

Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **December 10, 2019** which reads as follows:

**“G.R. No. 238398 (*People of the Philippines v. Samuel Pilot y Mapalo*).** - On appeal under Rule 122 of the Rules of Court is the assailed Court of Appeals Decision<sup>1</sup> dated November 6, 2017 in CA-G.R. CR-H.C. No. 08326, which affirmed *in toto* the Decision<sup>2</sup> dated April 14, 2016 of the Regional Trial Court (RTC) of Bangui, Ilocos Norte, Branch 19, finding accused-appellant Samuel Pilot y Mapalo (*the accused-appellant*) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

The facts are as follows:

An Information was filed against the accused-appellant with the RTC, which reads:

That at or about 11:10 o'clock in the evening of March 16, 2015 at Barangay San Lorenzo, [M]unicipality of Bangui, [P]rovince of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named [accused-appellant], did then and there willfully, unlawfully, knowingly and feloniously, sell one (1) small heat-sealed transparent plastic sachet containing 0.0406 gram of methamphetamine hydrochloride, commonly known as “shabu”, a dangerous drug, in the amount of Five Hundred Pesos (P500.00) to police poseur-buyer, [Police Officer (PO)]1 Edward S. Rabanal [PO1 Rabanal], a member of the PNP-Bangui, Ilocos Norte, without any authority or license from the appropriate government agency to do so.

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

- over – thirteen (13) pages ...

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<sup>1</sup> Penned by Associate Justice Marie Christine Azcarraga-Jacob, with Associate Justices Normandie B. Pizarro and Danton Q. Bueser, concurring; *rollo*, pp. 2-16.

<sup>2</sup> Penned by Presiding Judge Rosemarie V. Ramos; *CA rollo*, pp. 42-63.

<sup>3</sup> Records, pp. 1-2.

The RTC, considering that no bail was recommended, ordered the immediate turnover of the accused-appellant to the Provincial Jail in Laoag City. On arraignment, accused-appellant, with the assistance of the Public Attorney's Office, entered a plea of not guilty to the offense charged.

Trial on the merits ensued.

### *Version of the Prosecution*

The prosecution's version of the incident, as summarized by the Office of the Solicitor General (*OSG*), is as follows:

x x x x

4. On March 16, 2015, at about 9 o'clock in the evening, [PO1 Rabanal], together with the Chief of Police [Police Senior Inspector (PSI)] Frits Tabula [PSI Tabula], Deputy Chief of Police [Police Inspector (PI)] Crispin Simon, Jr. [PI Simon] and PO3 Floro Cosning [PO3 Cosning], was [*sic*] at the Bangui Police Station in Ilocos Norte when an informant came and informed PSI Tabula about the illegal drug activities of one Samuel Pilot (later identified as [accused-appellant] herein). After receiving the report, PSI Tabula instructed some of his men to assess and verify the report. Then a briefing was conducted for the purpose of conducting a buy-bust operation. A pre-operation plan was made and was logged at the police blotter.

5. PO1 Rabanal was designated [as] the poseur-buyer[,] while PO3 Cosning and PI Simon were designated as his back-up and arresting officers. PSI Tabula handed to PO1 Rabanal a P500 bill to be used as the marked money during the buy-bust operation. PO1 Rabanal then put the initials ESR below the jaw of the image of Benigno Aquino, Jr. which represented Edgar Sanchez Rabanal. Coordinations [*sic*] were likewise made with the Philippine Drug Enforcement Agency (PDEA) and they approved the buy-bust operation.

6. After the briefing, PO1 Rabanal, together with PI Simon and PO3 Cosning proceeded to Brgy. Abaca, Bangui[,] Ilocos [Norte] on board a sedan. Accompanying them inside the car was the confidential informant. On their way to Brgy. Abaca, the confidential informant received a call from appellant, telling him to proceed to Sitio Sentinela, Brgy. San Lorenzo, Bangui for their transaction. The confidential informant relayed the instructions to the police and the group drove towards Brgy. San Lorenzo.

