



Republic of the Philippines
Supreme Court
Manila

EN BANC

MANUEL LOPEZ BASON,

Petitioner,

G.R. No. 262664

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,*
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,**
MARQUEZ,
KHO, JR.,
SINGH, JJ.

- *versus* -

PEOPLE OF THE PHILIPPINES,
represented by the OFFICE OF
THE SOLICITOR GENERAL,

Respondent.

Promulgated:

October 3, 2023

X-----*[Signature]*-----X

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by Manuel Lopez Bason (Bason) assailing

* On official business.

** On official business.

¹ *Rollo*, pp. 4-25.

[Handwritten mark]

the Decision² dated April 13, 2021, and the Resolution³ dated May 26, 2022, of the Court of Appeals (CA) in CA-G.R. SP No. 12682. The CA granted the petition for *certiorari* filed by the Office of the Solicitor General (OSG) thereby dismissing the Orders⁴ dated November 29, 2018, December 3, 2018, and January 23, 2019, (assailed Orders) of Branch 18, Regional Trial Court (RTC), Roxas City, in Criminal Case Nos. C-288-16 and C-289-16. The RTC previously granted Bason's plea bargaining proposal⁵ based on A.M. No. 18-03-16-SC.⁶

The Antecedents

Bason was charged with violation of Sections 5⁷ and 11,⁸ Article II of Republic Act No. (RA) 9165.⁹ The accusatory portions of the Informations¹⁰ read:

[Criminal Case No. C-288-16]

That on or about the 22nd day of July 2016, in the City of Roxas, Philippines, and within the jurisdiction of this Honorable [c]ourt, said accused, did then and there willfully, unlawfully and feloniously, sell, deliver, and/or transport to PO1 JIOME CASABON a "poseur buyer", one (1) transparent plastic sachet containing Methamphetamine hydrochloride (shabu), a dangerous drug, with a weight of 0.0769 grams (*sic*), without authority to sell, deliver and/or transport the same, in consideration of the agreed sum of FIVE HUNDRED PESOS (P500.00), Philippine Currency.

CONTRARY TO LAW.¹¹

[Criminal Case No. C-289-16]

That on or about the 22nd day of July, 2016, in the City of Roxas, Philippines, and within the jurisdiction of this Honorable [c]ourt, said accused, did then and there willfully, unlawfully and feloniously, have in his possession and control:

² *Id.* at 31-42. Penned by Associate Justice Pamela Ann Abella Maxino and concurred in by Associate Justices Lorenza Redulla Bordios and Bautista G. Corpin, Jr.

³ *Id.* at 45-49. Penned by Associate Justice Pamela Ann Abella Maxino and concurred in by Associate Justices Bautista G. Corpin, Jr. and Jacinto G. Fajardo, Jr.

⁴ *Id.* at 58-61, 62-63, and 69. Penned by Presiding Judge Ignacio I. Alajar.

⁵ See Proposal for Plea Bargaining dated June 5, 2018, *id.* at 51-54.

⁶ Adoption of the Plea Bargaining Framework in Drugs Cases, approved on April 10, 2018.

⁷ Section 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.*

⁸ Section 11. *Possession of Dangerous Drugs.*

⁹ Comprehensive Dangerous Drugs Act of 2002, approved on June 7, 2002.

¹⁰ *Rollo*, pp. 32-33, CA Decision.

¹¹ *Id.* at 32.

- (1) [to (3)] [three (3)] heat sealed transparent plastic sachet containing Methamphetamine hydrochloride (shabu), a dangerous drug marked as ["P-MB-2", "P-MB-3", and "P-MB-4", respectively];
- (4) [to (12)] [nine (9)] opened transparent plastic sachet containing residue of Methamphetamine hydrochloride (shabu), a dangerous drug marked as ["P-MB-5", "P-MB-6", "P-MB-7", "P-MB-8", "P-MB-9", "P-MB-10", "P-MB-11", and "P-MB-12", respectively];

without being authorized by law to possess the same.

