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Third Division

SEP 12 2019

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 232620
Plaintiff-Appellee,

Present:

-versus-

PERALTA, *Chairperson*,
LEONEN,
REYES, A., JR.,
REYES, J., JR.,* and
HERNANDO, *JJ*

JAYSON MERANDO y AVES,
Accused-Appellant.

Promulgated:
August 5, 2019

Mis-DC Batt

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DECISION

LEONEN, J.:

Unjustified noncompliance with the chain of custody procedure will shroud in doubt the identity and integrity of the dangerous drug allegedly seized. When there is reasonable doubt, an accused's acquittal must ensue.

This Court resolves an appeal from the Decision¹ of the Court of Appeals, which affirmed the Regional Trial Court's Judgment² finding Jayson Merando y Aves (Merando) guilty beyond reasonable doubt of the

* Designated additional Member per Raffle dated July 29, 2019. On leave.

¹ *Rollo*, pp. 2-11. The Decision dated April 26, 2017 was penned by Associate Justice Mario V. Lopez, and concurred in by Associate Justices Rodil V. Zalameda (now a member of this Court) and Henri Jean Paul B. Inting (now a member of this Court) of the Special Second Division of the Court of Appeals, Manila.

² *CA rollo*, pp. 11-18. The Judgment dated October 26, 2015 was penned by Presiding Judge Jennifer Albano Pilar of Branch 164, Regional Trial Court, Pasig City.

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crime of illegal sale of dangerous drugs and sentencing him to suffer the penalty of life imprisonment.

In an April 11, 2013 Information,³ Merando was charged with violation of Article II, Section 5 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. The Information read:

On or about April 9, 2013, in Pasig City, and within the jurisdiction of this Honorable Court, the above-accused, not being lawfully authorized by law, did then and there willfully, unlawfully and feloniously sell, deliver and give away to PO1 Edmon Reyes, one (1) heat-sealed transparent plastic sachets (*sic*) containing two point seventeen centigrams (2.17 grams), of dried suspected Marijuana fruiting tops, which after qualitative examination, was found positive to the test for the presence of Marijuana, a dangerous drug, in violation of the said law.

Contrary to law.⁴

During arraignment, Merando pleaded not guilty to the charge. Trial on the merits then ensued.⁵

The prosecution presented the following as its witnesses: (1) Police Chief Inspector Estella S. Garciano (Chief Inspector Garciano); (2) Police Officer 1 Edmon B. Reyes (PO1 Reyes); (3) PO2 Fidel R. Anggati (PO2 Anggati); (4) PO3 Andrew C. Prado (PO3 Prado); and (5) PO2 Gerald G. Galutan (PO2 Galutan).⁶ However, the testimonies of Chief Inspector Garciano, PO3 Prado, and PO2 Galutan were dispensed with when the parties entered into a stipulation of facts.⁷

According to the prosecution, at around 7:00 p.m. on April 8, 2013, a confidential informant went to the office of the Station Anti-Illegal Drugs Special Operation Task Group at the Pasig City Police Station. The informant reported to Chief Inspector Renato B. Castillo (Chief Inspector Castillo) that a certain “Begote,” later identified as Merando, was rampantly selling illegal drugs along Magsaysay Street, Barangay Manggahan, Pasig City.⁸

Acting on the information, Chief Inspector Castillo organized a buy-bust team composed of PO1 Reyes as the poseur-buyer and PO2 Anggati as

³ Id. at 9–10. Sometimes in the *rollo*, PO2 Anggati was referred to as PO1 Anggati.

⁴ Id. at 9.

⁵ Id. at 11.

⁶ Id. Estella was sometimes spelled “Stella.”

⁷ Id. at 11–12.

