



Republic of the Philippines  
**Supreme Court**  
 Manila

SUPREME COURT OF THE PHILIPPINES  
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**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff-Appellee,*

**G.R. No. 230337**

Present:

- versus -

**BERSAMIN, C.J.,**  
**DEL CASTILLO,**  
**JARDELEZA,**  
**GESMUNDO, and**  
**CARANDANG, JJ.**

**JOCELYN MANECLANG y ABDON,**  
*Accused-Appellant.*

Promulgated:  
**JUN 17 2019**

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**DECISION**

**DEL CASTILLO, J.:**

On appeal is the August 16, 2016 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07649 which affirmed the conviction of appellant Jocelyn Maneclang y Abdon for violation of Section 5 (illegal sale of dangerous drugs) and Section 11 (illegal possession of dangerous drugs), Article II of Republic Act (RA) No. 9165,<sup>2</sup> otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

***Antecedent Facts***

Appellant was charged with violation of Sections 5 and 11, Article II of RA 9165 in two separate Informations docketed as Criminal Case Nos. 11-284738 and 11-284739 which alleged these material facts:

<sup>1</sup> CA rollo, pp. 96-110; penned by Associate Justice Rodil V. Zalameda and concurred in by Associate Justices Sesinando E. Villon and Pedro B. Corales.

<sup>2</sup> 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.

Criminal Case No. 11-284738

That on or about July 2, 2011, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, trade, deliver[,] transport or distribute any dangerous drug, did then and there willfully, unlawfully and knowingly sell or offer for sale to a police officer/poseur buyer one (1) heat-sealed transparent plastic sachet containing ZERO POINT ZERO ONE SIX [0.016] gram of white crystalline substance commonly known as shabu containing Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>3</sup>

Criminal Case No. 11-284739

That on or about July 2, 2011, in the City of Manila, Philippines, the said accused without being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in [her] possession and under her custody and control four (4) heat-sealed transparent plastic sachets containing ZERO POINT ZERO ZERO EIGHT [0.008 gram], ZERO POINT ZERO ONE ONE [0.011 gram], ZERO POINT ZERO ZERO NINE [0.009] gram and ZERO POINT ZERO ONE FOUR [0.014 gram], all in the total of ZERO POINT ZERO FOUR TWO (0.042) GRAM of white crystalline substance known as “shabu” containing Methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>4</sup>

Arraigned therein, appellant entered a negative plea to these crimes charged against her.

***Version of the Prosecution***

PO2 Mario Anthony Aresta (PO2 Aresta) testified that on July 2, 2011, at around 10:00 a.m., they received information from a regular confidential informant (CI) regarding alleged illegal drug activities of a certain alias “Muslim” along Loreto Extension Street in Sampaloc, Manila.<sup>5</sup> Acting on this information, Police Superintendent Jemar Modequillo (P/Supt Modequillo), Station Commander of the Sampaloc Police Station, Manila Police District (MPD), conducted a briefing and planned a buy-bust operation. PO2 Aresta was designated as poseur-buyer with PO3 Allan Bacani (PO3 Bacani), PO2 Renato Salinas (PO2 Salinas), PO1 Jonathan Acido (PO1 Acido), PO1 Ronnie Tan (PO1 Tan), and PO2 Jaycee John Galutera (PO2 Galutera) as the back-up team.<sup>6</sup> Pursuant to the buy-bust plan, PO2 Aresta

<sup>3</sup> Records of Criminal Case No. 11-284738, p. 2.

<sup>4</sup> Records of Criminal Case No. 11-284739, unpaginated.


<sup>5</sup> TSN, October 10, 2012, pp. 9 and 28-29.

