



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 6, 2022, which reads as follows:

“**G.R. No. 229216 (People of the Philippines v. Dels de Leon y Tolentino)**. – This appeal assails the Decision¹ dated November 24, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05958, which affirmed the Joint Decision² dated November 12, 2012 rendered by the Regional Trial Court (RTC) of Dagupan City, Branch 44 in Criminal Case Nos. 2010-0416-D and 2010-0417-D, finding Dels de Leon y Tolentino (accused-appellant) guilty of violating Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

Antecedents

The instant case stemmed from two separate Informations, both dated August 5, 2010, filed against accused-appellant before the RTC of Dagupan City.

The first Information, docketed as Criminal Case No. 2010-0416-D, charged accused-appellant with violation of Section 5, Article II of R.A. No. 9165 for Illegal Sale of Dangerous Drugs, allegedly committed as follows:

That on or about the 4th day of August 2010, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, **DELS DE LEON Y TOLENTINO**, did then and there, willfully, unlawfully and criminally, sell and deliver to a customer Methamphetamine Hydrochloride (Shabu) contained in one (1) heat-sealed plastic sachet, weighing more or less 0.10 grams (sic), in exchange for P500.00, without authority to authority to (sic) do so.

Contrary to Article II, Section 5, R.A. 9165.³

The other Information, docketed as Criminal Case No. 2010-0417-D, charged accused-appellant with Illegal Possession of Dangerous Drugs in

¹ *Rollo*, pp. 2-13; penned by Associate Justice Victoria Isabel A. Paredes, with Associate Justices Magdangal M. De Leon and Elihu A. Ybañez concurring.

² *CA rollo*, pp. 41-47; penned by Judge Genoveva Coching-Maramba.

³ Records (Criminal Case No. 2010-0416-D), p. 1.

violation of Section 11, Article II of R.A. 9165, viz.:

That on or about the 4th day of August 2010, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, **DELS DE LEON Y TOLENTINO**, did then and there, willfully, unlawfully and criminally, have in his possession, custody and control Methamphetamine Hydrochloride (Shabu) contained in twenty (20) heat-sealed plastic sachets, weighing more or less 1.23 grams, without authority to possess the same.

Contrary to Article II, Section 11, R.A. 9165.⁴

When arraigned on November 10, 2010, accused-appellant, assisted by his counsel, pleaded “not guilty” to the crimes charged.⁵ Thereafter, joint trial on the merits ensued.

Version of the Prosecution

On August 4, 2010, at about 5 o'clock in the afternoon, Police Officer (PO) 3 Lucas Salonga (Salonga) reported for duty at the Dagupan City Police Station. He was summoned by Police Inspector Gerardo Macaraeg (P/Insp. Macaraeg) to conduct a buy-bust operation against accused-appellant along Bonuan Binloc, Dagupan City.⁶ He was designated as the poseur-buyer and was given a ₱500.00 bill with serial number XL879260 to be used as buy-bust money, which was duly recorded in the police blotter.⁷

Thereafter, PO3 Salonga, together with the confidential asset, P/Insp. Macaraeg, P/Insp. Jomar Gonzales and P/Insp. Allan Dauz,⁸ proceeded to the target area. PO3 Salonga and the confidential asset met accused-appellant in front of the Bonuan Boquig Elementary School. Since the confidential asset and accused-appellant knew each other, the latter approached them and asked PO3 Salonga to buy *shabu*. PO3 Salonga then gave accused-appellant the ₱500.00 bill and, in turn, accused-appellant handed over a small plastic sachet of suspected *shabu*. Upon consummation of the sale, PO3 Salonga introduced himself as a police officer, arrested accused-appellant, handcuffed him, and apprised him of his constitutional rights.⁹

PO3 Salonga frisked accused-appellant and recovered from his left pocket 20 plastic sachets containing white crystalline substance suspected to be *shabu*. PO3 Salonga immediately marked the sachet subject of sale with his initials “LCS” while the rest of the sachets were marked as “LCS1” to “LCS20”. Subsequently, PO3 Salonga prepared a Confiscation Receipt¹⁰ which

⁴ Id. (Criminal Case No. 2010-0417-D) at 1.

