



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **July 4, 2022** which reads as follows:*

“G.R. No. 239265 — (PROCESO A. LARASI, JR. petitioner v. PEOPLE OF THE PHILIPPINES, respondent). – Courts must employ strict scrutiny when only a minuscule amount of dangerous drugs is seized from an accused, as the smaller the amount of narcotics involved, the higher the probability of tampering and switching will be. Further, the accused’s constitutionally guaranteed right to be presumed innocent prevails over the presumption of regularity in performing duties enjoyed by state agents. Hence, courts must not be so quick as to resort to the presumption of regularity when assessing the prosecution’s evidence.

This Court resolves an appeal¹ assailing the Decision² of the Court of Appeals, which in turn affirmed the Decision³ of the Regional Trial Court convicting Proceso Larasi, Jr. (Larasi) for violation of Section 5, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, for illegal sale of dangerous drugs.

In an Information, Larasi was charged with illegal sale of dangerous drugs. The accusatory portion of the Information reads:

That on or about 20 February 2014, in the Municipality of Los Baños, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously sell and deliver one (1) heat sealed transparent plastic sachet containing 0.06 gram of methamphetamine hydrochloride, a dangerous drug without the corresponding authority of law.

CONTRARY TO LAW.⁴

¹ *Rollo*, pp. 3–28.

² *Id.* at 30–42. The April 30, 2018 Decision in CA-G.R. CR-H.C. No. 09573 was penned by Associate Justice Romeo F. Barza and concurred in by Associate Justices Stephen C. Cruz and Carmelita Salandanan Manahan of the First Division, Court of Appeals, Manila.

³ *Id.* at 30.

⁴ *Id.* at 31.

Upon arraignment, Larasi pleaded not guilty. Pre-trial thereafter followed, and upon its termination, trial on the merits then ensued.⁵

The prosecution presented the testimony of Police Officer III John Ruel Capiroso (PO3 Capiroso) and Police Officer I Rhyan Medina (PO1 Medina).⁶

According to PO1 Medina, at around 4:20 p.m. on February 20, 2014, a civilian informant went to the police station to report a certain “Jun” who was known to sell shabu.⁷

Police Chief Inspector Andres Simbajon, Jr. ordered a buy-bust operation against Jun. Senior Police Officer I Israel Gillaco (SPO2 Gillaco) coordinated with the Philippine Drug Enforcement Agency, and the buy-bust team was given PDEA control number 0214-00220. PO1 Medina was tasked to be the poseur-buyer and was given ₱500.00 as marked money.⁸

PO1 Medina and the informant boarded a motorbike and proceeded to Vega Center to meet Jun. PO3 Capiroso and the rest of the buy-bust team boarded a private vehicle and followed the motorbike.⁹

On their way to Vega Center, the informant received a call from Jun asking that they meet inside the University of the Philippines Los Baños (UP Los Baños) at Kanluran Road. When PO1 Medina and the informant reached UP Los Baños, the informant received another call asking that they meet at Christian School International instead.¹⁰

PO1 Medina and the informant went to Christian School International, and upon arrival, the informant pointed out Jun to PO1 Medina. They walked over to Jun, and the informant introduced him to PO1 Medina. PO1 Medina then told Jun that he would like to buy ₱500.00 worth of shabu. Jun took out a small plastic sachet from his wallet and handed this to PO1 Medina.¹¹

PO1 Medina then took off his helmet to signal the buy-bust team that the sale had been consummated. PO3 Capiroso and the rest of the buy-bust team descended on Jun. PO1 Medina introduced himself as a police officer and arrested Jun. PO3 Capiroso recovered the marked money from Jun and

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id. at 31-32.

⁹ Id. at 32.

¹⁰ Id.

¹¹ Id.

apprised him of his rights. PO1 Medina marked the plastic sachet with the initials "PAL" for Jun's real name: Proceso Amado Larasi."¹²

The police officers brought Larasi and the seized items to the UP Los Baños Police Station and coordinated with the barangay officials of Brgy. Batong Malake.¹³ The seized sachet was photographed and inventoried at the police station and was witnessed by Larasi, PO1 Medina, a media representative, and a barangay official.¹⁴ The police officers brought Larasi to the Los Baños Municipal Police Station for investigation.¹⁵

PO1 Mendoza delivered the sachet to the crime laboratory for investigation, and the crystalline substance inside the sachet tested positive for shabu.¹⁶

Larasi was the sole witness for the defense. He denied the allegations against him and testified that at 2:00 p.m. on February 20, 2014, he was at home preparing to fetch his child, who studied at Christian School International, when he received a call from Bong Perez (Perez).¹⁷