<sup>6</sup> Id. at 6.

was given three pieces of one hundred (Php100.00) peso bills imprinted with the letters “MAA” as marked money.<sup>7</sup>

Upon arrival at the target area, the CI asked appellant about the whereabouts of “Muslim”.<sup>8</sup> Appellant answered that Muslim was not around. At the same time she uttered: “*Ako meron ditong item.*”<sup>9</sup> The CI introduced PO2 Aresta to appellant saying: “*Ito pinsan ko bibili ng bato.*”<sup>10</sup> Appellant then asked PO2 Aresta: “*Magkano kukunin mo?*,” and the latter replied: “*Three hundred lang.*”<sup>11</sup> Appellant handed over to PO2 Aresta one heat-sealed transparent plastic sachet containing white crystalline substance suspected to be *shabu* after receiving from the latter the buy-bust money.<sup>12</sup> PO2 Aresta removed his bull cap as a pre-arranged signal that the transaction had been consummated.<sup>13</sup> The back-up team rushed toward the crime scene, and PO2 Aresta immediately grabbed appellant’s wrist, introduced himself as a police officer, and asked appellant to empty her pockets, which yielded four more heat-sealed plastic sachets containing white crystalline substance along with the buy-bust money.<sup>14</sup>

The other members of the buy-bust team tried to get in touch with the *barangay* officials in the area but no one responded.<sup>15</sup> At the place of arrest, PO2 Aresta marked the plastic sachet that he purchased from appellant with “JMA” and the other four additional sachets recovered with “JMA-1”, “JMA-2”, “JMA-3”, and “JMA-4”,<sup>16</sup> while PO2 Galutera took photographs of the seized items.<sup>17</sup> However, no inventory of the seized items was conducted at the place of arrest because a commotion took place when several persons attempted to help appellant escape.<sup>18</sup> These persons who tried to help appellant were nonetheless able to run away when pursued by the buy-bust team.<sup>19</sup> The police officers then immediately brought appellant to the police station,<sup>20</sup> where PO2 Aresta turned over the evidence to the investigator, PO3 Carlos Rivera (PO3 Rivera),<sup>21</sup> for inventory, documentation and investigation.<sup>22</sup> PO2 Aresta then brought the evidence to the MPD Crime Laboratory Service for laboratory examination.



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<sup>7</sup> Id. at 7.

<sup>8</sup> Id. at 12-13.

<sup>9</sup> Id. at 13.

<sup>10</sup> Id.

<sup>11</sup> Id. at 13-14.

<sup>12</sup> Id. at 14-15.

<sup>13</sup> Id. at 9.

<sup>14</sup> Id. at 15-17.

<sup>15</sup> Id. at 17.

<sup>16</sup> Id.

<sup>17</sup> Id. at 22 and 32.

<sup>18</sup> Id. at 33.

<sup>19</sup> Id.

<sup>20</sup> Id. at 33-34.

<sup>21</sup> Id. at 36.

<sup>22</sup> Id. at 20.

The prosecution dispensed with the testimony of Police Chief Inspector Erickson Calabocal (PCI Calabocal) of the MPD Crime Laboratory after a stipulation by the parties that PCI Calabocal conducted a laboratory examination on July 3, 2011 of the drug specimen contained in five plastic sachets which PCI Calabocal found positive for metamphetamine hydrochloride as per his Chemistry Report.<sup>23</sup> The prosecution likewise dispensed with the testimony of PO3 Rivera as the prosecution and defense agreed that the seized items were turned over to PO3 Rivera for investigation by PO2 Bacani, PO2 Aresta, PO2 Salinas, PO1 Acido, PO1 Tan and PO2 Galutera. The prosecution and the defense moreover stipulated that, in the course of the investigation, PO3 Rivera prepared the Letter Request for Laboratory Examination, Joint Affidavit of Arrest, Booking Sheet and Arrest Report, Letter Referral for Inquest, and the Chemistry Report; and that no elected official nor representatives from the media and the Department of Justice (DOJ) were present when PO3 Rivera prepared an Inventory of Items or Property Seized.<sup>24</sup>