7. When the police reached the place, PO1 Rabanal and the confidential informant waited for [accused-appellant] while the two (2) other officers parked the sedan in front of the Senior Citizens Office, which was about fifteen (15) meters away. After twenty (20) minutes of waiting, [accused-appellant] arrived on board a bicycle.

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8. PO1 Rabanal and their informant then approached appellant. [Accused-appellant] asked the informant for PO1 Rabanal's identity and the informant introduced PO1 Rabanal as his cousin, the one for whom he ordered. [Accused-appellant] asked PO1 Rabanal for the payment and the latter handed to the former a P500.00 bill. [Accused-appellant] took hold of the money and handed PO1 Rabanal a white plastic sachet with white crystalline substance. After receiving the sachet, PO1 Rabanal lit a cigarette as a signal that the transaction was consummated.

9. PO1 Rabanal immediately took hold of [accused-appellant] while waiting for his companions to arrive. After a few minutes, his companions introduced themselves as police officers. [Accused-appellant] resisted and tried to escape but he was handcuffed by PO3 Cosning. After which, [accused-appellant] was informed of his constitutional rights and was arrested. PI Simon searched [accused-appellant] and the marked money was recovered from him. A cellphone was likewise discovered in his possession.

10. Then, PO1 Rabanal marked the plastic sachet with the initials ER-SP. After which he conducted an inventory of the articles seized from [accused-appellant] in the presence of [accused-appellant], Brgy. Kagawad Mario Cascayan [Cascayan] and Brgy. [sic] Secretary Lualhati Guerrero, at the place where [accused-appellant] was arrested. Included among the articles listed in the inventory receipt were the small plastic sachet received by PO1 Rabanal, the marked money recovered from [accused-appellant] and one cellphone. Similarly, photos were taken of the articles seized and recovered from [accused-appellant].

11. After completing the inventory, the police went back to the Bangui Police Station and prepared several documents consisting of an Affidavit of Arrest for the purpose of filing a case against [accused-appellant] and a letter request for laboratory examination. During the entire time, PO1 Rabanal maintained possession and control of the plastic sachet. Considering that it was already almost midnight, PSI Tabula instructed PO1 Rabanal to deliver the articles seized and recovered from [accused-appellant] to the crime laboratory in the morning.

12. The following morning, PO1 Rabanal, together with [accused-appellant], PI Simon and PO3 Cosning, proceeded to the Ilocos Norte Provincial Crime Laboratory Office in Camp Valentin S. Juan and delivered the request for laboratory examination along with the plastic sachet with white crystalline substance recovered from [accused-appellant]. They submitted the letter request to PSI Amiely Ann Navarro [PSI Navarro], as shown by the entry in the logbook and the mark in the receiving copy.

13. PSI Navarro conducted an examination of the plastic sachet with white crystalline substance and she found it positive for

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the presence of methylamphetamine hydrochloride, a dangerous drug. Her findings were contained in Chemistry Report No. D-104-2015-IN.<sup>4</sup>

### *Version of the Defense*

In contrast, the accused-appellant presented a different version of the events prior to his arrest, to wit:

x x x At around 9:30 o'clock in the evening of 16 March 2015, [accused-appellant] SAMUEL PILOT was at Purol Sentinela, Barangay San Lorenzo, Bangui, Ilocos Norte, when Lea Claro (hereinafter "Claro") approached him and asked, "Friend, where have you been?", to which he replied that he had just come from a wake. She asked to purchase from him Five Hundred Pesos (₱500.00) worth of shabu, to which he said, "Sister, it is true that I am friendly but as to that matter where would I get it?" He then told her that he was leaving as it was already late and his wife was waiting for him. He then proceeded to his bicycle to go home. On his way home, Claro approached him again, accompanied by two (2) police officers, PO1 Cosning and PO Campañano. The police officers shoved a Five Hundred Peso (₱500.00) bill in his back pocket, but he parried. PO Campañano kicked his leg and forced him to kneel. After about five (5) minutes, a vehicle arrived and PO [Rabanal] alighted therefrom. Pilot ran but was chased by PO [Rabanal], who threatened to shoot if the former continued to run. He told PO [Rabanal], "Why sir what's my offense? I would want to be bodily search[ed] but please do not hurt me." He was then arrested and frisked. The police officers recovered from him only Seventy-Five Pesos (₱75.00), three (3) cigarette sticks, and a cellphone.<sup>5</sup>