Perez owed him ₱50,000.00, and Larasi had been trying to collect the debt for about two years. Perez called to tell Larasi that he would finally be paying his debt. They agreed to meet at Christian School International.¹⁸

Larasi was waiting for his child's dismissal from school when Perez and a man arrived aboard a motorcycle. Larasi did not know who the other man on the motorcycle was, but Perez told the man to bring out the .45 caliber firearm. The man got off the motorbike, took out a gun, and poked Larasi with the gun.¹⁹

A Crosswind then arrived, and three other men alighted. Larasi heard Perez tell the men "Sir, ako na ang nanghuli sa inyo ha. No bail ang usapan natin." Larasi was forcibly boarded inside the Crosswind and brought to the UP Los Baños Police Station.²⁰

At the police station, Larasi was photographed with a sachet of shabu and money. Thereafter, he was placed in a jail cell.²¹

¹² Id.

¹³ Id.

¹⁴ Id. at 38.

¹⁵ Id. at 32.

¹⁶ Id. at 33.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id. at 34.

²⁰ Id.

²¹ Id.

Larasi denied the charges against him and claimed that these were machinations of Perez to prevent him from filing suit over Perez's unpaid debt.²²

On August 30, 2016, the trial court ruled that the prosecution was able to prove all the elements of illegal sale of shabu and found Larasi guilty as charged.²³ It also found that the prosecution was able to prove compliance with Section 21 of Republic Act No. 9165, as the media representative and elected barangay official signed the receipt of physical inventory. There were photographs of Larasi with the recovered items. The specimen recovered was also presented and identified in court by the poseur buyer and the forensic chemist.²⁴ The dispositive portion of the trial court's Decision reads:

WHEREFORE, guided by the foregoing mandates of law, and the prosecution's evidence having established the guilt of accused PROCESO LARASI, JR. Y AMADO beyond reasonable doubt, the Court hereby sentences LARASI to suffer the penalty of LIFE IMPRISONMENT and a fine of FIVE HUNDRED THOUSAND PESOS (Php500,000.00) with subsidiary imprisonment in case of insolvency.

Let the confiscated *methamphetamine hydrochloride* (shabu) subject matter of this case be turned over to Region IV-A, Philippine Drug Enforcement Agency, Camp Vicente Lim, Canlubang, Calamba City destruction in accordance with law.

SO ORDERED.²⁵

Larasi appealed the trial court's decision before the Court of Appeals, but on April 30, 2018, the Court of Appeals²⁶ dismissed his appeal and affirmed the trial court ruling.

The Court of Appeals disregarded the supposed discrepancies in the testimonies of the prosecution witnesses as to who had custody of the sachet and who turned it over to the crime laboratory, stating that the defense simply misled PO3 Capiroso into testifying that he also had custody of the sachet at one time.²⁷

The Court of Appeals emphasized that the prosecution had already successfully proven that PO1 Medina, the poseur buyer, had sole custody of the sachet when he received it from Larasi, having marked, inventoried, and delivered it to the crime laboratory.²⁸

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id. at 73.

²⁶ Id. at 30-42.

²⁷ Id. at 38-39.

²⁸ Id. at 39.

The Court of Appeals also declared as immaterial the fact that the Coordination Form and Pre-Operation Report pertained to another person since what was supposedly important was that Larasi was caught in *flagrante delicto* by the buy-bust team.²⁹

The Court of Appeals underscored that, unless evidence to the contrary was presented, the police officers should be accorded the presumption that they have performed their duties in a regular manner.³⁰ The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, the appeal is DISMISSED and the assailed Decision is AFFIRMED.

SO ORDERED.³¹

In his Petition for Review,³² petitioner Larasi claims that PO1 Medina gave conflicting statements as regards when and where he marked the seized sachet. In his Sinumpaang Salaysay, PO1 Medina stated that he marked the sachet upon arresting petitioner and before going to the UP Los Baños Police Station. However, during cross-examination, PO1 Medina admitted that after the arrest, he brought the unmarked sachet to the police station and then marked it there.³³

Petitioner also points out that the Receipt of Physical Inventory executed at the UP Los Baños Police Station did not indicate the markings PO1 Medina allegedly placed on the sachet after arresting petitioner.³⁴

He then maintains that the Court of Appeals' conclusion that only PO1 Medina handled the seized sachet from petitioner's arrest up to the time the sachet was turned over to the crime laboratory, was belied by the testimony of PO3 Capiroso who also testified to handling the sachet and turning this over to SPO1 Gillaco before the sachet was brought to the crime laboratory.³⁵

Petitioner stresses that these conflicting testimonies from PO1 Medina and PO3 Capiroso created gaps in the chain of custody, which compromised the integrity of the seized narcotic specimen.³⁶

²⁹ Id.

