



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 April 2022** which reads as follows:*

“**G.R. No. 232618** (*People of the Philippines v. Dionicio Siazon y Andres and Ralf Jerick Asaytono y Agustin*). — This appeal<sup>1</sup> filed by Dionicio Siazon y Andres (Siazon) and Ralf Jerick Asaytono y Agustin (Asaytono) (collectively, accused-appellants), assails the January 6, 2017 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07640, which affirmed the November 24, 2014 Decision<sup>3</sup> of the Regional Trial Court (RTC) of Aparri, Cagayan, Branch 6, in Criminal Case No. II-10983, finding accused-appellants guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs, punished under Section 5, Article II of Republic Act No. (RA) 9165,<sup>4</sup> otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

**The Factual Antecedents:**

In an Information dated March 20, 2012, accused-appellants were charged with violation of Section 5, Article II of RA 9165, which alleges:

That on or about December 15, 2011, in the municipality of Gonzaga, province of Cagayan, and within the jurisdiction of this Honorable Court, the said accused, without any legal authority thereof, conspiring together and helping each other, did then and there willfully, unlawfully and feloniously sell, deliver, dispense, give away three (3) pieces heat sealed transparent plastic sachet containing crystalline substance which gave POSITIVE result to the tests for methamphetamine hydrochloride, a dangerous drug, locally known as SHABU,

<sup>1</sup> *Rollo*, pp. 13-14.

<sup>2</sup> *Id.* at 2-12. Penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Sesinando E. Villon and Rodil V. Zalameda (now a Member of this Court).

<sup>3</sup> *CA rollo*, pp. 50-56. Penned by Presiding Judge Neljoe A. Cortes.

<sup>4</sup> 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 FUNDS THEREFOR, AND FOR OTHER PURPOSES.” Approved: June 7, 2002.

weighing an aggregate of **4.66 grams** to a poseur buyer of the elements of Philippine National Police force stationed at Gonzaga Police Station, said accused knowing fully well and aware that it is prohibited for any person to sell, deliver, dispense, give away to another or transport any dangerous drugs regardless of the quantity or purity thereof, unless authorized by law.

**CONTRARY TO LAW.<sup>5</sup>**

After several deferments and postponements, accused-appellants were finally arraigned on February 5, 2013, with both pleading “not guilty” to the crime charged.<sup>6</sup> During pre-trial, the State and the defense had stipulated only on the identities of the two accused.<sup>7</sup> Thereafter, trial on the merits ensued.

**Version of the Prosecution:**

The prosecution presented five witnesses, namely: Senior Police Officer (SPO) 1 Noel Agtarap (Agtarap), Police Officer 2 Mariano Banzuela (Banzuela),<sup>8</sup> SPO1 Robert Molina (Molina), and PO2 Kerby Lorenzo (Lorenzo), who were all members of the Gonzaga Police Station, Gonzaga, Cagayan, and Police Senior Inspector Glenn Ly Tuazon (Tuazon), who was the Forensic Chemist from Regional Crime Laboratory Office No. 2, Tuguegarao City.<sup>9</sup> From their testimonies, the following facts emerged:

At around 3:00 p.m. of December 15, 2011, PO3 Jobel Orteza (Orteza) was on duty at the Gonzaga Police Station when he received information from a confidential informant (CI) that a pusher will deliver to him a big volume of illegal drugs commonly known as *shabu*. Orteza immediately relayed the information to Agtarap and Molina, who were the Chief Intelligence Police Non-Commissioned Officer (PNCO), and Chief Investigator, respectively, of the Gonzaga Police Station. In turn, they related the matter to the Station’s Chief of Police, who then formed a team to conduct a buy-bust operation for the apprehension of the pusher. Thereafter, they conducted a briefing on the planned buy-bust operation and coordinated the matter with the Philippine Drug Enforcement Agency (PDEA).<sup>10</sup>

At about 6:30 p.m. of the same day, the team – composed of Molina as the team leader, Agtarap, Orteza, Banzuela, PO2 Regienold Leonador (Leonador), PO3 Ponciano Garma (Garma), and Lorenzo, proceeded to the target area. The designated poseur-buyers, Banzuela and Leonador, had with them a P500.00-bill to be used as the buy-bust money.<sup>11</sup>

<sup>5</sup> Records, p. 1; emphasis in the original.