⁵ Id. (Criminal Case No. 2010-0416-D) at 25; Id. (Criminal Case No. 2010-0417-D) at 19.

⁶ TSN dated July 12, 2011, pp. 2-4.

⁷ Records (Criminal Case No. 2010-0416-D), p. 4; Id. (Criminal Case No. 2010-0417-D) at 4.

⁸ TSN dated August 10, 2011, p. 3.

⁹ TSN dated July 12, 2011, pp. 6-8.

¹⁰ Records (Criminal Case No. 2010-0416-D), p. 8; Id. (Criminal Case No. 2010-0417-D) at 9.

was later on signed by Barangay Kagawad Rodolfo Embuido, John Geronimo¹¹ and Mark Soriano from ABS-CBN, Elton Veloria from GMA Dagupan, and Robert Ramirez from the Department of Justice.¹²

Boarded on a police mobile, accused-appellant and the seized items were brought to the Dagupan City Police Station where PO3 Salonga turned them over to the desk officer, Senior Police Officer 4 Beliarba¹³ Dela Cruz.¹⁴ He prepared the pertinent documents, including the separate letter-requests for laboratory examination.¹⁵ After which, PO3 Salonga delivered the seized items and the letter-requests to the Lingayen Crime Laboratory where they were received by the forensic chemist, Police Senior Inspector Myrna Malojo (P/S Insp. Malojo).¹⁶

Per Chemistry Report No. D-091-10L,¹⁷ the specimen taken from the sachet subject of sale was found positive for the presence of methamphetamine hydrochloride, commonly known as *shabu*. In the same manner, the specimens taken from the 20 sachets found in the possession of accused-appellant yielded positive result for *shabu*, as indicated in Chemistry Report No. D-092-10L.¹⁸

Version of the Defense

Interposing denial, accused-appellant recalled that on August 4, 2010, at around 6:30 p.m., he was in Bonuan Boquig, Dagupan City to buy spare parts for his *tribike*. Because of the heavy rain, he was not able to do so. As he was passing time at a bakery near Boquig High School, P/Insp. Macaraeg suddenly poked a gun at him and frisked him, but found nothing besides his wallet. P/Insp. Macaraeg, along with four other companions, “invited” him to the police station. Thereat, he was forced to admit possession of the contents of some plastic sachets. He was also asked if he was a Muslim and if he knew a certain Muslim in Silungan. When he could not name the person, he was told by the police that he would be the one to be charged.¹⁹

The RTC Ruling

On November 12, 2012, the RTC rendered a Decision,²⁰ the decretal portion of which reads:

WHEREFORE, judgment is hereby rendered in:

¹¹ Joan in some parts of the TSN.
¹² TSN dated July 12, 2011, pp. 7-12.
¹³ SPO4 Billiarba dela Cruz in some parts of the records.
¹⁴ TSN dated July 12, 2011, pp. 12-13.
¹⁵ Records (Criminal Case No. 2010-0416-D), p. 40; Id. (Criminal Case No. 2010-0417-D) at 6.
¹⁶ TSN dated July 12, 2011, pp. 13-14.
¹⁷ Records (Criminal Case No. 2010-0416-D), p. 42.
¹⁸ Id. (Criminal Case No. 2010-0417-D) at 33.
¹⁹ TSN dated September 4, 2012, pp. 2-6.
²⁰ CA rollo, pp. 41-47.

1. Crim. Case No. 2010-0416-D finding accused **DELS DE LEON y Tolentino GUILTY** beyond reasonable doubt with Violation of Art. II, Sec. 5 of RA 9165 otherwise known as the Dangerous Drugs Act of 2002, and is hereby sentenced to suffer life imprisonment and to pay a fine in the amount of Five Hundred Thousand (P500,000.00) pesos; and,

2. Crim. Case No. 2010-0417-D finding accused **DELS DE LEON y Tolentino GUILTY** beyond reasonable doubt with Violation of Art. II, Sec. 11 of RA 9165 otherwise known as the Dangerous Drugs Act of 2002, and is hereby sentenced to suffer an imprisonment of Twelve (12) years and one (1) day to Twenty (20) years, and to pay a fine in the amount of Three Hundred Thousand (P300,000.00) pesos.

