



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 229512

Plaintiff-Appellee, Present:

- versus -

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JR., JJ.

RONALDO PAZ y DIONISIO @
"JEFF",

Accused-Appellant. Promulgated:

31 JAN 2018
Marcabalo

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DECISION

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal¹ filed by accused-appellant Ronaldo Paz y Dionisio @ "Jeff" (Paz) assailing the Decision² dated February 11, 2016 of the Court of Appeals (CA) in CA-G.R. CR HC No. 06886, which affirmed the Joint Decision³ dated February 17, 2014 of the Regional Trial Court of Pasig City, Branch 151 (RTC) in Crim. Case Nos. 16574-D and 16575-D, among other cases, finding him guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165,⁴ otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."

¹ See Notice of Appeal dated February 29, 2016; *rollo*, pp. 23-24.
² *Id.* at 2-22. Penned by Associate Justice Josep Y. Lopez with Associate Justices Ramon R. Garcia and Leoncio R. Dimagiba, concurring.
³ *CA rollo*, pp. 23-44. Penned by Presiding Judge Ma. Teresa Cruz-San Gabriel.
⁴ Entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FINES THEREFOR AND FOR OTHER PURPOSES," approved on June 7, 2002.

The Facts

This case stemmed from four (4) separate Informations⁵ filed before the RTC, charging Paz with the crimes of illegal sale and illegal possession of dangerous drugs, as well as illegal possession of dangerous drugs and paraphernalia during parties, meetings, and gatherings, the accusatory portions of which state:

Criminal Case No. 16574-D

On or about February 6, 2009, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, not being lawfully authorized by law, did then and there willfully, unlawfully and feloniously sell, deliver and give away to PO1 Jeffrey Agbunag y Valbuena, a police poseur buyer, one (1) heat-sealed transparent plastic sachet containing 0.08 gram of white crystalline substance, which was found positive to the test for methamphetamine hydrochloride, known as "shabu," a dangerous drug, in violation of the said law.

Contrary to law.⁶

Criminal Case No. 16575-D

On or about February 6, 2009, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, not being lawfully authorized to possess any dangerous drugs, did then and there willfully, unlawfully and feloniously have in his possession and under his custody and control three (3) heat-sealed transparent plastic sachets containing 0.02 gram of white crystalline substance, which was found positive to the test for methamphetamine hydrochloride, known as "shabu," a dangerous drug, in violation of the said law.

Contrary to law.⁷

Criminal Case No. 16576-D

On or about February 6, 2009, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, while at a social gathering/meeting, in the proximate company of three persons and in conspiracy with one another, not being lawfully authorized to possess any dangerous drugs, did then and there willfully, unlawfully and feloniously have in their possession and under their custody and control one (1) unsealed transparent plastic sachet containing traces of white crystalline substance, in the occasion of its use or sniffing thereof, during a pot session, which

⁵ All dated February 9, 2009; records, pp. 1-2, 22-23, 24-26, and 27-29.

⁶ Id. at 1.

⁷ Id. at 22.

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substance were found positive to the test for methamphetamine hydrochloride commonly known as “shabu,” a dangerous drug, in violation of the said law.

Contrary to law.⁸

Criminal Case No. 16577-D

On or about February 6, 2009, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, being in a pot session, and in the proximate company of three (3) persons and in conspiracy with one another, without having been duly authorized by law to possess paraphernalia for dangerous drugs, did then and there willfully, unlawfully and knowingly have in their possession and under their custody and control one (1) strip aluminum foil, one (1) rolled aluminium foil tooter and two (2) disposable lighters, said instruments fit or intended for smoking, consuming or introducing methamphetamine hydrochloride, a dangerous drug, the said drug paraphernalias except the disposable lighters contained traces of white crystalline substance, which were found positive to the test for methamphetamine hydrochloride commonly known as “shabu,” in violation of the said law.

