Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, *Plaintiff-Appellee,*	**G.R. No. 262686**
	Present:
- versus -	CAGUIOA, *Chairperson,* INTING, GAERLAN, DIMAAMPAO, *and* SINGH, *JJ.*
GERALD FLORES *y* ALAGDON, HARROLD FRANCISCO *y* GABAT a.k.a. "Punonoy", and LOUIE TRUELEN *y* GREZOLA, *Accused-Appellants.*	Promulgated: October 11, 2023

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DECISION

GAERLAN, *J*.:

Before the Court is a Notice of Appeal[1] filed relative to the Decision[2] dated December 22, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11650. Said Decision of the CA is an affirmation and slight modification of the Joint Decision[3] dated January 19, 2018 of the Regional Trial Court (RTC) of Quezon City, Branch 77, which convicted Gerald Flores *y* Alagdon, Harrold Francisco *y* Gabat a.k.a. "Punonoy", and Louie Truelen *y* Grezola (accused-appellants) in Criminal Case No. R-QZN-16-14780-CR for violation of Section 5 (*sale, trading, administration, dispensation, delivery, distribution and transportation of dangerous drugs and/or controlled precursors and essential chemicals*) of Republic Act

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1 *Rollo*, pp. 3-5.
2 Id. at 9-25. Penned by Associate Justice Nina G. Antonio-Valenzuela, with Associate Justices Carlito B. Calpatura and Bonifacio S. Pascua, concurring.
3 Id. at 28-37. Penned by Presiding Judge Ferdinand C. Baylon.

(R.A.) No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," as amended. Said Joint Decision of the trial court also convicted accused-appellant Louie G. Truelen (Truelen) in Criminal Case No. R-QZN-16-14784-CR for violation of Section 13 (*possession of dangerous drugs during parties, social gatherings or meetings*) of R.A. No. 9165, as amended.

Factual Antecedents

The Information[4] in Criminal Case No. R-QZN-16-14780-CR states, thus:

> INFORMATION
>
> The undersigned accuses GERALD FLORE y ALAGDON, also known as "GERALD" [*sic*], HARROLD FRANCISCO y GABAT, also known as "PUNONOY," and LOUIE TRUELEN y GREZOLA, also known as "LOUIE" [*sic*], of the crime of Violation of Section 5, Article II of Republic Act No. 9165 (Comprehensive Dangerous Drug[s] Act of 2002), committed as follows:
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> That, on or about the 12th day of December 2016, in Quezon City, Philippines, the said accused, conspiring together, confederating with and mutually helping one another, without lawful authority, did then and there willfully [and] unlawfully sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport, or act as broker in the said transaction, one (1) heat-sealed transparent plastic sachet containing zero point ten (0.10) gram[s] of Methamphetamine Hydrochloride, a dangerous drug.
>
> CONTRARY TO LAW.
>
> Quezon City, Philippines. December 14, 2016.[5]

Additionally, the Information[6] in Criminal Case No. R-QZN-16-14784-CR states the following:

> INFORMATION
>
> The undersigned accuses LOUIE TRUELEN y GREZOLA, also known as "LOUIE" [*sic*], of the crime of Violation of Section 13, Article II of Republic Act No. 9165 (Comprehensive Dangerous Drug[s] Act of 2002), committed as follows:

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4 Records (Volume 1), pp. 1-2.
5 Id.
6 Records (Volume 2), pp. 1-2.

> That, on or about the 12th day of December 2016, in Quezon City, Philippines, the said accused, not being authorized by law to possess or use any dangerous drug, did then and there, willfully, unlawfully and feloniously and knowingly [*sic*] have in his possession and control one (1) small heat-sealed transparent plastic sachet containing zero point zero five (0.05) gram[s] of Methamphetamine Hydrochloride, during a party, or at a social gathering or meeting or in the proximate company of at least two (2) persons, in violation of law.
>
> CONTRARY TO LAW.
>
> Quezon City, Philippines. December 14, 2016.[7]

The foregoing indictments were filed in court as a result of the Amended Resolution[8] of the Office of the City Prosecutor of Quezon City in Inquest Case No. XV-03-INQ-16L-06301. Attached to the said Amended Resolution is the Joint Affidavit of Apprehension[9] executed by Police Officer (PO) 1 Emmer Amar (PO1 Amar), PO1 Lesly Allan Corpuz (POI Corpuz), and PO1 Sherwin Bumagat (PO1 Bumagat), who were then members of the Station Anti-Illegal Drugs – Special Operations Task Group of Novaliches Police Station 4 of the Quezon City Police Department (QCPD). These police officers essentially alleged that on December 12, 2016 at about 8:20 p.m., a confidential informant informed them of the alleged illegal activities of accused-appellant Gerald Flores *y* Alagdon (Flores), whom the confidential informant tagged as a drug "pusher" who plied his trade in Area 6, *Sitio* Cabuyao, *Barangay* Sauyo, Novaliches, Quezon City. A buy-bust operation was then organized, with PO1 Amar designated as the *poseur*-buyer and PO1 Corpuz and PO1 Bumagat designated as perimeter back-up.

That same night at about 8:45 p.m., the confidential informant supposedly contacted "GERALD" for the purchase of *shabu* worth ₱500.00 at the instructions of the police officers. "GERALD" then apparently instructed the confidential informant to proceed directly to the former's house located in Area 6 in *Sitio* Cabuyao for the consummation of the drug transaction. The buy-bust team arrived discreetly thereat at around 9:00 p.m., and they spotted all accused-appellants standing in front of the identified house. The confidential informant and PO1 Amar approached them and thus conducted the drug transaction with the marked ₱500.00 bill with serial no. CQ665954.

The conversation relative to the said drug transaction was brief. "GERALD" uttered the following to PO1 Amar: "[*k*]*asang lima ba kukunin mo? Akin na limang daan.*" PO1 Amar, thereafter, handed over the marked money over to "GERALD," and the latter then instructed his companion

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7 Id. at 1.

8 Id. at 3-4. See also records (Volume 1), pp. 3-4.

9 Id. at 6-8. See also records (Volume 1), pp. 6-8.

"PUNONOY" to give PO1 Amar one heat-sealed transparent plastic sachet containing a white crystalline substance, which "PUNONOY" is said to have pulled out from the garter around the waist of his undergarment. PO1 Amar then commented *"pare, talo naman 'tong bigay niyo,"* to which "GERALD" answered *"t*ngina, parehas 'yan, pare."* "GERALD" then is said to have instructed "LOUIE" to weigh the sold product inside the identified house. PO1 Amar went with "LOUIE" into the house, where the latter confirmed the weight of the sold product. PO1 Amar then casually exited the front door of the house and gave the pre-arranged signal of removing his bull cap. The buy-bust team then closed in and arrested all accused-appellants.

