Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **September 21, 2022**, *which reads as follows:*

"G.R. No. 252967 ***(People of the Philippines v. Allan Sultan y Macapaar)***. — Accused-appellant Allan Sultan *y* Macapaar (Sultan) challenges the February 26, 2019 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR No. 40551 and its July 13, 2020 Resolution[2] affirming the Decision[3] of the Regional Trial Court (RTC) of Pallocan West, Batangas City, Branch 8.

The RTC and CA found Sultan guilty[4] beyond reasonable doubt of Illegal Possession of Dangerous Drugs under Section 11, Article II of Republic Act No. (RA) 9165[5] or the "Comprehensive Dangerous Drugs Act of 2002."

The Antecedents

The Information[6] filed against Sultan alleged:

> That on or about the 14th day of December 2014, at about 9:00 o' clock [sic] in the morning, at the Municipal Police Station, Barangay Poblacion, Municipality of San Pascual, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully and unlawfully have in his possession, custody and control one (1) heat-sealed transparent plastic sachet

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1 *Rollo*, pp. 34-43. Penned by Associate Justice Mario V. Lopez (now a Member of this Court) and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Gabriel T. Robeniol.

2 Id. at 45-46. Penned by Associate Justicec Gabriel T. Robeniol and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Franchito N. Diamante.

3 Id. at 66-72. Penned by Presiding Judge Ernesto L. Marajas.

4 Id. at 42 and 71-72.

5 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.

6 Records, p. 1.

> referred as Specimen A ("MEM") in Chemistry Report No. D-1615-14 containing methamphetamine hydrochloride, commonly known as "shabu", weighing of [sic] 0.10 gram, a dangerous drug.
>
> Contrary to law.[7]

Sultan pleaded not guilty to the crime charged.[8] After the termination of the preliminary conference[9] and pre-trial,[10] trial on the merits ensued.

In addition to its documentary evidence, the prosecution presented the following witnesses: Police Officer 1 Michael E. Maristela (PO1 Maristela), *Barangay Kagawad* Amado Reyes (*Kagawad* Reyes), Police Officer 1 Romulo S. Pasia, Jr. (PO1 Pasia), and Police Chief Inspector Donna Villa Huelgas (PCI Huelgas).[11] On the other hand, Sultan was the sole witness for the defense.[12]

Version of the Prosecution

At around 9:00 a.m. on December 14, 2014, Sultan went to the San Pascual Municipal Police Station to visit a certain Luis Acuña.[13] As part of the standard operating procedure for visitors, designated jailer and radio operator PO1 Maristela[14] bodily frisked Sultan and inspected the bread and Marlboro cigarette pack, which the latter brought with him.[15] When PO1 Maristela opened the Marlboro pack, he found one small plastic sachet containing a white crystalline substance inserted with the cigarettes. This prompted him to arrest Sultan.[16]

While waiting for the required witnesses to arrive at the police station, PO1 Maristela held the seized plastic sachet and placed it in the right pocket of his uniform to prevent it from being misplaced.[17] At around 10:00 a.m., witnesses *Kagawad* Reyes and Provincial Prosecutor's Office Support Staff Judith Buhay arrived at the police station.[18] Within the same table where the body frisking and arrest were conducted and in the presence of Sultan and said witnesses, PO1 Maristela retrieved the sachet from his pocket, marked it with "MEM" representing his initials, and placed it in a plastic pouch then marked as "MEM-1."[19] Thereafter, PO1 Pasia prepared the inventory[20] and took photographs of the marked evidence and all the attendees.[21]

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7 Id.
8 Id. at 25 and 26.
9 Id. at 32 and 33.
10 Id. at 56 and 57.
11 Id. at 58, 85, 97
12 Id. at 160 and 163.
13 TSN, March 18, 2015, p. 4.
14 Id.
15 Id. at 5.
16 TSN, March 18, 2015, p. 4; Records, p. 14.
17 TSN, March 18, 2015, p. 7; TSN, June 8, 2015, p. 5; TSN, September 2, 2015, pp. 4 and 8.
18 TSN, March 18, 2015, p. 7; TSN, February 10, 2016, pp. 5-6; Records, p. 95.
19 TSN, March 18, 2015, p. 8-10.