### *Version of the Defense*

Appellant denied the charges against her. She claimed that on July 2, 2011, at around 3:00 to 4:00 p.m., she was tending to her grandchild in front of her house at 1503 Loreto Street, Sampaloc, Manila, when five to six police officers in civilian clothes approached, arrested and brought her to the police station.<sup>25</sup> At the Sampaloc Police Station, the police officers told her that she was being charged with violation of Sections 5 and 11, Article 11 of RA 9165.<sup>26</sup>

### *Ruling of the Regional Trial Court*

In a September 16, 2014 Decision,<sup>27</sup> the Regional Trial Court (RTC) of Manila, Branch 53, found appellant guilty beyond reasonable doubt as charged. The RTC gave full credence to the version of the prosecution witnesses who were presumed to have regularly discharged their duties as police officers. The RTC ruled that all the elements of the crimes charged had been proved and that the identity of the *corpus delicti* had been established by the prosecution. The dispositive portion of the RTC Decision reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused JOCELYN MANECLANG y ABDON @ Jocelyn/@Iling GUILTY beyond reasonable doubt:

<sup>23</sup> RTC Order dated February 8, 2012, Records of Criminal Case No. 11-284738, p. 75.

<sup>24</sup> RTC Order dated May 28, 2013, id. at 106.

<sup>25</sup> TSN, April 8, 2014, pp. 3-6.

<sup>26</sup> Id. at 6-7.

<sup>27</sup> Records of Criminal Case No. 11-284738, pp. 133-138; penned by Judge Reynaldo A. Alhambra.

1. In *CRIM. CASE NO. 11-284738*, of the crime of [v]iolation of Sec. 5, Article II, Republic Act [No.] 9165, and is hereby sentenced to suffer [l]ife [i]mprisonment and to pay fine in the amount of ₱500,000.00; and
2. In *CRIM. CASE NO. 11-284739*, of the crime of [v]iolation of Sec. 11(3), Article II, Republic Act [No.] 9165, and is hereby sentenced to suffer imprisonment of [Twelve] (12) years and one (1) day, as minimum to Fifteen (15) years, as maximum, and to pay fine in the amount of ₱300,000.00.

Cost against the accused.

SO ORDERED.<sup>28</sup>

From this judgment, appellant appealed to the CA.

### ***Ruling of the Court of Appeals***

The appellant insisted on her innocence and argued that her warrantless arrest was illegal and that the apprehending officers failed not only to preserve the integrity of the seized items but also failed to establish an unbroken chain of custody thereof.

But, in its August 16, 2016 Decision,<sup>29</sup> the CA gave short shrift to appellant's arguments and sustained the RTC. Like the RTC, the CA upheld the presumption of regularity in the performance of duty on the part of the police officers, thus, ruling that appellant's weak denial could not prevail over the positive assertions of these police officers. The CA also upheld the appellant's warrantless arrest, and ruled that the search and seizure incidental to this lawful arrest was likewise reasonable and valid.

The CA also held that there was sufficient compliance with the requirements of Section 21 of RA 9165 relative to the preservation of the seized item's evidentiary integrity under the Chain of Custody Rule. It agreed with the RTC that the prosecution was able to preserve and keep intact the five plastic sachets of *shabu* from the time these were seized by PO2 Aresta until these were examined and tested by PCI Calabocal and even up to the time these were offered in evidence.

Hence, the present appeal. Appellant contends that her guilt was not proven beyond reasonable doubt because the prosecution failed to demonstrate that the apprehending officers did in fact comply with the

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<sup>28</sup> Id. at 138.

<sup>29</sup> CA rollo, pp. 96-110.

safeguards provided by RA 9165 for the preservation of the seized items' evidentiary integrity under the Chain of Custody Rule. Appellant likewise maintains that her warrantless arrest was illegal, in consequence of which the warrantless search and seizure of the prohibited drugs were likewise invalid and illegal.

### **Our Ruling**

The appeal has merit.