The subject twenty one (21) plastic sachets of shabu are hereby ordered disposed of in accordance with law.

SO ORDERED.²¹

The RTC found that all the elements of both Illegal Sale and Illegal Possession of Dangerous Drugs were satisfactorily proven by the prosecution. The RTC declared that accused-appellant's bare denial cannot overcome the positive testimony of PO3 Salonga of having bought one plastic sachet of *shabu* from accused-appellant and, subsequently, having recovered 20 more plastic sachets of *shabu* from him.

Insisting on his innocence, accused-appellant appealed to the CA.²²

The CA Ruling

In its Decision²³ dated November 24, 2015, the CA sustained accused-appellant's conviction.

The CA concurred with the RTC that all the elements of the crimes charged against accused-appellant were present. The CA ruled that neither the absence of a pre-arranged signal nor the fact that the money used during the buy-bust operation was not pre-marked was fatal to the prosecution's case. The CA opined that there is no prescribed method on how a buy-bust operation should be conducted; hence, police authorities are given a wide discretion as long as it is carried out with due regard to constitutional and legal safeguards.²⁴

In this connection, the CA held that there was compliance with Section 21 of R.A. No. 9165 when the inventory and photograph taking of the seized items were done at the police station, as permitted under the said provision. The CA further held that it was established with moral certainty that the plastic sachets presented in court were the same items bought by PO3 Salonga as well as recovered from accused-appellant's possession.²⁵

²¹ Id. at 46-47.

²² Records (Criminal Case No. 2010-0416-D), p. 129.

²³ *Rollo*, pp. 2-13.

²⁴ Id. at 9.

²⁵ Id. at 11-12.

Feeling aggrieved, accused-appellant filed a Notice of Appeal,²⁶ which was given due course by the CA in its Resolution²⁷ dated February 15, 2016. Accordingly, the records of the case were elevated to this Court.

In a Resolution²⁸ dated March 1, 2017, this Court noted the case records forwarded by the CA and notified the parties that they may file their respective supplemental briefs, if they so desire, within 30 days from notice. Both accused-appellant²⁹ and the People, through the Office of the Solicitor General (OSG),³⁰ manifested that they were no longer filing supplemental briefs as the issues and arguments previously raised have already been adequately discussed in their separate briefs before the CA.

In his Brief,³¹ accused-appellant claims that a grave error was committed when he was adjudged guilty by giving credence and weight to the testimony of the prosecution witness, PO3 Salonga, and altogether disregarding his testimony. Likewise, accused-appellant harps on the police officers' non-compliance with the requirements under Section 21 of R.A. No. 9165 and the prosecution's failure to establish the chain of custody of the confiscated drugs.³²

On the other hand, the OSG, in its Brief,³³ asserts that the documentary and testimonial evidence proffered by the prosecution sufficiently proved that accused-appellant is guilty of selling and possessing illegal drugs. The OSG maintains that through the testimony of PO3 Salonga, the prosecution has successfully demonstrated an unbroken chain of custody over the seized illegal drugs. The OSG then posits that whatever justifiable grounds which may have excused the police officers involved in the buy-bust operation from complying with Section 21 will remain unknown considering accused-appellant's failure to raise the issue early on.³⁴

The Court's Ruling

No less than the Constitution mandates that an accused shall be presumed innocent until the contrary is proved³⁵ beyond reasonable doubt.³⁶ If the prosecution fails to meet the required evidence, the defense does not even need to present evidence in its own behalf; the presumption prevails and the accused should be declared acquitted.³⁷ In order to merit conviction, the prosecution must rely on the strength of its own evidence and not on the weakness of

²⁶ Id. at 16-17.

