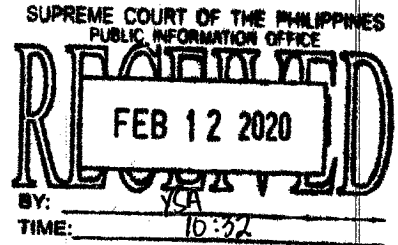




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **04 December 2019** which reads as follows:*

“G.R. No. 242518 (*People of the Philippines vs. Ronaldo Maristela y Castallas*). — This is an appeal¹ filed by Ronaldo Maristela y Castallas (accused-appellant) from the October 5, 2017 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08698, which affirmed the September 29, 2016 Decision³ of the Regional Trial Court (RTC) of Makati City, Branch 63, in Criminal Case Nos. 15-2077-2078 finding accused-appellant guilty of violation of Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended.

The Facts

The instant case stemmed from two (2) separate Informations, the accusatory portions of which provide:

Criminal Case No. 15-2077

On the 8th day of June 2015, in the city (sic) of Makati, the Philippines, accused, without the necessary license or prescription, and without being authorized by law, did then and there willfully, unlawfully, and feloniously sell, deliver and give away zero point sixteen (0.16) gram of white crystalline substance containing methamphetamine hydrochloride (shabu), which is a dangerous drug, in consideration of Php(sic)500.

CONTRARY TO LAW.⁴

Criminal Case No. 15-2078

¹ *Rollo*, pp. 13-15; See Notice of Appeal dated November 08, 2017.

² Penned by Associate Justice Danton C. Bueser with Associate Justices Normandie B. Pizarro (retired) and Marie Christine Azcarraga-Jacob, concurring; *CA rollo*, pp. 108-118.

³ Rendered by Presiding Judge Tranquil P. Salvador, Jr.; records, pp. 131-134.

⁴ *Id.* at p. 2.

12/15

On the 8th day of June 2015, in the city (sic) of Makati, the Philippines, accused, not being lawfully authorized to possess (sic) or otherwise use any dangerous drug and without the corresponding prescription, did then and there willfully, unlawfully, and feloniously have in his possession, direct custody and control zero point fifteen gram (0.15) of white crystalline substance containing methamphetamine hydrochloride (shabu), which is a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.⁵

When arraigned on June 24, 2015, assisted by public attorney and in the presence of public prosecutor, the accused-appellant pleaded “not guilty” to the crimes charged.⁶ Pre-trial was held where the prosecution marked documentary exhibits as well as identified Senior Police Officer 1 Ramon D. Esperanzate (SPO1 Esperanzate), Police Chief Inspector May Andrea A. Bonifacio (PCInsp. Bonifacio), Police Officer 1 Mauro A. Pagulayan (PO1 Pagulayan), Police Officer III Mike Lester D. Pacis (PO3 Pacis), and Barangay Captain Teresita H. Brillante (Brgy. Capt. Brillante) as its witnesses.⁷ The pre-trial was terminated after the public prosecutor and the public attorney made reservations to present additional witnesses, documentary, and object evidence during trial.⁸ Joint trial on the merits thereafter ensued.

The prosecution presented PO1 Pagulayan. The testimonies of SPO1 Esperanzate, PO3 Pacis as back up, investigator on the case, Forensic Chemist PCInsp. Bonifacio, and Brgy. Capt. Brillante, on the other hand, were stipulated.⁹

On June 8, 2015, an informant showed up at the Makati Police Station and reported that a certain Ronald was engaged in illegal drug activities along Varona Street, Brgy. Tejeros, Makati City. Acting on the tip, a buy-bust team was formed composed of PO1 Pagulayan as poseur-buyer, together with PO3 Pacis as back-up. The police officers prepared a P500.00 bill marked money for the operation.¹⁰

On even date, around 5:00 p.m., the police officers proceeded to the target area. Thereupon, the informant introduced PO1 Pagulayan as a buyer of *shabu*. The accused-appellant asked PO1 Pagulayan how much he was buying and the latter replied P500.00 worth of *shabu*. Accused-appellant then took out from his pocket two (2) plastic *sachets*, with white crystalline substance, and asked PO1 Pagulayan to choose one. After the exchange was consummated, PO1 Pagulayan performed the pre-arranged signal by raising his bull cap. PO1 Pagulayan then proceeded to arrest the accused-appellant, but the later resisted. Immediately, PO3 Pacis rushed to the scene to assist

⁵ Records, p. 6.