Contrary to law.⁹

The prosecution alleged that at around 8:30 in the evening of February 6, 2009, a tip was received from a confidential informant that a certain Paz was selling illegal drugs along Market Avenue, Barangay Palatiw, Pasig City (Brgy. Palatiw). Acting on the said tip, a buy-bust operation was organized in coordination with the Philippine Drug Enforcement Agency. At about 11:35 in the evening, the buy-bust team, together with the informant, proceeded to the target area, which was a thrift shop (*ukay-ukay*) located at Brgy. Palatiw. Upon arriving thereat, the informant saw Paz and introduced him to Police Officer 1 Jeffrey Agbunag (PO1 Agbunag), the designated poseur-buyer. When Paz asked PO1 Agbunag if he was going to buy, the latter replied, “I will score in the amount of ₱500.00.” Paz then handed over a plastic sachet containing a white crystalline substance to PO1 Agbunag, who, after inspecting the said item, paid Paz using the marked money. Shortly after, PO1 Agbunag introduced himself as a police officer and arrested Paz. PO1 Agbunag then signalled Police Officer 3 Arnold Balagasay (PO3 Balagasay) for assistance, as there were two (2) other persons – later on identified as Rolando Condes y Olivas @ Tangkad (Condes) and Abner Laceda y Ramos @ Abner (Laceda) – who were purportedly sniffing *shabu* inside the shop. When PO3 Balagasay entered the thrift shop, he immediately arrested Condes and Laceda. Thereafter, PO3 Balagasay noticed some drug paraphernalia placed on top of a sack of clothes, *i.e.*, one (1) unsealed transparent plastic sachet with traces of white crystalline substance, an aluminium foil with traces of white crystalline

⁸ Id. at 24-25.

⁹ Id. at 27-28.

substance, an aluminium foil used as a tooter, and two (2) disposable lighters, which he subsequently confiscated and marked. Meanwhile, PO1 Agbunag instructed Paz to empty his pockets, which yielded three (3) more heat-sealed plastic sachets of white crystalline substance, the marked money, and three (3) 100-peso bills. Consequently, PO1 Agbunag marked all four (4) plastic sachets.¹⁰ Thereafter, the buy-bust team took the confiscated plastic sachets and drug paraphernalia to the Pasig City Police Station, where the requisite inventory was conducted by PO1 Agbunag. After the inventory, Paz, together with Condes and Laceda, was brought to the Rizal Medical Center for medical examination, which was followed by a drug testing at the EDP Crime Laboratory Service. The confiscated plastic sachets and drug paraphernalia were likewise submitted to the EDP Crime Laboratory Service for qualitative examination.¹¹ Accordingly, they were received and examined by Forensic Chemist Police Chief Inspector Lourdeliza Gural Cejes (PSI Cejes), who confirmed that they contained *methamphetamine hydrochloride*, a dangerous drug.¹²

For his part, Paz interposed the defense of denial, claiming that he was not caught in a buy-bust operation, for there were no buy-bust money and dangerous drugs recovered from him. He maintained that between seven o'clock to eight o'clock in the evening of February 6, 2009,¹³ he was preparing to close the thrift shop with his wife and Condes, when three (3) unidentified armed men suddenly arrived and handcuffed him and Condes. When they asked about their violation, they were told to just explain in the office. After they were brought to the precinct, they were placed inside a detention cell, while Paz's cellphone and money were taken away from him. The police demanded the amount of ₱100,000.00 in exchange for their release, which amount they purportedly failed to provide. As such, they were brought to Marikina to have their urine samples taken, and thereafter, to the Rizal Medical Center. On February 9, 2009, they were finally brought to the Prosecutor's Office.¹⁴

As for Condes and Laceda, they corroborated the testimony of Paz, further alleging that they did not file any administrative charges against the arresting officers out of fear of reprisal.¹⁵ Notably, Condes died during the pendency of the case, and accordingly, a death certificate was submitted to the RTC.¹⁶

¹⁰ See *rollo*, pp. 6-7. See also *CA rollo*, pp. 32-35.

¹¹ *Rollo*, pp. 7-8.

¹² See *rollo*, pp. 7-8 and 18. See *CA rollo*, pp. 31-32.

