



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 2, 2022 which reads as follows:

“G.R. No. 252893 (*People of the Philippines v. Roberto Baluyot y Dela Cruz*¹). – This is an ordinary appeal² filed by Roberto Baluyot y Dela Cruz (accused-appellant) assailing the Decision³ dated November 26, 2019 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 12163. The CA affirmed the Joint Decision⁴ dated October 23, 2018 of Branch 286, Regional Trial Court (RTC), Navotas City that found accused-appellant guilty beyond reasonable doubt of violation of Section 11, Article II of Republic Act No. (RA) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, but acquitted him of the charge of violation of Section 12 of the same law.⁵

The Antecedents

Accused-appellant was charged in two separate Informations dated July 26, 2012 with Illegal Possession of Dangerous Drugs and Illegal Possession of Drug Paraphernalia committed as follows:

CRIM. CASE NO. 12-0937-MN

That on or about the 24th day of July 2012 in the City of Navotas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being a private person and without authority of law, did, then and there, willfully, unlawfully and feloniously have in his possession, custody and control

- over – thirteen (13) pages ...

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¹ “Roberto Dela Cruz y Baluyot” in the CA *rollo*, p. 67.

² *Rollo*, pp. 20-22.

³ *Id.* at 3-19; penned by Associate Justice Ramon R. Garcia with Associate Justices Victoria Isabel A. Paredes and Tita Marilyn B. Payoyo-Villordon, concurring.

⁴ CA *rollo*, pp. 51-59; penned by Presiding Judge Pedro T. Dabu, Jr.

⁵ *Id.* at 58.

A – one (1) marlboro red cigarette pack with markings EXH “B” RDCB 07-24-12 and signature containing:

A-1 – A20 – Twenty (20) [heat-sealed] transparent plastic sachets each containing white crystalline substance with the following markings and net weights:

A-1	EXH “B-1” RDCB 07-24-12	0.2778 gram
A-2	EXH “B-2” RDCB 07-24-12	0.3856 gram
A-3	EXH “B-3” RDCB 07-24-12	0.1428 gram
A-4	EXH “B-4” RDCB 07-24-12	0.294 gram
A-5	EXH “B-5” RDCB 07-24-12	0.1555 gram
A-6	EXH “B-6” RDCB 07-24-12	0.1508 gram
A-7	EXH “B-7” RDCB 07-24-12	0.3123 gram
A-8	EXH “B-8” RDCB 07-24-12	0.1288 gram
A-9	EXH “B-9” RDCB 07-24-12	0.2945 gram
A-10	EXH “B-10” RDCB 07-24-12	0.2358 gram
A-11	EXH “B-11” RDCB 07-24-12	0.3022 gram
A-12	EXH “B-12” RDCB 07-24-12	0.2218 gram
A-13	EXH “B-13” RDCB 07-24-12	0.1623 gram
A-14	EXH “B-14” RDCB 07-24-12	0.2134 gram
A-15	EXH “B-15” RDCB 07-24-12	0.1964 gram
A-16	EXH “B-16” RDCB 07-24-12	0.0995 gram
A-17	EXH “B-17” RDCB 07-24-12	0.1019 gram
A-18	EXH “B-18” RDCB 07-24-12	0.0863 gram
A-19	EXH “B-19” RDCB 07-24-12	0.207 gram
A-20	EXH “B-20” RDCB 07-24-12	0.1624 gram

B – one (1) piece colored blue green tin can labeled “PEPPERMINT” with markings EXH “C” 07-24-12 RDCB with signature containing:

B-1 – B-25 – Twenty five (25) [heat-sealed] transparent plastic sachets each containing white crystalline substance with the following markings and net weights:

B-1	EXH “C-1” RDCB 07-24-12	0.161 gram
B-2	EXH “C-2” RDCB 07-24-12	0.2616 gram
B-3	EXH “C-3” RDCB 07-24-12	0.3399 gram
B-4	EXH “C-4” RDCB 07-24-12	0.0789 gram
B-5	EXH “C-5” RDCB 07-24-12	0.409 gram
B-6	EXH “C-6” RDCB 07-24-12	0.3674 gram
B-7	EXH “C-7” RDCB 07-24-12	0.2843 gram
B-8	EXH “C-8” RDCB 07-24-12	0.627 gram
B-9	EXH “C-9” RDCB 07-24-12	0.4868 gram
B-10	EXH “C-10” RDCB 07-24-12	0.3014 gram
B-11	EXH “C-11” RDCB 07-24-12	0.3029 gram
B-12	EXH “C-12” RDCB 07-24-12	0.1678 gram
B-13	EXH “C-13” RDCB 07-24-12	0.1641 gram
B-14	EXH “C-14” RDCB 07-24-12	0.1542 gram
B-15	EXH “C-15” RDCB 07-24-12	0.2826 gram

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B-16	EXH "C-16" RDCB 07-24-12	0.1806 gram
B-17	EXH "C-17" RDCB 07-24-12	0.1442 gram
B-18	EXH "C-18" RDCB 07-24-12	0.2363 gram
B-19	EXH "C-19" RDCB 07-24-12	0.1634 gram
B-20	EXH "C-20" RDCB 07-24-12	0.1165 gram
B-21	EXH "C-21" RDCB 07-24-12	0.1732 gram
B-22	EXH "C-22" RDCB 07-24-12	0.1906 gram
B-23	EXH "C-23" RDCB 07-24-12	0.1062 gram
B-24	EXH "C-24" RDCB 07-24-12	0.1981 gram
B-25	EXH "C-25" RDCB 07-24-12	0.1688 gram

Total net weight = 10.1379 grams

which substance when subjected to chemistry examination gave positive result for Methamphetamine Hydrochloride, otherwise known as "*Shabu*", a dangerous drug.

CONTRARY TO LAW.⁶

CRIM. CASE NO. 12-0936-MN

That on or about the 24th day of July 2012 in the City of Navotas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being a private person and without authority of law, did, then and there, willfully, unlawfully and feloniously have in his possession, custody and control one (1) glass pipe, which is a paraphernalia intended for the use, sniffing, consuming or introducing dangerous drug (Methylamphetamine hydrochloride or "*Shabu*") into the human body.

CONTRARY TO LAW.⁷

Upon arraignment, accused-appellant pleaded not guilty to the offenses charged.⁸

Joint trial ensued.⁹

Version of the Prosecution

On July 17, 2012, Executive Judge Carlos M. Flores (Judge Flores) of the RTC of Malabon City issued Search Warrant No. SW12-015-MN against @ "Obet" (later identified as accused-appellant) and his cohorts. Judge Flores authorized the conduct of a search on the premises along Leongson St., *Daang Hari*, Navotas City

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⁶ *Rollo*, pp. 4-6.

⁷ *Id.* at 6.

⁸ *Id.*

⁹ *Id.*

for an undetermined quantity of dangerous drugs, drug paraphernalia, and drug-related transaction records. After coordinating with the Philippine Drug Enforcement Agency (PDEA), the police operatives held a briefing and designated the following: Agent Kevin Codamon (Agent Codamon) as the seizing officer; Agent Jestner Tacloy (Agent Tacloy) as the arresting officer; and the rest of the members of the team as the back-up security.¹⁰

On July 24, 2012, at about 5:00 in the morning, the police operatives arrived at accused-appellant's residence. Upon the arrival of *Barangay Kagawad* Jorge Bauyon (*Barangay Kagawad* Bauyon) and media representative John Allan Ezguerra (Ezguerra) of *Bitag*, one of the police operatives read aloud the contents of the search warrant to accused-appellant. The police officers then conducted a search of the premises described in the search warrant in the presence of accused-appellant, *Barangay Kagawad* Bauyon, and media representative Ezguerra.¹¹

In the kitchen, the police operatives found an improvised tooter on top of the kitchen shelf. Agent Tacloy immediately placed accused-appellant under arrest, informed him of his violation, and apprised him of his constitutional rights. At the second floor, they saw a two-layered plastic cabinet. Agent Codamon found inside the lower portion of the plastic cabinet a Marlboro red cigarette pack with 20 pieces of small heat-sealed transparent plastic sachets containing white crystalline substance, suspected to be *shabu*. On the upper portion of the plastic cabinet, he also found a blue-green tin can labeled "Peppermint" which contained 25 pieces of heat-sealed transparent plastic sachets with white crystalline substance, likewise presumed to be *shabu*.¹²

In addition, the police operatives also recovered during the search the following pieces of evidence: two pieces of .38 empty shell, 9-mm live ammunition, two small glass tubes, 12 pieces of lighters, a knife, and one piece of improvised stick sealer.¹³

After the arrest of accused-appellant and seizure of the evidence, the police operatives marked, conducted the inventory, and took photographs of the seized evidence. The process was witnessed

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¹⁰ *Id.* at 7.