A total of four heat-sealed transparent plastic sachets containing a white crystalline substance were recovered and confiscated: the one sold to PO1 Amar (0.10 gram, marked as EA-GF-12-12-16); another confiscated "GERALD" after frisking the same (0.12 gram, marked as EA-GF1-12-12-16); the one confiscated from "PUNONOY" after frisking the same (0.03 gram, marked as LC-HF-12-12-16); and the one recovered from "LOUIE" (0.05 gram, marked as SB-LT1-12-12-16). Confiscated from "LOUIE" as well was one digital weighing scale (marked as SB-LT-12-12-16). All accused-appellants were read their constitutional rights. Crucially, the Joint Affidavit of Apprehension states the following important paragraphs:

> 12. That, after we marked the recovered pieces of evidence at the place of arrest and we're [*sic*] about to conduct the inventory, several bystanders started shouting invective words against us and to prevent unnecessary injuries and damage to our service vehicle we decided to directly proceed to the police station.
>
> 13. That, the apprehended suspect[s] w[ere] brought to our Office and presented to the duty desk Officer together with the seized evidence for investigation and proper disposition.
>
> 14. That, we (PO1 Amar, PO1 Bumagat and PO1 Corpuz) in compliance with Section 21 of RA 9165, prepared inventory and chain of custody upon arrival at our Office.[10]

The Chemistry Report No. D-2256-16,[11] which was issued by the QCPD Crime Laboratory Office Station 10, confirmed that all specimens contained methamphetamine hydrochloride or *shabu*. It is also evident from the record that the arresting officers duly accomplished the Chain of Custody Form[12] and the Inventory of Seized/Confiscated Item/Property Form.[13] At the bottom of the latter appear the names and signatures of the following insulating witnesses: Jun E. Tobias, a senior reporter for the media outlet *Hirit/Saksi*, and Nelson N.

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10 Id. at 8. See also records (Volume 1), p. 8.
11 Id. at 15. See also records (Volume 1), p. 15.
12 Id. at 19. See also records (Volume 1), p. 19.
13 Id. at 20. See also records (Volume 1), p. 20.

Dela Cruz (Dela Cruz), a *barangay kagawad*. The press identification card of the media representative Jun Tobias (Tobias) is attached to the record,[14] but there appears to be no other document that identifies *Kagawad* Dela Cruz as such.

Trial ensued after the arraignment of the Accused-Appellants. On the witness stand, PO1 Amar testified as to the circumstances he personally knew of the buy-bust operation that led to the arrest of Accused-Appellants and the confiscation of the drugs, by which basically confirmed the details of the Joint Affidavit of Apprehension.[15] He also confirmed the fact that the buy-bust team failed to make any coordination with the Philippine Drug Enforcement Agency (PDEA) before the buy-bust operation itself due to the urgency presented by the supposed need of "GERALD" to unload and sell his drug inventory immediately in order to remit to his suppliers,[16] and that the buy-bust team failed to take any pictures of the marking of the confiscated items at the place of arrest.[17] The confiscated items were duly turned over to the investigator, PO1 John Dalle Ang (PO1 Ang), who then returned the same to the arresting officers for safekeeping and eventual turnover to the crime laboratory, as evidenced by the record of the Chain of Custody Form.

Also, the following pertinent lines from PO1 Amar's testimony stand out:

> Q: Where did you make these markings at the area of the arrest?
> A: Yes, sir. [*sic*]
>
> Q: How about the inventory, would you know if there was an inventory conducted in connection with the recovered items?
> A: Sir, we conducted the inventory at the police station.
>
> Q: Why did you make the inventory in the police station and not in the area where you arrested the accused in this case?
> A: We can't the inventory [*sic*], sir, because there are several persons who are approaching and asking me "*Ano 'yan?*" And they are starting a commotion, sir.
>
> Q: And who were present in order to witness the conduct of the inventory of the items seized?
> A: The media representative, sir, Jun Tobias and the barangay official, sir, Nelson dela Cruz, sir.[18]
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> x x x x

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14 Id. at 21. See also records (Volume 1), p. 21.
15 Transcript of Stenographic Notes (TSN), August 22, 2017, pp. 5-40.
16 Id. at 9.
17 Id. at 32-34.
18 Id. at 16.

Q: You made mention a while ago that there were [*sic*] a media representative who witnessed the conduct of the inventory?
A: Yes, sir.

Q: In the person of Jun Tobias. What proof do you have to show to this Court that indeed he is a media personality?
A: Sir, he presented to us his ID, sir, and Jun Tobias was a regular representative every time we have a buy-bust operation, sir, we contacted him to witness.

Q: So, I'm showing to you an ID of a certain purportedly [*sic*] Jun Tobias, can you go over this ID and tell us if that [*sic*] is the ID you are referring to?
A: Yes, sir. That is the ID.

ACP BADIOLA: May we pray, your Honor, that the ID identified to [sic] by the witness be marked in evidence for the prosecution as Exhibit "C-1," your Honor.

COURT: "C-1," mark it.

ACP BADIOLA: No, your Honor. I'm sorry, your Honor. The picture, your honor, as "D-1."

COURT: Mark it. "D-1."[19]

x x x x

Q: Who contacted the media representative?
A: Our team leader, sir.

Q: And how long did he [*sic*] take him to arrive?
A: *Saglit lang din,* sir. Not too long, sir, because Mr. Tobias is from Bagbag, so it took him at least 15-30 minutes, sir.

Q: Was he present at the time the recovered evidence were being inventoried?
A: Yes, sir.

Q: Was he present all the time?
A: Yes, sir.

Q: Do you have any proof that he was present at the time of the inventory?
A: Yes, sir. He has his signature and the ID, sir.

Q: Aside from that, Mr. Witness, do you have any proof that it [*sic*] being inventoried at the presence [*sic*] of the media representative?

ACP BADIOLA: Already answered, your Honor.[20]

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19 Id. at 17-18.
20 Id. at 31-32.

The testimony of PO1 Bumagat indicates the following relative to the presence of the insulating witnesses during the inventory at the police station, *viz.*:

Q: You said the inventory was witnessed by Kag. Nelson Dela Cruz. Do you have any prove [*sic*] to show that indeed Dela Cruz was present at the time?
A: His signature, sir.