CONTRARY TO LAW.¹²

Upon arraignment, Bason entered pleas of "Not Guilty" to the charges for violation of Sections 5 and 11, Article II of RA 9165.¹³ Trial ensued.

On June 5, 2018, Bason instead proposed to plead guilty to two (2) counts of violation of Section 12,¹⁴ Article II of the same law.¹⁵

The Office of the City Prosecutor of Roxas City (OCP-Roxas City) filed its Opposition¹⁶ on the following grounds: (1) it has already rested its case and it has a strong evidence against Bason; (2) under Department of Justice (DOJ) Department Circular No. 027,¹⁷ Bason can only be allowed to enter a plea of guilty from Section 5 to Section 11, Article II of RA 9165; (3) the proposed plea bargain will render insignificant the investigation and resolution of the case in court; and (4) there is probable cause for the filing of two or three charges for violation of RA 9165 against Bason.¹⁸

¹² *Id.* at 32-33.

¹³ *Id.* at 33.

¹⁴ Section 12. *Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs.*

¹⁵ *Rollo*, p. 34.

¹⁶ *Id.* at 55-57. Signed by Associate City Prosecutor Ronald G. Asong and approved by City Prosecutor Erwin D. Ignacio.

¹⁷ Amended Guidelines on Plea Bargaining for Republic Act No. 9165 Otherwise Known as the "Comprehensive Dangerous Drugs Act of 2002," DOJ Department Circular No. 27, Series of 2018.

¹⁸ *Rollo*, pp. 55-56.

The RTC Rulings

On November 29, 2018, the RTC issued the Order¹⁹ granting Bason's plea bargaining proposal against the consent of the prosecution. The dispositive portion of the Order reads:

WHEREFORE, in view of the foregoing, the Plea Bargaining Proposal of MANUEL BASON y LOPEZ is GRANTED over the objection of the Prosecution and the Court will allow the accused to withdraw his previous plea of not guilty to the offenses charged and substitute the same to a plea of guilty to offenses mentioned in the Plea Bargaining Proposal.

SO ORDERED.²⁰

On Bason's re-arraignment on December 3, 2018, the RTC issued an Order²¹ charging Bason with two (2) counts of violation of Section 12, Article II of RA 9165. The dispositive portion of the Order reads:

WHEREFORE, judgment is hereby rendered finding the accused Manuel Bason y Lopez GUILTY beyond reasonable doubt of the following:

1. *In Criminal Case No. C-288-16*, for Violation of Section 12, Article II of R.A. No. 9165, and is hereby sentenced to suffer the penalty of Two (2) Years and Four (4) months as minimum, to Four (4) Years as maximum, and to pay a fine of Ten Thousand (P10,000.00) Pesos.
2. *In Criminal Case No. C-289-16* – for Violation of Section 12, Article II of R.A. No. 9165, and is hereby sentenced to suffer the penalty of Two (2) Years and Four (4) months as minimum, to Four (4) Years as maximum, and to pay a fine of Ten Thousand (P10,000.00) Pesos.

x x x x

SO ORDERED.²²

The OCP-Roxas City filed a Motion for Reconsideration²³ of the Orders of the RTC dated November 29, 2018, and December 3, 2018. It

¹⁹ *Id.* at 58-61.

²⁰ *Id.* at 61.

²¹ *Id.* at 62-63.

²² *Id.*

²³ *Id.* at 64-68.

argued that the prosecution's consent or conformity was mandatory in the approval of a plea bargaining proposal.²⁴ It argued that if the RTC's findings support a conclusion that the guilt of Bason cannot be proven beyond reasonable doubt, then the RTC should have dismissed the case instead of granting the plea bargaining proposal.²⁵

On January 23, 2019, the RTC issued an Order²⁶ denying the prosecution's motion for reconsideration for lack of merit.

