

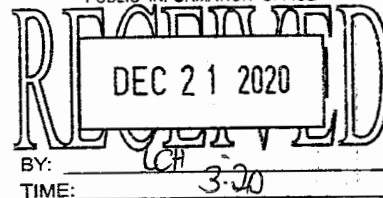


Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 1, 2020, which reads as follows:

“G.R. No. 228785 – (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. CELY ALMODAL y NON, *accused-appellant*).—This resolves the appeal filed by accused-appellant Cely Almodal y Non (Almodal) against the May 27, 2016 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06986, which affirmed the ruling² of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 76, convicting her of violation of Sections 5 and 11 of Republic Act (RA) No. 9165.

Antecedents

Almodal was charged in two separate Informations for violation of Sections 11 and 5 of RA No. 9165, respectively. The accusatory portions of the Informations read as follows:

Criminal Case No. 11895

That on or about the 12th day of June 2010, in the Municipality of San Mateo, Province of Rizal, [Philippines] and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess any dangerous drug, did then and there willfully, unlawfully and knowingly possess and have in her custody and control 0.04 gram and 0.06 gram, all in the total weight of 0.10 gram of white crystalline substance contained in two (2) heat-sealed transparent plastic sachets, which substance was found positive to the test for Methamphetamine Hydrochloride, which is a dangerous drug, in violation of the above cited law.

CONTRARY TO LAW.³

¹ *Rollo*, pp. 2-18; penned by Associate Justice Ramon M. Bato, Jr., with Associate Justices Manuel M. Barrios and Maria Elisa Sempio Diy, concurring.

² *CA rollo*, pp. 55-63; rendered by Presiding Judge Josephine Zarate Fernandez.

³ *Id.* at 55.

Criminal Case No. 11896

That on or about the 12th day of June 2010, in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized by law, did then and there willfully, unlawfully and knowingly sell, deliver and give away to another 0.04 gram of white crystalline substance contained in one (1) heat-sealed transparent plastic sachet, which substance was found position to the test for Methamphetamine Hydrochloride, which is a dangerous drug, in consideration of the amount of P 300.00, in violation of the above-cited law.

CONTRARY TO LAW.⁴

The cases were consolidated before the trial court.

During the arraignment on August 18, 2010, Almodal pleaded not guilty to the charges.⁵ Pre-trial ensued on September 15, 2010, followed by the trial on the merits.⁶

The antecedent facts reveal that at around 12:00 p.m. of June 12, 2010, the San Mateo Police Station received a tip that a certain "Baby" (Almodal) was selling prohibited drugs at Zone 6 Kalayaan, Barangay Ampid I, San Mateo, Rizal. Acting on the tip, the San Mateo Police organized a buy-bust operation.⁷ PO1 Ardy Merida (PO1 Merida) was assigned to act as a poseur-buyer, while PO1 Bonifacio Dela Cruz (PO1 Dela Cruz) and PO1 Lloyd Grecia (PO1 Grecia) would serve as the back-up officers.⁸

Thus, at around 3:00 p.m. of even date, PO1 Dela Cruz and PO1 Grecia proceeded to the site and positioned themselves a few meters away from Almodal's house.⁹

Shortly thereafter, PO1 Merida went to Almodal's house and upon seeing the latter, told her, "*pa-score naman ng tatlong piso.*" Almodal left, and later handed one (1) plastic sachet containing a white crystalline substance. In turn, PO1 Merida handed over the ₱300.00 marked money as his payment.¹⁰

At this instance, PO1 Merida reversed his cap to signal the other operatives. Immediately, PO1 Dela Cruz and PO1 Grecia swooped in and arrested Almodal. PO1 Grecia recovered the marked money from Almodal. He asked her to empty her pockets, and was able to confiscate therefrom two

⁴ Id. at 55-56.

⁵ Id. at 56.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id. at 57.