⁸ Id. at 13.

the immediate backup. Chief Inspector Castillo gave PO1 Reyes a ₱100.00 bill with Serial No. ZK155166 to serve as the buy-bust money.⁹ PO1 Reyes placed his initials, “EBR,” on the upper right corner of the bill. He then coordinated with the Philippine Drug Enforcement Agency.¹⁰

At around 2:00 p.m. the following day, the informant told PO1 Reyes that Begote was spotted along Magsaysay Street and asked the team to meet him at a certain burger stand.¹¹ The team first went to the Manggahan Barangay Hall to enter in the barangay blotter that a buy-bust operation would be conducted in the barangay.¹²

From there, the team headed to the burger stand to wait for the informant. After a few minutes, the informant arrived and told them that Begote was at a market on Magsaysay Street.¹³ Together with the informant, PO1 Reyes proceeded to the market while the rest of the team followed.¹⁴

When they reached the market, the informant approached a man and introduced him to PO1 Reyes as Begote. Begote asked PO1 Reyes what he wanted from him, to which the officer replied that he wanted to buy marijuana. Begote then told PO1 Reyes that he still had one (1) left and demanded payment.¹⁵

After receiving the marked ₱100.00 bill, Begote handed PO1 Reyes one (1) plastic sachet containing suspected dried marijuana leaves. Upon exchange, PO1 Reyes turned his cap to signify that the sale had been consummated. As PO2 Anggati approached the scene, PO1 Reyes held Begote’s arm and introduced himself as a police officer. PO2 Anggati, who also introduced himself as a police officer, then seized the buy-bust money from Begote’s hand.¹⁶

At the place of arrest and in Begote’s presence, PO1 Reyes signed the plastic sachet containing suspected marijuana, marking it “1 ERB/BEGOTE 04/09/2013.”¹⁷ In the same place, PO1 Reyes photographed and inventoried the seized item.¹⁸

With the seized items in his custody, PO1 Reyes and his team proceeded to Manggahan Barangay Hall. There, the team asked two (2)

⁹ Id.

¹⁰ Id. at 13–14.

¹¹ Id. at 14.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id. at 13–14.

¹⁷ Id. at 14.

¹⁸ *Rollo*, p. 4.

barangay officials, Luis S. Magudadayao (Magudadayao) and Noli Nicolas Novero (Novero), to sign the inventory.¹⁹

The buy-bust team then went to the Pasig City Police Station where PO3 Prado prepared the requests for laboratory examination and drug test.²⁰

The buy-bust team then took Begote to Rizal Medical Center for a medical examination. Afterward, they went to the Eastern Police District Crime Laboratory in Marikina City, where the seized item, request for laboratory examination, and chain of custody form were received by PO2 Galutan.²¹ The contents of the sachet tested positive for marijuana.²²

The defense's sole witness was Merando, who denied selling marijuana. He claimed that in the afternoon of April 9, 2013, he was playing his Play Station Portable on his way home when a man—later identified as PO1 Reyes—put an arm around his shoulder, claimed to be a police officer, and told him not to run away. When Merando asked what crime he committed, PO1 Reyes ignored the question and proceeded to apprehend him. The officer then frisked him, but he recovered nothing.²³

Merando was then brought to the Manggahan Barangay Hall, where he was accused of selling marijuana. He claimed that PO1 Reyes brought out a sachet of marijuana and a document from his shoulder bag and ordered him to sign the document. He said that he tried to explain to the people at the barangay hall that the sachet of marijuana did not come from him, but no one listened. He was then brought to the police station.²⁴

There, PO1 Anggati informed Merando that he would be charged with violating Sections 5 and 11. He said that he did not understand what this meant until he was detained in the city jail.²⁵

In its October 26, 2015 Judgment,²⁶ the Regional Trial Court found Merando guilty beyond reasonable doubt of the illegal sale of dangerous drugs in violation of Article II, Section 5 of the Comprehensive Dangerous Drugs Act of 2002.²⁷

¹⁹ Id.

²⁰ CA *rollo*, pp. 14–15.

²¹ *Rollo*, pp. 4–5. The CA Decision indicated PO2 Galutan as PO1 Galutan.

²² Id. at 5.