### *The Ruling of the RTC*

On April 14, 2016, the RTC rendered its Decision finding the accused-appellant guilty beyond reasonable doubt of violating Section 5 of R.A. No. 9165.

Aggrieved, the accused-appellant elevated the case before the Court of Appeals. The accused-appellant maintained that the police officers grossly failed to comply with the requirements under Section 21 of R.A. No. 9165, stating that there was no representative of the National Prosecution Service (NPS) or media representative present to witness the inventory. In addition, he asserts that prosecution witness Barangay Kagawad Mario Cascayan's own testimony admits that the latter did not personally witness the inventory of the seized items, contrary to the police officers' claims.

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<sup>4</sup> CA rollo, pp. 72-75.

<sup>5</sup> Id. at 29-30.

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

In the assailed Decision<sup>6</sup> dated November 6, 2017, the Court of Appeals affirmed *in toto* the findings of the RTC. The Court of Appeals agreed with the RTC and held that the prosecution was able to establish the two (2) essential elements in the prosecution for illegal sale of shabu, namely: (1) the identity of the buyer and the seller, the object of the sale, and the consideration; and (2) the delivery of the thing sold and payment therefor.

The Court of Appeals, likewise, held that the accused-appellant's defense of denial and frame-up cannot overcome PO1 Rabanal's positive identification of the accused-appellant as the person he transacted with for the sale of shabu and the recovery of the marked five hundred peso buy-bust money in his possession.<sup>7</sup>

As regards the absence of a member of the NPS and a media representative, the Court of Appeals ruled that there was no reasonable opportunity for their presence. Their absence was held to be justified given the time when the information was received from the informant and the change of venue for the consummation of the transaction.<sup>8</sup> Moreover, the Court of Appeals held that "the inconsistencies in Cascayan's testimony were not fatal to the prosecution's case, as their witnesses were able to positively identify accused-appellant at the time of arrest."<sup>9</sup>

The accused-appellant filed his Notice of Appeal before the Court. Both the plaintiff-appellee People of the Philippines, represented by the OSG, and the accused-appellant manifested that they will no longer file their respective Supplemental Briefs for this case, and resolve to adopt their Briefs filed before the Court of Appeals.

### *The Issue*

The main issue advanced for the Court's resolution is whether the trial court gravely erred in finding the accused-appellant guilty of the crime charged despite the police officers' failure to physically inventory and photograph the drugs in the presence of a NPS or media representative, and Barangay Kagawad Cascayan, in accordance with Section 21 of R.A. No. 9165 and its implementing rules and regulations.

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<sup>6</sup> *Supra* note 1.

<sup>7</sup> *Rollo*, p. 12.

<sup>8</sup> *Id.* at 14.

<sup>9</sup> *Id.*

### *Our Ruling*

We find the appeal meritorious. The prosecution failed to prove the accused-appellant's guilt beyond reasonable doubt.