Q: How about Tobias, the reporter, do you have any prove [*sic*] to show that indeed, he was present also to witness the conduct of the inventory?
A: Yes, sir.

Q: What prove [*sic*] do you have?
A: His signature and his ID, sir.

Q: You mention [*sic*] of an ID of Jun Tobias. If shown to you said ID, will you be able to identify it?
A: Yes, sir.

Q: I'm showing to you an ID of [a] certain Jun Tobias, is this the ID that you are referring to, Mr. Witness?
A: Yes, sir.

FISCAL BADIOLA: May I pray, your Honor, that this ID identified to [*sic*] by the witness be marked in evidence for the prosecution as Exhibit "D-1," your Honor.

COURT: Mark it.[21]

x x x x

Q: Now, Mr. Witness, when you arrived at the police station, was this Kagawad already present?
A: Our team leader called the kagawad, sir.

Q: Do you know where did this kagawad comes from?
A: No.

Q: How long did you have to wait for him to arrived [*sic*]?
A: Around 15 minutes.

Q: And during that [*sic*] 15 minutes, what were you doing?
A: We were just in the station, sir.

Q: Did the kagawad witnessed [*sic*] the actual inventory?
A: Yes, sir.

Q: Was there [a] picture depicting the kagawad actually witnessing the inventory?
A: None.

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21 TSN, October 3, 2017, pp. 11-12.

> Q: So, aside from the signature, Mr. Witness, what other proof [is there] that the kagawad actually witnessed the inventory?
> A: *Siya po.*
>
> COURT: *Ano daw ebidensiya mo na nakita niya yung imbentaryo?*
>
> WITNESS: Signature *lang po.*
>
> ATTY. SESE: That is all, your Honor, for the cross.[22]

In their defense, all accused-appellants took to the witness stand. Accused-appellant Flores narrated that police officers in civilian attire suddenly barged into his house on the night of December 12, 2016 and were actually searching for a certain "Jun Pugad."[23] He averred that the said police officers had beaten him and brought him directly to the police station thereafter.[24] Accused-appellants Harrold Francisco *y* Gabat and Truelen, for their part, also testified that they were arrested by armed police officers in civilian attire who were looking for a certain "Jun Pugad." Crucially, accused-appellants Flores and Truelen averred that they were subjected to drug tests and that they spent some time in a different police precinct ***before*** they were brought back to QCPD Station 4.[25] After their testimonies, the case was deemed submitted for decision subject to the submission of the parties' respective trial memoranda.[26]

Ruling of the Regional Trial Court

In its Joint Decision dated January 19, 2018, the RTC-Quezon City convicted all accused-appellants as follows:

> DISPOSITIVE PORTION
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> 1. WHEREFORE, Above premises considered [*sic*], Accused GERALD FLORES y Alagdon, HARROLD FRANCISCO y Gabat and LOUIE TRUELEN y Grezola are FOUND GUILTY BEYOND REASONABLE DOUBT in [C]riminal [C]ase no. R-QZN-16-14780-CR, for selling and trading without authority of law, [0].10 gram of methamphetamine hydrochloride. They are hereby sentenced to suffer lifetime imprisonment, and to pay the FINE of Five Hundred Thousand Pesos (P500,000.00) each;
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> 2. Accused LOUIE TRUELEN y Grezola is FOUND GUILTY BEYOND REASONABLE DOUBT for violation of Section 13, Republic Act 9165, in [C]riminal [C]ase no. R-QZN-16-14784-CR, for possession and having in his control and custody [0].05 gram[s] of methamphetamine

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22 Id. at 22-23.
23 TSN, January 12, 2018, p. 18.
24 Id. at 19.
25 Id. at 20 and 49-50.
26 Id. at 57.

hydrochloride in the proximate company of at least two persons. He is hereby sentenced to suffer imprisonment for twenty (20) years, and to pay the FINE of Four Hundred Thousand Pesos (P400,000.00);

The Branch Clerk of Court is directed to immediately turn over to the Chief of [the] PDEA Crime Laboratory, the subject drugs to be disposed of in strict conformity with the provisions of R.A. 9165 and its implementing rules and regulations in the matter.

Issue mittimus.

SO ORDERED.[27]

In fine, the trial court reasoned that there was a legitimate buy-bust operation and the same was not affected by the fact that there was no preparatory coordination with PDEA. Additionally, the RTC-Quezon City simply noted that the police officers' actions enjoyed the presumption of regularity absent any showing of ill motive or intent on the part of the police officers to illegally incriminate accused-appellants. The trial court also noted that the police officers' testimonies were made categorically and positively, and that the prosecution's presentation of the Chain of Custody Form shows that the police officers took pains in assuring the integrity of the confiscated items. Finally, the mere unsubstantiated denials of accused-appellants cannot overcome the prosecution's evidence.

Accused-appellants accordingly interposed their Notice of Appeal.[28]

Ruling of the Court of Appeals

In its Decision dated December 22, 2020, the CA ruled as follows:

ACCORDINGLY, we MODIFY the Joint Decision dated 19 January 2018 of the Regional Trial Court, Branch 77, Quezon City, as follows:

1.) [I]n Criminal Case No. R-QZN-16-14780-CR, we find the appellant Gerald Flores y Alagdon a.k.a. "Gerald," the appellant Harrold Francisco y Gabat a.k.a. "Punonoy," and the appellant Louie Truelen y Grezola a.k.a. "Louie," GUILTY beyond reasonable doubt of Illegal Sale of Dangerous Drugs, and sentence them to life imprisonment, and to pay the fine of P500,000.00; and

2.) [I]n Criminal Case No. R-QZN-16-14784-CR, we find the appellant Loeuie Truelen y Grezola a.k.a. "Louie," GUILTY beyond reasonable doubt of Illegal Possession of Dangerous Drugs In The Company

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27 *Rollo*, pp. 36-37.
28 Records (Volume 3), p. 64.

of At Least Two Persons [*sic*], and sentence him to life imprisonment, and to pay the fine of P500,000.00.

SO ORDERED.[29]

The appellate court basically reasoned that the prosecution below had been able to prove all the elements of the crimes charged, as well as all four links of the chain of custody. The CA categorically stated that "[i]t is clear that there was no significant gap in the chain of custody of the contraband," and that the testimonies of the prosecution's witnesses "all proved that the police preserved the integrity and evidentiary value of the confiscated illegal substance[s]."[30]

Hence, the instant Notice of Appeal.

