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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ROLANDO UY y SAYAN alias
"NONOY,"

G.R. No. 217097

Petitioner,

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,
Respondent.

FEB 23 2022 

X-----X

DECISION

HERNANDO, J.:

This petition for review on *certiorari*¹ assails the August 8, 2014 Decision² of the Court of Appeals (CA) in CA-G.R. CR No. 00911-MIN, and its February 9, 2015 Resolution,³ which affirmed with modifications the November 17, 2010 Decision⁴ of the Regional Trial Court (RTC) of the City of Malaybalay, Branch 8, in Criminal Case No. 14300-04, finding petitioner Rolando Uy y Sayan alias "Nonoy" (petitioner) guilty beyond reasonable doubt

¹ *Rollo*, pp. 12-66, filed on March 10, 2015.

² The August 8, 2014 Decision in CA-G.R. CR No. 00911-MIN was penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Edgardo T. Lloren and Edward B. Contreras of the Twenty-Third Division of the Court of Appeals, Cagayan de Oro.

³ Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Edgardo T. Lloren and Edward B. Contreras.

⁴ The November 17, 2010 Decision in Criminal Case No. 14300-04 was penned by Presiding Judge Pelagio B. Estopia, Presiding Judge of the Regional Trial Court, Branch 8 in the City of Malaybalay, Bukidnon.

of violation of Section 11, Article II of Republic Act No. (RA) 9165,⁵ or the “Comprehensive Dangerous Drugs Act of 2022.”

On May 28, 2004, an Information⁶ was filed charging petitioner with violation of Section 11, Article II of RA 9165, or Illegal Possession of Dangerous Drugs. It alleges as follows:

That on or about the 6th day of April, 2004, in the afternoon, at Sitio Pasok, Barangay Mabuhay, Municipality of San Fernando, Province of Bukidnon, Philippines, within the jurisdiction of this Honorable Court, the said accused did then and there willfully, unlawfully, and criminally have in his possession and under his exclusive control and custody 248 grams of marijuana flowering tops, classified as a dangerous drug, without permit or authority from the government to possess the same.

That the aforesaid crime is aggravated or qualified by the fact that said accused was found positive for use of marijuana, a dangerous drug.

Contrary to and in violation of Section 11, in relation to Section 25, Article II or R.A. 9165.⁷

Version of the Prosecution:

On April 6, 2004, at about 5:45 p.m., members of the Philippine National Police (PNP) of San Fernando, Bukidnon, set up a mobile check point at Purok 4, Sitio Paso, Barangay Mabuhay, San Fernando, Bukidnon, pursuant to the implementation of COMELEC⁸ Resolution No. 6446,⁹ imposing the COMELEC gun ban.¹⁰

While conducting the routine inspection in the check point, the police officers flagged down petitioner. They asked petitioner for the Certificate of Registration (CR) and Official Receipt (OR) of his motorcycle. Petitioner, however, failed to produce these documents. The law enforcers then became suspicious and, thus, asked petitioner to open the tools compartment of his motor vehicle. From the tools compartment, the police officers found five bundles of marijuana placed and wrapped in a cellophane. The police officers further asked petitioner to open the compartment under the driver's seat. Petitioner initially refused but he eventually relented. The search of the compartment under the driver's seat further yielded several bundles of marijuana.¹¹

⁵ Section 11 makes criminal the Possession of Dangerous Drugs under RA 9165.

⁶ Records, p. 37-38.

⁷ Id. at 37.

⁸ Commission on Elections.

⁹ Rules and Regulations on (a) bearing, carrying or transporting firearms or other deadly weapons; (b) security personnel or bodyguards; (c) bearing arms by any member of security or police organization of government agencies and other similar organization; (d) organization or maintenance of reaction forces during the election period in connection with the May 10, 2004 synchronized national and local elections, promulgated on December 8, 2003.

¹⁰ *Rollo*, pp. 20-21.

¹¹ Id.