²⁷ Id. at 19.

²⁸ Id. at 21-22.

²⁹ Id. at 25-27.

³⁰ Id. at 30-32.

³¹ CA *rollo*, pp. 20-39.

³² Id. at 27-37.

³³ Id. at 52-86.

³⁴ Id. at 61-84.

³⁵ 1987 CONSTITUTION, Article III, Section 14(2).

³⁶ Section 2, Rule 133 of the 2019 Amendments to the 1989 Revised Rules on Evidence (A.M. No. 19-08-15-SC, dated October 8, 2019).

³⁷ *People v. Sabdula*, 733 Phil. 85, 93 (2014).

evidence presented by the defense.³⁸

In the instant case, the Court acquits accused-appellant for failure of the prosecution to prove his guilt beyond reasonable doubt.

In all prosecutions for violations of R.A. No. 9165, the *corpus delicti* is the dangerous drug itself, the existence of which is essential to a judgment of conviction.³⁹ Thus, it is of utmost importance that the integrity and identity of the seized drug must be shown to have been duly preserved.⁴⁰ This requirement necessarily arises from the illegal drug's unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration, or substitution either by accident or otherwise.⁴¹

To remove any doubt or uncertainty on the identity and integrity of the seized drug, evidence must definitely show that the illegal drug presented in court is the same illegal drug actually recovered from the accused; otherwise, the prosecution for possession or for sale fails.⁴²

While it is true that a buy-bust operation is a legally effective and proven procedure, sanctioned by law, for apprehending drug peddlers and distributors, the law nevertheless also requires strict compliance with procedures laid down by it to ensure that rights are safeguarded.⁴³ Section 21, Article II of R.A. No. 9165, the applicable provision at the time of the commission of the alleged crimes,⁴⁴ governs the procedure to be observed by law enforcement officers in handling seized illegal drugs:

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;

³⁸ *Tolentino v. People*, G.R. No. 227217, February 12, 2020.

³⁹ *People v. Jaafar*, 803 Phil. 582, 591 (2017).

⁴⁰ *People v. Ismael*, 806 Phil. 21, 29 (2017).

⁴¹ *People v. Nuarin*, 764 Phil. 550, 557 (2015).

⁴² *People v. Prudencio*, 800 Phil. 128, 136 (2016).

⁴³ *People v. Doria*, G.R. No. 227854, October 9, 2019.

⁴⁴ The crimes subject of this case were allegedly committed on August 4, 2010, before the enactment of R.A. No. 10640 amending Section 21, Article II of R.A. No. 9165 on July 15, 2014.

The Court observes that there is a variance between the findings of the RTC and the CA as to the conduct of inventory. The RTC stated that the inventory was prepared and signed at the place of arrest while the CA mentioned that the inventory was done at the police station. Taking this into account, there is a need for the Court to revisit and recalibrate the evidence on record.

An appeal in criminal cases opens the entire case for review. It 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.⁴⁵

Here, PO3 Salonga's testimony recounts that the Confiscation Receipt was prepared at the place of incident and signed by four witnesses:

Q: After you were able to confiscate these, after you made markings on these plastic sachets as well as the plastic sachets which was the subject matter of the sale, what did you do with these plastic sachets after marking?

A: I prepared a confiscation receipt.

x x x x

Q: When did you make the confiscation receipt?

A: At the place of incident, mam. [sic]

x x x x

Q: There are other signatures in this Confiscation Receipt whose signature are these?

A: Mediaman, mam [sic] and Kagawad Rodolfo Embuido.

Q: How did you know that they are the one who affixed their signatures?

A: I was present when they affixed their signature, mam. [sic]

Q: There is a signature after the word ABS-CBN, whose signature is that?

A: Joan Geronimo [sic].

Q: There is another signature beside it, whose signature is that?

A: Mark Soriano, mam. [sic]

Q: Are you sure they are the same persons who affixed their signature?

A: Yes, mam. [sic]

Q: How do you know?