<sup>6</sup> Id. at 118 and 126.

<sup>7</sup> Id. at 137-140.

<sup>8</sup> Also referred to as “Bansuela” in the records.

<sup>9</sup> CA *rollo*, p. 51.

<sup>10</sup> Id.

<sup>11</sup> Id.

Upon arriving at the target area, Banzuela and Leonador, accompanied by the CI, approached accused-appellants. Meanwhile, the other members of the team positioned themselves in strategic places within a viewing distance. After the CI had introduced Banzuela and Leonador as the buyers of the drugs, Banzuela asked Siazon and Asaytono if they had a “stock” with them. The latter replied in the affirmative. Subsequently, Siazon brought out three transparent plastic sachets containing a white crystalline substance from his bag. He then placed it on top of a table and gave Banzuela the option to choose any one of the sachets. When Banzuela told Siazon that he only had ₱500.00, the latter gave him the smallest sachet.<sup>12</sup> After handing over the buy-bust money to Asaytono, Banzuela alerted the buy-bust team that the transaction had already been consummated by executing the pre-arranged signal of calling Molina’s phone. Consequently, the other members of the team rushed to the scene to assist Banzuela and Leonador in arresting Siazon and Asaytono.<sup>13</sup>

After their arrest, Garma called for Barangay Captain Demetrio Baclig (Baclig) and Barangay Councilman Delfin Suetos (Suetos) of Barangay Paradise, Gonzaga, Cagayan, to witness the marking, physical inventory, and photography of the seized items. Upon the arrival of the two barangay officials, Lorenzo marked the three sachets on the table as “K,” “K-1,” and “K-2,” in the presence of the Siazon, Asaytono, Baclig, Suetos, and the rest of the members of the buy-bust team. Further, the team conducted a physical inventory and took pictures of the seized items in the presence of accused-appellants and barangay officials.<sup>14</sup>

After the marking, physical inventory, and photography of the seized drugs, Lorenzo picked up the items, and the team then brought accused-appellants to the Gonzaga Police Station.<sup>15</sup>

Upon arrival at the police station, Lorenzo placed the three sachets inside the station’s evidence cabinet. The following day, December 16, 2011, at around 8:00 a.m., he proceeded to the Regional Crime Laboratory Office No. 2, Camp Adduru, Tuguegarao City to submit the items for laboratory examination, which were received by Tuazon, the Forensic Chemist. The results of the examination, as embodied in Chemistry Report No. D-119-2011, revealed that the contents of the sachets yielded a positive result for the presence of methamphetamine hydrochloride, a dangerous drug.<sup>16</sup>

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<sup>12</sup> Id.

<sup>13</sup> Id. at 51-52.

<sup>14</sup> Id. at 52.

<sup>15</sup> Id.

<sup>16</sup> Id.

**Version of the Defense:**

Denying the accusations against them and claiming to be victims of police frame-up, Siazon and Asaytono gave their version of the facts, as follows:

In the early morning of December 15, 2011, Asaytono left for Cagayan to visit his friend Siazon. He arrived at the Florida Bus Terminal at around 4:30 p.m., where he was met by Siazon. From there, they headed to Gonzaga, Cagayan on board a passenger van and arrived at about 8:00 p.m. Siazon then called a certain friend named "Paul," and asked him to take them to Barangay Baua, Gonzaga, Cagayan where his family was having a vacation. Not long after, Paul and his unidentified companion arrived on two motorcycles.<sup>17</sup>

Paul and his companion let Siazon and Asaytono board their motorcycles. However, Paul told them that he needed to get his helmet at his house first before they could proceed to Barangay Baua. On the way to Paul's house, the group suddenly stopped after only traveling less than a kilometer. Suddenly, Paul and his companion ordered accused-appellants to drop to the ground, and pointed their guns at them. They also took their money, cellphones, necklace, and other personal belongings.<sup>18</sup>

