

CERTIFIED TRUE COPY



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

Mis PDC Batt
MISAEL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

SEP 17 2019

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
RECORDED
SEP 20 2019
BY: *YCA*
TIME: *1:42*

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

- versus -

**PATRICIO HONASAN Y GRAFIL,
NOEL CARPIO, AND BONIFACIO
OSEO,**

Accused,

PATRICIO HONASAN Y GRAFIL,
Accused-Appellant.

G.R. No. 240922

Present:

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

Promulgated:

August 7, 2019

Mis PDC Batt

X-----X

DECISION

INTING, J.:

Before Us is an appeal filed by Patricio Honasan y Grafil (appellant) assailing the Decision¹ dated February 22, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09014 which affirmed with modification the Decision² dated December 9, 2016 of the Regional Trial Court (RTC) of Sorsogon City, Branch 65, in Criminal Case Nos. 10-1193 and 10-1195 convicting him of violation of Sections 5 and 11 of Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended.

¹ CA rollo, pp. 146-162, penned by Associate Justice Pedro B. Corales, and concurred in by Associate Justices Rosmari D. Carandang (now a member of this Court) and Elihu A. Ybañez.

² Id. at 68-99; penned by Judge Adolfo G. Fajardo.

Appellant was charged in two separate Informations with violation of Sections 5 and 11 of R.A. No. 9165 on August 23, 2010, to wit:

In Criminal Case No. 10-1193:

“That on or about 12:30 o'clock in the early morning of July 28, 2010 at Barangay Zone 8, Municipality of Bulan, Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there, willfully, unlawfully and feloniously have in his possession and control one (1) heat-sealed transparent plastic sachet containing methamphetamine hydrochloride, with a total weight of 0.019 gram, a prohibited drug, to the damage and prejudice of the state and the general public.

CONTRARY TO LAW.”³

In Criminal Case No. 10-1195:

“That on or about 12:30 o'clock in the early morning of July 28, 2010 at Barangay Zone 8, Municipality of Bulan, Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully and feloniously, sell, transfer and deliver two (2) small heat-sealed transparent plastic sachets containing methamphetamine hydrochloride, a prohibited drug, with an aggregate weight of 0.015 gram, to a poseur-buyer, to the damage and prejudice of the state and the general public.

CONTRARY TO LAW.”⁴

These cases were consolidated with Criminal Case No. 10-1194 wherein appellant's co-accused, Noel Carpio (Noel) *a.k.a.* “Owie” and Bonifacio Oseo (Bonifacio) *a.k.a.* “Yakoy,” were charged with illegal sale of *shabu* that allegedly transpired in the evening of July 27, 2010.

Upon arraignment, appellant pleaded not guilty to all the charges. During the pre-trial conference, the prosecution and the defense stipulated on the identity of appellant as the same person who was arraigned in Criminal Case No. 10-1193, and on the existence of the

³ Records, Criminal Case No. 10-1193, p. 1.

⁴ Records, Criminal Case No. 10-1195, p. 1.

Motion for Production of Evidence and Order its Submission for Laboratory Examination.

Trial on the merits ensued.

The prosecution presented as witnesses: PS/Insp. Wilfredo I. Pabustan, Jr. (PS/Insp. Pabustan), Forensic Chemist at the Philippine National Police (PNP) Regional Crime Laboratory Office No. 5⁵; Philippine Drug Enforcement Agency (PDEA) I01 Arnel Estrellado (I01 Estrellado)⁶; I01 Reynaldo Benzon (I01 Benzon)⁷; and I01 Arnel Ditan Lasay (I01 Lasay).⁸

The defense, on the other hand, presented Alfel Goloso (Alfel)⁹ and appellant¹⁰ as its witnesses.

The Version of the Prosecution

On July 27, 2010, at 10 o'clock in the evening, I01 Estrellado, together with composite operatives from the Sorsogon Public Safety Company and the Sorsogon Police Provincial Office, was in Zone 8, Bulan, Sorsogon City to conduct a test-buy operation against appellant, Noel, and Bonifacio. Through a confidential informant (CI), the test-buy was arranged to transpire at around 11 o'clock in the evening in a tricycle parked near the Tribal Store where the accused were having a drinking spree. The test-buy operation yielded positive result as I01 Estrellado was able to buy from Noel and Bonifacio one (1) heat-sealed transparent plastic sachet of suspected *shabu* for ₱500.00. I01 Estrellado and the other operatives thus returned to their safehouse where the former marked the transparent plastic sachet with "AEE 7-27-10."¹¹ They then conducted a briefing to finalize the planned buy-bust operation wherein I01 Estrellado was designated as the poseur-buyer while I01 Benzon was assigned as one of the back-up arresting officers.¹²

⁵ TSN dated February 1, 2012, p. 2.