²³ CA *rollo*, p. 15.

²⁴ Id. at 15–16.

²⁵ Id. at 16.

²⁶ Id. at 11–18.

²⁷ Id. at 18.

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The trial court ruled that the prosecution established the elements of the crime with proof beyond reasonable doubt.²⁸ It found that the identity and evidentiary value of the seized item were preserved even though none of the required third-party witnesses were present in inventorying and photographing the seized items.²⁹

The trial court also found that the prosecution established an unbroken chain of custody from the arresting officer to the investigating officer, and finally, to the forensic chemical officer.³⁰

The dispositive portion of the Regional Trial Court's Decision read:

WHEREFORE, premises considered, accused JAYSON MERANDO y AVES is hereby found GUILTY beyond reasonable doubt of the offense of illegal sale of 2.17 grams of dried Marijuana fruiting tops, a dangerous drugs (*sic*), and sentences him to life imprisonment and to pay a fine of five hundred thousand pesos (P500,000.00).

Atty. Rachel G. Matalang is directed to forward the sachet of marijuana (Exhibit "S") to the Philippine Drugs Board for destruction.

SO ORDERED.³¹

Merando appealed³² before the Court of Appeals.

In his Brief,³³ Merando argued that the Regional Trial Court erred in convicting him despite the police officers' noncompliance with Section 21, particularly in their failure to secure the third-party representatives required by law.³⁴ He also claimed that the saving clause in Section 21 did not apply because the prosecution failed to provide a justifiable ground for their noncompliance.³⁵

On the other hand, the Office of the Solicitor General argued in its Brief³⁶ that the elements of the crime were duly established.³⁷ Maintaining that every link in the chain of custody was sufficiently accounted for,³⁸ it contended that the integrity of the seized item was preserved despite the apprehending team's failure to strictly comply with Section 21's

²⁸ Id.

²⁹ Id. at 17.

³⁰ Id.

³¹ Id. at 18.

³² Id. at 19.

³³ Id. at 40–56.

³⁴ Id. at 46–47.

³⁵ Id. at 51.

³⁶ Id. at 79–98.

³⁷ Id. at 88.

³⁸ Id. at 89.

requirements. It emphasized that the law only required “‘substantial’ and not ‘perfect adherence[.]’”³⁹

In its April 26, 2017 Decision,⁴⁰ the Court of Appeals affirmed Merando’s conviction. It decreed that the absence of representatives from the media and the Department of Justice did not render the confiscated items inadmissible.⁴¹ It further ruled that Merando failed to show that there was “‘bad faith, ill will, or proof that the evidence has been tampered with.’”⁴²

Thus, Merando filed a Notice of Appeal,⁴³ which was given due course⁴⁴ by the Court of Appeals.

In its October 2, 2017 Resolution,⁴⁵ this Court informed the parties to file their supplemental briefs. Both accused-appellant⁴⁶ and the Office of the Solicitor General,⁴⁷ on behalf of plaintiff-appellee People of the Philippines, manifested that they would no longer file supplemental briefs.

The sole issue for this Court’s resolution is whether or not the Court of Appeals correctly upheld the conviction of accused-appellant Jayson Merando y Aves for violating Article II, Section 5 of the Comprehensive Dangerous Drugs Act.

The appeal is meritorious.

I

In the prosecution of cases involving the illegal sale of dangerous drugs, the following requisites must be duly established to sustain a conviction: “(1) proof that the transaction or sale took place; and (2) the presentation in court of the *corpus delicti* or the illicit drug as evidence.”⁴⁸

The dangerous drug seized from an accused constitutes the *corpus delicti* of the offense.⁴⁹ “Its existence must be proved beyond reasonable doubt.”⁵⁰ More to the point, the transacted drugs must not only be proven to

³⁹ Id. at 93.

⁴⁰ *Rollo*, pp. 2–11.

⁴¹ Id. at 9.

⁴² Id. at 10–11.