Petitioner was brought to the police station. Upon arrival at the police station, petitioner was interviewed by the police officers and the confiscated dried marijuana leaves were marked. The specimen was then brought to the PNP Crime Laboratory in Malaybalay City. The result of the examination conducted by Police Chief Inspector (PCI) April Madroño yielded positive for the presence of marijuana. Petitioner's urine examination also yielded positive for use of prohibited drugs.¹²

Version of the Defense:

Petitioner presented a different version. As the lone witness for the defense, petitioner denied the allegations of the prosecution's witnesses.¹³ He testified that in the afternoon of April 6, 2004, he went to Mabuhay, San Fernando, Bukidnon to deliver medicines which he peddles to some small stores. On his way to Mabuhay, the motorcycle he was driving had a flat tire. While changing tire somewhere in Barrio Paso, San Fernando, Bukidnon, armed persons in civilian attire arrived and told petitioner that they will be inspecting his bag. Notwithstanding his opposition, Senior Police Officer (SPO) 2¹⁴ Ricardo Llorin (SPO2 Llorin) conducted a search of his bag but found nothing illegal. The armed individuals then asked for his driver's license and the CR of his motorcycle. Petitioner was not able to produce the documents at that time, explaining that he left the documents in his house. The police officers then arrested and brought him to the police station of San Fernando.¹⁵

The police then took pictures of him with the motorcycle and forced petitioner answer their queries by striking him with the butt of a rifle every now and then. After that, the police took something from the tools compartment of the motorcycle which appeared to be wrapped in plastic. At around midnight of April 7, 2004, the police called him out of the cell and demanded him to produce the amount of ₱10,000.00, otherwise he would be locked up in jail. Thereafter, he was brought to Cagayan de Oro City for drug testing.¹⁶

Ruling of the Regional Trial Court:

The RTC found petitioner guilty of the crime of Illegal Possession of Dangerous Drugs. The RTC emphasized that unless there is clear and convincing evidence that the law enforcers were inspired by any improper motive or were not properly performing their duty, the testimonies of the apprehending team with respect to the check point operation deserve full faith and credit. Further, the RTC stressed that in drug cases, mere possession of the prohibited substance is a crime *per se*, and the burden of proof is upon the accused to show that he or she has a license or permit under the law to possess

¹² Id.

¹³ Id.

¹⁴ Also referred to as Police Officer 3 in some parts of the records.

¹⁵ *Rollo*, pp. 20-21.

¹⁶ Id.

the prohibited drug. In this case, petitioner failed to prove that he has a license to possess the marijuana.¹⁷

The RTC also did not give credence and much weight to petitioner's defense of denial, and to his argument that there was an absence of a search warrant, hence his constitutional right was violated. According to the RTC, this case falls under the case of a lawful arrest, thus the subsequent warrantless search was justified.¹⁸ The dispositive portion of the RTC Decision reads:

WHEREFORE, the court finds the accused Rolando Uy y Sayan alias Nonoy, guilty beyond reasonable doubt of the crime of illegal possession of prohibited drugs in violation of Sec.11, Article II of Republic Act No. 9165 and imposes upon him the penalty of twelve (12) years and one (1) day of life to life imprisonment and a fine of PhP 400,000.00. The accused shall serve his penalty in the National Penitentiary of Davao Penal Colony.

The 248 grams of dried marijuana fruiting tops are ordered immediately turned over to the PDEA for destruction.¹⁹

Aggrieved, petitioner appealed²⁰ to the CA.

Ruling of the Court of Appeals:

Petitioner's arguments before the CA hinged on the validity of the warrantless arrest and search made by the police officers, and consequently, the admissibility of the evidence obtained from the search. However, the CA pointed out that petitioner is precluded from questioning the legality of his arrest because he never objected to the irregularity of his arrest before his arraignment. His active participation in the trial of the case amounts to a voluntary submission to the jurisdiction of the trial court, and he is deemed to have waived his right to question the validity of his arrest, thus curing whatever defect may have attended his arrest.²¹

Moreover, the CA modified the penalty imposed by the RTC since Section 36(f) of RA 9165, which was the basis of the sentence imposed by the RTC, has been struck down as unconstitutional by the Court in *Social Justice Society (SJS) v. Dangerous Drugs Board*.²² Thus, the urine sample taken from the petitioner, which was the only evidence against petitioner for his alleged use of marijuana, cannot be used as evidence against him.²³

The dispositive portion of the Decision of the CA reads:

¹⁷ Id. at 95.

¹⁸ Id. at 97-98.

¹⁹ Id. at 100.

²⁰ Id. at 100-131.

²¹ Id. at 45.

²² 591 Phil. 393, 420 (2008).

²³ *Rollo*, p. 64.