⁶ TSN dated April 17, 2012, p. 2; TSN dated July 17, 2012, p. 6; TSN dated November 13, 2012, p. 3; TSN dated November 19, 2012, p. 2; and TSN dated February 19, 2013, p. 4.

⁷ TSN dated June 7, 2013, p. 3.

⁸ TSN dated August 7, 2013, p. 2; and TSN dated December 9, 2013, p. 2.

⁹ TSN dated July 15, 2015, p. 3.

¹⁰ TSN dated October 5, 2015, p. 2.

¹¹ TSN dated April 17, 2012, pp. 5-6.

¹² TSN dated April 17, 2012, p. 7; and TSN dated June 7, 2013, p. 5.

The operatives then went back to Zone 8 where appellant and his group were still having a drinking spree. I01 Estrellado went back to the parked tricycle where he was approached by Noel and asked about the previous sachet, to which the former complained that the contents got easily burned. As a consequence, Noel called Bonifacio and asked him if he still had any *responde* or surplus left. Bonifacio, in turn, asked I01 Estrellado if he was still interested in buying. I01 Estrellado answered in the affirmative and informed them that he was still going to buy another worth ₱1,000.00.¹³ I01 Estrellado then handed to Bonifacio two (2) ₱500.00 bills¹⁴ that were previously marked with his initials for the buy-bust operation. After giving the money, I01 Estrellado received two (2) plastic sachets – one from Bonifacio, which was the *responde*, while the other was from appellant.¹⁵

After the transactions, I01 Estrellado heard someone from the alley shouting “*Dakop Owie, dakop!*,” which meant that they were being arrested. Appellant attempted to escape but the back-up arresting officers arrived at the scene and caught him.¹⁶ On the other hand, Noel and Bonifacio were able to escape. Thereafter, I01 Estrellado marked the sachets with “AEE-A-7/28/10” and “AEE-B-7/28/10.” Photographs¹⁷ were also taken while the sachets were being marked. After the marking, the operatives went to the Bulan Municipal Police Station with appellant and the seized items. I01 Estrellado took custody of the sachets while en route to the station. At the station, an inventory was conducted on the items seized from appellant and Bonifacio. Also, a certificate¹⁸ of inventory was prepared¹⁹ and signed by I01 Estrellado and the other witnesses present during the inventory.²⁰

Subsequently, I01 Benzon searched appellant and found a sachet of suspected *shabu* from his body. I01 Benzon then marked the item confiscated from appellant with “RDB 7/28/10” and included it in the Certificate of Inventory.²¹ The sachets containing the suspected *shabu* obtained from the test-buy and buy-bust operation were delivered to the PNP Regional Crime Laboratory Office No. 5 for examination. I01

¹³ TSN dated April 17, 2012, p. 8.

¹⁴ Exhibits “S-1” and “S-2”; Records, Criminal Case No. 10-1194, p. 29.

¹⁵ TSN dated July 17, 2012, p. 8.

¹⁶ Id. at 9; TSN dated June 7, 2013, p. 6.

¹⁷ Exhibits “U” to “U-3”; Records, Criminal Case No. 10-1194, pp. 38-39.

¹⁸ Exhibit “B”; Records, Criminal Case No. 10-1194, p. 19.

¹⁹ TSN dated July 17, 2012, pp. 10-13; TSN dated June 7, 2013, p. 6.

²⁰ TSN dated July 17, 2012, pp. 16-17.

²¹ Id. at 25-26; TSN dated June 7, 2013, p. 7.

Estrellado personally delivered the items together with the requests²² for examination.²³ At the same time, I01 Benzon also delivered to the same crime laboratory office the sachet of *shabu* seized from appellant together with a letter request for examination.²⁴

Accordingly, the sachets were received by PO2 Rogelio Loneza at around 12:45 in the afternoon of July 28, 2010. He turned over the same sachets to PS/Insp. Pabustan, who conducted qualitative examination on the contents thereof.