¹³ Inadvertently dated as "February 9, 2006" by the CA. See *rollo*, p. 8. See *CA rollo*, p. 35

¹⁴ See *rollo*, p. 8. See also *CA rollo*, p. 35.

¹⁵ See *rollo*, p. 8. See also *CA rollo*, p. 35.

¹⁶ *CA rollo*, p. 42.

The RTC Ruling

In a Joint Decision¹⁷ dated February 17, 2014, the RTC ruled as follows: (a) in Crim. Case No. 16574-D, Paz was found guilty beyond reasonable doubt of violating Section 5, Article II of RA 9165, and hence, sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00; (b) in Crim. Case No. 16575-D, Paz was found guilty beyond reasonable doubt of violating Section 11, Article II of RA 9165, and thus, sentenced to suffer an indeterminate prison term of eight (8) years and one (1) day, as minimum, to fourteen (14) years, as maximum, and to pay a fine of ₱300,000.00; (c) in Crim. Case Nos. 16576-D and 16577-D, Paz and Laceda were acquitted of violating Sections 13 and 14, Article II of RA 9165 on the ground of reasonable doubt; and (d) the cases against Condes were dismissed in view of his death pursuant to Article 89 (1) of the Revised Penal Code.¹⁸

The RTC held that all the elements of the crimes for illegal sale and illegal possession of dangerous drugs were satisfactorily proven to convict Paz of the said crimes.¹⁹ Further, it ruled that the absence of an elected public official and a representative from the media and the Department of Justice (DOJ) did not render the buy-bust operation illegal, as the chain of custody over the dangerous drugs was competently proven by the prosecution. More significantly, it was shown that the integrity and evidentiary value of the seized drugs had been preserved from the time they were seized, marked, and inventoried by PO1 Agbunag until they were brought to the Crime Laboratory for examination.²⁰

Meanwhile, the RTC found that Condes and Laceda could not be convicted of violations of Sections 13 and 14, Article II of RA 9165. The RTC noted that PO3 Balagasay, as the officer responsible for the arrest of Condes and Laceda, failed to sign the inventory of the seized paraphernalia. As such, it was probable that the items seized from them were not the same items listed in the inventory. Also, the amount or quantity of suspected *shabu* found in the unsealed transparent plastic sachet – which was previously recovered from Condes and Laceda – could barely be determined, as the sachet merely contained traces or residue of the suspected drug.²¹

¹⁷ Id. at 28-44.

¹⁸ Id. at 43-44.

¹⁹ See id. at 36-40.

²⁰ See id. at 43.

²¹ See id. at 41-42.

Similarly, the RTC held that Paz could not be charged of Sections 13 and 14, Article II of RA 9165 as well, considering that he was not caught in the company of Condes and Laceda when he was selling *shabu* to PO1 Agbunag. In fact, PO1 Agbunag testified that Condes and Laceda were caught having a pot session without Paz around them.²²

Aggrieved, Paz appealed²³ to the CA.

The CA Ruling

In a Decision²⁴ dated February 11, 2016, the CA affirmed the RTC ruling with modification, adjusting the penalty in Crim. Case No. 16575-D (that is, for violation of Section 11, Article II of RA 9165) to an indeterminate prison term of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum.²⁵ It held that despite the arresting officers' failure to both conduct an inventory of the seized drugs immediately after the arrest and take photographs thereof in the presence of Paz and the required witnesses, it was nevertheless established that the integrity of the chain of custody of the seized drugs was preserved.²⁶ On the contrary, it declared that the origin of the buy-bust money and the non-presentation of the confidential informant in court were inconsequential to the prosecution of the crimes charged. It likewise added that the absence of a prior surveillance was neither required for the validity of a buy-bust operation, nor was it fatal to the prosecution's case.²⁷

Hence, the instant appeal.

The Issue Before the Court

The core issue for the Court's resolution is whether or not the CA correctly upheld Paz's conviction for the crimes charged.

²² See *id.* at 42-43.

²³ See Notice of Appeal dated May 6, 2014; *id.* at 45.