The accused-appellant maintains that the police officers failed to comply with the requirements of the chain of custody rule under Section 21 of R.A. No. 9165. The chain of custody rule is defined as –

the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.<sup>10</sup>

The accused-appellant states that the absence of a member of the NPS or a media representative, without proper justification on the part of the police officers, proves fatal to the prosecution's case against him. He, likewise, claims that both the trial court and the Court of Appeals gravely misappreciated *Barangay Kagawad* Cascayan's testimony, which belies the police officers' allegations. Section 21(1), Article II of R.A. No. 9165 states:

*Sec. 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**

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<sup>10</sup> *People v. Lim y Miranda*, G.R. No. 231989, September 4, 2018, citing *People v. Badilla*, 794 Phil. 263, 278 (2016); *People v. Arenas*, 791 Phil. 601, 610 (2016); and *Saraum v. People*, 779 Phil. 122, 132 (2016).

**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.]<sup>11</sup>**

R.A. No. 10640 was passed on July 15, 2014 to augment the above-quoted provision, amending Section 21(a) of the Implementing Rules and Regulations of R.A. No. 9165 to read as follows:

(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 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.<sup>12</sup>

It must be highlighted that the above requirement may only be excused in instances when the safety and security of the apprehending officers and the witnesses required by law or of the items seized are threatened by immediate or extreme danger such as retaliatory action of those who have the resources and capability to mount a counter-assault.<sup>13</sup>

It bears emphasis that no such justification for the police officer's non-compliance with the requirements was alleged nor proven in this case. Recent jurisprudence has expounded on the policy by consistently ruling that the prosecution must at least adduce a justifiable reason for non-observance of the rules or show a genuine and sufficient effort to secure the required witnesses, in accordance with the rules on evidence. The rules require that the apprehending officers do not simply mention a justifiable ground, but also **clearly**

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<sup>11</sup> Section 21 of R.A. No. 9165. (Emphasis supplied).

<sup>12</sup> Emphasis supplied.

<sup>13</sup> *People v. Romy Lim y Miranda*, G.R. No. 231989, September 4, 2018, citing *People v. Jaycent Mola y Salbosa a.k.a. "Otok"*, G.R. No. 226481, April 18, 2018.

state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized item. We reiterate that a stricter adherence to this rule is required especially when the quantity of the illegal drugs is miniscule since it is highly susceptible to planting, tampering, and alteration.<sup>14</sup>

Propitiously, the Court's discussion in *People v. Lim*<sup>15</sup> on the burden imposed upon the prosecution to justify non-compliance with the requirements under Section 21 of R.A. No. 9165, as amended, finds direct application to this case, thus:

Evident, however, is the absence of an elected public official and representatives of the DOJ and the media to witness the physical inventory and photograph of the seized items. In fact, their signatures do not appear in the Inventory Receipt.

The Court stressed in *People v. Vicente Sipin y De Castro*:

The prosecution bears the burden of proving a valid cause for non-compliance with the procedure laid down in Section 21 of R.A. No. 9165, as amended. It has the positive duty to demonstrate observance thereto in such a way that during the trial proceedings, it must initiate in acknowledging and justifying any perceived deviations from the requirements of law. Its failure to follow the mandated procedure must be adequately explained, and must be proven as a fact in accordance with the rules on evidence. It should take note that the rules require that the apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized items. Strict adherence to Section 21 is required where the quantity of illegal drugs seized is miniscule, since it is highly susceptible to planting, tampering or alteration of evidence.

It must be **alleged and proved** that the presence of the three witnesses to the physical inventory and photograph of the illegal drug seized was not obtained due to reason/s such as:

- (1) **their attendance was impossible because the place of arrest was a remote area;**
- (2) **their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf;**

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<sup>14</sup> *People v. Rodelina Malazo y Doria*, G.R No. 223713, January 7, 2019.

<sup>15</sup> *Supra* note 13.