⁴³ Id. at 12–15.

⁴⁴ Id. at 16.

⁴⁵ Id. at 19–20.

⁴⁶ Id. at 25–29.

⁴⁷ Id. at 22–24.

⁴⁸ *People v. Nandi*, 639 Phil. 134, 142 (2010) [Per J. Mendoza, Second Division].

⁴⁹ *People v. Ismael*, 806 Phil. 23, 29 (2017) [Per J. Del Castillo, First Division].

⁵⁰ *People v. Ameril*, G.R. No. 222192, March 13, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65008>> [Per J. Leonen, Third Division].

actually exist, but must also be ascertained to be the same drug examined and presented in court.⁵¹ As held in *People v. Siaton*:⁵²

To elucidate on the foregoing elements, this Court has said that “in prosecutions for illegal sale of drugs, what is material is proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* as evidence.” The dangerous drug itself constitutes the very *corpus delicti* of the offense and to sustain a conviction, the identity and integrity of the *corpus delicti* must be shown to have been preserved. This requirement necessarily arises from the “illegal drug’s unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration or substitution either by accident or otherwise.” In drugs cases, it is essential that the identity of the prohibited drug be established beyond reasonable doubt. The mere fact of unauthorized possession or sale is not sufficient to sustain a finding of guilt. The fact that the substance said to be illegally sold is the very same substance offered in court as exhibit must be established.⁵³ (Emphasis in the original, citations omitted)

Since prosecutions under the Comprehensive Dangerous Drugs Act primarily revolve around the identity and integrity of the *corpus delicti*, compliance with its guidelines on the custody and disposition of the dangerous drugs seized is vital.⁵⁴

Here, the buy-bust operation allegedly happened on April 9, 2013, before Republic Act No. 9165 was amended by Republic Act No. 10641. Consequently, the original version of Section 21 applies here.

Section 21 of Republic Act No. 9165 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:

(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 representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected

⁵¹ *People v. Nandi*, 639 Phil. 134, 144–145 (2010) [Per J. Mendoza, Second Division].

⁵² 789 Phil. 87 (2016) [Per J. Perez, Third Division].

⁵³ *Id.* at 97.

⁵⁴ *People v. Morales*, 630 Phil. 215, 229–230 (2010) [Per J. Del Castillo, Second Division].

public official who shall be required to sign the copies of the inventory and be given a copy thereof;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination[.]

Section 21 of the law's Implementing Rules and Regulations states:

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 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;
- (b) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination[.] (Emphasis supplied)

“Section 21 demands strict compliance. Compliance cannot give way to a facsimile; otherwise, the purpose of guarding against tampering,



substitution, and planting of evidence is defeated.”⁵⁵ In *Mallillin v. People*:⁵⁶

Indeed, the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives. *Graham vs. State* positively acknowledged this danger. In that case where a substance later analyzed as heroin — was handled by two police officers prior to examination who however did not testify in court on the condition and whereabouts of the exhibit at the time it was in their possession — was excluded from the prosecution evidence, the court pointing out that the white powder seized could have been indeed heroin or it could have been sugar or baking powder. It ruled that unless the state can show by records or testimony, the continuous whereabouts of the exhibit at least between the time it came into the possession of police officers until it was tested in the laboratory to determine its composition, testimony of the state as to the laboratory's findings is inadmissible.

A unique characteristic of narcotic substances is that they are not readily identifiable as in fact they are subject to scientific analysis to determine their composition and nature. *The Court cannot reluctantly close its eyes to the likelihood, or at least the possibility, that at any of the links in the chain of custody over the same there could have been tampering, alteration or substitution of substances from other cases — by accident or otherwise — in which similar evidence was seized or in which similar evidence was submitted for laboratory testing.* Hence, in authenticating the same, a standard more stringent than that applied to cases involving objects which are readily identifiable must be applied, a more exacting standard that entails a chain of custody of the item with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.⁵⁷ (Emphasis supplied, citations omitted)

II

Section 21 requires the presence of the accused, representatives from the Department of Justice and the media, and an elected public official during the actual seizure of the evidence and their subsequent inventory and photographing.