A few moments later, Jay Pentecostes (Pentecostes), the son of the mayor, arrived. Holding an M16 rifle, he ordered accused-appellants to proceed to a certain house.<sup>19</sup> Out of fear, they followed.<sup>20</sup> Pentecostes then forced them to sit beside a table with plastic sachets on top. Subsequently, five police officers arrived in the scene, including Agtarap and Banzuela. Agtarap then hit Siazon's abdomen with a gun while Banzuela struck his face with a doormat that caused a cut on his lips. The police officers also kicked Siazon and Asaytono in the buttocks.<sup>21</sup> Afterwards, they forced the two to sign a document and stand beside the table where their photographs were taken.<sup>22</sup>

**Ruling of the Regional Trial Court:**

In its November 24, 2014 Decision, the RTC found accused-appellants guilty beyond reasonable doubt of violation of Section 5, Article II of RA 9165. The RTC held that the requisites of Illegal Sale of Dangerous Drugs were competently and convincingly established by the prosecution.<sup>23</sup> Further, it ruled that the positive and credible testimonies of the prosecution witnesses must

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<sup>17</sup> Id. at 53.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> TSN, August 27, 2014, p. 9.

<sup>21</sup> CA *rollo*, p. 53.

<sup>22</sup> Id.; TSN, August 27, 2014; p. 12.

<sup>23</sup> Id. at 54.

prevail over both the accused-appellants' defenses of denial and frame-up.<sup>24</sup> The dispositive portion of the Decision reads:

**WHEREFORE**, in the light of the foregoing considerations, this Court finds both accused, **Dionicio Siazon and Ralf Jerick Asaytono**, **GUILTY** beyond reasonable doubt of the offense of Violation of Section 5, Article II of Republic Act No. 9165 and hereby sentences each of them to suffer the penalty of life imprisonment and to pay a fine of P500,000.00

Costs of suit to be paid by both the accused.

**SO ORDERED.**<sup>25</sup>

Aggrieved by the ruling of the RTC, Siazon and Asaytono filed an appeal<sup>26</sup> before the CA.

### **Ruling of the Court of Appeals:**

In its January 6, 2017 Decision, the CA denied accused-appellants' appeal. The CA found no compelling reason to depart from the findings of the RTC there being no basis to suspect the veracity of the statements of the police officers who testified against the accused-appellants.<sup>27</sup> Moreover, the CA held that there was no break in the chain of custody of the seized drugs and that their integrity and evidentiary value were preserved.<sup>28</sup> The CA thus ruled:

**WHEREFORE**, the instant appeal is hereby **DENIED**. The November 24, 2014 Decision of the Regional Trial Court, Branch 6, Aparri, Cagayan in Crim. Case No. II-10983 is **AFFIRMED** *in toto*.

**SO ORDERED.**<sup>29</sup>

Hence, the instant appeal.

### **Issue**

The sole issue to be resolved in the present case is whether accused-appellants are guilty beyond reasonable doubt of violating Section 5, Article II of RA 9165.

### **Our Ruling**

The appeal is meritorious.

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<sup>24</sup> *Id.* at 55.

<sup>25</sup> *Id.* at 56.

<sup>26</sup> *Id.* at 15.

<sup>27</sup> *Rollo*, p. 10.

<sup>28</sup> *Id.* at 11.

<sup>29</sup> *Id.* at 12.

Section 5, Article II of RA 9165 makes it illegal for any person to sell any dangerous drug regardless of its quantity and purity. To be convicted of this crime, the prosecution must prove beyond reasonable doubt the following elements: (1) identity of the seller and the buyer; (2) the object and consideration of the sale; and (3) the delivery of the thing sold and the payment therefor.<sup>30</sup>