PO1 Maristela then delivered the marked evidence and its supporting documents to the crime laboratory and were received by Police Officer 1 Benjamin Tumitit.[22] Upon turnover to Forensic Chemist PCI Huelgas, she conducted a forensic examination.[23] As indicated in Chemistry Report No. D-1615-14, the heat-sealed plastic sachet marked "MEM" and containing 0.10 gram of white crystalline substance placed in a staple-sealed transparent sachet marked as "MEM-1," yielded a positive result for methamphetamine hydrochloride or shabu, a dangerous drug.[24]

PCI Huelgas turned over the specimen to evidence custodian Senior Police Officer 4 Joselito Mariano[25] who thereafter submitted the evidence to Prosecutor Edwin M. Culla, and then later on to the trial court. [26]

Version of the Defense

Sultan denied the charge against him.[27] Although he confirmed that he was visiting a co-worker named Luis who was detained in the San Pascual Municipal Police Station, he argued that nothing was found on his person after being subjected to frisking.[28] When he was thereafter asked to sit down, PO1 Maristela suddenly showed him a pack of cigarettes with a small plastic sachet containing white powder which allegedly belonged to him.[29] To his surprise, accused-appellant was then arrested.[30]

In addition, Sultan claimed that he was being framed-up by the police, specifically PO1 Maristela who seemed to have ill feelings towards him for some reason and who punched him in the stomach on the day of the incident.[31]

Ruling of the Regional Trial Court

In its August 16, 2017 Decision[32], the RTC found Sultan guilty beyond reasonable doubt of the crime of Illegal Possession of shabu under Sec. 11, Art. II of RA 9165. It found the prosecution's narration of events consistent with the performance of duty as jail officer. It held that absent any convincing proof as to any improper motive from the apprehending officer, then they are

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[20] Records, p. 119.
[21] TSN, March 18, 2015, p. 10; Records, pp. 10, 13.
[22] Records, pp. 11, 130, 132.
[23] Id. at 132.
[24] Id. at 16 and 132.
[25] Id. at 13 and 132.
[26] Id. at 132.
[27] TSN, June 14, 2017, p. 4.
[28] Id. at 5.
[29] Id. at 5.
[30] Id. at 6.
[31] TSN, August 16, 2017, pp. 4-6.
[32] *Rollo*, pp. 66-72.

presumed to not be so actuated such that their testimonies deserved full faith and credit.[33] The trial court thus ruled:

> Wherefore, accused Allan Sultan *y* Macapar is hereby sentence[d] to suffer an imprisonment of twelve years and one day as minimum period of incarceration to fourteen year[s] and eight months as maximum period of imprisonment in as much as he transgressed the provision of Article II, Section 11, of Republic Act No. 9165 beyond reasonable doubt. His period of detention is credited in his favour.
>
> The Clerk of Court is directed to submit to the Philippine Drug Enforcement Agency the sachet with white crystalline substance marked as Exhibit "B-4" for disposition.
>
> Let mittimus order be issued.
>
> SO ORDERED.[34]

On appeal[35] to the CA, Sultan argued that the prosecution failed to (a) establish the chain of custody of the seized drug; and (b) in relation thereto, comply with the procedural safeguards prescribed by Section 21, Article II of RA 9165, as amended. [36]

Ruling of the Court of Appeals

In its February 26, 2019 Decision,[37] as affirmed by its July 13, 2020 Resolution,[38] the appellate court found no merit in Sultan's contentions. The decretal portion of the appellate court's Decision reads:

> **FOR THE STATED REASONS,** the appeal is **DENIED**. The Decision of the Regional Trial Court dated August 16, 2017 is **AFFIRMED** with the **MODIFICATION** in that accused-appellant **ALLAN SULTAN y MACAPAAR** is **ORDERED to PAY** a fine of Three Hundred Thousand Pesos ([₱]300,000.00).
>
> **SO ORDERED**.[39]