The examination of the contents of the sachets all yielded positive for methamphetamine hydrochloride, an illegal drug. The results were reduced into writing in Chemistry Report Nos. D-69-10 (for the drugs obtained in the test-buy operation), D-70-10 (for the drugs bought during the buy-bust operation) and D-71-10 (for the drugs seized from appellant).²⁵

PS/Insp. Pabustan also marked the specimens with his initials before turning them over to their evidence custodian, PO2 Maribel Megato.²⁶

The Version of the Defense

Alfel, appellant's nephew, averred that on July 28, 2010, at around 12:30 in the morning, he and three (3) more companions, namely: appellant, Kagawad Remegio Oseo (Remegio), and Tomas Oseo (Tomas), were drinking on a sidewalk in Zone 8, Bulan, Sorsogon City. Bonifacio and another person, whose identity Alfel did not know, were also drinking nearby, but were not part of his group.²⁷ Shortly thereafter, Bonifacio and his drinking companion had an altercation. Suspecting that his companion was recording the conversation, Bonifacio grabbed his phone and approached Alfel's group. He then turned over the phone to Remegio, who tried to pacify Bonifacio and his companion, causing the latter to leave. Five (5) minutes later, armed PDEA agents, on board a Toyota Revo and two (2) motorcycles, arrived. They ordered the group of

²² Exhibits "D" and "F"; Records, Criminal Case No. 10-1194, pp. 21-23.

²³ TSN dated July 17, 2012, pp. 26-30.

²⁴ TSN dated February 1, 2012, p. 22.

²⁵ Exhibits "G", "Q", and "R"; Records, Criminal Case No. 10-1194, pp. 25-27.

²⁶ TSN dated February 1, 2012, p. 27.

²⁷ TSN dated July 15, 2015, pp. 4-5.

Alfel to lie face down.²⁸ Bonifacio ran away causing one of the PDEA agents to fire a warning shot.²⁹

Thereafter, the PDEA agents brought the group of Alfel to the police station. Appellant boarded the Toyota Revo, while Alfel rode in the mobile patrol vehicle, and Tomas and Remigio went in the former's tricycle. At the station, they were searched by the PDEA agents without the assistance of a counsel or legal representation.³⁰

On August 1, 2010, appellant, Alfel, Remegio, and Tomas had the incident blotted in the barangay.³¹

Appellant denied the charges against him. He likewise corroborated the material points in the testimony of Alfel.³²

The Ruling of the RTC

On December 9, 2016, the RTC issued its Decision,³³ the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the Court finds PATRICIO HONASAN guilty beyond reasonable doubt of Violation of Sec. 11, Art. II of R.A. 9165 (illegal possession of shabu) under Criminal Case No. 10-1193 and is hereby sentenced to suffer the indeterminate penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY to FIFTEEN (15) YEARS.

In Criminal Case No. 10-1195, the Court finds PATRICIO HONASAN y GRAFIL guilty beyond reasonable doubt of Violation of Sec. 5, Art. II of R.A. 9165 (illegal sale of shabu) and is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and pay the fine of P500,000.00 without eligibility for parole.

In Criminal Case No. 10-1195 and Criminal Case No. 10-1194, NOEL CARPIO @ "OWIE" is hereby ordered ACQUITTED for failure of the prosecution to prove his guilt beyond reasonable doubt in both cases. The Court DIRECTS the immediate release from

²⁸ Id. At 5-6.

²⁹ TSN dated October 5, 2015, p. 5.

³⁰ TSN dated July 15, 2015, pp. 7-8.

³¹ Id. at 8-9. See Barangay Blotter, Annex "1" for the defense of Patricio Honasan; Records, Criminal Case No. 10-1194, p. 10.

³² TSN dated October 5, 2015, pp. 4-6

³³ Records, Criminal Case No. 10-1195, pp. 183-214.

detention of NOEL CARPIO @ “OWIE”, unless he is detained for some other lawful cause.

The illegal drugs seized from the accused offered as evidence by the prosecution are ordered confiscated and shall be disposed in accordance with law.

The issuance of an Alias Warrant of Arrest against BONIFACIO OSEO @ “YAKOY” is hereby ordered.

No pronouncement as to costs.

SO ORDERED.³⁴ (Citation omitted.)