⁶ Id. at 44, 45, and 48.

⁷ Id. at 48-50.

⁸ Id. at p. 50.

⁹ Id. at 57; 59-61.

¹⁰ CA *rollo*, p. 74.

PO1 Pagulayan in effecting the arrest. A body searched was performed upon the accused-appellant and it yielded the ₱500.00 marked money and another plastic sachet with white crystalline substance.¹¹

Afterwards, the accused-appellant was taken to the Barangay Hall. Upon arrival thereat, the seized items were inventoried and marked "MAP" and "MAP-1" by PO1 Pagulayan in the presence of the accused-appellant, PO3 Pacis, and Brgy. Capt. Brillante.¹²

Thereafter, the accused-appellant was brought to the Makati City Police Station. PO1 Pagulayan turned over the seized items to the duty investigator for the preparation of the Inventory Receipt and the Request for Laboratory Examination. After the foregoing were prepared, the duty investigator returned the seized items to PO1 Pagulayan who then took the same to the crime laboratory for examination. After testing, the seized items yielded positive for methamphetamine hydrochloride.¹³

For its part, the defense presented the accused-appellant as its only witness. He denied the allegations contained in the Informations docketed as Criminal Case Nos. 15-2077 and 15-2078. He posited that on June 7, 2015, between 1:00 to 2:00 in the afternoon, accused-appellant was at his room in his residence located at 3488 Varona Street, Brgy. Tejeros, Makati City with his band mate and friend Aaron Martir (Martir). Suddenly, police officers barged inside the room, pointed a gun at them, and looked for a woman named "Megan." The accused-appellant replied that the person they were looking for lived next door, but was not present at the moment as the door was locked. After verifying that the door was indeed locked, the police handcuffed accused-appellant and Martir and brought them to the police headquarters, where accused-appellant was detained.¹⁴

The RTC Ruling

In a Decision¹⁵ dated September 29, 2016, the RTC found the prosecution to have sufficiently established all the elements of both charges against the accused-appellant for illegal sale and illegal possession of dangerous drugs. It further ruled that the links in the chain of custody on the handling and custody of the seized drugs was well established by the testimonial and documentary evidence adduced by the prosecution. The trial court added that the accused-appellant was deemed to have freely and consciously possessed the sachet of *shabu* as the same was seized from him after the sale transaction and that said possession was not authorized by law.¹⁶

¹¹ Id. at 75.

¹² Id.

¹³ Id. at 75-76.

¹⁴ Id. at 42.

¹⁵ Records, pp. 131-134.

¹⁶ Id. at 133.

The RTC found accused-appellant's denial unmeritorious. His assertion of unlawful arrest as witnessed by Martir was not corroborated because the latter did not testify to validate the claim. To the RTC, the presumption of regularity in the performance of their official duty must be accorded the arresting officers especially when there was no showing of any improper motive in filing the charges against the accused-appellant.¹⁷

The RTC thus decreed:

WHEREFORE, premises considered, the accused is FOUND GUILTY beyond reasonable doubt, with no mitigating or aggravating circumstances, and is hereby sentenced to suffer, as follows:

- 1) In Criminal Case No. 15-2077 (Illegal Sale of Dangerous Drugs) for Violation of Section 5, R.A. 9165 – the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (Php500,000.00); and
- 2) In Criminal Case No. 15-2078 (Illegal Possession of Dangerous Drugs) for Violation of Section 11, R.A. 9165 – applying the Indeterminate Sentence Law, the penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum, and to pay a fine of three Hundred Thousand Pesos (Php300,000.00) in accordance with Section 11 (3), Article II of R.A. 9165.