The CA held that the dangerous drug which constituted the *corpus delicti* of the offense, was properly secured since the prosecution sufficiently established the links in the chain of custody. [40] Anent the absence of a media representative during inventory, the CA ruled that only the presence of two insulating witnesses (*i.e.*, an elected public official and a representative from either the National Prosecution Service or the media) is required under the

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[33] Id. at 69-71.
[34] Id. at 48-49.
[35] Records, p. 175.
[36] *Rollo*, p. 50.
[37] Id. at 34-42.
[38] Id. at 45-46.
[39] Id. at 42.
[40] Id. at 40.

amended Sec. 21, Art. II of RA 9165.[41] Lastly, the CA affirmed the RTC's finding that the prosecution witnesses' testimonies deserved full faith and credit absent the accused-appellant's failure to present any plausible reason to impute ill motive on the part of the arresting officer.[42]

Aggrieved, Sultan elevated his case *via* a Petition for Review on *Certiorari*[43] to this Court. Accused-appellant insists that the *corpus delicti* has not been established. Absent a justifiable reason for noncompliance with the requirements of Sec. 21, Art. II of RA 9165, Sultan argues that the procedural lapses in the first link of the chain of custody cast doubt on the integrity and evidentiary value of the *corpus delicti*.[44] Specifically, accused-appellant faults the prosecution for (a) failing to immediately mark the seized sachet after its supposed confiscation; and (b) putting the sachet inside apprehending officer PO1 Maristela's pocket while waiting for the required witnesses to arrive for said marking.[45]

Issue

The lone issue presented for resolution is whether the CA erred in sustaining the conviction of accused-appellant for Illegal Possession of Dangerous Drug despite the prosecution's failure to prove that the integrity and evidentiary value of the evidence adduced was not compromised.[46]

Our Ruling

The appeal is meritorious.

Let it be underscored that an appeal in criminal cases throws the whole case open for review and it is the duty of the appellate court to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned.[47] Generally, findings of fact by the lower court are accorded great respect and even finality when affirmed by the CA.[48] However, if there are certain facts and circumstances of weight or substance that could have affected the result of the case that were overlooked, misunderstood, or misapplied, such factual findings may be reversed.[49] This Court has meticulously and thoroughly reviewed and examined the records of the case and finds that there is merit in the appeal.

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41 Id. at 41.
42 Id. at 41 and 42.
43 Id. at 12-32.
44 Id. at 23-25.
45 Id. at 21.
46 Id. at 19.
47 *People v. Mariano*, G.R. No. 247522, February 28, 2022, citing *People v. Dahil*, 750 Phil. 212, 225 (2015).
48 Id., citing *People v. De Guzman*, 630 Phil. 637, 644 (2010).
49 Id., citing *Zarraga v. People*, 519 Phil. 614, 620 (2006).

Sec. 21, Art. II of RA 9165, as amended by RA 10640[50] 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 dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: *Provided, finally, That noncompliance of these 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.* (Emphasis supplied.)

It cannot be gainsaid that strict compliance with the procedure laid down in Section 21 of RA 9165, as amended, is expected. Although its saving clause expressly recognizes that some deviations therefrom will not necessarily render the confiscated items void or invalid, the exception shall apply only if the apprehending officer or team proffers justification for such digression and explains the methods and means employed in order to secure and preserve the integrity of the *corpus delicti.*[51] This narrow application of the saving clause was further explained in *People v. Sipin*,[52] thus:

> The prosecution bears the burden of proving a valid cause for non-compliance with the procedure laid down in Section 21 of RA 9165, as amended. It has the positive duty to demonstrate observance thereto in such a way that during the trial proceedings, it must initiate in acknowledging and justifying any perceived deviations from the requirements of law. **Its failure to follow the mandated procedure must be adequately explained, and must be proven as a fact in accordance with the rules on evidence. <u>It should take note that the rules require that the apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their</u>**

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[50] Entitled "AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002." Approved July 15, 2004.