The RTC ruled that the prosecution successfully established all the elements for the illegal sale and possession of *shabu*. It found that the operatives of the PDEA, the Sorsogon Public Safety Company, and the Sorsogon Police Provincial Office conducted a legitimate buy-bust operation and that the defense miserably failed to overthrow the legitimacy of the operation.

The RTC likewise found that the requirements under Section 21 of R.A. No. 9165 as to the chain of custody and disposition of the confiscated drugs were substantially complied with by the PDEA agents. Although no Department of Justice (DOJ) representative was present during the conduct of the inventory of the seized items, it was sufficiently explained by I01 Estrellado that the operation was conducted during an unholy hour. Besides, the absence of a DOJ representative did not undermine the strength of the prosecution evidence.

The RTC further ruled that it is of no moment that the PDEA agents failed to accomplish the chain of custody form as the chain of custody of evidence was sufficiently established by the testimonies of the prosecution witnesses. It found that appellant and Bonifacio were positively identified by the PDEA agents who conducted the buy-bust operation as the persons who sold the *shabu*. The testimony of I01 Estrellado was straightforward, stating that it was appellant who gave him the other heat-sealed transparent plastic sachet in exchange for the two (2) ₱500.00 bills.

Aggrieved, appellant elevated his case to the CA.

³⁴ Id. at 213-214.

Appellant argued that the prosecution failed to prove that he was a seller of prohibited drugs; that his arrest was illegal; and that the PDEA agents failed to strictly comply with the procedure for handling and disposition of seized illegal drugs provided under Section 21 (1), Article II of R.A. No. 9165, particularly, the presence of the representatives from the DOJ during the inventory and taking of photographs and the execution of the chain of custody form. Further, appellant pointed out that there was a “shadow of doubt” on the identity of the drugs seized considering that I01 Estrellado failed to identify which among the four (4) confiscated plastic sachets of *shabu* was obtained from him, and instead marked and identified the evidence together.

The Ruling of the CA

On February 22, 2018, the CA rendered the assailed Decision³⁵ which denied the appellant's appeal and affirmed with modification the RTC Decision.

The CA held that appellant was estopped from questioning the legality of his arrest and that he was caught *in flagrante delicto* selling illegal drugs in a valid buy-bust operation. The CA likewise ruled that the elements of illegal sale and possession of dangerous drugs were sufficiently proven; and that the integrity and evidentiary value of the seized drugs were preserved. The dispositive portion of the CA Decision reads:

WHEREFORE, the instant appeal is hereby **DENIED**. The December 9, 2016 Decision of the Regional Trial Court, Branch 65, Sorsogon City in Criminal Case Nos. 10-1193, 10-1194, and 110-1195 is **AFFIRMED** with **MODIFICATION** that accused-appellant Patricio Honasan y Grafil is sentenced to pay ₱300,000.00 fine in Criminal Case Nos. 10-1193. All other aspects of the assailed Decision stand.

SO ORDERED.³⁶

Hence, this appeal.

³⁵ Supra note 1.

³⁶ Id. at 161-162.

Appellant claims that the prosecution failed to prove all the elements of illegal sale of prohibited drugs considering that it failed to establish his identity as the seller. He maintains that during the buy-bust operation, per I01 Estrellado's testimony, the offer to sell prohibited drugs did not come from him but rather from Bonifacio, who asked I01 Estrellado if he wanted to buy more. Appellant also alleges that he did not receive or accept the money allegedly given by I01 Estrellado.

Appellant further claims that there is doubt as to whether the purported drugs contained in the plastic sachets were the same evidence allegedly obtained from him because I01 Estrellado failed to properly mark and identify in open court the illegal drugs seized from him during the buy-bust operation. Lastly, appellant insists that the arresting officers failed to comply with the chain of custody required by law and the rules.

Our Ruling

We find merit in the appeal.

Appellant was charged with offenses committed in 2010 or prior to the amendment of R.A. No. 9165 by R.A. No. 10640.³⁷ Hence, the applicable law is the original provision of Section 21 of R.A. No. 9165³⁸ and its IRR, which provide that the apprehending team having initial custody and control of the drugs shall immediately conduct a physical inventory of and photograph the confiscated and/or seized items and they shall be made in the presence of the following: (1) the accused or the person/s from whom such items were confiscated and/or seized, or his representative or counsel; (2) a representative from the media; (3) a representative from the DOJ; and (4) any elected public official. These four witnesses are required to sign the copies of the inventory and should be given a copy thereof.³⁹

To emphasize, the presence of third-party representatives during the seizure and inventory of the dangerous articles in the place of operation is supposedly to guarantee “against planting of evidence and

³⁷ 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.