The subject shabu are forfeited in favor of the government and ordered turned over to the PDEA (Philippine Drug Enforcement Agency) for disposition pursuant to law.

SO ORDERED.¹⁸

Accused-appellant elevated the case to the CA via a Notice of Appeal that was filed on October 14, 2016.¹⁹

Ruling of the CA

On October 5, 2017, the CA denied the appeal and sustained accused-appellant's conviction for violating Sections 5 and 11, Article II of R.A. No. 9165.²⁰

The CA found no justification to disturb the findings of the trial court. The appellate court ruled that the testimonies and facts stipulated upon were consistent with each other and with the physical evidence.²¹

¹⁷ Id. at 134.

¹⁸ Id.

¹⁹ Id. at 163A-164.

²⁰ CA *rollo*, pp. 108-118.

²¹ Id. at 114.

In addressing accused-appellant's claim of non-compliance with the chain of custody rule, the CA explained that the noncompliance with the enumerated requirements in Section 21 of R.A. No. 9165 does not automatically exonerate the accused. The CA declared that the prosecution was able to establish the unbroken link from the time of seizure of the dangerous drugs up to its presentation in court thus, its integrity and evidentiary value was safeguarded. It added that the absence of representatives from DOJ and media will not exculpate the accused-appellant from the crimes charged.²²

On November 8, 2017, the accused-appellant, through counsel, appealed his conviction to this Court.²³

The Ruling of the Court

There is merit in the instant appeal.

It is fundamental in the Constitution and basic in the Rules of Court that the accused in a criminal case enjoys the presumption of innocence until proven guilty. Well-established in jurisprudence that the prosecution bears the burden to overcome such presumption, if it fails, the accused deserves a judgment of acquittal.²⁴

The conviction of an accused for the crime of illegal sale of dangerous drugs, like *shabu*, penalized under Section 5, Article II of R.A. No. 9165, requires the concurrence of the following: (a) proof as to the identity of the buyer and the seller, the object, and the consideration; (b) evidence of the delivery of the thing sold and the payment; and (c) the presentation of the *corpus delicti* in court as evidence.²⁵ Otherwise stated, the sale transaction of drugs actually took place must be proved and that the object of the transaction is properly presented as evidence in court and is shown to be the same drugs seized from the accused.²⁶

For Illegal Possession of Dangerous Drugs under Section 11, on the other hand, the following elements must be established: (1) the accused was in possession of dangerous drugs; (2) such possession was not authorized by law; and (3) the accused was freely and consciously aware of being in possession of dangerous drugs.²⁷

In both cases of illegal sale and illegal possession of dangerous drugs, the dangerous drug seized from the accused constitutes the *corpus delicti* of the offense.²⁸ It is most important that the integrity and identity of the seized

²² Id. at 116.

²³ Rollo, p. 13.

²⁴ *People v. Hilario, et al.* G.R. No. 210610, 2018, 851 SCRA 1, 30.

²⁵ *People v. Moner*, G.R. No. 202206, March 5, 2018, 587 SCRA 242.

²⁶ Supra note 24, at 17, citing *People v. Ismael*, 806 Phil. 21, 29 (2017).

²⁷ *People v. Santos*, G.R. No. 223142, January 17, 2018, 852 SCRA, 23, 51.

²⁸ *People v. Ismael*, 806 Phil. 21 (2017).

drugs must be clearly shown to have been duly preserved.²⁹ The *chain of custody rule* “ensures that unnecessary doubts concerning the identity of the evidence are removed.”³⁰ Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and hence, warrants an acquittal.³¹

After due consideration, the Court resolves to acquit accused-appellant based on reasonable doubt. The Court therefore grants the appeal.