WHEREFORE, the decision of the RTC, 10th Judicial Region, Branch 08, Malaybalay City, in Criminal Case No. 14300-04, is hereby MODIFIED. Appellant ROLANDO UY y SAYAN is sentenced to suffer the penalty of twelve (12) years and one (1) day, as minimum, to eighteen (18) years and nine (9) months, as maximum, and a fine of PhP 300,000.00

SO ORDERED.²⁴

Undeterred, petitioner filed this petition for review on *certiorari* arguing that his right to privacy has been violated, since a close scrutiny of the records would reveal that the case against him does not fall under any of the circumstances mentioned under Section 5, Rule 113 of the Rules of Court. The police officers did not have any reason to believe that he had a gun to validate his arrest based on the implementation of the COMELEC gun ban. Petitioner was not doing anything illegal, there was no prior positive identification of petitioner, nor was anything in plain view for the police officers to engender a well-founded belief that petitioner was guilty of any crime.

Issue

The sole issue for our resolution is whether the CA erred in finding the petitioner guilty beyond reasonable doubt for Illegal Possession of Dangerous Drug as defined under Section 11, Article II of RA 9165.

Constitutional Mandate on Search and Seizures.

Section 2, Article III of the 1987 Constitution mandates that search and seizures must be carried out through or on the strength of a judicial warrant predicated upon the existence of probable cause.²⁵ Otherwise, searches and seizures done without a valid warrant are considered intrusive and unreasonable within the meaning of the said constitutional provision. The Constitution provides further safeguards such that the evidence obtained and confiscated on the occasion of unreasonable searches and seizures are considered tainted, and consequently, inadmissible in evidence for any purpose in any proceeding.²⁶

However, there is a recognized exception to the need of securing a warrant before a search may be effected, that is, a warrantless search incidental to a lawful arrest. In such instances, the law requires that there be a lawful arrest first, before a search can be made. The process cannot be reversed.²⁷

Moreover, Section 5, Rule 113 of the Rules of Court provides for instances when a lawful arrest may be effected with or without a warrant:

²⁴ *Rollo*, p. 65.

²⁵ *People v. Manago*, 793 Phil. 505, 514 (2016).

²⁶ *Comerciante v. People*, 764 Phil. 627, 633-634.

²⁷ *Id.* at 34.

SEC. 5 *Arrest without warrant; when lawful.* – A peace officer or a private person may, without a warrant, arrest a person:

- (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- (b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and
- (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

In cases falling under paragraphs (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with Section 7 of Rule 112.

Briefly, there are three instances when warrantless arrests may be effected. These are: (a) arrest of a suspect *in flagrante delicto*; (b) arrest of a suspect where, based on personal knowledge of the arresting officer, there is probable cause that said suspect was the perpetrator of a crime which has just been committed; and (c) an arrest of a prisoner who has escaped from custody serving final judgment or temporarily confined during the pendency of his case, or has escaped while being transferred from one confinement to another.²⁸

Among the circumstances where a warrantless arrest is allowed, the arrest of the suspect *in flagrante delicto* imposes a rigid, if not strict, compliance with its elements. An *in flagrante delicto* arrest requires the concurrence of two elements: (a) the person arrested must execute an overt act indicating that he or she has just committed, is actually committing, or is attempting to commit a crime; and (b) the overt act was done in the presence or within the view of the arresting officer.²⁹

Jurisprudence has also carved out an additional exception to the necessity of securing a search warrant prior to the conduct of a search. In *Caballes v. People*,³⁰ this Court discussed the validity of warrantless searches on moving vehicles, to wit:

Highly regulated by the government, the vehicle's inherent mobility reduces expectation of privacy especially when its transit in public thoroughfares furnishes a highly reasonable suspicion amounting to probable cause that the occupant committed a criminal activity. Thus, the rules governing search and seizure have over the years been steadily liberalized whenever a moving vehicle is the object of the search on the basis of practicality. This is so considering that before a warrant could be obtained, the place, things and persons to be searched must be described to the satisfaction of the issuing judge - a requirement which

²⁸ *People v. Manago*, supra note 25.

²⁹ *Porteria v. People*, G.R. No. 233777, March 20, 2019.

³⁰ 424 Phil. 263 (2002).

borders on the impossible in the case of smuggling effected by the use of a moving vehicle that can transport contraband from one place to another with impunity. We might add that a warrantless search of a moving vehicle is justified on the ground that it is not practicable to secure a warrant because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought. Searches without warrant of automobiles is also allowed for the purpose of preventing violations of smuggling or immigration laws, provided such searches are made at borders or "constructive borders" like checkpoints near the boundary lines of the State.³¹

Checkpoints are not illegal per se.