On behalf of the State, the OSG filed a petition for *certiorari* under Rule 65 of the Rules of Court imputing grave abuse of discretion on the RTC for issuing the assailed Orders.

The CA Rulings

On April 13, 2021, the CA issued the Decision²⁷ granting the petition for *certiorari*. The dispositive portion of the Decision reads:

IN LIGHT OF ALL THE FOREGOING, the present petition for *certiorari* is GRANTED. The Order dated November 29, 2018, the Order dated December 3, 2018, and the Order dated January 23, 2019, issued by respondent Judge Ignacio I. Alajar, Presiding Judge of the Regional Trial Court, Branch 18, Roxas City, in Criminal Cases Nos. C-288-16, and C-289-16, are REVERSED AND SET ASIDE.

The Regional Trial Court, Branch 18, Roxas City, is ORDERED to proceed with the trial of Criminal Cases Nos. C-288-16, and C-289-16, with reasonable dispatch.

SO ORDERED.²⁸

²⁴ To bolster this argument, the OCP-Roxas City cited the case of *Estipona, Jr. v. Lobrigo* (816 Phil. 789 [2017]), Section 2 of Rule 116 of the Revised Rules of Criminal Procedure, and the Revised Guidelines for Continuous Trial of Criminal Cases (A.M. No. 15-06-10-SC, approved on April 25, 2017, and took effect on September 1, 2017).

²⁵ *Rollo*, pp. 66-67.

²⁶ *Id.* at 69.

²⁷ *Id.* at 31-42.

²⁸ *Id.* at 41.

Acting on the Motion for Reconsideration²⁹ of Bason, the CA denied³⁰ it for lack of any strong and compelling argument to warrant a modification of its previous decision.³¹

Hence the instant petition where Bason argues that: (1) the CA erred when it ruled that the RTC acted with grave abuse of discretion when the latter granted Bason's plea bargaining proposal despite the prosecution's objection; (2) the CA erred when it ruled that a plea bargaining without the consent of the prosecution is void, in contravention of A.M. No. 18-03-16-SC; and (3) with the advent of DOJ Department Circular No. 018,³² the issue on the lack of consent in plea bargaining cases is now cured.³³

Issues

The issues raised before the Court are as follows:

1. Whether the CA erred in ruling that the RTC committed grave abuse of discretion in approving Bason's plea bargaining proposal over the objection of the prosecution; and
2. Whether DOJ Department Circular No. 018 cured the issue on the lack of consent in plea bargaining cases.

Our Ruling

The petition is meritorious.

The Court's Plea Bargaining Framework in Drugs Cases takes precedence over any DOJ Department Circular or other similar issuances regarding plea bargaining in drugs cases.

²⁹ *Id.* at 76-80.

³⁰ *Id.* at 45-49.

³¹ *Id.* at 49.

³² Revised Amended Guidelines on Plea Bargaining for Republic Act No. 9165 Otherwise Known as the "Comprehensive Dangerous Drugs Act of 2002", DOJ Department Circular No. 018, Series of 2022.

³³ *Rollo*, pp. 11-12.

In the recent case of *People v. Montierro*³⁴ (*Montierro*), the Court took judicial notice of DOJ Department Circular No. 018. It recognized that the amendments introduced in DOJ Department Circular No. 018 reconciled the inconsistencies regarding the acceptable plea in DOJ Department Circular No. 27 and the Court's Plea Bargaining Framework in Drugs Cases for violation of Section 5, Article II of RA 9165. As it now stands, under the DOJ Circular and the Court-issued framework, the acceptable plea for a violation of Section 5, Article II of RA 9165 is Section 12, under the same Article. As such, the objection of the prosecution on the ground that the proposed plea bargain is not allowed or goes beyond the guidelines provided under DOJ Department Circular No. 27 is rendered moot.³⁵

Moreover, in *Montierro*, the Court emphasized that its Plea Bargaining Framework in Drugs Cases takes precedence over DOJ Department Circular No. 27, or *any other similar issuance*. It clarified that any plea bargaining framework it promulgates is accorded primacy over any internal guideline on the same matter that the DOJ may issue.³⁶

Plea bargaining requires the consent of the parties, but the approval thereof is subject to the sound discretion of the court.