[51] *People v. Arellaga*, G.R. No. 231796, August 24, 2020.

[52] 833 Phil. 67 (2018).

> **sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized items**. Strict adherence to Section 21 is required where the quantity of illegal drugs seized is miniscule, since it is highly susceptible to planting, tampering or alteration of evidence. (Emphasis and underscoring supplied. Citations omitted.)[53]

In this case, it is admitted that apprehending officer PO1 Maristela did not mark the seized sachet immediately upon its confiscation from the accused-appellant, as marking was done about an hour after the witnesses from the National Prosecution Service and the *barangay* arrived.[54] According to the CA, the prosecution was able to justify the delay because (a) the police officers were waiting for the required witnesses which the law mandates to be present, and (b) in any event, PO1 Maristela took measures to secure the drug while waiting for said witnesses to arrive by placing the sachet in the right pocket of his uniform.[55] This Court disagrees.

First, while the Court in *People v. Maralit*[56] (*Maralit*) found that waiting for the arrival of the witnesses was adequate justification from immediate marking, merely 10 minutes passed between the arrest and the marking of the items.[57] The CA's reliance on *Maralit* is not squarely applicable in this case where (a) a significant intervening time has lapsed,[58] *i.e.*, around an hour; and (b) the pocketing of the seized item is an additional circumstance attending such period.

Next, the Court has indeed emphasized the presence of the required insulating witnesses, such that noncompliance therewith leads to the acquittal of the accused.[59] However, the Court has also stressed that any justifiable ground for noncompliance with Section 21 must be adequately explained, such that the Court *cannot presume* what these grounds are or that they even exist.[60] Here, even assuming that the belated marking was motivated by a desire to comply with the equally-important witness requirement, a review of the records would show that it was only the CA and not the apprehending team nor the prosecution that supplied such justifiable ground. PO1 Maristela's testimony only repeatedly mentions that marking was done once the witness-representatives arrived, but such is short of the requirement to provide a clear explanation of the justifiable ground for noncompliance. Furthermore, it is bereft of efforts concretely taken to preserve the seized item's integrity, to wit:

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[53] Id. at 92.
[54] TSN, March 18, 2015, pp. 6-8; TSN, September 2, 2015, p. 4.
[55] *Rollo*, p. 40.
[56] *People v. Maralit*, 838 Phil. 191 (2018).
[57] Id. at 208.
[58] See *People v. Garcia*, 599 Phil. 430, 431 (2009).
[59] *Casilag v. People*, G.R. No. 213523, March 18, 2021, citing *People v. Malana*, G.R. No. 233747, December 5, 2018; *People v. Baluyot*, G.R. No. 243390, October 5, 2020; *People v. Mariano*, supra at note 47, citing *People v Mendoza*, 736 Phil.749, 764 (2014).
[60] *People v. Sabdula*, 733 Phil. 85, 100 (2014).

Q: Are you saying that the DOJ representative arrived at 10:00 o' clock in the evening?
A: No, in the morning, sir.

Q: How about the barangay representative? How long did it take for him or them to arrive?
A: Also about 10:00 o'clock in the morning, sir.

Q: And during that time that you are waiting for them to arrive, what did you do with the plastic sachet you recovered?
A: I hold it because it might be misplaced, sir.

x x x x

Q: Tell us what happened after the DOJ and the barangay official arrived?
A: We started the conduct of the inventory and I marked the item confiscated, sir.

Q: Are you saying, Mr. Witness, that you mark[ed] the confiscated item only when the representatives arrived?
A: Yes, sir.

Q: Where was Allan Sultan at that time you were waiting for the arrival of the DOJ and barangay official?
A: He was at the police station, sir. [61]

x x x x

Q: So upon confiscation, did you place the shabu in a sealed envelope or receptacle?
A: I hold it, while we were waiting for the DOJ representative, sir.

Q: Meaning to say that you were in custody of that shabu for about an hour?
A: Yes, sir.