A: I was present, mam. [sic]

Q: There is also a signature above the acronym GMA Dagupan, whose signature is that?

A: Elton Veloria, GMA Dagupan.

⁴⁵ *People v. Villalon, Jr.*, G.R. No. 229412, March 15, 2021.

Q: Above the acronym DOJ, whose signature is that?

A: Robert Ramirez, mam. [sic]

Q: And a Barangay Kagawad, whose signature is that?

A: Rodolfo Iboni. [sic]

x x x x

Q: After the preparation of this Confiscation Receipt, what happened to the 21 heat[-]sealed plastic sachets of shabu which were taken?

A: I endorsed the said suspect and the evidence to the Desk Officer for recording, mam.

Q: You mean to say when you endorsed the accused as well as the shabu to the desk officer where was this already?

A: In our office, Dagupan Police Station.⁴⁶

Based on the testimony alone, it would appear that the above-named witnesses signed the Confiscation Receipt also at the place of arrest. However, the photos reveal otherwise. The photos show each witness in the act of signing the document at the police station.⁴⁷ Therefore, it seems that the said witnesses were only “called in” to sign the same but were not really present during the inventory of the seized items. Such piecemeal compliance cannot be allowed by the Court because it defeats the very objective of the law in mandating the presence of three disinterested persons during the actual conduct of inventory, *i.e.*, to thwart the possibility of switching, planting, or contamination of the evidence.

Failure to comply with Section 21 implies a concomitant failure on the part of the prosecution to establish the identity of the *corpus delicti*,⁴⁸ an essential element of both the offenses of Illegal Sale and Illegal Possession of dangerous drugs.

Moreover, accused-appellant contends that the integrity and evidentiary value of the seized illegal drugs have not been preserved in view of the broken links in the chain of custody, to which the OSG begs to differ.

The Court agrees with accused-appellant. “Chain of Custody” means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and used in court as evidence, and the final disposition.⁴⁹

⁴⁶ TSN dated July 12, 2011, pp. 10-12.

⁴⁷ Records (Criminal Case No. 2010-0416-D), p. 9; Id. (Criminal Case No. 2010-0417-D) at 10.

⁴⁸ *Samia v. People*, G.R. No. 227217, February 12, 2020, citing *People v. Que*, 824 Phil. 882, 895 (2018).

⁴⁹ Section 1(b) of the Dangerous Drugs Board Regulation No. 1, Series of 2002.

Jurisprudence dictates the links that must be established in the chain of custody in a buy-bust situation, as in this case, namely: first, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and fourth, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.⁵⁰ Indeed, establishing every link in the chain of custody is crucial to the preservation of the integrity, identity, and evidentiary value of the seized items. Failure to demonstrate compliance with even just one of these links creates reasonable doubt that the items confiscated from the accused are the same items offered in evidence.⁵¹

The attention of this Court has been particularly called to the first and fourth links.

Anent the first link, although there is no dispute that PO3 Salonga marked the seized items at the place of arrest, his testimony does not indicate if the marking was done in the presence of accused-appellant, his representative or his counsel, viz.:

Q: What is your marking?

A: LCS.

Q: What does LCS stand [for]?

A: Lucas C. Salonga, mam. [sic]

x x x x

Q: When did you put the said marking, LCS, on the sachet of shabu?

A: At the place of the incident, mam. [sic]

x x x x

Q: What did you do after you found those sachets of shabu?

A: We marked them, mam. [sic]

Q: Who are you with when you marking [sic] the sachets of shabu?

A: The intel officer, mam. [sic]

Q: Who is this intel officer?

A: P/Insp. Macaraeg, the PCP Commander of PCP6, P/Insp. Allan Daus, the Station Duty Officer, P/Insp. Jomar Gonzales, mam. [sic]

Q: What markings did you make on the plastic sachets that you confiscated from his pocket?

A: I put my initial, mam. [sic]

Q: Your initials only, Mr. witness?