¹¹ *Id.* at 7-8.

¹² *Id.* at 8.

¹³ *Id.*

by the following: accused-appellant; *Barangay Kagawad* Bauyon; media representative Ezguerra; Department of Justice (DOJ) representatives Alvin Tianco and Roberto Buzon¹⁴; and Navotas City Mayor, John Reynald¹⁵ Tiangco. In the meantime, accused-appellant and his wife Erlinda Baluyot signed the Certification of Good Conduct Search.¹⁶

The police operatives then brought accused-appellant and the seized items to the PDEA office for investigation. Later on, Agent Codamon delivered the request for laboratory examination and the seized 45 pieces of plastic sachets to the PDEA Laboratory Service. The person who received the seized items was Forensic Chemist Marjorie Inojales (Forensic Chemist Inojales). After the laboratory examination, Forensic Chemist Inojales found all 45 pieces of plastic sachets which contained white crystalline substance with an aggregate weight of 10.1379 grams positive for methamphetamine hydrochloride or *shabu*.¹⁷

Version of the Defense

Accused-appellant denied the charges against him. He averred that: (1) two vehicles stopped in front of his house located along Leongson St., Kadiwa *Tabing Dagat, Brgy.* San Roque in the early morning of July 24, 2012; (2) the police operatives alighted from the vehicles and ran towards different directions; (3) when the operatives asked him what he was doing in the area, he replied by saying that he lives in the premises; (4) when his wife opened the door, the police operatives dragged him inside and handcuffed him; and (5) the police operatives searched the premises but did not find anything illegal therein.¹⁸

Ruling of the RTC

In the Joint Decision¹⁹ dated October 23, 2018, the RTC convicted accused-appellant for the offense of Illegal Possession of Dangerous Drugs but acquitted him of Illegal Possession of Drug Paraphernalia. The RTC ruled that: *first*, the prosecution was able to establish that during the implementation of the search warrant, Agent

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¹⁴ "Bozon" in some parts of the CA Decision.

¹⁵ "Renaldo" in some parts of the CA Decision.

¹⁶ *Rollo*, p. 8. See also *CA rollo*, p. 58.

¹⁷ *Rollo*, pp. 8-9.

¹⁸ *Id.* at 9.

¹⁹ *CA rollo*, pp. 51-59.

Codamon found 45 plastic sachets of *shabu* with a total weight of 10.1379 grams in accused-appellant's house; *second*, the testimonies of the PDEA agents were credible and worthy of belief in the absence of any ill-motive or bad faith to concoct the charges against accused-appellant; and *third*, the integrity of the seized drugs and the links in the chain of custody thereof were preserved.²⁰

The RTC decreed as follows:

WHEREFORE, judgment is rendered as follows:

In Criminal Case No. 12-0936-MN, for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt, the Court acquits the accused from [*sic*] the offense of possession of drug paraphernalia.

In Criminal Case No. 12-0937-MN, the Court finds accused Roberto dela Cruz Baluyot guilty beyond reasonable doubt of the offense of possession of dangerous drugs defined under Section 11, Article II of RA 9165 and because the confiscated drugs weigh 10.1379 grams, he is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of Five Hundred Thousand Pesos (₱500,000.00).

The preventive imprisonment undergone by the accused shall be credited in his favor in accordance with Article 29 of the Revised Penal Code as amended.

The Branch Clerk of Court is directed to deliver immediately the drugs and paraphernalia, subject matter of these cases, to the PDEA for destruction.

SO ORDERED.²¹

Dissatisfied, accused-appellant appealed²² his conviction before the CA.

Ruling of the CA

In the assailed Decision,²³ the CA affirmed the RTC ruling *in toto, viz.:*

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²⁰ *Id.* at 57-58.

²¹ *Id.* at 58-59.