(2) small plastic sachets of suspected *shabu*.¹¹

Before marking the specimens, PO1 Dela Cruz fetched Barangay Kagawad Joseph Saygo (Kagawad Saygo) from the barangay hall to act as a witness in the marking of the specimens and the preparation of the inventory at the area of the operation. Upon returning, PO1 Dela Cruz first marked the item purchased by PO1 Merida with the label "CAN-1." The drugs he recovered from Almodal were marked as "CAN-2," and "CAN-3." Then, they took photographs of the seized items. Thereafter, Almodal was taken to the police station.¹²

Subsequently, the arresting officers prepared a Request for Laboratory Examination. PO1 Merida submitted the Request for Laboratory Examination, together with the seized items to the Rizal Crime Laboratory Office. The Request and the seized items were received by Forensic Chemist Police Senior Inspector Beaune V. Villaraza (PSI Villaraza) who then subjected the items to laboratory examinations. They tested positive for Methamphetamine Hydrochloride, a dangerous drug.¹³

On the other hand, Almodal vehemently denied the charges against her. She claimed that at around 1:00 p.m. of June 12, 2010, she was at home taking care of her grandchildren, when she suddenly heard someone shout "*walang tatakbo*." Upon turning, she saw four (4) police officers barge into her house. Three of them pointed their guns at her, while another officer held her hands and frisked her.¹⁴

She was dragged outside of her house and ordered to board in a car. She was not informed of her constitutional rights. The officers asked her about the mother of a certain "Naneng," but she told them that she did not know Naneng.¹⁵

Thereafter, she was taken to the precinct where she was forced to sign a document. She overheard someone say that she should be brought back to her place. The arresting officers brought her back to her house and looked for an available barangay kagawad. At first, they were unable to find one in her barangay, so they went to Barangay Ampid. Then, they went back to her place where the arresting officers took some photographs.¹⁶

¹¹ Id. at 57-58.

¹² Id. at 56, 58.

¹³ Id. at 56-58.

¹⁴ Id. at 60.

¹⁵ Id.

¹⁶ Id.

Ruling of the RTC

On January 6, 2014, the RTC rendered a Decision¹⁷ finding Almodal guilty beyond reasonable doubt of violation of Sections 5 and 11 of RA No. 9165.

The dispositive portion of the RTC ruling reads:

WHEREFORE, premises considered, judgment is hereby rendered, as follows:

1. In Criminal Case No. 11895, finding accused Cely Almodal y Non GUILTY beyond reasonable doubt of the crime of POSSESSION OF DANGEROUS DRUG (violation of Section 11, 2nd paragraph, No. 3 Article II, RA 9165) and sentencing him [sic] to Twelve (12) years and one (1) day to Twenty years and a fine of Three Hundred Thousand Pesos (P 300,000.00).

2. In Criminal Case No. 11896, finding accused Cely Almodal y Non GUILTY beyond reasonable doubt of the crime of SALE OF DANGEROUS DRUG (violation of Section 5, 1st paragraph Article II, RA 9165) and sentencing him [sic] to suffer the penalty of Life Imprisonment and a fine of Five Hundred Thousand Pesos (P 500,000.00).

The plastic sachets of shabu subject matter of these cases are hereby ordered forfeited in favor of the government and the Branch Clerk of Court is hereby directed to safely deliver the same to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

The accused is to be credited for the time spent for her preventive detention in accordance with Art. 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. 214.

SO ORDERED.¹⁸

Dissatisfied with the ruling, Almodal filed an appeal¹⁹ with the CA.

Ruling of the Court of Appeals

On May 27, 2016, the CA rendered the assailed Decision affirming the conviction meted by the RTC. According to the CA, the prosecution proved all the elements for illegal sale and possession of dangerous drugs.²⁰

Likewise, the CA found that the integrity and evidentiary value of the

¹⁷ Id. at 55-63.

¹⁸ Id. at 63.

¹⁹ Id. at 15.

²⁰ *Rollo*, p. 9.

seized drugs were properly preserved and that the chain of custody remained unbroken.²¹ The CA stated that the arresting officers' failure to comply with Section 21 of RA No. 9165 is not fatal to the prosecution's case.²² Although the inventory and photographing were conducted without the presence of the representatives from the media and the Department of Justice (DOJ), the arresting officers were nonetheless able to preserve the identity of the dangerous drugs. In the same vein, Kagawad Saygo's lack of personal knowledge of the illegal sale and illegal possession of the dangerous drugs did not affect the case.²³

Moreover, the CA noted that Almodal failed to question the alleged lapses in the chain of custody before the trial court.²⁴ She did not raise the issue of non-compliance with Section 21 during the trial, nor submit evidence to show that the seized drugs were tampered with. She failed to overcome the presumption of regularity in the handling of the seized drugs.²⁵

Finally, the CA concluded that the arresting officers' positive identification prevails over Almodal's defenses of denial and frame-up.²⁶

The dispositive portion of the CA ruling states:

WHEREFORE, the Appeal is *DENIED*. The Decision dated January 6, 2014 of the Regional Trial Court of San Mateo, Rizal, Branch 76 is *AFFIRMED*.