*The warrantless arrest and the warrantless search and seizure are valid.*

Normally, police officers must be armed with a valid warrant to make a lawful arrest.<sup>30</sup> However, there may be instances when arrests are allowed even without a warrant.<sup>31</sup> Rule 113, Section 5 of the Revised Rules of Criminal Procedure provides:

Section 5. Arrest Without Warrant; When Lawful. -A peace officer or a private person may, without a warrant, arrest a person:

- (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- (b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and
- (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

In sustaining appellant's conviction, the CA ruled that this was a clear case of an "in *flagrante delicto* warrantless arrest" under paragraph (a) of Section 5, Rule 113 of the Revised Rules on Criminal Procedure, as above-quoted.

The Court agrees.



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<sup>30</sup> *Veridiano v. People*, G.R. No. 200370, June 7, 2017, 826 SCRA 382, 399.

<sup>31</sup> *Id.*

A warrantless arrest under paragraph (a) of Section 5 is valid when these two elements are present: (1) the person to be arrested must perform an overt act indicating that he has just committed, is actually committing, or is attempting to commit a crime; and (2) such overt act was done in the presence or within the view of the arresting officer.<sup>32</sup> Here, both conditions concurred. Appellant was caught in *flagrante delicto* selling illegal drugs by PO2 Aresta. In turn, PO2 Aresta effected the arrest since he had personal knowledge of facts indicating that appellant had committed a criminal act. The fact that appellant was not the target person of the buy-bust operation was of no moment. As long as an accused performs some overt act that would indicate that he has committed, is actually committing, or is attempting to commit an offense, the warrantless arrest is justified.<sup>33</sup>

Appellant's contention that it was contrary to human experience for her to sell illegal drugs to total strangers does not persuade. We have long observed that "[p]eddlers of illicit drugs have been known with ever increasing casualness and recklessness to offer and sell their wares for the right price to anybody, be they strangers or not. Moreover, drug-pushing when done on a small-scale x x x belongs to those types of crimes that may be committed any time and at any place."<sup>34</sup>

*Appellant must nonetheless be acquitted as the chain of custody of evidence was not established.*

Even as the sachets of *shabu* purportedly seized from appellant were admissible in evidence, we find that the prosecution failed to preserve the integrity and evidentiary value of the seized drugs. The prosecution not only failed to prove the *corpus delicti* of the crimes charged; it also failed to establish an unbroken chain of custody thereof, in violation of Section 21, Article II of RA 9165.

For the conviction of illegal sale of *shabu*, it was incumbent upon the prosecution to prove: "(1) identities of the buyer and the seller, the object and consideration of the sale; and (2) the delivery of the thing sold and the payment therefor."<sup>35</sup> "On the other hand, in illegal possession of [*shabu*], the elements are: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug."<sup>36</sup> In addition, the identity of the dangerous drugs must be established with moral

<sup>32</sup> *People v. Villareal*, 706 Phil. 511, 517-518 (2013).

<sup>33</sup> *People v. Nuevas*, 545 Phil. 356, 371-372 (2007).

<sup>34</sup> *People v. Mendoza*, G.R. No. 220759, July 24, 2017.

<sup>35</sup> *People v. Lorenzo*, 633 Phil. 393, 402 (2010).

<sup>36</sup> *Id.* at 403.

certainty; it must be shown that the items offered in court were the very same substances seized during the buy-bust operation.<sup>37</sup> The prosecution must be able to prove an unbroken chain of custody over the illegal drugs.<sup>38</sup>

To establish the chain of custody, Section 21, Article II of RA 9165, prior to its amendment by RA 10640<sup>39</sup> pertinently provided:

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 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;
- (3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: *Provided*, That when the volume of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours;

Going by the evidence on record, after arresting appellant, PO2 Aresta took custody of the five plastic sachets of *shabu* sold to him by, and

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<sup>37</sup> *People v. Dahil*, 750 Phil. 212, 226 (2015).

<sup>38</sup> *People v. Bugtong*, G.R. No. 220451, February 26, 2018.