This case presents us with a situation wherein an individual was arrested during a checkpoint search. Setups of the military or police checkpoints are considered a variant of searching moving vehicles which are not illegal per se, for as long as its necessity is justified by the exigencies of public order and conducted in a way least intrusive to motorists.³² Inspections at checkpoints are not violative of an individual's right against unreasonable searches if limited to the following: (a) the officer merely draws aside the curtain of a vacant vehicle which is parked on the public fair grounds; (b) simply looks into a vehicle; (c) flashes a light therein without opening the car's doors; (d) where the occupants are not subjected to a physical or body search; (e) where the inspection of the vehicles is limited to a visual search or visual inspection; and (e) where the routine check is conducted in a fixed area.³³

Checkpoint searches are considered valid as long as it is limited to a mere routine inspection. However, when a vehicle is stopped and subjected to an extensive search instead of a mere routine inspection, such search remains valid as long as the officers who conducted the search have a reasonable or probable cause to believe before the search that they will find the instrumentality or evidence pertaining to a crime in the vehicle to be searched.³⁴

Warrantless arrest and the concomitant search in this case is valid.

This Court has ruled in several instances³⁵ that although as a general rule, motorists as well as pedestrians passing through checkpoints may only be subjected to a routine inspection, vehicles may also be stopped to allow authorized personnel to conduct an extensive search when there is probable cause which justifies a reasonable belief on the part of the law enforcers that either the motorist is a law offender, or that the contents of the vehicle are, or have been, instruments of some offense.³⁶

³¹ Id. at 278-279.

³² *People v. Sapla*, G.R. No. 244045, June 16, 2020, citing *People v. Manago*, supra note 25.

³³ Id.

³⁴ See id.

³⁵ See *People v. Vinecarrio*, 465 Phil. 192, 208 (2004).

³⁶ Id.

As may be gleaned from the records of this case, petitioner, who was driving a red motorcycle, passed by the mobile check point at Purok 4, Sitio Paso, Barangay Mabuhay, San Fernando, Bukidnon, where SPO2 Llorin was stationed. The motorcycle was then flagged down, and SPO2 Llorin asked petitioner for his OR/CR. However, he failed to produce the documents.³⁷ The police authorities then became suspicious that the motorcycle might have been stolen considering petitioner's failure to produce the OR/CR. Moreover, upon inspection of the motor vehicle, the police officers chanced upon a plastic cellophane protruding from the tools compartment.³⁸ When petitioner opened the tools compartment, the police officers found a small bundle of dried marijuana placed inside a transparent cellophane.³⁹

The police officers then scrutinized the motorcycle and further found the same transparent cellophane in the driver seat. Upon opening the driver's seat,⁴⁰ the police officers discovered five more bundles of marijuana wrapped in a cellophane. Immediately after, the police officers brought petitioner to the police station where he was further interviewed and eventually detained.⁴¹ The marijuana specimen were brought to the laboratory for examination.⁴²

Based on the foregoing, while it is true that the root of the encounter of the police officers and the petitioner was due to the mobile check point in implementation of the COMELEC gun ban, the arrest was not made by reason of the COMELEC gun ban or any traffic violation. Instead, it was in light of petitioner's failure to present his OR/CR, which raised suspicions on the part of the police officers, prompting them to inquire further and look into the motor vehicle, on the theory that petitioner might be committing a crime or the motor vehicle itself is the subject of the crime already committed. The consequent search conducted by the police officers led to the confiscation of marijuana from petitioner.

Rule on Chain of Custody was not complied with.

In particular, the records show that there was noncompliance by the police officers at the rule on chain of custody. The chain of custody refers to the duly recorded, authorized movements, and custody of the seized drugs at each stage, from the moment of confiscation, to the receipt in the forensic laboratory for examination, until it is presented to the court.⁴³ Section 21, Article II of RA 9165 provides:

³⁷ TSN, February 26, 2006, pp. 8.

³⁸ *Rollo*, p. 184.

³⁹ TSN, February 26, 2006, pp. 8-10.

⁴⁰ *Id.* at 11.

⁴¹ *Id.* at 11-12.