Further Preliminaries

At this stage, the Court must note for the record the Letter[31] dated March 22, 2023 of Corrections Chief Inspector Josemari D. Alambro, Acting Superintendent of the New Bilibid Prison, which informs of the death of accused-appellant Truelen on June 17, 2021 while in detention. The accompanying Certificate of Death[32] and Notice of Death[33] were also attached to the record. As such, and in accordance with Article 89, paragraph 1 of Act No. 3815, otherwise known as the "Revised Penal Code," the criminal liability of accused-appellant Truelen has thus been totally extinguished. Accordingly, his conviction in Criminal Case No. R-QZN-16-14784-CR must be set aside, and the said case must be dismissed, closed, and terminated.

The Court also notes the Manifestation and Motion[34] of the Office of the Solicitor General filed on behalf of plaintiff-appellee, which respectfully prays that plaintiff-appellee be excused from filing a supplemental brief due to the exhaustive and judicious ruling of the appellate court. The Court also notes as well the Manifestation[35] of the Public Attorney's Office on behalf of accused-appellants, which informs of their decision not to file their supplemental brief in order to avoid repetition of the issues and arguments.

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29 *Rollo*, pp. 24-25.
30 Id. at 23.
31 Id. at 50.
32 Id. at 52.
33 Id. at 53.
34 Id. at 40-42.
35 Id. at 54-56.

Issue before the Court

The sole issue for the Court's consideration is whether the present appeal *vis-à-vis* the remaining accused-appellants should be granted after a careful review of both evidence on record and the rulings of the trial and appellate courts.

Ruling of the Court

The Court grants the present appeal, and accordingly, the remaining accused-appellants are acquitted.

The Court must first discuss the applicability of the presumption of regularity *vis-à-vis* the performance of the police officers' duties in the conduct of the buy-bust operation and the marking and inventory of the confiscated evidence. It is apparent from the trial court's Joint Decision that it cited very outdated jurisprudence relative to the applicability of the said presumption to drug cases.[36] These have been overtaken by more recent rulings such as, and especially, *People v. Ordiz*.[37] In the said case the Court categorically stated that the presumption of regularity in the conduct of law enforcement duties and functions could not overcome the constitutional presumption of innocence, *viz.*:

> In convicting accused-appellant Ordiz, both the RTC and CA relied so much on the presumption of regularity and the weak defense offered by accused-appellant Ordiz. It is well to point out that while the RTC and the CA were correct in stating that denial is an inherently weak defense, it grievously erred in using the same principle to convict accused-appellant Ordiz. Simply put, **the presumption of regularity in the conduct of police officers cannot trump the constitutional right to be presumed innocent until proven guilty.**
>
> Both courts overlooked the long-standing legal tenet that the starting point of every criminal prosecution is that *the accused has the constitutional right to be presumed innocent.* And this presumption of innocence is overturned only when the prosecution has discharged its burden of proof in criminal cases: and has proven the guilt of the accused beyond reasonable doubt, by proving each and every element of the crime charged in the information, to warrant a finding of guilt for that crime or for any other crime necessarily included therein. Differently stated, there must exist no reasonable doubt as to the existence of each and every element of the crime to sustain a conviction.
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> It is worth emphasizing that ***this burden of proof never shifts***. Indeed, the accused need not present a single piece of evidence in his defense if the State has not discharged its *onus*. The accused can simply rely on his right to

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[36] Id. at 30-31. *People v. Unisa*, 674 Phil. 89 (2011); *People v. De Guzman*, 299 Phil. 849 (1994).
[37] 862 Phil. 614 (2019).

be presumed innocent. In this connection, the prosecution therefore, in cases involving dangerous drugs, **always** has the burden of establishing the elements of the crime, as well as compliance with the procedure outlined in Section 21 of RA 9165. x x x

x x x x

The Court stresses that the presumption of regularity in the performance of duty cannot overcome the stronger presumption of innocence in favor of the accused. Otherwise, a mere rule of evidence will defeat the constitutionally enshrined right to be presumed innocent. xxx

x x x x

Premises considered, owing to the prosecution's miserable failure in establishing beyond reasonable doubt the elements of the crime of illegal sale of dangerous drugs, coupled with the blatant non-observance of the chain of custody rule due to the non-establishment of the key links of the chain of custody, as well as the wholesale violation of Section 21 of RA 9165 on the part of the PNP, *the Court acquits accused-appellant Ordiz of the crime charged.*

The Court is aware that, in several instances, law enforcers resort to the practice of planting evidence to extract information or even to harass civilians. In light of this grim reality, the Court finds highly reprehensible the police authorities' complete and utter disregard of the mandatory requirements under RA 9165 that ensure the integrity and reliability of buy-bust operations. Equally reprehensible is the RTC's and CA's attitude of obliviousness over the PNP's clear and palpable failure to establish accused-appellant Ordiz's guilt beyond reasonable doubt. For the guidance of the Bar, the Bench, and the public, the instant case is an ***exemplar of ineptitude and careless abandon*** on the part of the PNP, the prosecution, the trial court, and the appellate court in upholding the basic constitutional right of presumption of innocence. The clear and manifest negligence exhibited in convicting accused-appellant Ordiz has led to the unjust incarceration of an innocent person for almost ***15 years***. No decision overturning the conviction of accused-appellant Ordiz can fully rectify this grave injustice.

Therefore, the Court *sternly* reminds the trial and appellate courts to exercise extra vigilance in trying drug cases and *directs the PNP to conduct an investigation on this incident and other similar cases*, lest innocent persons, most of whom come from the marginalized sectors of society, be made to unjustly suffer the unusually severe penalties for drug offenses.[38] (Emphases, italics, and underscoring in the original; citations omitted)

The Court put heavy emphases on the constitutional importance and primacy of the presumption of innocence by stating the following as a final note, *viz.*:

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[38] Id. at 634-636.

> The Court believes that the menace of illegal drugs must be curtailed with resoluteness and determination. Our Constitution declares that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. Nevertheless, the authorities' perpetration of violations of the constitutional rights of due process and the presumption of innocence in the name of peace and order cannot be accepted.
>
> By sacrificing the sacred and indelible rights to due process and presumption of innocence for the sheer sake of convenience and expediency, the very maintenance of peace and order sought after is rendered wholly nugatory. By thrashing basic constitutional rights as a means to curtail the proliferation of illegal drugs, instead of protecting the general welfare, oppositely, the general welfare is viciously assaulted. This cannot be so in our constitutional order.[39]

It is thus the Court's duty in appeals such as this to determine whether the police officers in turn followed their duties, especially with regard to the rules on chain of custody as defined by the strictures of extant jurisprudence that operationalize the provisions of law.