Here, the Regional Trial Court found that none of the required third-party witnesses were present.⁵⁸ The prosecution merely testified that after having marked, photographed, and inventoried the suspected marijuana seized at the place of arrest, PO1 Reyes and his team brought accused-appellant to the barangay hall. There, PO1 Reyes presented accused-

⁵⁵ *People v. Royol*, G.R. No. 224297, February 13, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65005>> [Per J. Leonen, Third Division].

⁵⁶ 576 Phil. 576 (2008) [Per J. Tinga, Second Division].

⁵⁷ Id. at 588–589.

⁵⁸ *CA rollo*, p. 17.

appellant, the buy-bust money, the sachet of suspected marijuana, and the inventory of seized evidence to barangay officials, Magudadayao and Novero, who then signed the inventory.⁵⁹

In *People v. Sagana*,⁶⁰ this Court acquitted the accused-appellant after it had found that none of the required third-party representatives were present during the inventory of the seized articles.

In *People v. Que*,⁶¹ this Court stressed the importance of the presence of third-party representatives during the actual seizure and subsequent inventory and photo-taking of the evidence:

The presence of third-party witnesses is imperative, not only during the physical inventory and taking of pictures, but also during the actual seizure of items. The requirement of conducting the inventory and taking of photographs “immediately after seizure and confiscation” necessarily means that the required witnesses must also be present during the seizure or confiscation. This is confirmed in *People v. Mendoza*, where the presence of these witnesses was characterized as an “insulating presence [against] the evils of switching, ‘planting’ or contamination”:

Similarly, P/Insp. Lim did not mention in his testimony, the relevant portions of which are quoted hereunder, that a representative from the media or the Department of Justice, or any elected public official was present during the seizure and marking of the sachets of shabu, as follows:

....

The consequences of the failure of the arresting [officers] to comply with the requirements of Section 21 (1), supra, were dire as far as the Prosecution was concerned. Without the insulating presence of the representative from the media or the Department of Justice, or any elected public official during the seizure and marking of the sachets of shabu, the evils of switching, “planting” or contamination of the evidence that had tainted the buy-busts conducted under the regime of RA No. 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 sachets of shabu that were evidence herein of the corpus delicti, and thus adversely affected the trustworthiness of the incrimination of the accused. Indeed, the insulating presence of such witnesses would have preserved an unbroken chain of custody.⁶² (Citations omitted)

⁵⁹ Id. at 14 and *rollo*, p. 4.

⁶⁰ 815 Phil. 356 (2017) [Per J. Leonen, Second Division].

⁶¹ G.R. No. 212994, January 31, 2018, 853 SCRA 487 [Per J. Leonen, Third Division].

⁶² Id. at 520–521.



In *People v. Cadungog*,⁶³ this Court held that since “a buy-bust operation is, by its nature, a planned activity, the buy-bust team has enough time and opportunity to bring with them, at the time of the buy-bust or immediately thereafter, the said witnesses.”⁶⁴

Here, the arresting officers had about 19 hours to secure the presence of the third-party witnesses. They first received the report on accused-appellant’s allegedly rampant selling of drugs at around 7:00 p.m. on April 8, 2013. Only at around 2:00 p.m. the next day were they again informed that accused-appellant was spotted at the market on Magsaysay Street.⁶⁵ Despite that leeway, they failed to secure the presence of a representative from the media, a representative from the Department of Justice, and an elected official.