²² *CA rollo*, p. 15.

²³ *Rollo*, pp. 3-19.

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The Joint Decision dated October 23, 2018 of the Regional Trial Court, Branch 286, Navotas City is AFFIRMED.

SO ORDERED.²⁴

The CA gave full credence to the accounts of Agents Tacloy and Codamon and noted the following: (1) their respective testimonies were without any material inconsistency, contradiction, or fabrication and (2) these were further supported by Chemistry Report No. PDEA-DD012-281 which showed that the 45 plastic sachets seized from accused-appellant's residence had tested positive for *shabu*. Moreover, the CA ruled that the prosecution adequately established all the elements of Illegal Possession of Dangerous Drugs and that the police operatives had complied with the chain of custody rule and observed the requirements embodied in Section 21, Article II of RA 9165, as amended.²⁵

Hence, the appeal before the Court.

Issue

Whether the CA gravely erred in convicting accused-appellant of violation of Section 11, Article II of RA 9165 despite the prosecution's alleged failure to establish the chain of custody and integrity of the seized drugs.

The Court's Ruling

The Court grants the appeal.

The Information for the offense of Illegal Possession of Dangerous Drugs alleged that accused-appellant committed the offense on July 24, 2012. The governing law, therefore, is RA 9165 prior to its amendment on July 15, 2014. Section 21 thereof provides for the procedure to ensure preservation of the *corpus delicti* in illegal drug cases, thus:

SEC. 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

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²⁴ *Id.* at 19.

²⁵ *Id.* at 16-17.

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[.]* (Italics supplied.)

Corollary, Section 21(a) of the Implementing Rules and Regulations of RA 9165 states:

SEC. 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. — x x x.

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: *Provided*, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; *Provided, further*, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items.

Jurisprudence identified four critical links in the chain of custody of dangerous drugs, to wit: *first*, the seizure and marking 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.²⁶

The purpose of the chain of custody requirement is to ensure that the integrity and evidentiary value of the seized items are preserved, so much so that unnecessary doubts as to the identity of the evidence are removed.²⁷ To avoid any doubt, the prosecution must show the continuous whereabouts of the exhibit at least between the times it came into possession of the police officers until it was tested in the laboratory to determine its composition up to the time it was offered in evidence.²⁸

In *Mallillin v. People*,²⁹ the Court explained the importance of the chain of custody, *viz.*:

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.³⁰

In the case, records show that the police officers breached the chain of custody rule, especially the fourth link.

The testimony of Forensic Chemist Inojales was dispensed with after the parties agreed to stipulate that: (1) she examined the drug specimens subject matter of the case; (2) the result of the examination

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²⁶ *People v. Belmonte*, 835 Phil. 719, 737 (2018), citing *People v. Macud*, 822 Phil. 1016, 1029 (2017).

²⁷ *People v. Alboka*, 826 Phil. 487, 502 (2018), citing *People v. Ismael*, 806 Phil. 21, 29 (2017). See also *People v. Andrada*, 833 Phil. 999, 1010 (2018).

²⁸ *People v. Belmonte*, 835 Phil. 719, 744 (2018), citing *People v. Arposeple*, 821 Phil. 340, 367 (2017).

²⁹ 576 Phil. 576 (2008).

³⁰ *Id.* at 587.

was reflected in a physical science report; (3) she turned over to the court the physical science report including the request for laboratory examination and the seized specimens; and (4) she has no knowledge from whom or from where these specimens were actually recovered.³¹

Notably, though, she did not discuss how she handled the dangerous drugs from the time she received them, the description of the specimens, and the container where the items were placed; nor did she identify the name and method used in analyzing the chemical composition of the drug samples.³² In *People v. Villalon, Jr.*,³³ the Court emphasized on the paramount necessity of the forensic chemist's testimony on the details pertaining to the handling and analysis of the dangerous drug submitted for examination. The Court stated:

In this case, while the prosecution successfully established the *first* to the *third* links, it however failed to show compliance with the *fourth* link of the chain of custody. Records show that during the trial, the prosecution and the defense stipulated on the intended testimony of prosecution witness P/SInsp. Pascual, thus: (a) that he is an expert witness; (b) that pursuant to the Request for Laboratory Examination from the Escalante City Police Station, P/SInsp. Pascual conducted the qualitative examination on the specimens submitted to them; (c) that after conducting the required examination, he reduced his findings in Chemistry Report No. D-549-2015; and (d) that he can identify the specimens which he subjected to examination. However, in dispensing with his testimony, the prosecution failed to prove the manner by which the specimens were handled before P/SInsp. Pascual received them, how he examined the items, and how these were stored or kept in custody until they were brought and presented in court as evidence.