In particular, Section 21, paragraph 1 of R.A. No. 9165, as amended by Section 1 of R.A. No. 10640, mandates the following:

> (1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/ paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, ***conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof***: *Provided*, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: *Provided, finally*, That noncompliance of [*sic*] these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items. (Emphases, italics, and underscore supplied)

The Court has recently elaborated on the operationalization of this critical provision in *People v. Tomawis*,[40] *viz.*:

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39 Id. at 638.

40 830 Phil. 385 (2018).

> Section 21 plainly requires the apprehending team to conduct a physical inventory of the seized items and the photographing of the same **immediately after seizure and confiscation**. In addition, the inventory must be done **in the presence of the accused, his counsel, or representative, a representative of the DOJ, the media, and an elected public official**, who shall be required to sign the copies of the inventory and be given a copy thereof.
>
> The phrase "immediately after seizure and confiscation" means that the physical inventory and photographing of the drugs were intended by the law to be made immediately after, or at the place of apprehension. And only if this is not practicable, the IRR allows that the inventory and photographing could be done as soon as the buy-bust team reaches the nearest police station or the nearest office of the apprehending officer/team. By the same token, however, this also means that the three required witnesses should already be physically present at the time of apprehension—a requirement that can easily be complied with by the buy-bust team considering that the buy-bust operation is, by nature, a planned activity. Simply put, the buy-bust team has enough time and opportunity to bring with them said witnesses.
>
> The buy-bust team in this case utterly failed to comply with these requirements. To start, the conduct of the inventory in this case was not conducted immediately at the place of arrest but at the barangay hall of Pinyahan, Quezon City. as explained by the buy-bust team of the PDEA, IO1 Alejandro and IO1 Lacap, they could not conduct the inventory at Starmall, Alabang, because a commotion ensued as bystanders in the food court tried to assist Tomawis who shouted for help. Evidently, this happened because the buy-bust operation was conducted in a shopping mall.
>
> While the IRR allows alternative places for the conduct of the inventory and photographing of the seized drugs, the requirement of having the three required witnesses to be physically present at the time or near the place of apprehension, is not dispensed with. The reason is simple, it is at the time of arrest—or at the time of the drugs' "seizure and confiscation"—that the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would insulate against the police practice of planting evidence.[41] (Emphases in the original)

In the same case, the Court also elaborated on the reasons behind the law's strict requirement of the presence of the mandatory "insulating" witnesses, *viz.*:

> The presence of the witnesses from the DOJ, media, and from public elective office is necessary to protect against the possibility of planting, contamination, or loss of the seized drug. Using the language of the Court in *People v. Mendoza*, without the ***insulating presence*** of the representative from the media or the DOJ and any elected public official during the seizure and marking of the drugs, the evils of switching, "planting" or contamination of the evidence that had tainted the buy-busts conducted under the regime of RA 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to

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41 Id. at 404-405.

> negate the integrity and credibility of the seizure and confiscation of the subject sachet that was evidence of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused.
>
> The presence of the three witnesses must be secured not only during the inventory but more importantly **at the time of the warrantless arrest**.
>
> It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able to testify that the buy-bust operation and inventory of the seized drugs were done in their presence in accordance with Section 21 of RA 9165.
>
> The practice of police operatives of not bringing to the intended place of arrest the three witnesses, when they could easily do so—and "calling them in" to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished—does not achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs.
>
> To restate, the presence of the three witnesses at the time of seizure and confiscation of the drugs must be secured and complied with at the time of the warrantless arrest; such that they are required to be at or near the intended place of the arrest so that they can be ready to witness the inventory and photographing of the seized and confiscated drugs "immediately after seizure and confiscation."[42] (Emphases, italics, and underscoring in the original)

More recently, the Court's latest landmark pronouncement in *Nisperos v. People*[43] (*Nisperos*) clarified that the mandatory insulating witnesses "are not required to witness the arrest and the seizure or confiscation of the drugs or drug paraphernalia. They need only be readily available to witness the immediately ensuing inventory."[44] The Court therein also issued the following guidelines for strict compliance with, and adherence to, Section 21 of R.A. No. 9165, as amended, by law enforcement officers and personnel, *viz.*:

> In order to guide the bench, the bar, and the public, particularly our law enforcement officers, the Court hereby adopts the following guidelines:
>
> 1. The marking of the seized dangerous drugs must be done:
>
> a. Immediately *upon* confiscation;
>
> b. At the place of confiscation; and

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[42] Id. at 408-409.

[43] G.R. No. 250927, November 29, 2022.

[44] Id.

> c. In the presence of the offender (unless the offender eluded the arrest);
>
> 2. The conduct of inventory and taking of photographs of the seized dangerous drugs must be done:
>
> a. Immediately *after* seizure and confiscation;
>
> b. 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; and
>
> c. Also in the presence of the insulating witnesses, as follows:
>
> i. if the seizure occurred during the effectivity of R.A. No. 9165, or from July 4, 2002 until August 6, 2014, the presence of three (3) witnesses, namely, an elected public official; a Department of Justice (DOJ) representative; *and* a media representative;
>
> ii. if the seizure occurred after the effectivity of R.A. No. 10640, or from August 7, 2014 onward, the presence of two (2) witnesses, namely, an elected public official; and a National Prosecution Service representative *or* a media representative.
>
> 3. In case of any deviation from the foregoing, the prosecution must positively acknowledge the same and prove (1) justifiable ground/s for non-compliance and (2) the proper preservation of the integrity and evidentiary value of the seized item/s.[45] (Italics in the original)

Going now to the application of the foregoing guidelines and jurisprudential precedents to the instant appeal, the Court immediately notes that both the trial and appellate courts seem to have overlooked some critical inconsistencies in the prosecution's evidence which, had they been able to spot early on, would have immediately cast reasonable doubt on the prosecution's case against accused-appellants.

The most glaring inconsistency here is the fact that the Joint Affidavit of Apprehension categorically states the start of the buy-bust operation at 9:00 p.m. of the night in question,[46] in contrast to the time indicated on the Inventory of Seized/Confiscated Item/Property Form, which is also 9:00 p.m.[47] This alone already casts doubt as to the prosecution's version of events. Although one may make an educated guess as to when the said inventory form was accomplished by simply checking the Chain of Custody Form[48] and the Investigator's Affidavit[49] – which would indicate 9:40 PM as the time when the confiscated

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45 Id.