SO ORDERED.²⁷

Undeterred, Almodal filed a Notice of Appeal²⁸ before this Court.

Issues

In seeking her exoneration from the charge, Almodal claims that the prosecution failed to prove her guilt beyond reasonable doubt. She urges that her arrest was illegal. There was no buy-bust operation. Rather, the police simply barged in her home, held her at gunpoint and forcibly hauled her inside their vehicle. Then, they filed trumped up charges against her.²⁹

²¹ Id. at 10.
²² Id. at 15.
²³ Id.
²⁴ Id. at 16.
²⁵ Id. at 16-17.
²⁶ Id. at 9.
²⁷ Id. at 18.
²⁸ Id. at 19-20.
²⁹ CA rollo, p. 41.

Likewise, she bewails that the prosecution failed to establish the identity and integrity of the allegedly seized items.³⁰ The police officers failed to comply with Section 21 of RA No. 9165.³¹ Moreover, they failed to specify who among them handled the drug sachets from the crime scene to the police station. PO1 Merida merely stated that after the inventory of the drug sachets, they brought Almodal to the police station.³² Also, the elected barangay official, Kagawad Saygo, arrived belatedly and had no personal knowledge of the buy-bust and the purported confiscation of the additional drug sachets.³³ Furthermore, the marking and the inventory were done without the presence of a representative from the media and the DOJ.³⁴

On the other hand, the People, through the Office of the Solicitor General, counters that all the elements for illegal sale and possession of dangerous drugs were proven in the instant case.³⁵ The chain of evidence was properly established. Further, the identity and integrity of the evidence were not compromised.³⁶ Likewise, there was no showing of bad faith, ill will or proof that the evidence was tampered with.³⁷

Ruling of the Court

The appeal is impressed with merit.

Significantly, to secure a conviction for the illegal sale of dangerous drugs, the prosecution must establish “(i) the identity of the buyer and the seller, the object of the sale and its consideration; and (ii) the delivery of the thing sold and the payment therefor.”³⁸ While in the illegal possession of dangerous drugs, the prosecution must show that “(i) the accused was in possession of dangerous drugs; (ii) such possession was not authorized by law; and (iii) the accused was freely and consciously aware of being in possession of dangerous drugs.”³⁹

Notably, for the crimes of illegal sale and illegal possession of dangerous drugs, the dangerous drugs seized from the accused constitutes the *corpus delicti* of the offense.⁴⁰ Thus, it is imperative to present the object of the transaction and show that it is the same substance seized from the

³⁰ Id. at 46-47.

³¹ Id. at 47.

³² Id.

³³ Id. at 50.

³⁴ Id.

³⁵ Id. at 91.

³⁶ Id. at 95.

³⁷ Id. at 96.

³⁸ *People v. Ismael*, 806 Phil. 21, 29 (2107), citing *People v. Alberto*, 625 Phil. 545, 554 (2010) citing *People v. Dumlao*, 584 Phil. 732, 739 (2009).

³⁹ Id., citing *Reyes v. Court of Appeals*, 686 Phil. 137, 148 (2012) citing *People v. Sembrano*, 642 Phil. 476, 490-491 (2010).

⁴⁰ Id.

accused.⁴¹

To ensure the identity and integrity of the seized dangerous drugs, Section 21 of RA No. 9165 (prior to its amendment under RA No. 10640),⁴² lays down the procedure for the proper custody and disposition of the seized dangerous drugs and paraphernalia:

Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;

X X X X

Essentially, immediately after the seizure and confiscation of the dangerous drugs, the arresting officers must conduct a physical inventory of the seized items and photograph the same in the presence of the accused, or his representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official. These witnesses shall be required to sign the copies of the inventory and shall be furnished copies of the same. Thereafter, the seized drugs must be turned over to the Philippine National Police (PNP) Crime Laboratory within twenty-four (24) hours from confiscation for proper examination.⁴³ Strict compliance with the chain of custody eradicates any doubts concerning the integrity and identity of the seized items.

The arresting officers committed unjustified deviations from the chain of custody rule, thereby casting doubt on the integrity and identity of the allegedly seized dangerous drugs.

⁴¹ Id.

⁴² REPUBLIC ACT NO. 9165 applies considering that the accused was arrested in 2010.

⁴³ *People v. Crispo*, G.R. No. 230065, March 14, 2018, 859 SCRA 356, 369-370.