However, jurisprudence further dictates that the presentation of evidence establishing such elements *alone* is insufficient to sustain a conviction under RA 9165.<sup>31</sup> In illegal drugs cases, the confiscated drug constitutes the very *corpus delicti* of the offense and the fact of its existence is essential to sustain a guilty verdict. Thus, aside from proving the abovementioned elements of Illegal Sale of Dangerous Drugs, it is equally important for the prosecution to establish beyond reasonable doubt the integrity and identity of the dangerous drug. It must be proven with moral certainty that the substance obtained from the accused during the buy-bust operation is exactly the same substance offered in evidence before the court.<sup>32</sup> Compliance with the chain of custody rule performs this function as it guarantees that the unnecessary doubts concerning the identity of the evidence are removed,<sup>33</sup> such that the evils of switching, “planting,” or contamination of evidence are avoided.<sup>34</sup>

Section 21, Article II of RA 9165 provides the procedural safeguards that the apprehending team must observe in the custody and handling of seized illegal drugs in order to preserve their identity and integrity as evidence. “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.”<sup>35</sup> The said provision states:

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**

<sup>30</sup> *People v. Baldugo*, G.R. No. 242275, February 3, 2021, citing *People v. Sahibil*, G.R. No. 228953, January 28, 2019, further citing *People v. Taboy*, 834 Phil. 72 (2018).

<sup>31</sup> *People v. De Guzman*, 825 Phil. 43, 54 (2018).

<sup>32</sup> See *People v. Arellaga*, G.R. No. 231796, August 24, 2020.

<sup>33</sup> *Id.*, citing *Fajardo v. People*, 691 Phil. 752, 758-759 (2012).

<sup>34</sup> *People v. Baptista*, G.R. No. 225783, August 20, 2018, citing *People v. Mendoza*, 736 Phil. 749 (2014).

<sup>35</sup> *People v. Manabat*, G.R. No. 242947, July 17, 2019.

**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;**

Further, Sec. 21 of the Implementing Rules and Regulations (IRR) of RA 9165 elaborates on the proper procedure to be followed, to wit:

(a) The apprehending office/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;

In the instant case, the Court finds that the prosecution failed to prove beyond reasonable doubt the integrity of the seized drugs given that the buy-bust team did not strictly comply with requirements laid down under Section 21, Article II of RA 9165.

A perusal of the records shows that only Baclig and Suetos, two barangay officials, were present during the time the apprehending team conducted the inventory and photography of the seized drugs. There were no media and DOJ representatives present. As admitted by Lorenzo and Banzuela, two of the prosecution witnesses, the buy-bust team did not secure the attendance of the said required witnesses:

**Testimony of Lorenzo:**

Q: Mr. Witness, in your Joint Affidavit of Arrest, you said you conducted the inventory, markings, and photographs of the confiscated items in the presence of witnesses. Who are those witnesses, Mr. Witness?

A: It was Brgy. Chairman Demetrio Baclig and Councilman Delfin Suetos, sir.

Q: But it does not mention that the accused were present, only witnesses. So, the accused were not present?

A: They were present during the inventory, sir.

Q: No media representative, Mr. Witness, right?

A: Yes, sir.

Q: And no representative from the Department of Justice?

A: None, sir.

The Court:

Q: Why, were you not aware then of the provision of R.A. 9165 requiring the witnessing of the inventory by media and DOJ representatives?

A: We are aware, Your Honor, there is no media because of the time, Your Honor, we cannot provide a witness from the DOJ, Your Honor.

Q: There was no Office of the DOJ in Gonzaga, Cagayan?

x x x x

A: Yes, Your Honor, there is no office.<sup>36</sup>

**Testimony of Banzuela:**

Q: When you conducted the buy-bust operation, you stated in your affidavit that you informed a representative of the local officials, who are those local officials present that you are referring to?

A: The elected barangay officials, sir.

Q: There was no representative of the media?

A: There was no representative of the media personnel in our place, sir.

Q: And there was no counsel from the Department of Justice?

A: The opportunity time is very small to call a representative of the Department of Justice, since we can only avail from Aparri and Tuguegarao, sir.

Q: I would like to clarify, Mr. Witness, if those barangay officials that is being referred in your affidavit, were present during the transaction?