46 Records (Volume 1), p. 6. See also records (Volume 2), p. 6.

47 Id. at 20. See also records (Volume 2), p. 20.

48 Id. at 19. See also records (Volume 2), p. 19.

49 Id. at 9. See also records (Volume 2), p. 9.

items were turned over by the arresting officers to the assigned investigator (*i.e.*, PO1 Ang) – this critical discrepancy was still not explained by the prosecution at all.

The doubt as to what time the inventory of the confiscated items was actually conducted is all the more exacerbated by another critical lacuna that seems to have escaped both the trial and appellate courts: proof of the presence of the insulating witnesses during the inventory itself. The Court immediately notes that the signature of Tobias, the senior reporter for *Hirit/Saksi*, on the inventory form does not match at all the signature as indicated on his identification card.[50] More crucially, there is nothing attached to the record that attests to both the identity and credentials of the supposed *barangay kagawad*, *i.e.*, Dela Cruz. This is despite the trial court's insistent questioning during trial regarding the identification card of the media representative, *i.e.*, Tobias, which was duly marked and presented as evidence by the prosecution.[51] This is also besides the fact that the record indicates undoubtedly that both witnesses took at least 15 minutes to arrive at Novaliches Police Station 4 after the police officers contacted them and requested their presence for the required inventory.

Thus, the doubt cast over the case is ironically clear: there is troubling uncertainty with regard to the time of the actual conduct of the inventory, and the presence of the mandatory insulating witnesses is also put into question due to the deficiencies in the inventory form itself. Moreover, it is evident from the admissions under oath of the police officers that the insulating witnesses were not readily available for performance of their statutory functions, since it took them a significant amount of time – and 15 minutes or more is no small amount of time when it comes to law enforcement operations – to arrive at the police station. These all shatter the presumption of regularity here of the performance of the police officers' duties with respect to the first link in the chain of custody, and they essentially put the prosecution's case on an untenable evidentiary foundation.

Anent the specific issue of the deficiencies in the inventory form – which the Court is forced to discuss due to the focus of the trial court on the same but which the trial court also failed to discuss in detail in its Joint Decision – the Court notes that Section 21, paragraph 1 of R.A. No. 9165, as amended by R.A. No. 10640 and standing jurisprudence simply require the presence of the mandatory insulating witnesses during the inventory of the confiscated items, and their signatures on the said inventory form. These are the substantive requirements of the law, which cannot be done away with, save for a subsequent amendment to Section 21 of R.A. No. 9165 by the legislature. However, to necessarily comply with these substantive requirements, proof of

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[50] Id. at 21. See also records (Volume 2), p. 21.

[51] Id. at 17-18.

the same in accordance with standing procedural precepts is necessary. This simply means that there needs to be proof of the mandatory insulating witnesses' identity and credentials that comply with the extant rules on evidence – a requirement plain and simple enough.

However, this is admittedly a hidden aspect of Section 21 that has regrettably been taken for granted by trial courts, the CA, and even by this Court over the years. Also, this is because evidentiary issues regarding the identities and credentials of mandatory insulating witnesses have not reached the Court for adjudication – until now. It must be emphasized that it is the trial court's own questions during trial below which have forced the issue wide and open in this appeal. For the trial court here to have elicited responses from the police officers that point to the lack of proof of the presence, identities, and credentials of the insulating witnesses – only to simply make a *pro forma* declaration that the rules on the chain of custody were fully complied with – is sheer error on its part. The trial court was obligated to fully discuss how it weighed the evidence or lack thereof, even if not timely raised or pointed out by the defense.

It may be raised, however, as a counter-point to the lack of proof of identities and credentials of the mandatory insulating witnesses that there exists a disputable presumption under Rule 131, Section 3, paragraph (l) of the 2019 2019 Revised Rules on Evidence "[t]hat a person acting in a public office was regularly appointed or elected to it." This is all the more critical with regard to the elected public official and the National Prosecution Service representative. Former Chief Justice Diosdado M. Peralta and incumbent CA Associate Justice Eduardo B. Peralta, Jr., in their recent seminal treatise on the 2019 Revised Rules on Evidence, stated thus:

> In Section 3(l), even in the absence of a written appointment to a public office, a strong presumption that a public officer, including a person acting in an official capacity, had been duly elected or appointed and is equipped with the requisite qualification. The reason of the presumption is that it would cause great inconvenience if, in the first instance, strict proof were required of appointment or election to office in all cases where it might be only collaterally in issue and it imposes no hardship, in most cases, to indulge the presumption that one assuming to be a public officer is not an intruder and violator of the law.[52]

However, the 2019 Revised Rules on Evidence has a new provision that deals specifically with presumptions in criminal cases. Rule 131, Section 6 states that "[i]f a presumed fact that establishes guilt, is an element of the offense charged, or negates a defense, the existence of the basic fact must be

[52] Diosdado Peralta and Eduardo Peralta, Jr., INSIGHTS ON EVIDENCE (2020 ed.), p. 666.

proved beyond reasonable doubt and the presumed fact follows from the basic fact beyond reasonable doubt."

Applying the same to the present appeal due to its favorability to herein Accused-Appellants, the Court is thus reminded of its ruling in *Mabunga v. People*,[53] whereby it elucidated the following paragraphs on presumptions in criminal cases:

> A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. It is an "inference as to the existence of a fact not actually known, arising from its usual connection with another which is known, or a conjecture based on past experience as to what course of human affairs ordinarily take."
>
> A presumption has the effect of shifting the burden of proof to the party who would be disadvantaged by a finding of the presumed fact. The presumption controls decision on the presumed fact unless there is counterproof that the presumed fact is not so.
>
> **In criminal cases, however, presumptions should be taken with caution especially in light of serious concerns that they might water down the requirement of proof beyond reasonable doubt. As special considerations must be given to the rights of the accused to be presumed innocent, there should be limits to the use of presumptions against an accused.**[54] (Emphasis supplied)

To see how this applies to the present appeal may take some effort, but it is nonetheless required due to the prime considerations given to the rights of the accused in any criminal case. The presumed fact of the status of Dela Cruz as a duly elected *barangay kagawad* is actually an element of the offenses charged, since compliance with Section 21 of R.A. No. 9165, as amended by R.A. No. 10640, is necessarily deemed included as an element in any relevant prosecution under R.A. No. 9165, as amended. ***As such, it was thus incumbent upon the prosecution to prove the identities and credentials of the mandatory insulating witnesses, along with their presence at the inventory of the confiscated items.*** The presumed fact of Dela Cruz's status as a duly elected *barangay kagawad* could only thus have been affirmed at trial below by proving the basic fact that he was indeed acting as a *barangay kagawad* in the circumstances that the law requires. Moreover, proving this basic fact should have been a simple affair: that of simply presenting documents that would have confirmed the identity of Dela Cruz, and the credentials of Dela Cruz as a duly elected *barangay kagawad*. It is thus telling that an exhaustive scrutiny of the record could not even reveal in which *barangay* in Quezon City Dela Cruz serves as a *kagawad*. Thus, the failure to prove the basic fact of Dela Cruz's

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[53] 473 Phil. 555 (2004).