²⁴ *Rollo*, pp. 2-22.

²⁵ *Id.* at 21-22.

²⁶ See *id.* at 12-18.

²⁷ See *id.* at 19-20.

The Court's Ruling

At the outset, it must be stressed that an appeal in criminal cases opens the entire case for review and, thus, it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned.²⁸ “The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.”²⁹

In this case, Paz was charged with the crimes of illegal sale and illegal possession of dangerous drugs, respectively defined and penalized under Sections 5 and 11, Article II of RA 9165. In every prosecution for an unauthorized sale of dangerous drugs, it is essential that the following elements are proven beyond reasonable doubt: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment.³⁰ Meanwhile, to convict an accused who is charged with illegal possession of dangerous drugs, the prosecution must establish the following elements also by proof beyond reasonable doubt: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.³¹

In both circumstances, the prosecution must prove with moral certainty the identity of the prohibited drug, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime. The prosecution has to show an unbroken chain of custody over the dangerous drugs so as to obviate any unnecessary doubts on the identity of the dangerous drugs on account of switching, “planting,” or contamination of evidence. Accordingly, the prosecution must be able to account for each link of the chain of custody from the moment that the illegal drugs are seized up to their presentation in court as evidence of the crime.³²

In this regard, Section 21, Article II of RA 9165 outlines the procedure which the police officers must follow when handling the seized drugs in order to preserve their integrity and evidentiary value.³³ Under the said provision, the apprehending team shall, among others, **immediately**

²⁸ See *People v. Dahil*, 750 Phil. 212, 225 (2015).

²⁹ *People v. Comboy*, G.R. No. 218399, March 2, 2016, 785 SCRA 512, 521.

³⁰ *People v. Sumili*, 753 Phil. 342, 348 (2015).

³¹ *People v. Bio*, 753 Phil. 730, 736 (2015).

³² See *People v. Viterbo*, 739 Phil. 593, 601 (2014). See also *People v. Alivio*, 664 Phil. 565 (2011) and *People v. Denoman*, 612 Phil. 1165 (2009).

³³ See *People v. Sumili*, supra note 30, at 349-350.

after seizure and confiscation conduct a physical inventory and photograph the seized items in the presence of the accused or the person from whom the items were seized, or his representative or counsel, a representative from the media and the DOJ, and any elected public official who shall be required to sign the copies of the inventory and be given a copy of the same, and the seized drugs must be turned over to the Philippine National Police (PNP) Crime Laboratory within twenty-four (24) hours from confiscation for examination.³⁴ In the case of *People v. Mendoza*,³⁵ the Court stressed that “[w]ithout the insulating presence of the representative from the media or the [DOJ], or any elected public official during the seizure and marking of the [seized 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 negate the integrity and credibility of the seizure and confiscation of the [said drugs] that were evidence herein of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused. Indeed, the x x x presence of such witnesses would have preserved an unbroken chain of custody.”³⁶

The Court, however, clarified that under varied field conditions, strict compliance with the requirements of Section 21, Article II of RA 9165 may not always be possible.³⁷ In fact, the Implementing Rules and Regulations (IRR) of RA 9165 – which is now crystallized into statutory law with the passage of RA 10640³⁸ – provide that **the said inventory and photography**

³⁴ See Section 21 (1) and (2), Article II of RA 9165.

³⁵ 736 Phil. 749 (2014).

³⁶ Id. at 764; emphases and underscoring supplied.

³⁷ See *People v. Sanchez*, 590 Phil. 214, 234 (2008).