³⁸ R.A. No. 9165 took effect on July 4, 2002.

³⁹ Section 21, par. 1, R.A. No. 9165.

frame up.”⁴⁰ In other words, they are “necessary to insulate the apprehension and incriminating proceedings from any taint of illegitimacy or irregularity.”⁴¹

In the case at bench, to satisfy the strict requirement of the law, the prosecution presented as its witness IO1 Estrellado, who narrated, among others, what happened on July 28, 2010 at 12:30 in the morning. However, upon examination of the records, We find procedural lapses concerning the chain of custody that put into question the identity and integrity of the *corpus delicti*. Moreover, the prosecution miserably failed to establish that the dangerous drugs presented in court were the very same drugs allegedly received and seized by IO1 Estrellado from appellant.

IO1 Estrellado testified that on July 28, 2010, or around 12 midnight of July 27, 2010, a buy-bust operation was conducted resulting in the receipt of two (2) plastic sachets of suspected drugs from Bonifacio in exchange for two (2) P500.00 bills as the buy-bust money.⁴² When he was asked by the prosecutor as to who gave him the plastic sachets, he gave the names of Bonifacio and appellant. He clarified that one (1) small heat-sealed transparent plastic sachet given as the “*responde*” came from Bonifacio, while the other plastic sachet, was given to him by appellant.⁴³ However, when he marked these two (2) plastic sachets at the area with his initials, he did so without identifying which of the two (2) plastic sachets was received from appellant and which was from Bonifacio as “*responde*,” viz.:

PROS. JANER:

XXXX

Q Okay, now you said that you proceeded [with] the marking, what did you mark?

A I marked it with my initials.

Q What were the items that you marked?

⁴⁰ *People vs. Sagana*, G.R. No. 208471, August 2, 2017, citing *People vs. Reyes*, 797 Phil. 671, 689 (2016).

⁴¹ *Id.*

⁴² TSN dated July 17, 2012, pp. 7-8.

⁴³ *Id.* at 8.

A The suspected shabu, Ma'am which was provided to me as *responde* and the one that I paid for.

Q What markings did you place thereon?

A I placed my initials.

Q And what are your initials?

A AEE, Ma'am, which stands for Arnel E. Estrellado.

Q In both sachets?

A Yes, Ma'am.

Q If the sachets will be shown to you will you be able to identify them?

A Yes, Ma'am.

Q Transmitted by the Crime Laboratory Office are sachets, will you please go over them and tell us if those are the one you are referring to?

A This one (witness identified a small heat-sealed transparent plastic sachet with marking AEE 7/27/10, RDB 7/27/10 and likewise marked as AEE-A-7/28/10 and another small [sealed] plastic sachet marked as B-7/28/10[]).

Q Okay, what again are the markings that you placed thereon?

A I placed thereat, Ma'am, my initial AEE.⁴⁴

The Court finds that I01 Estrellado failed to distinguish the two (2) plastic sachets, which were separately received from appellant and Bonifacio, at the time of marking of the evidence as shown in the Certificate of Inventory.⁴⁵ In other words, We can no longer identify which sachet came from Bonifacio and which came from the appellant. In *People vs. Salonga*,⁴⁶ We held that “[t]he marking of the evidence serves to separate the marked evidence from the corpus of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of criminal proceedings,

⁴⁴ Id. at 10-11.

⁴⁵ Records, Criminal Case No. 10-1194, pp. 19-20.

⁴⁶ 717 Phil. 117, 127 (2013), citing *People vs. Coreche*, 612 Phil. 1238, 1245 (2009)

obviating switching, planting, or contamination of evidence.” This procedural lapse on the part of I01 Estrellado is aggravated by the lack of chain of custody form in the records of this case. The form, if properly accomplished and made an integral part of the records of this case, could have assisted Us in identifying which sachet came from the appellant. Unfortunately, it appears that the police officers either failed to fill out a chain of custody form or the prosecution failed to present it in court.