In recent jurisprudence, the Court discussed the *chain of custody rule* and its significance in this wise:

The *chain of custody rule* is but a variation of the principle that real evidence must be authenticated prior to its admission into evidence. To establish a chain of custody sufficient to make evidence admissible, the proponent needs only to prove a rational basis from which to conclude that the evidence is what the party claims it to be. In other words, in a criminal case, the prosecution must offer sufficient evidence from which the trier of fact could reasonably believe that an item still is what the government claims it to be. **Specifically in the prosecution of illegal drugs, the well-established federal evidentiary rule in the United States is that when the evidence is not readily identifiable and is susceptible to alteration by tampering or contamination, courts require a more stringent foundation entailing a chain of custody of the item with sufficient completeness to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.**³²

In *Mallillin v. People*,³³ the Court instructs that:

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.³⁴ (Citations omitted)

Thus, under the chain of custody rule, links in the handling of the *corpus delicti* must be established, *viz.*: (1) the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; (2) the turnover of the seized illegal drug by the

²⁹ *Calahi v. People*, G.R. No. 195043, November 20, 2017, 845 SCRA 12, 20.

³⁰ *Supra* note 28, at 29.

³¹ *People of the Philippines v. Michael Roxas y Camarillo*, G.R. No. 242817, September 16, 2019.

³² *People of the Philippines v. Romy Lim y Miranda*, G.R. No. 231989, September 4, 2018.

³³ 576 Phil. 576 (2008).

³⁴ *Id.* at 587.

apprehending officer to the investigating officer; (3) the turnover of the illegal drug by the investigating officer to the forensic chemist for laboratory examination; and (4) the turnover and submission of the illegal drug from the forensic chemist to the court.³⁵

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 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[.]

Section 21 (a) of the Implementing Rules and Regulations (IRR) of R.A. No. 9165 likewise mandates:

(a) The apprehending officer/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: 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, further, that non-compliance with 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 of and custody over said items.

R.A. No. 9165 was later amended by R.A. No. 10640 which was approved on July 15, 2014. The amendment maintained the saving clause contained in the IRR, thus:

(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,**

³⁵ Supra note 32.

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.

Clearly, the chain of custody requirements in the Comprehensive Dangerous Drugs Act are cast in precise, mandatory language.³⁶ The first link in the chain is the marking of the dangerous drugs or related items immediately after seizure and must be made in the presence of the following who shall be required to sign the copies of the inventory and be given a copy thereof: (1) apprehended violator; (2) elected public official; and (3) a representative of the National Prosecution Service or the media.

It is indispensable that the marking be immediately done upon confiscation or recovery of the dangerous drugs or related items to preserve their integrity and evidentiary value.³⁷ A broken chain jeopardizes the identity of the *corpus delicti*. When the identity and integrity of the *corpus delicti* is jeopardized by non-compliance with Section 21, R.A. No. 9165 as amended by R.A. No. 10640, critical elements of the offense of illegal sale and illegal possession of dangerous drugs remain wanting. This unexplained non-compliance justifies an accused's acquittal.³⁸

Here, apparent from the records of the case are the glaring procedural lapses of the arresting officers in the handling of the seized illegal drugs. *First*, the inventory and photograph of the illegal drugs seized were not immediately done at the site but in the Barangay Hall of Tejeros, Makati. *Second*, the seized items were not immediately marked upon seizure as marking was only done when the operatives reached the Barangay Hall of Tejeros, Makati. *Third*, only Brgy. Capt. Brillante witnessed the proceedings while the other required statutory witnesses are not present. On direct examination, PO1 Pagulayan testified:

PROS. BAYAUA

³⁶ *People of the Philippines v. Joshua Que y Utuanis*, G.R. No. 212994, January 31, 2018, 853 SCRA 487, 491.

³⁷ *Mapandi v. People*, G.R. No. 200075, April 4, 2018, 860 SCRA 381.

³⁸ *People of the Philippines v. Dioscoro Comoso Turemutsa*, G.R. No. 2274987, April 10, 2019.