³⁸ Entitled “AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE ‘COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002,’” approved on July 15, 2014, Section 1 of which states:

Section 1. Section 21 of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002,” is hereby amended to read as follows:

“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 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 persons 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

may be conducted at the nearest police station or office of the apprehending team in instances of warrantless seizure, and that **non-compliance with the requirements of Section 21, Article II of RA 9165 – under justifiable grounds – will not render void and invalid the seizure and custody over the seized items so long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer or team.**³⁹ Tersely put, the failure of the apprehending team to strictly comply with the procedure laid out in Section 21, Article II of RA 9165 and its IRR does not *ipso facto* render the seizure and custody over the items as void and invalid, provided that the prosecution satisfactorily proves that: (a) there is justifiable ground for non-compliance; **and** (b) the integrity and evidentiary value of the seized items are properly preserved.⁴⁰ In *People v. Almorfe*,⁴¹ **the Court explained that for the above-saving clause to apply, the prosecution must explain the reasons behind the procedural lapses, and that the integrity and evidentiary value of the seized evidence had nonetheless been preserved.**⁴² Also, in *People v. De Guzman*,⁴³ it was emphasized that **the justifiable ground for non-compliance must be proven as a fact, because the Court cannot presume what these grounds are or that they even exist.**⁴⁴

In this case, Paz ultimately prayed for his acquittal in view of the police officers' non-compliance with Section 21, Article II of RA 9165 and its IRR, as well as their failure to proffer a plausible explanation therefor.⁴⁵ In particular, he claims that there were no elected public official and a representative from the media and the DOJ to witness the requisite inventory of the seized items; and that there were no photographs taken during the conduct of the same.⁴⁶

Such contentions are meritorious.

An examination of the records reveals that while the marking and inventory of the seized items were conducted in the presence of Paz and the other apprehending officers, the same were not done in the presence of an elected public official and a representative from the media and the DOJ. During his re-direct examination, PO3 Balagasay testified that:

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.

x x x x"

³⁹ See Section 21 (a), Article II of the IRR of RA 9165. See *People v. Ceralde*, G.R. No. 228894, August 7, 2017.

⁴⁰ See *People v. Goco*, G.R. No. 219584, October 17, 2016.

⁴¹ 631 Phil. 51 (2010).

⁴² *Id.* at 60.

⁴³ 630 Phil. 637 (2010).

⁴⁴ *Id.* at 649.

⁴⁵ See *CA rollo*, pp. at 72-78.

⁴⁶ *Id.* at 73.

Q: Who were present when the inventory was made at your office?

A: **The operatives, my companions, and the suspects, sir.**

Q: Only them?

A: **Yes, sir.**

Q: You do not have any elected official there?

A: None, sir.

x x x x⁴⁷ (Emphases and underscoring supplied)

Furthermore, in an attempt to justify such absence, PO3 Balasagay maintained that:

Q: Why?

A: **The practice is that it is only when we have search warrant that we invite barangay official and media, sir.**

x x x x⁴⁸ (Emphasis and underscoring supplied)

Given the above, it appears that PO3 Balagasay clearly misconstrued the law and its application in buy-bust operations. His justification was likewise grossly insufficient and without legal basis for the saving-clause to apply. As the Court observed in the case of *People v. Geronimo*,⁴⁹ there is nothing in the law which exempts the apprehending officers from securing the presence of an elected public official and a representative from the media and the DOJ, particularly in instances when they are not equipped with a search warrant.⁵⁰ Verily, RA 9165 and its IRR provide that non-compliance with the required procedure can only be allowed under exceptional circumstances, provided that justifiable grounds are given and proven as a fact by the apprehending officers,⁵¹ which PO3 Balagasay also failed to show.

In addition, records reveal that the prosecution did not present any photographs of the supposed conduct of inventory during trial. More apparent is the failure of the witnesses to state or mention whether or not any photographs were indeed taken. When asked during his cross-examination,

⁴⁷ TSN, September 2, 2010, pp. 16-17.

⁴⁸ Id. at 17.

⁴⁹ See G.R. No. 225500, September 11, 2017.

⁵⁰ See id.

⁵¹ See id.

PO3 Balagasay merely stated that he “cannot recall already if there was a photograph of the evidence.”⁵²

Observably, the procedural lapses committed by the police officers, which were unfortunately unacknowledged and unexplained by the State, militate against a finding of guilt beyond reasonable doubt against the accused, as the integrity and evidentiary value of the *corpus delicti* had been compromised.⁵³ It is well-settled that the procedure in Section 21, Article II of RA 9165 is a matter of substantive law, and cannot be brushed aside as a simple procedural technicality; or worse, ignored as an impediment to the conviction of illegal drug suspects.⁵⁴ As such, since the prosecution failed to provide justifiable grounds for non-compliance with Section 21, Article II of RA 9165, as well as its IRR, Paz’s acquittal is performe in order.