According to the arresting officers, prior to marking the seized items, PO1 Dela Cruz left Almodal's place to look for an available barangay kagawad to serve as their witness. Subsequently, he returned with Kagawad Saygo. The arresting officers then started marking the seized drugs. The officers first marked the item bought by PO1 Merida with the marking CAN-1, followed by the two sachets PO1 Dela Cruz confiscated from Almodal as CAN-2 and CAN-3. The items were marked in front of Almodal and Kagawad Saygo.

Then, PO1 Dela Cruz prepared the Inventory of Seized Items.⁴⁴ Afterward, PO1 Dela Cruz and Kagawad Saygo affixed their signatures on the Inventory. They likewise took photos at the scene of the crime. After taking the photographs, they brought Almodal to the police station.⁴⁵

Thereafter, PO1 Grecia prepared the Request for Laboratory Examination⁴⁶ and brought the seized items to the Crime Laboratory Office at Hilltop, Taytay, Rizal.⁴⁷ The seized items were surrendered to Forensic Chemist PSI Villaraza. They tested positive for methamphetamine hydrochloride or *shabu*, as stated in the Initial Laboratory Report.⁴⁸

A plain reading of the arresting officers' narrative instantly reveals blatant transgressions of Section 21 of RA No. 9165. This Court cannot turn a blind eye to the arresting officers' non-observance of the proper procedure.

To begin with, the arresting officers failed to immediately mark the seized items. Rather, they waited for PO1 Dela Cruz who left to look for a Barangay Kagawad to witness the process. Added to this, no less than the police officers had conflicting testimonies regarding the marks on the seized drugs. PO1 Dela Cruz stated that the seized items were marked as CAN-1, CAN-2, and CAN-3, whereas PO1 Merida claimed that they were marked as CNA-1, CNA-2, and CNA-3.⁴⁹

It cannot be gainsaid that the act of marking must be performed in a prompt and meticulous fashion as it constitutes the first link in the chain of custody. The significance of properly marking the seized items was articulated in *People v. Ismael*:⁵⁰

'x x x Marking after seizure is the starting point in the custodial link, thus it is vital that the seized contraband are immediately marked because

⁴⁴ CA rollo, pp. 59.

⁴⁵ Id. at 56-57.

⁴⁶ Id. at 57; 59.

⁴⁷ Id. at 59.

⁴⁸ Id. at 58.

⁴⁹ Id. at 89.

⁵⁰ Supra note 38.

succeeding handlers of the specimen will use the markings as reference. The marking of the evidence serves to separate the marked evidence from the *corpus* of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, obviating switching, 'planting,' or contamination of evidence.'

It is important that the seized drugs be immediately marked, if possible, as soon as they are seized from the accused.⁵¹

Likewise, in *People v. Dela Rosa*,⁵² the Court explained that the immediate marking of the seized items preserves their integrity:

In the *first link* of the chain of custody, the apprehending officer acquires possession of the suspected drug from the offender at the time of the arrest. The apprehending officer is required to mark the seized items - to truly ensure that they are the same items that enter the chain and are eventually the ones offered in evidence, and it should be done (1) in the presence of the apprehended violator and (2) immediately upon confiscation.⁵³

The failure of the arresting officers to immediately mark the seized items engenders doubt on their integrity.

This Court further notes that Kagawad Saygo did not even witness the actual seizure of the dangerous drugs. In the seminal case of *People v. Que*,⁵⁴ this Court underscored that the required witnesses must be present during the marking and actual seizure of the dangerous drugs:

The presence of third-party witnesses is imperative, not only during the physical inventory and taking of pictures, but also during the actual seizure of items. The requirement of conducting the inventory and taking of photographs "immediately after seizure and confiscation" necessarily means that the required witnesses must also be present during the seizure or confiscation. This is confirmed in *People v. Mendoza*, where the presence of these witnesses was characterized as an 'insulating presence [against] the evils of switching, 'planting' or contamination'.⁵⁵ (Citations omitted)

Furthermore, the arresting officers committed another glaring blunder when they failed to secure the attendance of a representative of the media and the DOJ to witness the marking, inventory, and photographing of the seized items.

⁵¹ Id. at 31, citing *People v. Coreche*, 612 Phil. 1238, 1244-1245 (2009).

⁵² G.R. No. 230228, December 13, 2017, 849 SCRA 146.

⁵³ Id. at 168.

⁵⁴ G.R. No. 212994, January 31, 2018, 853 SCRA 487.

⁵⁵ Id. at 520-521.