In *Montierro*, the Court simplified that, as a rule, plea bargaining in drugs cases requires the mutual agreement of the parties. If a plea bargaining proposal is objected to by the prosecution based solely on the ground that the accused's proposal is inconsistent with the acceptable plea bargaining proposal under any internal rules or guidelines of the DOJ, the trial court may overrule the objection after determining that the plea bargaining proposal circumscribes to the Court-issued framework on the acceptable plea bargains and by the evidence and circumstances of each case.³⁷

³⁴ G.R. No. 254564, July 26, 2022. This case was consolidated with G.R. No. 254974 (*Baldadera v. People*) and A.M. No. 21-07-16-SC (*In Re: Letter of the Philippine Judges Association Expressing Its Concern: Over the Ramifications of the Decisions in G.R. No. 247575 and G.R. No. 250295*).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

However, when the objection of the prosecution to the plea bargaining proposal is valid and supported by evidence—to the effect that (1) the accused is a recidivist, habitual offender, known in the community as a drug addict and a troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times, or (2) the evidence of guilt is strong—the trial court is mandated to hear the prosecution's objection and rule on the merits thereof.³⁸

In summary, the approval of the accused's plea of guilty to a lesser offense is ultimately subject to the sound discretion of the court as its discretion to act on a plea bargaining proposal is *independent* from the requirement of mutual agreement of the parties.³⁹

Approval of the plea bargaining proposal requires an evaluation of the character of the accused and the weight of the prosecution's evidence.

In *Montierro*, the Court emphasized that the trial court should ensure that any plea bargaining proposal is based on the Court-issued framework and the evidence presented.⁴⁰ It is also necessary that the trial courts particularly ascertain if the accused is qualified to a plea bargain taking into consideration the latter's *character or if the evidence of guilt is strong*.⁴¹ Concurrence of these conditions is not necessary as they pertain to the accused's eligibility to plea bargain. The presence of any of these conditions already disqualifies the accused from entering a plea of guilty to a lesser offense.⁴²

Further, in cases where the accused moved to plead guilty to a lesser offense after the prosecution rested its case, the trial court can rule on its propriety after assiduously studying the prosecution's evidence on record. The trial court's acceptance of the defendant's change of plea only

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

becomes proper and regular if its ruling discloses the strength or weakness of the prosecution's evidence.⁴³

In the case, the RTC in its Order⁴⁴ dated November 29, 2018, adjudged the weight of the evidence presented and ruled that the prosecution failed to establish an unbroken chain of custody of the seized items as the police officers committed procedural lapses, which cast doubt on the integrity and evidentiary value of the *corpus delicti* of the offense.⁴⁵

The RTC detailed the procedural lapses in the following excerpts from its Order:

In the cases at hand, the [court] notes of the procedural lapses committed by the Police Officers. As revealed by the Affidavit of Arrest of PO1 Jiome Casabon, PO3 John Aleligay, Police Blotter Report Excerpt, and Investigation Report, PO1 Jiome Casabon brought the seized drug related items to the PNP Regional Crime Laboratory Office at Camp Delgado, Iloilo City after the conclusion of the inventory, and after the accused was physically examined and detained at the Roxas City Police Station. Contrary to this sequence of events is the testimony of PO1 Jiome Casabon [which] x x x stated that after the accused was brought to the Police Station, he took some rest at the safe house of his team bringing with him the recovered items from Manuel Bason. It was also revealed during his testimony that x x x he did not proceed to the Crime Laboratory in Iloilo City and instead, he went to their safe house at around 6:00 o'clock in the morning of July 22, 2016 and left the premises only after more than four (4) hours to bring the items to the Crime Laboratory.