- (3) **the elected official themselves were involved in the punishable acts sought to be apprehended;**
- (4) **earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or**
- (5) **time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.**

Earnest effort to secure the attendance of the necessary witnesses must be proven. *People v. Ramos* requires:

It is well to note that the absence of these required witnesses does not *per se* render the confiscated items inadmissible. However, a justifiable reason for such failure or a **showing of any genuine and sufficient effort to secure the required witnesses** under Section 21 of RA 9165 must be adduced. In *People v. Umipang*, the Court held that the prosecution must show that **earnest efforts** were employed in contacting the representatives enumerated under the law for "a sheer statement that representatives were unavailable without so much as an explanation on whether serious attempts were employed to look for other representatives, given the circumstances is to be regarded as a flimsy excuse." Verily, mere statements of unavailability, absent actual serious attempts to contact the required witnesses are unacceptable as justified grounds for noncompliance. These considerations arise from the fact that police officers are ordinarily given sufficient time — beginning from the moment they have received the information about the activities of the accused until the time of his arrest — to prepare for a buy-bust operation and consequently, make the necessary arrangements beforehand knowing full well that they would have to strictly comply with the set procedure prescribed in Section 21 of RA 9165. As such, police officers are compelled not only to state reasons for their non-compliance, but must in fact, also convince the Court that they exerted earnest efforts to comply with the mandated procedure, and that under the given circumstances, their actions were reasonable.<sup>16</sup>

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<sup>16</sup> Emphases supplied; citation omitted.

It must be pointed out that no such grave and immediate danger was present in this case as to jeopardize the safety of both the police officers and the required witnesses. Based on the version of the prosecution, there was no retaliation on the part of the accused-appellant, who merely attempted to escape without posing any grave or immediate danger to the police officers, to wit:

x x x PO1 Rabanal immediately took hold of [accused-appellant] while waiting for his companions to arrive. After a few minutes, his companions introduced themselves as police officers. [Accused-appellant] resisted and tried to escape but he was handcuffed by PO3 Cosning. After which, [accused-appellant] was informed of his constitutional rights and was arrested. PI Simon searched [accused-appellant] and the marked money was recovered from him. A cellphone was likewise discovered in his possession.<sup>17</sup>

Furthermore, as admitted by the prosecution's witnesses themselves, a member of the NPS or a media representative was noticeably absent during the physical inventory and photograph of the seized items, viz.:

x x x Then, PO1 Rabanal marked the plastic sachet with the initials ER-SP. After which **he conducted an inventory of the articles seized from [accused-appellant] in the presence of appellant, Brgy. Kagawad Mario Cascayan and Brgy. [sic] Secretary Lualhati Guerrero, at the place where [accused-appellant] was arrested.** Included among the articles listed in the inventory receipt were the small plastic sachet received by PO1 Rabanal, the marked money recovered from [accused-appellant] and one cellphone. Similarly, photos were taken of the articles seized and recovered from appellant.<sup>18</sup>

Additionally, prosecution witness *Barangay Kagawad Cascayan's* contradicting claims in his testimony cannot be ignored. Contrary to the police officers' above-quoted narration of facts, Cascayan claimed that he did not personally witness when the marked five-hundred-peso bill was recovered from the person of the accused-appellant, thus:

"Q Mr. witness, you were present at the time of the arrest of the [accused-appellant]?"

A Yes, ma'am,

Q Meaning to say, when he was being handcuffed and body frisked you were already present then?

A \* Only when he was bodily frisked, ma'am. I did not see the handcuffing [sic] he was already handcuffed when I arrived, ma'am.

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<sup>17</sup> CA rollo, p. 74.

<sup>18</sup> Id. (Emphasis supplied; citation omitted).

Q You mentioned that you witnessed the body frisking of the [accused-appellant], am I correct?

A Yes, ma'am.

Q And you mentioned in your direct examination that what was confiscated from the accused is only a cellphone?

A Cellphone, ma'am.

Q Cellphone only?

A Cellphone, 3 sticks of cigarette and seventy-five (75) pesos.

THE COURT:

Q You did not witness the recovery of any bill from the [accused-appellant]?

A I saw it your Honor, but they did not record it.

Q Who did not record it?

A The police, your Honor.

Q What is your proof that the police did not record it [sic] the recovery of the bill?