Time and again, this Court has reiterated the importance of securing the required witnesses who play an indispensable role in protecting the chain of custody. As stated in *People v. Macud*:⁵⁶

The presence of the persons who should witness the post-operation procedures is necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity. The insulating presence of such witnesses would have preserved an unbroken chain of custody. We have noted in several cases that a buy-bust operation is susceptible to abuse, and the only way to prevent this is to ensure that the procedural safeguards provided by the law are strictly observed.⁵⁷ (Citations omitted)

Notably, in *People v. Crispo*,⁵⁸ a case which bears strikingly similar facts with the instant case, the inventory and photographing were done in the presence of the barangay kagawad, but without a representative from the DOJ and the media. The blunder was regarded as a flagrant violation of the rules, and thus resulted to the accused's acquittal. This Court stressed in *Crispo*⁵⁹ that "[t]he law requires the presence of an elected public official, as well as representatives from the DOJ and the media to ensure that the chain of custody rule is observed and thus, remove any suspicion of tampering, switching, planting, or contamination of evidence which could considerably affect a case."⁶⁰

Regrettably, in the instant case, the prosecution failed to recognize the procedural lapses and give a justifiable ground for the arresting officers' non-compliance with Section 21 of RA No. 9165. Particularly, the officers failed to justifiably explain the absence of a representative of the DOJ and the media. In turn, such mishaps render the identity and integrity of the allegedly seized dangerous drugs dubious.

In *Que*,⁶¹ the Court warned against the effect of non-compliance with the chain of custody requirements:

Compliance with Section 21's chain of custody requirements ensures the integrity of the seized items. Non-compliance with them tarnishes the credibility of the *corpus delicti* around which prosecutions under the Comprehensive Dangerous Drugs Act revolve. Consequently, they also tarnish the very claim that an offense against the Comprehensive Dangerous Drugs Act was committed. x x x⁶²

X X X X

⁵⁶ *People v. Macud*, G.R. No. 219175, December 14, 2017, 849 SCRA 294.

⁵⁷ *Id.* at 323.

⁵⁸ *Supra* note 43.

⁵⁹ *Id.*

⁶⁰ *Id.* at 375.

⁶¹ *People v. Que*, *supra* note 54.

⁶² *Id.* at 503-504.

When the identity of *corpus delicti* is jeopardized by non-compliance with Section 21, critical elements of the offense of illegal sale and illegal possession of dangerous drugs remain wanting. It follows then, that this non-compliance justifies an accused's acquittal.⁶³

Accordingly, in case of doubt regarding the identity and integrity of the seized items, a conviction for illegal sale and illegal possession may not be sustained. In fact, jurisprudence is replete with instances where this Court held that the failure to establish the integrity of the seized items shall cast doubt on the accused's guilt. This strict policy was applied in the cases of *People v. Año*,⁶⁴ and *People v. Ching*,⁶⁵ where this Court reversed a conviction due to the failure of the arresting officers to invite a member from the media and an official from the DOJ to witness the inventory and photographing of the seized drugs.⁶⁶

Added to the lapses committed by the apprehending team, the miniscule amount of the allegedly seized drugs further foments doubt on Almodal's guilt. In *Que*,⁶⁷ and *People v. Sipin*,⁶⁸ this Court expressed its concern over the meager amounts of dangerous drugs confiscated from the accused. Although this Court warned that the weight of drugs is not a badge of innocence, however, when coupled with the recognition that the drugs are vulnerable to tampering and substitution, and when accompanied by questionable procedures in the seizure and arrest, the Court must exercise "extreme caution in appraising an accused's supposed guilt."⁶⁹

In fine, the right of the government to curb dangerous drugs should not transgress upon the accused's constitutional right to be presumed innocent until his/her guilt is established beyond reasonable doubt. Accordingly, in cases of illegal sale and possession of dangerous drugs, a conviction shall not be sustained if doubt persists on the identity of the drugs. In this case, the failure of the arresting officers to strictly abide by the procedure set forth in Section 21 created a break in the chain of custody, which in turn, tarnished the integrity of the seized drugs, and tainted their very identity.⁷⁰ These doubts militate against a finding of guilt, and therefore, warrant an acquittal.

WHEREFORE, the appeal is **GRANTED**. The assailed May 27, 2016 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06986 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Cely Almodal y Non is hereby **ACQUITTED** due to the failure of the prosecution

⁶³ Id. at 506.

⁶⁴ *People v. Año*, G.R. No. 230070, March 14, 2018.

⁶⁵ *People v. Ching*, G.R. No. 223556, October 9, 2017, 819 SCRA 565.

⁶⁶ *People v. Año*, supra, citing *People v. Lintag*, 794 Phil. 411, 418 (2016).