Q: What about the subject? Where was he at that time while you were waiting for the DOJ representative?
A: He was there in front of our station, while waiting for the DOJ representative, sir.

Q: You also testified during your direct examination that it was only upon arrival of the DOJ representative that you mark[ed] the same, that is correct?
A: Yes, sir.

Q: Meaning to say upon confiscation, you did not immediately mark the evidence, that is correct?
A: It was only after the arrival of the DOJ representative when I placed my marking, sir. [62]

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[61] TSN, March 18, 2015, pp. 7-8.
[62] TSN, September 2, 2015, p. 4.

Based also on PO1 Maristela's narration, the fact that accused-appellant was also at the place of arrest, *i.e.*, the police station, hardly ensures that the seized item was also within Sultan's view the entire time that he and the police were waiting for the witnesses to arrive.

Worse, the prosecution admitted that PO1 Maristela placed the unmarked seized item in his right pocket during such interim waiting period.[63] Contrary to the CA's finding that this was a measure to secure the drug's safekeeping, and that this even established that PO1 Maristela was the sole custodian until it was marked when the witnesses arrived,[64] the act of pocketing casts suspicion for switching, tampering, and contamination of the evidence seized.

In *People v. Dela Cruz*,[65] the Court held that the act of keeping the seized item in one's pockets is a doubtful and suspicious way of ensuring the integrity of seized items, *viz.*:

> The circumstance of PO1 Bobon keeping narcotics in his own pockets precisely underscores the importance of strictly complying with Section 21. **His subsequent identification in open court of the items coming out of his own pockets is self-serving.**
>
> The prosecution effectively admits that from the moment of the supposed buy-bust operation until the seized items' turnover for examination, **these items had been in the sole possession of a police officer. In fact, not only had they been in his possession, they had been in such *close proximity* to him that they had been nowhere else but in his own pockets**.
>
> Keeping one of the seized items in his right pocket and the rest in his left pocket is a **doubtful and suspicious way of ensuring the integrity of the items**. Contrary to the Court of Appeals' finding that PO1 Bobon took the necessary precautions, we find his actions **reckless, if not dubious.**
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> Even without referring to the strict requirements of Section 21, common sense dictates **that a single police officer's act of bodily-keeping the item(s)** which is at the crux of offenses penalized under the Comprehensive Dangerous Drugs Act of 2002, **is fraught with dangers. One need not engage in a meticulous counter-checking with the requirements of Section 21 to view with distrust the items coming out of PO1 Bobon's pockets**. That the Regional Trial Court and the Court of Appeals both failed to see through this and fell — hook, line, and sinker — for PO1 Bobon's avowals is mind-boggling.[66] (Emphasis supplied)

In *People v. Cabriole*,[67] the Court explained that the act of placing the seized sachet inside the pocket of the apprehending officer *before* handing it over for marking and inventory calls into question the identity of the item, for

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[63] Id. at 8.
[64] *Rollo*, pp. 40-41.
[65] 744 Phil. 834, 835 (2014).
[66] Id.
[67] G.R. No. 248418, May 5, 2021.

third-party witnesses would not have known whether the seized item marked in their presence was actually confiscated from the accused-appellant. This odd and irregular way of handling has led to the acquittal of the accused because the Court cannot foreclose the possibility that such had been tampered with, altered, or substituted, before it was marked and inventoried.[68]

In *People v. Sultan*,[69] even if the prosecution was able to establish that the apprehending officer had sole custody of the supposedly confiscated items from the place of seizure to the place of marking, the Court affirmed that this fact *alone* cannot be taken as a guarantee of the items' integrity. The Court further nuanced this view when it held that "an officer's act of personally and bodily keeping allegedly seized items, *without any clear indication of safeguards other than his or her mere possession*, [is] prejudicial to the integrity of the items."[70]

In this case, a perusal of PO1 Maristela's testimony would show that the prosecution merely relied on a self-serving assertion of his exclusive possession of the seized item[71] but was unable to present any safeguards implemented to obviate the dubiousness of bodily keeping it:

