inventory evidenced by the attached Receipt for Property Seized, the same was glaringly silent as to the taking of photographs and the conduct of an inventory in the presence of a representative from the media and the DOJ. In the case of *People v. Mendoza*,⁵⁰ the Court stresses that **“[w]ithout the insulating presence of the representative from the media [and] the Department of Justice, or any elected public official during the seizure and marking of the [seized drugs], the evils of switching, ‘planting’ or contamination of the evidence that had tainted the buy-busts conducted under the regime of [RA] 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the [said drugs] that were evidence herein of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused.”** Indeed, the insulating

⁴⁹ TSN, April 11, 2005, pp. 10-11.

⁵⁰ 736 Phil. 749 (2014).


presence of such witnesses would have preserved an unbroken chain of custody.”⁵¹

Second, it is well to note that the delivery of the seized items to the PNP Crime Laboratory was made way beyond the prescribed twenty four (24)-hour period from seizure. To reiterate, the drugs/paraphernalia were seized during the buy-bust operation on June 29, 2003, but were delivered to the PDEA and the PNP crime laboratory only ten (10) days later, or on **July 9, 2003**. In *People v. Gamboa*,⁵² the Court explained that “[w]hen police officers do not turn over dangerous drugs to the laboratory within twenty-four (24) hours from seizure, they must identify its custodian, and the latter must be called to testify. The custodian must state the security measures in place to ensure that the integrity and evidentiary value of the confiscated items were preserved,”⁵³ which did not take place in this case.

All told, the breaches of the procedure contained in Section 21, Article II of RA 9165 committed by the police officers, left unacknowledged and unexplained by the State, militate against a finding of guilt beyond reasonable doubt against the accused as the integrity and evidentiary value of the *corpus delicti* had been compromised. Case law states that the procedure enshrined in Section 21, Article II of RA 9165 is a matter of substantive law, and cannot be brushed aside as a simple procedural technicality; or worse, ignored as an impediment to the conviction of illegal drug suspects. For indeed, however noble the purpose or necessary the exigencies of our campaign against illegal drugs may be, it is still a governmental action that must always be executed within the boundaries of law.⁵⁴

WHEREFORE, the appeal is **GRANTED**. The Decision dated June 30, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 01724 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Manuel Lim Ching is **ACQUITTED** in Criminal Case Nos. C-3522, C-3523, and C-3533 for violations of Sections 11, 12, and 5, Article II of Republic Act No. 9165, respectively. The Director of the Bureau of Corrections is ordered to cause his immediate release, unless he is being lawfully held in custody for any other reason.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

⁵¹ Id. at 764.

⁵² See G.R. No. 220333, November 14, 2016.

⁵³ See id.

⁵⁴ See id.; citations omitted.

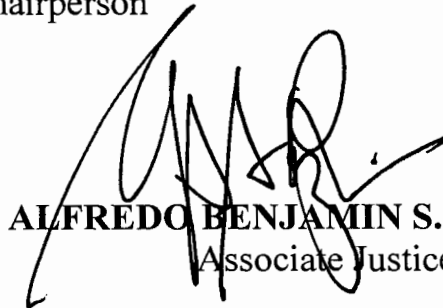
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

reyes
ANDRES B. REYES, JR.
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.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division 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