³⁰ Id. at 41.

³¹ Id. at 41-42.

³² Id. at 3-27.

³³ Id. at 12.

³⁴ Id. at 14.

³⁵ Id. at 19-20.

³⁶ Id. at 20.

In its Comment,³⁷ respondent asserts that the Petition should be dismissed outright for raising questions of fact in a Rule 45 petition.³⁸

It maintains that there was proof beyond reasonable doubt that petitioner was guilty of the crime charged against him; hence, the Court of Appeals correctly upheld the trial court's findings.³⁹ It likewise points out that while petitioner denied the buy-bust operation, he substantially corroborated the testimonies of the prosecution witnesses, admitting that he was arrested and that photographs and an inventory were taken of the seized shabu.⁴⁰

Respondent then declares that there was sufficient evidence to support its testimony that the *corpus delicti* was properly preserved.⁴¹ Further, it asserts that the supposed discrepancy in the testimony of PO1 Medina as to the place of actual marking was more apparent than real because the place of arrest was only 100 meters from the campus police station. Hence, it was still well within the vicinity of the police station.⁴²

In his Reply,⁴³ petitioner, citing *Lapi v. People*,⁴⁴ emphasizes that while the general rule in a Rule 45 petition is that only questions of law should be raised, the accused's constitutional right to be presumed innocent means that the records are thrown open for this Court's review.⁴⁵

The sole issue for this Court's resolution is whether or not the prosecution was able to present an unbroken chain of custody of the seized shabu, thereby preserving its integrity and identity.

To sustain a conviction for illegal sale of dangerous drugs under Section 5, Article II of the Comprehensive Dangerous Drugs Act, the prosecution must establish that a sale took place and present into evidence the *corpus delicti* subject of the sale.⁴⁶

Section 21⁴⁷ of the Comprehensive Dangerous Drugs Act, as amended

³⁷ Id. at 69–86.

³⁸ Id. at 74–75.

³⁹ Id. at 75.

⁴⁰ Id. at 79.

⁴¹ Id. at 80–81.

⁴² Id. at 81–82.

⁴³ Id. at 102–104.

⁴⁴ G.R. No. 210731, February 13, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64967>> [Per J. Leonen, Third Division].

⁴⁵ *Rollo*, pp. 102–103.

⁴⁶ *People v. Morales*, 630 Phil. 215, 228 (2010) [Per J. Del Castillo, Second Division] (citations omitted).

⁴⁷ Republic Act No. 10640 (2014), sec. 21 provides:

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

by Republic Act No. 10640, lays down the required chain of custody to ensure the integrity and identity of the *corpus delicti* presented as evidence in court. *People v. Nandi*⁴⁸ summarized the four links in the chain of custody that the prosecution must establish:

[T]he following links should be established in the chain of custody of the confiscated item: *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.⁴⁹ (Citations omitted)

These established precautions were set in place since narcotic substances are not easily identifiable, making them prone to tampering and switching. The chain of custody thus authenticates the dangerous drug presented to the court and ensures the integrity and identity of the seized drug.⁵⁰

Strict compliance with the chain of custody rule is the expected standard and acts that “approximate compliance but do not strictly comply with Section 21 have been considered insufficient.”⁵¹ Nonetheless, the Implementing Rules and Regulations of the Comprehensive Dangerous Drugs Act introduced a saving clause to account for those instances when strict compliance cannot be had. The saving clause was incorporated in Section

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 person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: Provided, finally, That noncompliance of these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.

(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 by the forensic laboratory examiner, shall be issued immediately upon the receipt of the subject item/s: Provided, That when the volume of 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 immediately upon completion of the said examination and certification[.]

⁴⁸ 639 Phil. 134 (2010) [Per J. Mendoza, Second Division].

⁴⁹ *People v. Nandi*, 639 Phil. 134, 144–145 (2010) [Per J. Mendoza, Second Division], citing *People v. Kamad*, 624 Phil. 289 (2010) [Per J. Brion, Second Division].

⁵⁰ *People v. Jaafar*, 803 Phil. 582, 591(2017) [Per J. Leonen, Second Division].

⁵¹ *People v. Que*, 824 Phil. 882, 901 (2018) [Per J. Leonen, Third Division].

21 by Republic Act No. 10640 and reads:

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.