- Q - Thereafter, after you arrested your target, what did you do next if there be any?
- A - Nag-conduct na po ako sa suspect ng body search baka may mga itinatago siyang patalim at anumang illegal pa sa kanyang katawan.
- Q - What was the result of that body search, Mr. Witness?
- A - Doon ko na po nakuha sa kanyang kanang bulsa 'yung isa pa na plastic sachet na may white crystalline substance na suspected Shabu at saka pa 'yung Five Hundred Peso (P500.00) bill na ginamit sa buy-bust operation.
- Q - Afterall that you have conducted to the said target, Mr. Witness, what did you do next, if there be any?
- A - **Nag-resist po 'yong tao at dinala na po naming siya doon sa Barangay Hall para mag-conduct po ng inventory.**
- Q - What Barangay, Mr. Witness?
- A - Barangay Tejeros, Makati City, Ma'am.
- Q - You said, you went to the Barangay Hall of Tejeros for the purpose of conducting an inventory, with regard to the subject of sale, what did you do with that?
- A - **Sa inventory doon ko na po minarkahan 'yung aming mga ebidensiya na nakuha sa suspect namin na si "alias RONALD", Ma'am.**
- Q - You said that you put a mark, what markings did you place particularly as the subject of sale?
- A - Nilagay ko po ay "MAP" po.
- Q - What was the meaning of "MAP", Mr. Witness?
- A - MAURO A. PAGULAYAN, Ma'am, my name.
- Q - How about the other items that you recovered to the said target at the time you conducted a body search, what did you do with that?
- A - Minarkahan ko po, Ma'am.
- Q - What markings did you place?
- A - "MAP-1", Ma'am.
- Q - During the inventory, Mr. Witness, who are present at that time?
- A - **'Yung Barangay Official, 'yung back-up at saka 'yung suspect at ako, Ma'am.**

- Q - What was the name of your back-up, Mr. Witness?
A - PO3 MIKE LESTER PACIS, Ma'am.
- Q - How about the Barangay Official, what was his/her name, if you can still remember?
A - KAP. TERESITA BRILLANTES, Ma'am.
- Q - Do you have evidence that indeed you conducted an inventory?
A - Yes, Ma'am.
- Q - What is that, Mr. Witness?
A - 'Yung Inventory Receipt po.³⁹ (Emphasis supplied)

On cross-examination:

Atty. Banzuela:

x x x x

- Q - And, during the alleged operation, how many were you? How many were you during the alleged operation?
A - Nine (9), ma'am.
- Q - Were you all armed?
A - "Ako ang wala, ma'am."
- Q - So, all the eight were armed?
A - Yes, ma'am.
- Q - And where exactly again where (sic) the conduct of the operation?
A - Barangay Tejeros, ma'am.
- Q - Do you affirm that this is the Sinumpaang Salaysay which you have executed on June 10, 2015?
A - Yes, ma'am.
- Q - Do you affirm as well that you have conducted the alleged inventory as indicated here in the Barangay Hall of Barangay Tejeros?
A - Yes, ma'am.
- Q - Despite the fact that you were all armed, eight (8) of the nine (9) policemen with you were all armed, correct?

³⁹ TSN, Ronaldo Maristela, October 7, 2015, pp. 13-15.

Court:

(To Atty. Banzuela)

Q - What?

A - They allegedly conducted the inventory at the Barangay Hall, your Honor, and not at the place of the alleged incident, alleged place of arrest.

Witness:

(To Court)

“Dalawa lang kaming nag conduct. Nasa labas yung iba.”

Court:

(To Witness)

Q - But they were in the area?

A - Yes, your Honor.

Q - All of them were in the area?

A - Yes, your Honor.⁴⁰

x x x x

Q - In the Certification clause, the second paragraph of this Inventory Receipt, can you please identify unto the Honorable Court if there is any indication of the supposed time when the inventory was conducted? The second clause, the second paragraph.

A - “Wala. Ma’am. Date lang.”

Q - And can you please read the handwritten note as inventoried on?