> Q: [Has] there been any point in time that you placed that item down while waiting for the DOJ representative?
> A: I placed it in my pocket, sir.
>
> Q: Which pocket are you referring to?
> A: In the right pocket of my uniform, sir.
>
> x x x x
>
> Q: At that time when you placed that in your pocket, was it already marked?
> A: I waited for the DOJ representative before I placed my marking, Your Honor.
>
> Q: So just to be cleared [sic], when the item was placed in your pocket, it was not yet mark[ed]?
> A: Not yet, Your Honor. [72]

Contrary to the prosecution's assertion, PO1 Maristela's uncorroborated statement that he emptied his pockets before putting the seized item inside, cannot be considered as a sufficient safeguard. As admitted by the prosecution in its Appellee's Brief, such emptying was done only *after* the marking and inventory were already completed, and while Sultan and PO1 Maristela were already in transit for laboratory examination.[73] A closer

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[68] Id.
[69] G.R. No. 225210, August 7, 2019.
[70] Id.
[71] *Rollo*, p. 86.
[72] TSN, September 2, 2015, p. 8.
[73] *Rollo*, p. 79.

reading of the records would neither demonstrate whether such emptying of pockets was similarly employed at least within the accused's view, and *during* the intervening waiting period that the sachet was still unmarked:

> Q: After bringing him to the hospital, what did you do next?
> A: We brought him to the police station and at around 11:30 we brought him to Camp Vicente Lim for laboratory examination of the confiscated item, sir.
>
> x x x x
>
> Q: Who were in possession of the item recovered on the way to Camp Vicente Lim?
> A: I, sir.
>
> Q: How did you secure the specimen in your possession?
> A: I placed it in my pocket sir.
>
> Q: What measures were made by you to secure the object evidence?
> A: I removed the contents of my pocket and to make it assure [sic] that it is safe, I placed it in my pocket without anything on my pocket aside from that object evidence, sir.
>
> Q: What documents, if any, accompanying the object evidence on your way to the crime lab? [sic]
> A: Request for laboratory examination of the specimen and the request for drug test, sir. [74]

Even if the accused-appellant merely presented the defenses of denial and frame-up to counter the prosecution's allegations, it is well established that conviction must be based on the strength of the prosecution's evidence and not on the weakness of the defense.[75] Significantly, courts are reminded to employ heightened scrutiny, consistent with the requirement of proof beyond reasonable doubt, in evaluating cases involving miniscule amounts of drugs as these can be readily planted and tampered.[76]

Given the foregoing, there is doubt on whether the supposed 0.10 gram of shabu seized from accused-appellant was the same one marked upon the witnesses' arrival, subsequently submitted to the crime laboratory, and eventually presented in court. Considering that the apprehending team's failure to offer a justifiable explanation as well as clear safeguards during its belated marking gives rise to the possibility of tampering, alteration, or substitution of the seized sachet, this Court holds that the prosecution failed to establish the integrity and evidentiary value of the *corpus delicti* thereby warranting the acquittal of the accused-appellant from the crime charged.

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[74] TSN, June 8, 2015, pp. 4-5.
[75] See *People v. Gonzales*, G.R. No. 233544, March 25, 2019. Citation omitted.
[76] *People v. Holgado*, 741 Phil. 78, 100 (2014).

WHEREFORE, the appeal is **GRANTED.** The assailed February 26, 2019 Decision and the July 13, 2020 Resolution of the Court of Appeals in CA-G.R. CR No. 40551 are **REVERSED AND SET ASIDE.** Allan Sultan *y* Macapaar is hereby **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt. He is ordered to be **RELEASED** from detention immediately, unless he is confined for 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 the action taken hereon within five days from receipt of this Resolution.

Let entry of judgment be issued immediately.

SO ORDERED." ***Gesmundo, C.J.,*** *on official business.*

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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OCT 10 2022

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1000 Manila
(CA-G.R. CR No. 40551)

The Hon. Presiding Judge
Regional Trial Court, Branch 8
Pallocan West, 4200 Batangas City
(Crim. Case No. 19338)

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