The inconsistency x x x created not only a missing link in the chain of custody but also, when coupled with the lack of specifics on how the seized drug related items were stored and preserved from the time of its seizure until its delivery to the Crime Laboratory, created doubts on the integrity and evidentiary value of the seized items thereby creating reasonable doubt on the criminal liability of the accused.

Finally, the [c]ourt also notes that despite the missing link in the chain of custody, there is also nothing in the testimony of the prosecution witnesses that shows the precautions undertaken to ensure that the condition of the seized items was not altered and the lack of

⁴³ *Estipona, Jr. v. Lobrigo*, 816 Phil. 789, 817 (2017), citing *People v. Villarama, Jr.*, 285 Phil. 723, 731 (1992).

⁴⁴ *Rollo*, pp. 58–61.

⁴⁵ *Id.* at 38 and 60–61.

opportunity for anyone not in the chain of custody to take possession of the same. x x x.⁴⁶

Clearly, the RTC made an evaluation of the evidence. As a result of this evaluation, it approved the plea bargaining proposal of Bason.

However, as discussed above, *Montierro* also requires that the trial court make an evaluation of the character of the accused before it approves the plea bargaining proposal. Particularly, the trial court shall ensure that the accused is not (1) a recidivist, (2) a habitual offender, (3) known in the community as a drug addict and troublemaker, (4) one who has undergone rehabilitation but had a relapse, and (5) one who has been charged many times.⁴⁷

Here, the records do not show that the RTC made an evaluation of Bason's character. Hence, it should not have approved Bason's plea bargaining proposal without this evaluation. As such, it is proper that the case be remanded to the court of origin to make a determination on whether Bason is qualified to avail of the benefits of plea bargaining based on his character.

A drug dependency test is not a pre-requisite for granting a plea bargain.

An essential issue was raised before the Court in *Montierro* on the matter of whether a drug dependency test is a pre-requisite for the approval of a plea bargaining proposal. This issue proceeded from the argument of petitioner Cypher Baldadera y Pelagio (Baldadera) in G.R. No. 254974 that the Plea bargaining Framework in Drugs Cases neither required a drug dependency test for plea bargaining nor made it a condition *sine qua non* before the prosecution gives consent to a plea bargain.⁴⁸

To address the issue, the Court in *Montierro* particularly issued the following guidelines:

⁴⁶ *Id.* at 60-61.

⁴⁷ *People v. Montierro*, supra note 34.

⁴⁸ *Id.*

To summarize the foregoing discussion, the following guidelines shall be observed in plea bargaining in drugs cases:

x x x x

3. *Upon receipt of the proposal for plea bargaining that is compliant with the provisions of the Plea Bargaining Framework in Drugs Cases, the judge shall order that a drug dependency assessment be administered.* If the accused admits drug use, or denies it but is found positive after a drug dependency test, then he/she shall undergo treatment and rehabilitation for a period of not less than six (6) months. Said period shall be credited to his/her penalty and the period of his/her after-care and follow-up program if the penalty is still unserved. If the accused is found negative for drug use/dependency, then he/she will be released on time served, otherwise, he/she will serve his/her sentence in jail minus the counselling period at rehabilitation center.

x x x x⁴⁹ (Italics supplied)

As a result, the Court in *Montierro* directed the RTC therein to order petitioners Baldadera and Erick Montierro y Ventocilla to undergo drug dependency test pursuant to A.M. No. 18-03-16-SC.⁵⁰

As Associate Justice Alfredo Benjamin S. Caguioa noted, *Montierro* essentially considers the conduct of a drug dependency test as a condition precedent for an accused to avail himself of the plea bargaining mechanism. However, Associate Justice Alfredo Benjamin S. Caguioa pointed out that a closer reading of A.M. No. 18-03-16-SC suggests that a drug dependency test is *not* a pre-requisite for plea bargaining; in fact, it is to be conducted only *after* the approval of the plea bargaining proposal.