⁵⁰ *Tumabini v. People*, G.R. No. 224495, February 19, 2020; *Jocson v. People*, G.R. No. 199644, June 19, 2019; *People v. Arposeple*, 821 Phil. 340, 364 (2017).

⁵¹ *People v. Villalon, Jr.*, G.R. No. 249412, March 15, 2021.

A: My initial and numbers 1 to 20, mam. [sic]⁵²

With regard to the fourth link, “it is of paramount necessity that the forensic chemist testifies on the details pertaining to the handling and analysis of the dangerous drug submitted for examination i.e. when and from whom the dangerous drug was received; what identifying labels or other things accompanied it; description of the specimen; and the container it was in. Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.”⁵³

In *People v. Rivera*,⁵⁴ the Court echoed its pronouncement in *People v. Leaño*,⁵⁵ citing *People v. Ubungen*⁵⁶ and *People v. Pajarin*,⁵⁷ that in case of dispensation of the forensic chemist’s testimony, the parties must agree to stipulate that: (a) the forensic chemist received the seized article as marked, properly sealed, and intact; (b) he/she resealed it after examination of the contents; and (c) he/she placed his/her own marking on the same to ensure that it could not be tampered pending trial. Absent such stipulations, the fourth link cannot be established, thus, resulting in acquittal/s.⁵⁸

During trial, the parties agreed to dispense with the testimony of the forensic chemist, P/S Insp. Malojo, without entering into any stipulation of facts. At most, the defense counsel merely admitted the purposes for which the said witness was being presented, to wit: to testify as an expert witness and to prove that as a forensic chemist, she performed initial and final laboratory examination on the specimen submitted in both Criminal Case Nos. 2010-0416-D and 2010-0417-D which consist of 20 heat-sealed sachets and one heat-sealed sachet, respectively; that she received the respective request for laboratory examination from PO3 Salonga and upon receipt of the laboratory examination including the respective specimens subject of the request she performed quantitative and qualitative examinations of the same which gave positive result to the presence of methamphetamine hydrochloride, a dangerous drug which she reduced examination in writing as reflected in her initial laboratory report and final laboratory report; and to identify the document as well as the sachets subject of the examination and to testify on other related matters thereto.⁵⁹

From the foregoing, it is quite obvious that there were no stipulations as to the manner the seized items were managed, stored, preserved or handled at the crime laboratory after it was examined by P/S Insp. Malojo and before it was delivered to the trial court for identification.

⁵² TSN, July 12, 2011, pp. 7-8.

⁵³ *People v. Omamos*, G.R. No. 223036, July 10, 2019.

⁵⁴ G.R. No. 252886, March 15, 2021.

⁵⁵ G.R. No. 246461, July 28, 2020.

⁵⁶ 836 Phil. 888 (2018).

⁵⁷ 654 Phil. 461 (2011).

⁵⁸ *People v. Rivera*, supra.

⁵⁹ Records (Criminal Case No. 2010-0416-D), p. 34.

Given the breaches committed by the police officers and the lapses on the part of the prosecution, the identity, integrity, and evidentiary value of the *corpus delicti* have been compromised.

All told, the judgment of conviction against accused-appellant cannot stand. Perforce, his acquittal is in order.

WHEREFORE, premises considered, the appeal is **GRANTED**. The Decision dated November 24, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 05958 is **REVERSED** and **SET ASIDE**. Accused-appellant Dels de Leon y Tolentino is **ACQUITTED** of the crimes charged against him for failure of the prosecution to prove his guilt beyond reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention, unless he is confined for some other lawful cause. Let entry of final judgment be issued immediately.

Let a copy of this Resolution be furnished to the Director General of the Bureau of Corrections, Muntinlupa City for immediate implementation. He is **ORDERED** to **REPORT** to this Court, within five (5) working days from receipt of this Resolution, the action he has taken.

SO ORDERED.”

By authority of the Court:

Misael C Batt
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
GER
49/122

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 44
Dagupan City
(Crim. Case Nos. 2010-0416-D and
2010-0417-D)

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