<sup>39</sup> 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 July 15, 2014.



confiscated from the possession of, the appellant. At the place of arrest, PO2 Aresta marked the five plastic sachets while PO2 Galutera took photographs of the same. The apprehending officers, however, failed to make an inventory because of a commotion at the scene of the crime. An inventory of the seized items was made nonetheless at the police station upon their turnover by PO2 Aresta to the investigating officer, PO3 Rivera. It bears notice, however, that no insulating witnesses were present at said turnover; no elected public official was present, and likewise no representatives from the DOJ and the media were present during the physical inventory of the seized items. Indeed, the Inventory Receipt did not contain the signatures of the required witnesses. During the cross-examination, PO2 Aresta even testified:

Atty. Mendoza:

Q: When you arrived at the Police Station[,] that was the time the inventory was prepared?

A: Yes, sir.

Q: There [was] no x x x elected official [present] during the preparation of that inventory?

A: When the inventory was being prepared by the investigator[,] one Kagawad Francis Barredo arrived and he was present during the preparation of the inventory, sir.

Q: Why is it that you never mentioned that Kagawad Barredo in your affidavit?

A: I think it was mention[ed] in our affidavit at the second page of our affidavit, sir.

Q: Did he sign the inventory?

A: No, sir. He was just questioning the [buy-bust] operation [conducted by the officers of the Station Anti-Illegal Drugs].

Court:

Q: When you said he was questioning the operation, what do you mean?

Witness:

A: He said that the operation was improper, Your Honor.

Court:

Q: He was insisting that your operation was improper?

A: Yes, Your Honor.

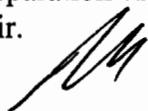
Atty. Mendoza:

Q: So in short[,] he was not there to witness the preparation of the inventory?

A: Yes, sir.

Q: There was no representative from the Department of Justice during the preparation of the inventory?

A: Yes, sir.



- Q: There was no x x x media representative during the preparation of the inventory?  
A: None, sir.<sup>40</sup>

The law mandates that the insulating witnesses be present during the actual inventory and photographing of the seized drugs to deter the common practice of planting evidence.<sup>41</sup> While non-compliance will not render the seizure and custody over the items invalid, honest-to-goodness efforts must be made to effect compliance.<sup>42</sup> In the instant case, PO2 Aresta testified that the police team was unable to procure a representative from the media, from the DOJ, and an elected public official because it was night time.<sup>43</sup> PO2 Aresta's allegation will not hold because there was no genuine attempt to comply with the law. Although PO2 Aresta alleged that the police team exerted efforts to procure the attendance of these witnesses; this is all allegation – he did not adduce specific evidence that he and his fellow police officers did in fact exert genuine efforts to secure the attendance or presence of a representative from the media, a representative from the DOJ, or an elected public official to witness the actual inventory and the photographing of the seized prohibited drugs.

In the recent case of *People v. Lim*,<sup>44</sup> a similar procedural lapse resulted in the undoing of the government's case. The buy-bust team in that case conducted the physical inventory without the attendance of an elected public official and representatives from the DOJ as well as the media because it was allegedly late in the evening; there were no available media representative or *barangay* officials, despite alleged efforts to contact them. In ruling for the acquittal of the accused, this Court ruled therein that the reason for non-compliance proffered by the arresting team was "unacceptable as there was no genuine and sufficient attempt to comply with the law." The Court held that mere statements that the required witnesses were unavailable, absent serious and actual attempts to contact them were unacceptable reasons for non-compliance; earnest efforts to secure the attendance of the necessary witnesses must be proved.

"It bears emphasis that x x x strict adherence to the mandatory requirements of Section (1) of RA 9165, x x x may be excused as long as the integrity and the evidentiary value of the confiscated items [were] properly preserved."<sup>45</sup> And in order to ensure that the integrity and evidentiary value were indeed preserved, the proper chain of custody of the seized items must be shown. There are four links that must be established in the chain of

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<sup>40</sup> TSN, October 10, 2012, pp. 34-36.