To be clear, a drug dependency test is not a requirement for the approval of a plea bargaining proposal. Based on the guidelines in *Montierro*, the approval or denial of a plea bargaining proposal is dependent primarily on the trial courts' exercise of its sound discretion taking into account the relevant circumstances, including the character of the accused as well the evidence present.⁵¹ The requirement for a drug dependency test becomes relevant as the trial courts are required to ensure that, after the approval of the plea bargaining proposal, the applicant is subjected to a drug dependency test to determine if treatment and

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

rehabilitation or counselling, as the case may be, is required as aptly provided in A.M. No. 18-03-16-SC.

Moreover, to make a drug dependency test a requisite for the approval of a plea bargaining runs counter with the purpose for which plea bargaining was adopted in our jurisdiction.⁵² As emphasized in *Montierro*, the plea bargaining mechanism in criminal procedure is geared towards achieving an efficient, speedy, and inexpensive disposition of a case.⁵³ As pointed out by Associate Justice Amy C. Lazaro-Javier in her Opinion in *Montierro*, requiring a drug dependency assessment early on in the process will unnecessarily *delay* the disposition of the criminal case, precisely as there is no available data on the waiting and processing period for a drug dependency assessment.⁵⁴ As such, a prompt disposal of the plea bargaining proposal is necessarily important to ensure that the benefits of the mechanism as to the accused, insofar as early rehabilitation, redemption, and reintegration to society is concerned, and to the State, insofar as to the minimal use of resources, are achieved.⁵⁵

*Clarificatory guidelines regarding
drug dependency test*

Taking into consideration the foregoing discussion, the Court issues the following clarificatory guidelines to guide trial courts in the implementation of the Court's Plea Bargaining Framework in Drugs Cases.

1. A drug dependency test is not a precondition for the approval of a plea bargaining proposal. The test is to be conducted only after the trial court approves the plea bargaining proposal of the accused to determine whether he/she needs to be subjected to treatment and rehabilitation or undergo a counselling program at a rehabilitation center.

⁵² *People v. Montierro*, supra note 34, citing *Estipona v. Lobrigo*, supra note 43, at 813.

⁵³ *People v. Montierro*, supra note 34.

⁵⁴ See Concurring and Dissenting Opinion of Associate Justice Lazaro-Javier in *People v. Montierro*.

⁵⁵ *People v. Montierro*, supra note 34, citing *Estipona v. Lobrigo*, supra note 43, at 812-813, further citing the cases of *Brady v. United States*, 397 U.S. 742, 752 (1970); *Santobello v. New York*, 404 U.S. 257, 261 (1971); and *Blackledge v. Allison*, 431 U.S. 63, 71 (1977).

2. After approval of the plea bargaining proposal, trial courts shall be guided by the following:
 - a. In cases where the trial court approves a plea to the lesser offense of violation of paragraph 3 of Section 11 or Section 12 of RA 9165:
 - i. If the accused admits drug use or denies it but is found positive after a drug dependency test, then he/she shall be ordered to undergo treatment and rehabilitation for a period of not less than six (6) months, and counselling, if necessary.
 - ii. If the accused is found negative for drug use or drug dependency, then he/she shall undergo a counselling program at a rehabilitation center.
 - iii. In both cases, the time spent at the rehabilitation center shall be credited as time served and shall be deducted from the period of imprisonment.
 - iv. If the period of imprisonment has already been served, the accused shall still be ordered to undergo treatment and rehabilitation and/or counselling, as the case may be, as part of the rehabilitation and after-care/follow-up program.
 - b. In cases where the trial court approves a plea to a lesser offense of violation of Section 15 of RA 9165:
 - i. If the accused admits drug use or denies it but is found positive after a drug dependency test, then he/she shall be ordered to undergo treatment and rehabilitation for a period of not less than six (6) months, and counselling, if necessary.