[54] Id.

supposed participation in witnessing the inventory of the confiscated items amounts to a failure to prove the ultimate fact of the identity of the *corpus delicti* here.

Verily, the lack of proof here as to the identity and credentials of the supposed *barangay kagawad*, coupled with the glaring discrepancy between the signature of the media representative on the inventory form and that on the media representative's presented identification card, and along with the admission of the police officers that no other proof of the said mandatory insulating witnesses' presence during the inventory is present in the record aside from their supposed signatures on the inventory form, all paint a murky picture of reasonable doubt in the first link of the chain of custody. Combining this with the unexplained fact that the said insulating witnesses took at least a quarter of an hour to arrive at the police station for the witnessing of the inventory – which meant that they were not readily available to perform their functions as prescribed in *Nisperos* – the first link in the chain of custody was never forged to begin with. Even if the Court here finds that the second, third, and fourth chains here were accomplished in accordance with the strictures of statutory provision and extant jurisprudence, the said compliance would be all for naught due to the reasonable doubt surrounding the *corpus delicti* from the outset. Verily and to reiterate, without the first link, there is no chain of custody to speak of.

To rule otherwise, *i.e.*, to sustain the presumption that Dela Cruz was indeed a *barangay kagawad* when he signed the inventory form, would be unduly burdensome upon the rights of accused-appellants. With the facts indicating that the buy-bust operation lacked sufficient planning and proper post-operation procedures, it would thus be unfair to affirm their convictions when it is clear that, through no fault of their own, the strictures that accompany every operational aspect of the buy-bust operation that led to their arrest were lackadaisically and unmethodically left by the wayside by the police officers here. Due to the lack of conformity with the relevant rules on evidence that relate to criminal prosecutions as noted above, *i.e.*, the failure to prove the basic fact of at least one mandatory insulating witness having acted as an elected public official by witnessing the inventory and signing the inventory form in his official capacity, the prosecution thus failed to prove the key element of compliance with Section 21, paragraph 1 of R.A. No. 9165 (as amended by R.A. No. 10640, which is again deemed included as an element of any relevant offense under the said statute.

This is likely the first time that the Court has tackled the identities and credentials of the two mandatory insulating witnesses as critical evidentiary issues in drug convictions, but it will not be the last. ***As can be gathered and inferred from the discussions above, there indeed exists a serious danger for law enforcement officers and personnel to feign compliance with Section 21,***

paragraph 1 of R.A. No. 9165, as amended by R.A. No. 10640, by simply pulling any Tom, Dick, or Harry off from the street and coercing said person to sign the inventory form without further need to adduce proof of identity or credentials. Worse yet, law enforcement officers and personnel may even supply the names and signatures themselves and pass off the doctored inventory form as legitimate enough to be attached to the indictment along with other supporting documents. This disturbing gap in the operationalization of both statutory provision and extant jurisprudence is at least settled for now in accordance with the 2019 Revised Rules on Evidence, and this Decision's reasoning should provide the needed guidance for the bench, the bar, and the public-at-large.

Thus, to reiterate, the convictions of accused-appellants here must be reversed and vacated due to the reasonable doubt created by the uncertainty as to the actual time of the conduct of the inventory, the unexplained and significant tardiness of the supposed insulating witnesses, and the magnified uncertainty of their actual participation *vis-à-vis* the preparation of the inventory form. The belated (and erroneously presumed) presence, identities, and credentials of the mandatory insulating witnesses here are more than enough to put the identification of the *corpus delicti* here in serious incertitude, and the prosecution and the police officers here cannot fall back and hide behind the inapplicable presumption of regularity in the performance of duties under Section 21, paragraph 1 of R.A. No. 9165, as amended by R.A. No. 10640. ***Due to these circumstances, it is as if there were no mandatory insulating witnesses at all***. As the Court discussed in *People v. Mendoza*,[55] the importance of the presence of the mandatory witnesses goes into the very credibility of the seized or confiscated items, *viz.*:

> The consequences of the failure of the arresting lawmen 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**.[56] (Emphases and underscoring supplied)

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55 736 Phil. 749 (2014).

56 Id. at 764. See also *Tolentino v. People*, 870 Phil. 706 (2020).

In *Luna v. People*,[57] the Court again emphasized adherence to the strictures of law and jurisprudence, *viz.*:

> This must be so because the possibility of abuse is great, given the very nature of anti-narcotics operations, the need for entrapment procedures, the use of shady characters as informants, the ease with which sticks of marijuana or grams of heroin can be planted in pockets of or hands of unsuspecting provincial hicks, and the secrecy that inevitably shrouds all drug deals.[58]

And crucially, in *People v. Somira*,[59] the Court noted that the allowable non-compliance with the strictures of law and jurisprudence needs both sufficient justification and the preserved integrity and evidentiary value of the confiscated items, *viz.*:

> While non-compliance with the prescribed procedural requirements will not automatically render the seizure and custody of the items void and invalid, this is true only when "(i) there is a justifiable ground for such non-compliance, and (ii) the integrity and evidentiary value of the seized items are properly preserved." Thus, any divergence from the prescribed procedure must be justified and should not affect the integrity and evidentiary value of the confiscated contraband. Absent any of the said conditions, the non-compliance is an irregularity, a red flag, that casts reasonable doubt on the identity of the *corpus delicti*.[60]

With no justifications whatsoever offered by the police officers and the prosecution as to why the inventory form was *prima facie* accomplished at around the same time the buy-bust operation was only about to commence, or as to why the supposed insulating witnesses were late for their witnessing of the inventory, or even why the identities and credentials of the persons who appeared and presented themselves as the mandatory insulating witnesses were not subject to a simple screening process (*i.e.*, the simple production of any valid identification documents), the first link in the chain of custody was, as already explained, never forged to begin with. **Thus, there can be no identity or evidentiary value of the confiscated items to speak of, since these are already doubtful *ab initio*.**

Truly, one can already surmise and sense the danger to unsuspecting individuals arrested on drug charges, hauled into police precincts or stations, and made to wait for a significant amount of time for the arrival of the mandatory insulating witnesses. A mandatory insulating witness that arrived late would not be able to confirm at all if the confiscated items being

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[57] G.R. No. 231902, June 30, 2021.