Worse, there was no representative from the DOJ during the inventory and taking of photographs. As testified to by I01 Estrellado, they requested for a DOJ representative, through a text message sent by I01 Lasay, but to no avail because it was conducted during an unholy hour.⁴⁷ However, I01 Estrellado’s testimony on the matter is hearsay as its probative value is not based on his personal knowledge.⁴⁸ And while I01 Lasay also took the witness stand, there is nothing in the records that would show that he testified on the matter of requesting the presence of a DOJ representative. Besides, even if We admit I01 Estrellado’s testimony on the matter, We find his explanation insufficient. In *People vs. Sipin*,⁴⁹ We have enumerated instances that may justify the absence of the required witnesses, as follows:

- (1) their attendance was impossible because the place of arrest was a remote area; (2) their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf; (3) the elected official themselves were involved in the punishable acts sought to be apprehended; (4) ***earnest efforts to secure the presence of a DOJ or media representative*** and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.⁵⁰ (Emphasis Ours)

⁴⁷ TSN dated November 13, 2012, p. 43.

⁴⁸ *Miro vs. Vda. De Erederos, et al.*, 721 Phil. 772, 790 (2013).

⁴⁹ G.R. No. 224290, June 11, 2018.

⁵⁰ *Ibid.*

Requesting the presence of a DOJ representative through a mere text message, to Our mind, can hardly be considered as an earnest effort.

To underscore, the State had the responsibility to explain the lapses in the procedures taken to preserve the chain of custody of the dangerous drugs. In the absence of this explanation by the State, the evidence of the *corpus delicti* becomes unreliable, and calls for the acquittal of the accused on the ground that his guilt had not been shown beyond reasonable doubt.⁵¹

All told, without the justification offered by the PDEA agents for their non-compliance with the requirement of an unbridled chain of custody, the trial court and the CA erred in convicting the appellant. To allow the presumption of regularity in the performance of official functions by the operatives to prevail, notwithstanding clear lapses on their part, is to negate the safeguards precisely placed by the law to ensure that no abuse is committed.⁵²

WHEREFORE, the appeal is **GRANTED**. The Decision dated February 22, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09014 is **REVERSED** and **SET ASIDE**. Appellant Patricio Honasan y Grafil is accordingly **ACQUITTED** of the charges of violation of Sections 5 and 11, Article II of Republic Act No. 9165 for failure of the prosecution to prove his guilt beyond reasonable doubt.

The Director of the Bureau of Corrections is **ORDERED** to immediately cause the release of appellant from detention, unless he is being held for some other lawful cause, and to inform this Court of his action hereon within five (5) days from receipt of this Decision. Let an entry of final judgment be issued immediately.

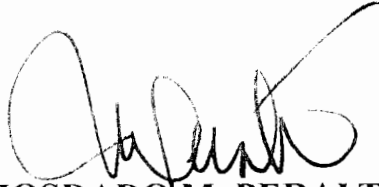
SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

⁵¹ *People vs. Angngao*, 755 Phil. 597, 611 (2015).

⁵² *People vs. Alvarado, et al.*, G.R. No. 234048, April 23, 2018.

WE CONCUR:



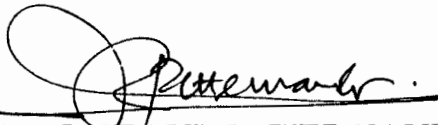
DIOSDADO M. PERALTA
Associate Justice
Chairperson



MARVIC M.V.F. LEONEN
Associate Justice



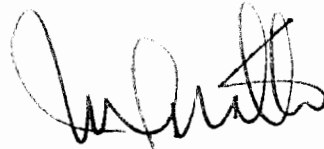
ANDRES B. REYES, JR.
Associate Justice



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.

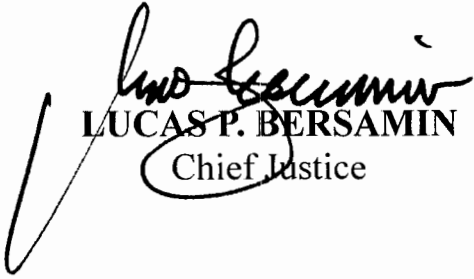


DIOSDADO M. PERALTA
Associate Justice
Chairperson, Third Division



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.


LUCAS P. BERSAMIN
Chief Justice

CERTIFIED TRUE COPY

Mis D C Batt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division
SEP 17 2019

M