⁶⁷ *People v. Que*, supra.

⁶⁸ *People v. Sipin*, G.R. No. 224290, June 11, 2018.

⁶⁹ *People v. Que*, supra.

⁷⁰ *People v. Ismael*, supra note 38 at 29.

to prove her guilt beyond reasonable doubt.

Let a copy of this Resolution be furnished to the Superintendent of the Correctional Institution for Women for immediate implementation. The Superintendent of the Correctional Institution for Women is directed to report to this Court, within five (5) days from receipt of this Resolution, the action he has taken. Copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

SO ORDERED.”

Very truly yours,

MisDcBatt
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
CCF
12/10/20

Atty. Kaycee Ann De Leon
PUBLIC ATTORNEY'S OFFICE
Special & Appealed Cases Service
DOJ Agencies Building
East Avenue cor. NIA Road
Diliman, 1104 Quezon City

COURT OF APPEALS
CA G.R. CR HC No. 06986
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 76, Mateo
1850 Rizal
(RTC CR Nos. 11895-96)

The Director General
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Superintendent
CORRECTIONAL INSTITUTION FOR
WOMEN
1550 Mandaluyong City

Ms. Cely N. Almodal
c/o The Superintendent
CORRECTIONAL INSTITUTION FOR
WOMEN
1550 Mandaluyong City

The Director General
PHILIPPINE NATIONAL POLICE
National Headquarters
Camp Crame, Quezon City

The Director General
PHILIPPINE DRUG ENFORCEMENT AGENCY
PDEA Bldg., NIA Northside Road
National Government Center
Brgy. Pinyahan, Quezon City

DANGEROUS DRUGS BOARD
3rd Floor DDB-PDEA Bldg.,
NIA Northside Road
National Government Center
Brgy. Pinyahan, Quezon City

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 228785

-versus-

CELY ALMODAL y NON,
Accused-Appellant.

x-----/

ORDER OF RELEASE

TO: The Director General
BUREAU OF CORRECTIONS
1770 Muntinlupa City

Thru: **The Superintendent**
CORRECTIONAL INSTITUTION FOR WOMEN
1550 Mandaluyong City

GREETINGS:

WHEREAS, the Supreme Court on July 1, 2020 promulgated a Resolution in the above-entitled case, the dispositive portion of which reads:

“**WHEREFORE**, the appeal is **GRANTED**. The assailed May 27, 2016 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06986 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Cely Almodal y Non is hereby **GRANTED**”

ACQUITTED due to the failure of the prosecution to prove her guilt beyond reasonable doubt.

Let a copy of this Resolution be furnished to the Superintendent of the Correctional Institution for Women for immediate implementation. The Superintendent of the Correctional Institution for Women is directed to report to this Court, within five (5) days from receipt of this Resolution, the action he has taken. Copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

SO ORDERED.”

NOW, THEREFORE, You are hereby ordered to immediately release **CELY ALMODAL y NON**, unless there are other lawful causes for which she should be further detained, and to return this Order with the certificate of your proceedings within five (5) days from notice hereof.

GIVEN by the Honorable **MARVIC MARIO VICTOR F. LEONEN**, Chairperson of the Third Division of the Supreme Court of the Philippines, this **1st** day of **July 2020**.

Very truly yours,

MisDc Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court
GSR
12/10/20

Atty. Kaycee Ann De Leon
PUBLIC ATTORNEY'S OFFICE
Special & Appealed Cases Service
DOJ Agencies Building
East Avenue cor. NIA Road
Diliman, 1104 Quezon City

COURT OF APPEALS
CA G.R. CR HC No. 06986
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 76, Mateo
1850 Rizal
(RTC CR Nos. 11895-96)

Ms. Cely N. Almodal
c/o The Superintendent
CORRECTIONAL INSTITUTION FOR
WOMEN
1550 Mandaluyong City

The Director General
PHILIPPINE NATIONAL POLICE
National Headquarters
Camp Crame, Quezon City

The Director General
PHILIPPINE DRUG ENFORCEMENT AGENCY
PDEA Bldg., NIA Northside Road
National Government Center
Brgy. Pinyahan, Quezon City

DANGEROUS DRUGS BOARD
3rd Floor DDB-PDEA Bldg.,
NIA Northside Road
National Government Center
Brgy. Pinyahan, Quezon City

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

PUBLIC INFORMATION OFFICE
LIBRARY SERVICES
Supreme Court, Manila

G.R. No. 228785 *gab*