⁴² *Id.*

⁴³ *People v. del Rosario*, G.R. No. 235658, June 22, 2020.

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;

(3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: *Provided*, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours;

(4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, conduct an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter proceed with the destruction or burning of 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 DOJ, civil society groups and any elected public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: *Provided*, That those item/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes: *Provided, further*, That a representative sample, duly weighed and recorded is retained;

(5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject item/s which, together with the representative sample/s in the custody of the PDEA, shall be submitted to the court having jurisdiction over the case. In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board;

(6) The alleged offender or his/her representative or counsel shall be allowed to personally observe all of the above proceedings and his/her presence shall not constitute an admission of guilt. In case the said offender or accused refuses or fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the public attorney's office to represent the former;

(7) After the promulgation and judgment in the criminal case wherein the representative sample/s was presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative sample/s to the PDEA for proper disposition and destruction within twenty-four (24) hours from receipt of the same; and

(8) Transitory Provision: a) Within twenty-four (24) hours from the effectivity of this Act, dangerous drugs defined herein which are presently in possession of law enforcement agencies shall, with leave of court, be burned or destroyed, in the presence of representatives of the Court, DOJ, Department of Health (DOH) and the accused and/or his/her counsel, and, b) Pending the organization of the PDEA, the custody, disposition, and burning or destruction of seized/surrendered dangerous drugs provided under this Section shall be implemented by the DOH.

The Implementing Rules and Regulations (IRR) of RA 9165 further expounded on this provision:

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:

(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;

Section 21 of RA 9165 requires the apprehending officers to immediately conduct the marking, physical inventory and photograph of the seized drugs. Moreover, the physical inventory and taking of photographs shall be conducted in the presence of: (a) the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel; (b) a representative from the media; (c) a representative from the Department of Justice (DOJ); and (d) an elected public official, after seizure and confiscation.⁴⁴

The procedure laid out in Section 21, Article II of RA 9165 is considered substantive law and not merely a procedural technicality.⁴⁵ The law requires that the police authorities implementing RA 9165 strictly comply with the chain of custody procedure, although failure to strictly do so does not, *ipso facto*, render the seizure and custody over the illegal drugs as void and invalid if: (a) there is justifiable ground for such noncompliance; and (b) the integrity and evidentiary value of the seized evidence were preserved.

In this case however, there was total lack of compliance. A review of the pieces of evidence submitted by the parties show that an inventory report was not accomplished by any of the police officers. In fact, an inventory report was never mentioned in all the transmittal documents accomplished by the concerned authorities. Absent the inventory report, the required presence of the insulating witnesses cannot be considered to have been complied with. Consequently, rendering a judgment of conviction without being able to establish that petitioner, along with the required witnesses under Section 21 of RA 9165, were able to personally see the movement of the seized drugs amounts to a violation of substantive law.

In view of the foregoing lapses in the chain of custody and ultimately, lack of compliance with Section 21, Article II of RA 9165, petitioner's acquittal is warranted. Serious uncertainty hangs over the identity and integrity of the *corpus delicti* introduced into evidence by the prosecution.

WHEREFORE, the petition is **GRANTED**. The August 8, 2014 Decision and February 9, 2015 Resolution of the Court of Appeals in CA-G.R. CR No. 00911-MIN are hereby **REVERSED** and **SET ASIDE** for failure of the prosecution to prove beyond reasonable doubt the guilt of petitioner Rolando Uy y Sayan alias "Nonoy." He is hereby **ACQUITTED** of the crime charged against him and ordered immediately **RELEASED** from custody, unless he is being held for some other lawful cause.

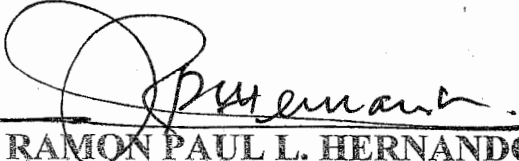
The Director General of the Bureau of Corrections, Muntinlupa City, is **ORDERED** to implement this Decision and to inform this Court of the action he has taken within five days from receipt of this Decision.

Let entry of judgment be issued immediately.


⁴⁴ Id.


⁴⁵ *People v. Tomawis*, 830 Phil. 385, 404 (2018).

SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
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.


ESTELA M. PERLAS-BERNABE
Senior 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.


ALEXANDER G. GESMUNDO
Chief Justice