A: As I told [you] earlier, they were notified, sir. If the buy-bust operation will be successful, they will go there and witnesses (*sic*) the inventory of [the] seized items, sir.<sup>37</sup>

While this Court has ruled that the absence of the required witnesses does not *per se* render the confiscated items inadmissible, a justifiable reason for such failure or a showing of any genuine and sufficient effort to secure the required witnesses under Section 21, Article II of RA 9165 must first be adduced.<sup>38</sup> In *People v. Ramos*,<sup>39</sup> this Court explained:

[T]he prosecution must show that earnest efforts were employed in contacting the representatives enumerated under the law for “a sheer statement that representatives were unavailable without so much as an explanation on whether serious attempts were employed to look for other representatives, given the circumstances is to be regarded as a flimsy excuse.” **Verily, mere statements of**

<sup>36</sup> TSN, January 21, 2014, pp. 8-9.

<sup>37</sup> TSN, October 1, 2013, pp. 17-18.

<sup>38</sup> *People v. Ramos*, 826 Phil. 981, 996 (2018), citing *People v. Umipang*, 686 Phil. 1024, 1052-1053 (2012).

<sup>39</sup> *Id.*

**unavailability, absent actual serious attempts to contact the required witnesses are unacceptable as justified grounds for non-compliance. These considerations arise from the fact that police officers are ordinarily given sufficient time - beginning from the moment they have received the information about the activities of the accused until the time of his [or her] arrest — to prepare for a buy-bust operation and consequently, make the necessary arrangements beforehand knowing full well that they would have to strictly comply with the set procedure prescribed in Section 21 of RA 9165. As such, police officers are compelled not only to state reasons for their non-compliance, but must in fact, also convince the Court that they exerted earnest efforts to comply with the mandated procedure, and that under the given circumstances, their actions were reasonable.<sup>40</sup>**

Applying the above ruling in this case, the reasons cited by the police officers as to why the required witnesses were absent, *i.e.*, that there was no time to call in a media representative and that there was no DOJ office in the area, are unacceptable. There was no proof that they even made earnest attempts to look for a media or DOJ representative. It is worthy to point out that they received the tip from their informant at around 3:00 p.m. of December 15, 2011, and that they even had ample time to do a briefing on the buy-bust operation. Thus, as early as then, the police officers could and should have already made serious efforts to secure a media or DOJ representative to witness the buy-bust operation.

It also bears noting at this juncture that the inventory or the Confiscation Receipt prepared by the buy-bust team was not signed by the accused-appellants or by their counsel or representative. It only contained the signatures of Molina, Bacilig, and Suetos.<sup>41</sup> To reiterate, Section 21, Article II of RA 9165 mandates that the copies of the inventory shall be signed by all of the following persons: (a) accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the DOJ.

Further, a review of the records reveal another gap in the chain of custody of the seized drugs. To recall, the buy-bust operation took place at around 6:30 p.m. of December 15, 2011. Thereafter, Lorenzo claimed to have put the confiscated items in their station's evidence cabinet. It was only on the following day, at around 8:00 a.m., that he submitted the said items to the crime laboratory for examination. However, the prosecution failed to establish that the drugs involved in this case were properly preserved. There was no showing that nobody else had access to the evidence cabinet, and that the confiscated drugs from accused-appellants were segregated from other pieces of evidence. Therefore, there was no guarantee as regards the integrity and evidentiary value of the seized items.

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<sup>40</sup> *Id.*

<sup>41</sup> Records, p. 19.

In view of the foregoing breaches in the custody and handling of the seized drugs, there is a serious doubt upon its integrity and evidentiary value. Such lapses give rise to the probability that the seized evidence may have been compromised while under police custody.

Moreover, it has also not escaped this Court's attention that the prosecution witnesses gave inconsistent versions of what actually transpired during the buy-bust operation.