<sup>41</sup> *People v. Bintaib*, G.R. No. 217805, April 2, 2018.

<sup>42</sup> *People v. Crispo*, G.R. No. 230065, March 14, 2018.

<sup>43</sup> TSN, October 10, 2012, pp. 38-39.

<sup>44</sup> G.R. No. 231989, September 4, 2018.

<sup>45</sup> *Id.*

custody, to wit: “1) the seizure and marking, if practicable, of the illegal drug confiscated from the accused by the apprehending officer; 2) the turnover of the seized drug by the apprehending officer to the investigating officer; 3) the turnover by the investigating officer of said item to the forensic chemist for examination; and, 4) the turnover and submission thereof from [the] forensic chemist to the court.”<sup>46</sup>

In the case under review, it was shown that the five sachets of *shabu* were marked by PO2 Aresta with “JMA”, “JMA-1”, “JMA-2”, “JMA-3”, and “JMA-4” at the place of the arrest.<sup>47</sup> At the police station, PO2 Aresta turned over the seized items to the investigating officer, PO3 Rivera, who conducted the inventory, documentation and investigation.<sup>48</sup> The plastic sachets of *shabu* were then delivered by PO2 Aresta to the MPD Crime Laboratory Service for examination.<sup>49</sup> At this point, it was uncertain who received the seized drugs after it was brought to the forensic laboratory. The Request for Laboratory Examination<sup>50</sup> indicated that it was received by PCI Calabocal, the forensic chemist who tested the nature of the drugs. It is significant to note, however, that PCI Calabocal did not affix his signature thereon. And PCI Calabocal was not presented as a government witness, because his testimony was dispensed with by the prosecution. While there was a stipulation on the testimony of PCI Calabocal, this stipulation merely covered the result of the examination conducted on the drug specimen and not on the source of the substance. There was no stipulation that he indeed received the seized drugs from PO2 Aresta. This, to the Court’s mind, constituted an unbridgeable gap in the link of the chain of custody.

In fine, owing to the breaches of procedure committed by the apprehending officers, we find that the prosecution miserably failed to prove the *corpus delicti* of the crimes and to establish an unbroken chain of custody. The presumption of regularity in the performance of official duty accorded to the apprehending officers cannot, therefore, arise.<sup>51</sup>

**WHEREFORE**, the appeal is **GRANTED**. The August 16, 2016 Decision of the Court of Appeals in CA-G.R. CR-HC No. 07649 is **REVERSED AND SET ASIDE**. Appellant Jocelyn Maneclang y Abdon is **ACQUITTED** of the charges as her guilt has not been established beyond reasonable doubt. Her immediate release from detention is ordered, unless other lawful and valid ground for her detention exists.



<sup>46</sup> *People v. Gajo*, G.R. No. 217026, January 22, 2018.

<sup>47</sup> TSN, October 10, 2012, p. 17.

<sup>48</sup> *Id.* at 20 and 36.

<sup>49</sup> Records of Criminal Case No. 11-284738, p. 7.

<sup>50</sup> *Id.* at 116.

<sup>51</sup> *People v. Gayoso*, G.R. No. 206590, March 27, 2017, 821 SCRA 516, 533-534.

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

  
**LUCAS P. BERSAMIN**  
*Chief Justice*

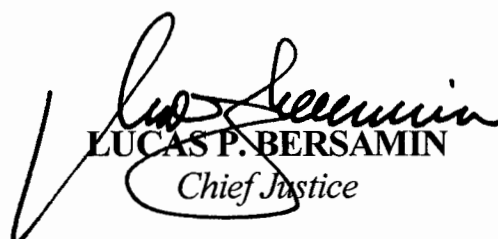
  
**FRANCIS H. JARDELEZA**  
*Associate Justice*

  
**ALEXANDER G. GESMUNDO**  
*Associate Justice*

  
**ROSMARI D. CARANDANG**  
*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.

  
**LUCAS P. BERSAMIN**  
*Chief Justice*