Being an exception to the general rule of strict compliance, the prosecution has the burden of explaining why it failed to comply with Section 21 and resorted to the saving clause.

Here, the records reveal a broken chain of custody, but the prosecution failed to justify its deviations from the strict requirements of Section 21.

First, PO1 Manalo presented conflicting testimonies on when he marked the sachet he received from the accused. In his Sinumpaang Salaysay, he claimed to have marked the sachet with “PAL” immediately after he arrested the accused.⁵² However, he contradicted his sworn testimony during cross-examination, stating that he only marked the sachet at the UP Los Baños Police Station after bringing the accused there.⁵³

The belated marking is supported by the Receipt of Physical Inventory executed at the UP Los Baños Police Station, which did not indicate the marking supposedly placed on the sachet after petitioner was arrested.⁵⁴ The Court of Appeals, referring to the photographs presented in evidence, likewise found that the seized sachet was only marked at the UP Los Baños Police Station.⁵⁵

PO1 Manalo’s failure to immediately mark the seized sachet creates doubt because he never testified on the safety precautions he undertook while transporting the unmarked sachet. He did not testify how he made sure that the sachet he marked at the UP Los Baños Police Station was the same sachet he received from the accused. The marking sets the sachet apart from other materials and thwarts the switching, planting, or contamination of evidence. Thus, PO1 Manalo’s unjustified failure to immediately mark the sachet after arresting the accused creates a gap in the chain of custody.

Second, PO1 Manalo testified that he had sole possession of the sachet, that after he marked it, he brought it to the UP Los Baños Police Station to be inventoried and then delivered it to the crime laboratory for

⁵² *Rollo*, p. 12.

⁵³ *Id.* at 12–13.

⁵⁴ *Id.* at 14.

⁵⁵ *Id.* at 38.

examination.⁵⁶ This contradicts PO3 Capiroso's testimony of gaining custody of the seized sachet when the arresting officers arrived at the UP Los Baños Police Station and then transferring it to SPO1 Gillaco before it was delivered to the crime laboratory.⁵⁷ This uncertainty over who actually had possession of the sachet creates another gap in the chain of custody.

Nonetheless, despite the glaring lapses and the conflicting testimonies of the arresting officers, the lower courts did not deem these fatal to the prosecution's case. The Court of Appeals found that the prosecution had established all the links in the chain of custody and that the police officers enjoyed the presumption of regularity in performing their duties.

The Court of Appeals is mistaken.

*People v. Holgado*⁵⁸ instructs the courts to employ heightened scrutiny when only a minuscule amount of narcotics is involved, because the possibility of tampering and switching increases the smaller the amount of narcotics seized. This Court further explained:

While the [minuscule] amount of narcotics seized is by itself not a ground for acquittal, this circumstance underscores the need for more exacting compliance with Section 21. In [*Mallillin v. People*, this court said that "the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives.

....

Trial courts should meticulously consider the factual intricacies of cases involving violations of Republic Act No. 9165. All details that factor into an ostensibly uncomplicated and barefaced narrative must be scrupulously considered. Courts must employ heightened scrutiny, consistent with the requirement of proof beyond reasonable doubt, in evaluating cases involving minuscule amounts of drugs. These can be readily planted and tampered[.]⁵⁹ (Citations omitted)

Here, petitioner was charged with selling 0.06 gram of shabu or about the size of a grain of rice. While the minuscule amount of the seized shabu is not sufficient to acquit on its own, it should have prompted the lower courts to meticulously consider the prosecution's testimony and strictly apply the chain of custody rule.⁶⁰

⁵⁶ Id at 39.

⁵⁷ Id. at 38–39.

⁵⁸ 741 Phil. 78, (2014) [Per J. Leonen, Third Division].

⁵⁹ Id. at 99–100.

⁶⁰ *Palencia v. People*, G.R. No. 219560, July 1, 2020 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66582>> [Per J. Leonen, Third Division].

As the first stage in the chain of custody, marking the seized narcotic is indispensable in preserving the integrity and evidentiary value of the dangerous drug.⁶¹ Thus, the Court of Appeals was gravely mistaken when it declared that it was immaterial where the marking was actually done.⁶²

Even if the place of arrest and the UP Los Baños Police Station were indeed near each other, they are still two different places, and PO1 Medina's conflicting testimonies should have served as a red flag for the Court of Appeals.⁶³ However, it disregarded the flipflopping statement and unjustifiably claimed that since "the place of arrest is well within the vicinity of the UP Los Baños Police station... it does not make any difference where the marking was made."⁶⁴