As a final note, the Court finds it fitting to echo its recurring pronouncement in recent jurisprudence on the subject matter:

The Court strongly supports the campaign of the government against drug addiction and commends the efforts of our law enforcement officers against those who would inflict this malediction upon our people, especially the susceptible youth. But as demanding as this campaign may be, it cannot be more so than the compulsions of the Bill of Rights for the protection of liberty of every individual in the realm, including the basest of criminals. The Constitution covers with the mantle of its protection the innocent and the guilty alike against any manner of high-handedness from the authorities, however praiseworthy their intentions.

Those who are supposed to enforce the law are not justified in disregarding the right of the individual in the name of order. [For indeed,] [o]rder is too high a price for the loss of liberty. x x x.⁵⁵

In this light, prosecutors are strongly reminded that they have the **positive duty** to prove compliance with the procedure set forth in Section 21 of RA 9165, as amended. As such, **they must have the initiative to not only acknowledge but also justify any perceived deviations from the said procedure during the proceedings before the trial court.** Since compliance with this procedure is determinative of the integrity and evidentiary value of the *corpus delicti* and ultimately, the fate of the liberty of the accused, the fact that any issue regarding the same was not raised, or even threshed out in the court/s below, would not preclude the appellate court, including this Court, from fully examining the records of the case if only to ascertain whether the procedure had been completely complied with, and if not, whether justifiable reasons exist to excuse any deviation. If no

⁵² TSN, September 2, 2010, pp. 12.

⁵³ See *People v. Sumili*, supra note 30, at 350 and 352.

⁵⁴ See *People v. Macapundag*, G.R. No. 225965, March 13, 2017, citing *People v. Umipang*, 686 Phil. 1024, 1038 (2012).

⁵⁵ *People v. Go*, 457 Phil. 885, 925 (2003), citing *People v. Aminnudin*, 246 Phil. 424, 434-435 (1988).


such reasons exist, then it is the appellate court’s bounden duty to acquit the accused, and perforce, overturn a conviction.

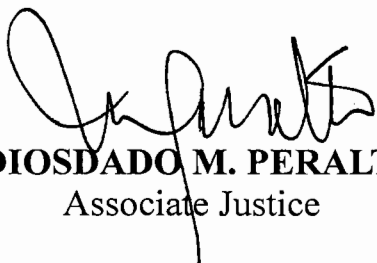
WHEREFORE, the appeal is **GRANTED**. The Decision dated February 11, 2016 of the Court of Appeals in CA-G.R. CR HC No. 06886 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Ronaldo Paz y Dionisio @ “Jeff” is **ACQUITTED** of the crimes charged. The Director of the Bureau of Corrections is ordered to cause his immediate release, unless he is being lawfully held in custody for any other reason.

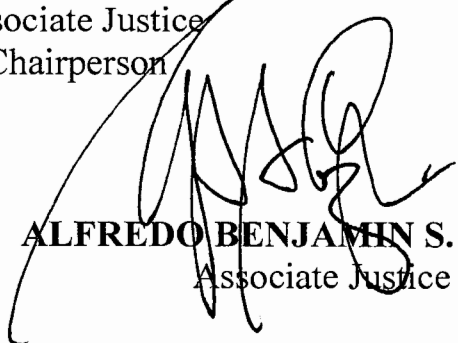
SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson

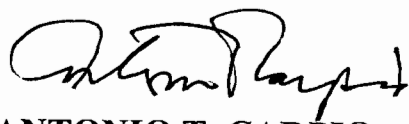

DIOSDADO M. PERALTA
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ANDRES B. REYES, JR.
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.


ANTONIO T. CARPIO
Associate Justice
Chairperson

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.



MARIA LOURDES P. A. SERENO
Chief Justice