A - June 8, 2015 inside the Barangay Tejeros.

Q - **That’s all. Inside the Barangay of Tejeros. And can you please identify unto the Honorable Court how many witnesses as indicated here were present during the alleged inventory?**

A - **“Si Kapitan Teresita Brillante.”**

Q - **Only one?**

A - **Yes, ma’am.**⁴¹ (Emphasis supplied)

The foregoing reveals that the prosecution was unable to establish an unbroken chain of custody. Admittedly, a testimony about a perfect chain is not always the standard as it is almost always impossible to obtain an

⁴⁰ TSN, Mauro Pagulayan, February 23, 2016, pp. 6-7.

⁴¹ Id. at 9.

unbroken chain.⁴² Minor deviations may be excused in situations where a justifiable reason for non-compliance is adequately explained.⁴³ No plausible explanation was given by the prosecution. This now casts reasonable doubt on the reliability of the *corpus delicti* that necessarily casts doubt on the guilt of the accused because it negates the existence of an indispensable element of the crimes charged. The acquittal of accused-appellant based on reasonable doubt is, therefore, in order.

In *People v. Romel Martin y Pena*,⁴⁴ this Court pronounced that on various occasions, judgments rendered by lower courts has been reversed and set an accused free on the basis of unexplained gaps and lapses in the chain of custody, primarily those pertaining or related to the handling of the seized drugs. Any *indicium* of doubt in the evidence of the prosecution that puts into question the fundamental principle of credibility and integrity of the *corpus delicti* makes an acquittal a matter of course.⁴⁵

Finally, this Court cannot sustain the lower court's invocation of the presumption of regularity of performance of official duty on the part of herein operatives. The presumption of regularity of performance of official duty applies when there is no reason to doubt the regularity of the performance of official duty. And even in that instance, the presumption of regularity will not rise above the constitutionally guaranteed presumption of innocence in favor of the accused.⁴⁶ Between the presumption of regularity in the performance of public functions and the constitutional presumption of innocence of an accused, the primacy of the latter must prevail.⁴⁷

WHEREFORE, premises considered, the appeal is **GRANTED**. The Decision dated October 5, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 08698, which in turn affirmed the Decision dated September 29, 2016 of the Regional Trial Court of Makati City, Branch 63 in Criminal Case No. 15-2077-2078, is hereby **REVERSED** and **SET ASIDE**.

Accused-appellant Ronaldo Maristela y Castallas is **ACQUITTED** based on reasonable doubt.

The Director of the Bureau of Corrections is directed to: (a) cause the immediate release of Ronaldo Maristela y Castallas, unless he is being lawfully held for another cause; and (b) inform this Court of the date of his

⁴² *People v. Moner*, supra note 25.

⁴³ *People of the Phils. v. Desiree Dela Torre y Arbillon*, G.R. No. 238519, June 26, 2019.

⁴⁴ G.R. No. 233750, June 10, 2019.

⁴⁵ Supra.

⁴⁶ *People v. Arposeple*, G.R. No. 205787, November 22, 2017, 846 SCRA 150, 185.

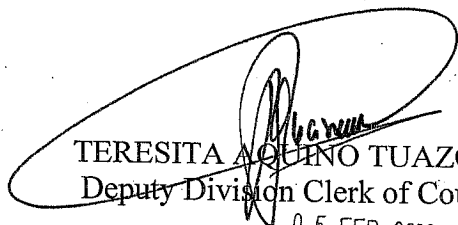
⁴⁷ *People of the Philippines v. Michael Ryan Arellano y Navarro*, G.R. No. 231839, July 10, 2019.

release, or the reason for his continued confinement as the case may be, within five (5) days from notice.

Copies of this Resolution must 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.” (Perlas-Bernabe, S.A.J. on official business; Zalameda, J., on official leave)

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utch 2/5*
05 FEB 2020

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c/o The Director
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THE DIRECTOR (x)
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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 63
Makati City
(Crim. Case No. 15-2077-2078)

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