A Because they said, "*we will not record this anymore.*"

Q But what you are saying is contrary to the certificate of inventory. They recorded it [sic] Item No. 2 [sic] one (1) piece of five hundred peso bill, buy-bust money. So what are you saying that they did not record it?

A *No answer.*

ATTY. BOSI:

Q Mr. witness, you said that you witnessed the body frisking of the [accused-appellant] [sic] did the police officers recover a five hundred peso bill from the [accused-appellant]?

A I only saw that when they conducted the inventory, on the hood of their vehicle, ma'am.

Q Are you saying, Mr. witness, that it was not recovered from the [accused-appellant] the five hundred peso bill?

A I did not see the bill taken from the [accused-appellant], ma'am.<sup>19</sup>

Based on Cascayan's testimony, he did not witness the recovery of the marked five-hundred-peso bill from the person of the accused-appellant. Cascayan also testified that the certificate of inventory was merely presented to him for his signature, and did not personally witness when the police officers were conducting an inventory of the alleged seized items from the accused-appellant, to wit:

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<sup>19</sup> *Id.* at 33-35. (Emphases omitted)

“Q Now Mr. witness, when you signed the certificate of inventory [*sic*] all the items listed in here were already placed?

A Everything was already there, ma’am,

Q Are you saying that this certificate of inventory was prepared at the police station of Bangui, Ilocos Norte?

A Yes, ma’am.

xxx xxx xxx

Q So that your participation only with regard to this certificate of inventory was to affix your signature?

A Yes, ma’am.

THE COURT:

Q Why did you affix your signature if that is only your participation? As a barangay official you do not know what is your task when it comes to buy- busy operation[s]?

A *No answer.*<sup>20</sup>

It cannot be denied that Cascayan categorically and positively testified that he **did not** personally witness the preparation of the certificate of inventory, even stating that the same was accomplished before it was presented to him for his signature.<sup>21</sup> This glaring inconsistency cannot simply be brushed aside, as the same fails to comply with the required duties of an elected official as provided under Section 21(1), Article II of R.A. No. 9165.

Not only did the police officers fail to provide any justification for the absence of a NPS or media representative during the buy-bust operation, their lone witness, *Barangay Kagawad* Cascayan, failed to perform the necessary duties required of him during said operation. In the absence of these persons, the possibility of switching, planting, or contamination of the evidence negates the credibility of the seized drug and other confiscated items.<sup>22</sup>

As a result of the police officers’ non-compliance with Section 21, R.A. No. 9165, the Court finds it necessary to acquit the accused-appellant for failure of the prosecution to prove his guilt beyond reasonable doubt.

**WHEREFORE**, premises considered, the appeal is **GRANTED**. The Court of Appeals Decision in CA-G.R. CR-HC No. 08326, dated November 6, 2017, is **REVERSED** and **SET ASIDE**.

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<sup>20</sup> *Id.* at 35-36. (Emphases omitted)

<sup>21</sup> Emphasis supplied.

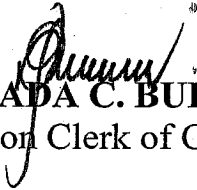
<sup>22</sup> *People v. Alsarif Bintaib y Florencio a.k.a. “Leng,”* G.R. No. 217805, April 2, 2018.

Accordingly, the accused-appellant Samuel Pilot y Mapalo is **ACQUITTED** on reasonable doubt, and is **ORDERED IMMEDIATELY RELEASED** from detention, unless he is being lawfully held for another cause.

Let a copy of this Resolution be furnished to the Director of the Bureau of Corrections, for immediate implementation. The said Director is **ORDERED to REPORT** to this Court within five (5) days from receipt of this Resolution the action he/she has taken.

**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court in 12/14  
**274-B**

The Solicitor General  
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1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 08326)

The Hon. Presiding Judge  
Regional Trial Court, Branch 19  
Bangui, 2920 Ilocos Norte  
(Crim. Case No. 2261-19)

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