- ii. If the accused is found negative for drug use/dependency, then he/she shall be released immediately but shall be ordered to undergo a counselling program at a rehabilitation center.
- c. The accused shall be subjected to the terms of rehabilitation provided under Article VIII of RA 9165, as applicable.

Summary

To reiterate, in approving or denying plea bargaining proposals, trial courts have the solemn duty and ultimate responsibility to determine the applicant's entitlement thereto based on an evaluation of the latter's character or an assessment of the strength or weakness of the prosecution's evidence. The Court promulgated A.M. No. 18-03-16-SC to provide trial courts with the framework to ascertain whether the proposal to a lesser offense is aligned therein.

After approval of a plea bargaining proposal, trial courts shall then require the conduct of a drug dependency assessment of the accused, not as a condition *sine qua non* for the plea bargaining but instead to ensure that the applicant undergoes treatment and rehabilitation or counselling, if needed.

WHEREFORE, the Decision dated April 13, 2021, and the Resolution dated May 26, 2022, of the Court of Appeals in CA-G.R. SP No. 12682 are **SET ASIDE**.

The case of petitioner Manuel Lopez Bason is **REMANDED** to the court of origin to determine whether petitioner is a recidivist, a habitual offender, known in the community as a drug addict and troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times.

In case the trial court finds petitioner Manuel Lopez Bason qualified to avail himself of the benefits of plea bargaining, a drug dependency assessment shall be conducted pursuant to A.M. No. 18-03-16-SC and the guidelines set forth herein.



SO ORDERED.




HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:




ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Associate Justice




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice

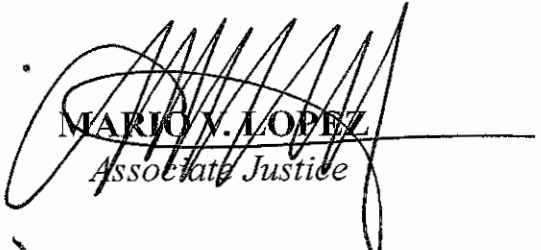
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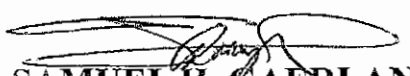
AMY C. LAZARO-JAVIER
Associate Justice




RODIL V. ZALAMEDA
Associate Justice




MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

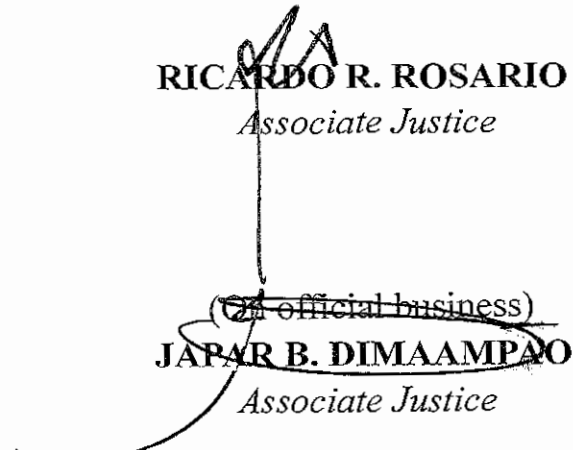


RICARDO R. ROSARIO
Associate Justice





JHOSEP Y. LOPEZ
Associate Justice

(On official business)



JAPAR B. DIMAAMPAO
Associate Justice

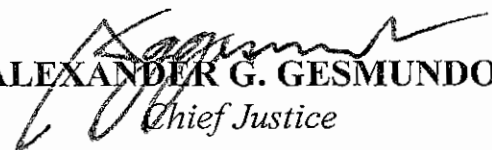

JOSE MIDAS P. MARQUEZ
Associate Justice

*Please see Separate Concurring
and Dissenting Opinion.*

ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
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.


ALEXANDER G. GESMUNDO
Chief Justice