[58] Id.

[59] G.R. No. 252152, June 23, 2021.

[60] Id.

inventoried before him were the same confiscated items that were brought into the precinct or station along with the detained suspect. Greater still is the danger of law enforcement officers and personnel simply putting on paper that the said mandatory insulating witnesses indeed arrived and witnessed the inventory, but without any attached documents confirming their identities, credentials, or even their actual physical presence. The latter danger is somewhat made plain and clear here, since it must be reiterated that the signature of the media representative on the inventory form is substantially different from the signature on the said media representative's identification card, and that the inventory form does not even indicate from which *barangay* the *kagawad* hails from.

On a parting note, the Court must note that the total weight of the seized drugs here is only 0.3 gram. As emphasized in *People v. Holgado*,[61] "[l]aw enforcers should not trifle with the legal requirement to ensure integrity in the chain of custody of seized dangerous drugs and drug paraphernalia. This is especially true when only a miniscule amount of dangerous drugs is alleged to have been taken from the accused."[62] It is thus lamentable to note that along with the strictures of both law and jurisprudence, even the basic concepts of evidentiary rules were rendered less-than-faithful compliance and adherence here. Despite the understandable deluge of drug cases that occupy the judiciary's dockets and valuable time, this Court must yet again repeat its fundamental admonition to law enforcement agencies, prosecution offices, and especially trial and appellate courts that they assiduously apply all standing precedents and regulations relative to Section 21 of R.A. No. 9165, as amended.

While it remains the duty of this Court to be the arbiter of final scrutiny when it comes to such compliance (or lack thereof), everything begins at the scene of the crime and the place of apprehension, search, or seizure. The frontliners of the Philippine criminal justice system would do well to remember their important roles in the administration of our anti-drug laws, in order that they may see the value of their functions and duties in keeping our streets and communities safe from the menace of illegal substances, and that they may do their work in strict and faithful accordance with their mandates and their institutional principles. The integrity of their actions defines the integrity of the evidence, and where the former is in doubt, the latter undoubtedly suffers.

WHEREFORE, the instant appeal is hereby **GRANTED**. The Decision dated December 22, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 11650, as well as the Joint Decision of the Regional Trial Court of Quezon City, Branch 77 *vis-à-vis* Criminal Case No. R-QZN-16-14780-CR, are

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[61] 741 Phil. 78 (2014).

[62] Id. at 81. See also *People v. Lung Wai Tang*, 866 Phil. 815 (2019).

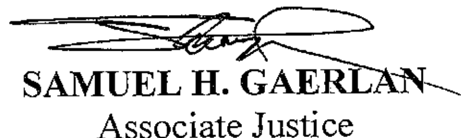
hereby **REVERSED** and **SET ASIDE**. For failure on the part of the prosecution to prove their guilt beyond reasonable doubt, remaining accused-appellants Gerald Flores *y* Alagdon and Harrold Francisco *y* Gabat a.k.a. "Punonoy" are hereby **ACQUITTED** of the crime charged. The charge against Louie Truelen *y* Grezola is hereby **DISMISSED** due to the total extinguishment of his criminal liability on account of his death whilst in custody, and the case *vis-à-vis* him is declared **CLOSED** and **TERMINATED**.

As for Criminal Case No. R-QZN-16-14784-CR, due to the supervening demise of accused-appellant Louie Truelen *y* Grezola, the Joint Decision of the Regional Trial Court of Quezon City, Branch 77 relative to the said case is hereby **SET ASIDE** and **DISMISSED**. The said case is also declared **CLOSED** and **TERMINATED**.

The Director General of the Bureau of Corrections is **DIRECTED**: (a) to cause the **IMMEDIATE RELEASE** of remaining accused-appellants Gerald Flores *y* Alagdon and Harrold Francisco *y* Gabat a.k.a. "Punonoy", unless they are being held for other lawful cause; and (b) to inform this Court of the date of their release, or the reasons for their continued confinement, as the case may be, within five (5) days from receipt of this Decision.

Let entry of judgment be issued immediately.

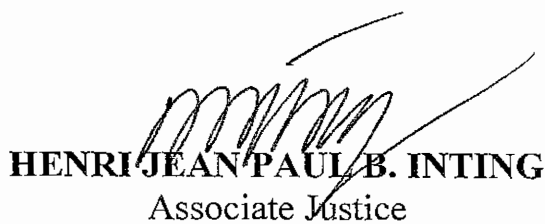
SO ORDERED.



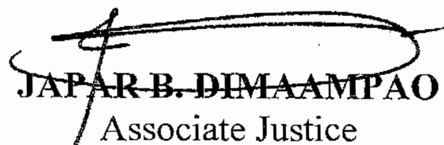
SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

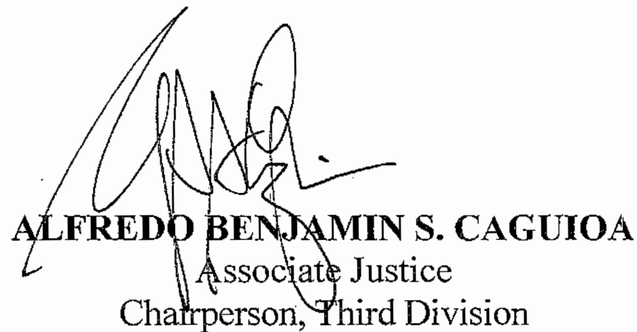


JAPAR B. DIMAAMPAO
Associate Justice

MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

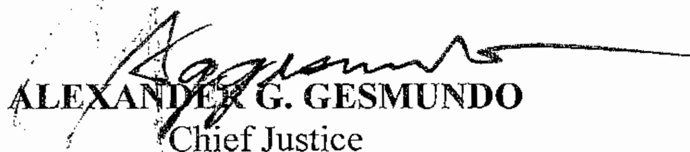
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
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.



ALEXANDER G. GESMUNDO
Chief Justice