*First.* Agtarap testified that he was sure that the two barangay officials were already present during the conduct of the buy-bust operation.<sup>42</sup> On the other hand, Banzuela testified that the barangay officials were not yet present then. He stated that they would only call them in to witness the inventory if the operation was successful.<sup>43</sup>

*Second.* Agtarap testified that Asaytono was the one who gave the poseur-buyer the three (3) heat-sealed plastic sachets during the purported transaction.<sup>44</sup> However, when it was Banzuela's turn to testify, he claimed that Siazon handed him the three sachets.<sup>45</sup>

*Third.* Agtarap testified that Siazon received the buy-bust money.<sup>46</sup> Meanwhile, Banzuela stated that it was Asaytono.<sup>47</sup>

*Fourth.* Agtarap testified that at the time of their team's briefing on the buy-bust operation, the confidential informant had already disclosed the names of the accused-appellants.<sup>48</sup> However, Banzuela testified that the informant did not actually divulge their names.<sup>49</sup>

Well-settled is the rule in this jurisdiction that inconsistencies and discrepancies referring to minor details and not upon the basic aspect of the crime do not weaken the witnesses' credibility. If the cited inconsistency has nothing to do with the elements of a crime, it will not be considered as a ground to reverse a conviction.<sup>50</sup> However, it is an altogether different story when the inconsistencies of the prosecution witnesses refer to material details pertaining to the events that transpired in the buy-bust operation – in which case, such inconsistencies can overturn the judgment of conviction.<sup>51</sup>

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<sup>42</sup> TSN, May 23, 2013, pp. 20-21.

<sup>43</sup> TSN, October 1, 2013, pp. 13 and 18.

<sup>44</sup> TSN, May 23, 2013, p. 22.

<sup>45</sup> TSN, October 1, 2013, p. 21.

<sup>46</sup> TSN, May 23, 2013, pp. 6 and 22.

<sup>47</sup> TSN, October 1, 2013, pp. 5-6.

<sup>48</sup> TSN, May 23, 2013, p. 11.

<sup>49</sup> TSN, October 1, 2013, p. 10.

<sup>50</sup> *People v. Clara*, 715 Phil. 259, 279 (2013); citations omitted.

<sup>51</sup> *Id.* at 278.

Here, the inconsistencies of the police officers touched on the very elements of the crime charged, such that they could not even tell who between Siazon and Asaytono delivered the dangerous drugs, and who accepted the payment therefor. Worse, these material inconsistencies are coupled by other inconsistencies of the police officers on minor details as discussed above. Consequently, the Court finds that the inconsistencies in the presentation of facts are fatal to the prosecution's case. It creates doubt as to whether the drug transaction really occurred or not.

In sum, this Court finds that the prosecution utterly failed to discharge its burden of proving beyond reasonable doubt the guilt of Siazon and Asaytono. Thus, their acquittal is warranted.

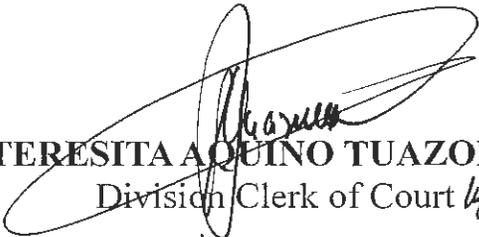
**WHEREFORE**, the appeal is **GRANTED**. The January 6, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 07640 is **REVERSED** and **SET ASIDE**. Accused-appellants Dionicio Siazon y Andres and Ralf Jerick Asaytono y Agustin are **ACQUITTED** for failure of the prosecution to prove their guilt beyond reasonable doubt. They are ordered immediately **RELEASED** from detention, unless they are confined for some other lawful cause.

Let a copy of this Resolution be furnished to the Director General of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director General is **DIRECTED** to report to this Court, within five days from receipt of this Resolution the action taken hereon.

Let entry of final judgment be issued immediately.

**SO ORDERED.**" (*J. Kho, Jr., designated additional Member per Raffle dated March 28, 2022 vice J. Zalameda, who recused due to prior participation in the Court of Appeals*)

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
Division Clerk of Court *kyd*  
01 JUN 2022

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MESSRS. DIONICIO SIAZON y ANDRES (x)  
RALF JERICK ASAYTONO y AGUSTIN (x)  
Accused-Appellants  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

THE DIRECTOR (x)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 6  
Aparri, 3515 Cagayan  
(Crim. Case No. II-10983)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

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