In drug related cases, "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.*"

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³¹ *Rollo*, p. 7.

³² See *People v. Catipan* (Notice), G.R. No. 252691, June 14, 2021.

³³ G.R. No. 249412, March 15, 2021.

Should the parties opt to stipulate and dispense with the attendance of the forensic chemist, the Court clarified in *People v. Ubungen* that “it should be stipulated that the forensic chemist would have testified that he took the precautionary steps required in order to preserve the integrity and evidentiary value of the seized item, thus: (1) the forensic chemist received the seized article as marked, properly sealed, and intact; (2) he resealed it after examination of the content; and (3) he placed his own marking on the same to ensure that it could not be tampered pending trial.” Here, the parties’ stipulation did not mention that any one of these precautionary steps were in fact done by the forensic chemist, from the time he received the seized items for laboratory examination and before they were delivered to the trial court for identification, leaving a gap in the chain of custody of said seized items.

Clearly, absent any of the afore-mentioned conditions, the *fourth link* in the chain of custody of the said illegal drug could not be reasonably established. The lapses committed by the prosecution and the law enforcers herein could not be considered minor. Indeed, establishing every link in the chain of custody is crucial to the preservation of the integrity, identity, and evidentiary value of the seized illegal drug. Failure to demonstrate compliance with even just one of these links creates reasonable doubt that the substance confiscated from the accused is the same substance offered in evidence, as in this case. Accordingly, since the prosecution failed to account for the fourth link in the chain of custody of the items purportedly seized from accused-appellant, its integrity and evidentiary value were already compromised, thereby warranting accused-appellant’s acquittal.³⁴ (Italics supplied; citations omitted.)

Indeed, it is imperative in drug related cases that the forensic chemist testifies on the details pertaining to the handling and analysis of the dangerous drug submitted for examination. Specifically, the forensic chemist should narrate 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. The forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.³⁵

Here, while the parties stipulated as to the manner the seized drugs were received by the forensic chemist and as to the results of the examination thereof, stipulations as to the manner the seized drugs

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³⁴ *Id.*

³⁵ *People v. Garque*, G.R. No. 247004, September 8, 2020, citing *People v. Onamus*, G.R. No. 223036, July 10, 2019.

were managed, stored, preserved or handled at the crime laboratory after they were examined by Forensic Chemist Inojales and prior to their delivery to the trial court for identification, were clearly lacking. Absent the required stipulations, the fourth link of the chain of custody could not be reasonably established.

In view of the breach in the fourth link of the chain of custody rule, the Court finds that the integrity and evidentiary value of the *corpus delicti* are deemed compromised. Consequently, accused-appellant should be acquitted.

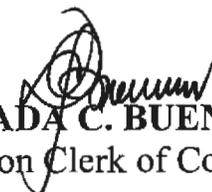
WHEREFORE, the appeal is **GRANTED**. The Decision dated November 26, 2019 of the Court of Appeals in CA-G.R. CR-H.C. No. 12163 is **REVERSED** and **SET ASIDE**. Accused-appellant Roberto Baluyot y Dela Cruz is **ACQUITTED** of violation of Section 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, for failure of the prosecution to prove his guilt beyond reasonable doubt, and is ordered immediately **RELEASED** from detention, unless he is confined for any other lawful cause.

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

Let entry of judgment be issued.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court ₁₅₁₂₀

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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DEC 06 2022

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The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 12163)

The Hon. Presiding Judge
Regional Trial Court, Branch 286
1485 Navotas City
(Crim. Case No. 12-0937-MN)

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellant
5/F, DOJ Agencies Building
NIA Road cor. East Avenue, Diliman
1101 Quezon City

Mr. Roberto DC. Baluyot (x)
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

The Director General (x)
Bureau of Corrections
1770 Muntinlupa City

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