It is also worth noting that the apprehending team failed to photograph the seized items at the place of arrest simultaneously with the conduct of inventory.⁶⁶ The Regional Trial Court, as affirmed by the Court of Appeals, found:

At the place of arrest and in front (sic) of the accused, PO1 Reyes marked the sachet of marijuana with “1 EBR/BEGOTE 04/09/2013 & his signature.” Together with the accused, the evidence bought from him was immediately brought to the barangay hall of Manggahan and presented to the barangay officials for inventory purposes. Thereafter, the accused and the evidence bought from him were brought to the SAID-SOTG Headquarters and upon arriving thereat, was shown to PO3 Andrew C. Prado, the investigating officer. The police investigator photograph[ed] the bought item and prepared the request for laboratory examination. Thereafter, the Chief of the SAID-SOTG, PCI Renato B. Castillo endorsed the evidence for laboratory examination to the Chief, EPD Crime Laboratory service in Marikina City. The evidence was delivered by PO1 Edmon Reyes and received by PCI Stella S. Garciano. After a qualitative examination of the contents of the sachet by the latter, the same tested positive for marijuana, a dangerous drug.⁶⁷

Both the Regional Trial Court and the Court of Appeals found that it was only at the police station where the seized items were photographed.⁶⁸

⁶³ G.R. No. 229926, April 3, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65065>> [Per J. Carpio, Second Division].

⁶⁴ Id. citing *People v. Callejo*, G.R. No. 227427, June 6, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64349>> [Per J. Caguioa, Second Division].

⁶⁵ *Rollo*, p. 3.

⁶⁶ Id. at 10.

⁶⁷ Id.

⁶⁸ Id.

Nevertheless, the Implementing Rules and Regulations of Republic Act No. 9165 states that noncompliance with the law's requirements may be allowed as long as the arresting officers offer a justifiable ground and prove that the integrity and evidentiary value of the seized items, despite noncompliance, have been properly preserved.


This clause, however, will not work to help the prosecution's case. A perusal of the records reveals that the prosecution offered no justifiable reason for their failure to strictly comply with the mandate of Section 21. They merely relied on the presumption that unless there was contrary evidence indicating ill motive on their part, they were presumed to have performed their duties in a regular manner.⁶⁹ However, this presumption arises only when no facts exist suggesting that the arresting officers deviated from the standard conduct of official duty. It will not be applied when their official act is irregular on its face.⁷⁰

WHEREFORE, the April 26, 2017 Decision of the Court of Appeals in CA-G.R. CR HC No. 08123 is **REVERSED and SET ASIDE**. Accused-appellant Jayson Merando y Aves is **ACQUITTED** for the prosecution's failure to prove his guilt beyond reasonable doubt. He is ordered immediately **RELEASED** from detention unless he is confined for some other lawful cause.

Let a copy of this Decision be furnished to the Director of the Bureau of Corrections for immediate implementation. The Director of the Bureau of Corrections is directed to report to this Court the action he has taken within five (5) days from receipt of this Decision. Copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

Let entry of final judgment be issued immediately.

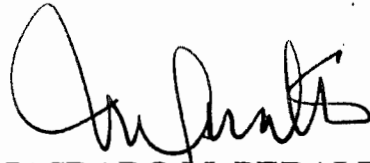
SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

⁶⁹ CA rollo, p. 92.

⁷⁰ *People v. Obmiranis*, 594 Phil. 561, 577–578 (2008) [Per J. Tinga, Second Division].

WE CONCUR:



DIASDADO M. PERALTA
Associate Justice

Reyes
ANDRES B. REYES, JR.
Associate Justice

On leave
JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
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.



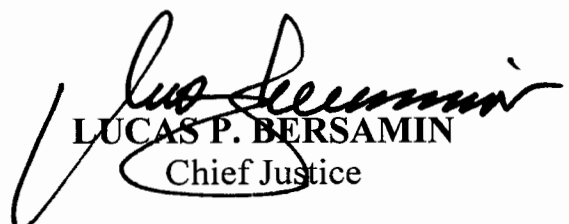
DIOSDADO M. PERALTA
Associate Justice
Chairperson

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.

CERTIFIED TRUE COPY

Mis DCB
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division



LUCAS P. BERSAMIN
Chief Justice

SEP 12 2019