The Court of Appeals likewise ignored the conflicting testimonies of the prosecution witnesses on who had custody of the seized sachet.⁶⁵ It insisted that PO1 Manalo had sole custody of the sachet and chastised the defense for "misleading" PO3 Capiroso into admitting that he and SPO1 Gillaco also held the sachet at one time before it was submitted to the crime laboratory.⁶⁶

These inconsistencies in the prosecution's testimonies create reasonable doubt. The prosecution cannot take refuge under the presumption of regularity in the performance of official duties as the presumption "stands only when no reason exists in the records by which to doubt the regularity of the performance of official duty. And even in that instance, the presumption of regularity will not be stronger than the presumption of innocence in favor of the accused."⁶⁷

Proof beyond reasonable doubt⁶⁸ is the standard required to sustain a conviction in a criminal proceeding. It recognizes every person's constitutional right to be presumed innocent until proven otherwise.⁶⁹ Proof

⁶¹ *People v. Mazo*, G.R. No. 242273, November 23, 2020 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67123>> [Per J. Lopez, Second Division].

⁶² *Rollo*, p. 38.

⁶³ *Id.* at 80. In its Comment, prosecution states that it was PO3 Capiroso who marked the sachet, thereby creating another gap in the chain of custody due to the conflicting testimonies on who marked the sachet.

⁶⁴ *Id.* at 38.

⁶⁵ *Id.* at 39.

⁶⁶ *Id.* at 38.

⁶⁷ *People v. Mendoza*, 736 Phil. 749, 770 (2014) [Per J. Bersamin, First Division].

⁶⁸ RULES OF COURT, Rule 133, sec.2 provides:

Section 2. *Proof beyond reasonable doubt.* — In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.

⁶⁹ CONST., art. III, sec. 14 (2) provides:

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of

beyond reasonable doubt does not entail absolute certainty; rather, it requires a moral certainty since “[t]he conscience must be satisfied that the accused is responsible for the offense charged.”⁷⁰

The prosecution is tasked with establishing petitioner’s guilt on the strength of its own evidence, not the weakness of the accused’s defense. With the numerous gaps in the chain of custody and the contradicting testimonies of the prosecution’s witnesses, the prosecution failed to prove petitioner’s guilt beyond reasonable doubt. He, then, must be acquitted.

FOR THESE REASONS, the Petition is **GRANTED**. The April 30, 2018 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 09573 is **REVERSED and SET ASIDE**. Petitioner **PROCESO A. LARASI, JR.**, is **ACQUITTED** for the prosecution’s failure to prove his guilt beyond reasonable doubt. He is ordered immediately **RELEASED** from detention unless he is confined for any other lawful cause.

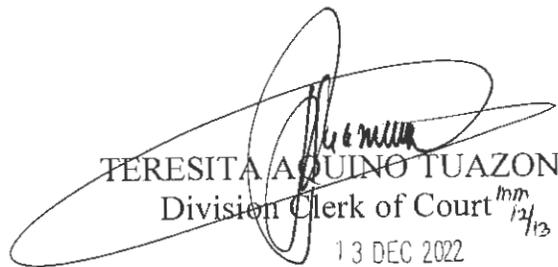
Let a copy of this Resolution be furnished to the Director General of the Bureau of Corrections for immediate implementation. The Director General is directed to report to this Court, within five (5) days from receipt of this Resolution, the action he has taken. Copies shall also be furnished to the Chief of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

The Regional Trial Court is directed to turn over the seized sachet of shabu to the Dangerous Drugs Board for destruction in accordance with law.

Let entry of judgment be issued immediately.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court ^{mm} 13/13
13 DEC 2022

evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

⁷⁰ *People v. Ganguso*, 320 Phil. 324, 335 (1995) [Per J. Davide, Jr., First Division] citing *People v. Casinillo*, 288 Phil. 688 (1992) [Per J. Davide Jr., Third Division].

MURO LAW OFFICE (reg)
Counsel for Accused-Appellant
2nd Floor, Unit 6, PRH Building
S.V. Rizal Street, Old Municipal Site
Calamba City, Laguna

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

PROCESO A. LARASI, JR. (x)
Petitioner
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (x)
Bureau of Corrections
1770 Muntinlupa City

THE SUPERINTENDENT (x)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 36
Calamba City
(Crim. Case No. 22155-2014-C)

POLICE GENERAL (reg)
Philippine National Police
National Headquarters
Camp Crame, Quezon City

THE DIRECTOR GENERAL (reg)
Philippine Drug Enforcement Agency
National Government Center
NIA Northside Road Brgy. Pinyahan
Quezon City

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR-HC No. 09573

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