



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated August 31, 2022 which reads as follows:

“G.R. No. 256382 (People of the Philippines vs. Jul-Ambri Samsaraji y Sahi a.k.a. “Dodong,” appellant; Abdulhakim Sabbaani y Jani a.k.a. “Kim,” Sanani Salih y Kahal a.k.a. “Nin,” and Ali Lim y Mandak a.k.a. “Ali,” accused). – This appeal¹ assails the Decision² dated May 23, 2019 of the Court of Appeals in CA-G.R. CR HC No. 01775-MIN affirming appellant Jul-Ambri Samsaraji y Sahi’s conviction for violation of Section 6, Article II of Republic Act No. 9165 (RA 9165).³

The Proceedings Before the Trial Court

The Charges

By separate Informations, appellant was charged with violations of Sections 5, 6, and 11, Article II of RA 9165, for Illegal Sale of Dangerous Drugs, Illegal Maintenance of a Drug Den, and Illegal Possession of Dangerous Drugs, thus:

Criminal Case No. 6439 (25427)

That on or about February 3, 2011, in the City of Zamboanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law to sell, deliver, transport, distribute or give away to another any dangerous drug, did then and there willfully, unlawfully and feloniously, sell and deliver to IO1 HECTOR RYAN B. AVENIDO, a member of the Philippine Drug Enforcement Agency (PDEA) Regional Office 9, Upper Calarian this (sic) City, who acted as poseur-buyer, one (1) heat sealed transparent plastic sachet containing white crystalline substance weighing 0.0125 gram, which when subjected to qualitative examination gave positive result to the test for

¹ *Rollo*, p. 22.

² Penned by Associate Justice Florencio M. Mamaug, Jr., and concurred in by Associate Justices Edgardo A. Camello and Walter S. Ong; *id.* at 5–21.

³ Otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

METHAMPHETAMINE HYDROCHLORIDE (SHABU), said accused knowing well that the same is a dangerous drug.

CONTRARY TO LAW.⁴

Criminal Case No. 6440 (25428)

That on or about February 3, 2011, in the City of Zamboanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the occupant of a residential house located [at] Campo Islam, this (sic) city and not being authorized by law, did then and there willfully, unlawfully, and feloniously, intentionally maintain said house as a den, where dangerous drugs were used and sold in any form, especially Methamphetamine Hydrochloride (shabu) and found to have in his possession and under his control a medium size transparent plastic sachet containing ten (10) pieces [of] small size transparent plastic sachets, and two hundred pesos (P200.00) consisting of two (2) pieces P100- bill with Serial Numbers XH373080 and HD443153; and (sic) five (5) pieces of used aluminum foil, two (2) pieces of used rolled aluminum foil used as "Totter", two (2) pieces of disposable lighters, one (1) piece improvised needle used as "burner", and four (4) pieces of used rolled tissue used as improvised burner, which are drug paraphernalia fit or intended for smoking, consuming, administering the dangerous drug (Methamphetamine Hydrochloride) into the body. Furthermore, said Jul-Ambri Samsaraji y Sahi @ "Dodong", feloniously and intentionally use and maintain said residential house as a place for selling dangerous drugs, where said paraphernalia were found and seized.

CONTRARY TO LAW.⁵

Criminal Case No. 6441 (25429)

That on or about February 3, 2011, in the City of Zamboanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully, unlawfully and feloniously have in his possession and under his custody and control ten (10) heat-sealed transparent plastic sachet containing white crystalline substance weighing 0.1220 gram, which when subjected to qualitative examination gave positive result to the test for METHAMPHETAMINE HYDROCHLORIDE (SHABU), said accused knowing well that the same is a dangerous drug.

CONTRARY TO LAW.⁶

His co-accused, Abdulhakim Sabbaani y Jani (Sabbaani), Sanani Salih y Kahal (Salih) and Ali Lim y Mandak (Lim), on the other hand, were charged

⁴ CA rollo, p. 36 (Criminal Case No. 6439).

⁵ *Id* (Criminal Case No. 6440).

⁶ *Id* (Criminal Case No. 6441).

with violation of Section 7, Article II of RA 9165.⁷ On arraignment, appellant pleaded not guilty to all charges.⁸

During the trial, IO1 Hector Ryan B. Avenido (IO1 Avenido), IO3 Jose Feliciano Bersales (IO3 Bersales), and IA1 Aldous B. Restor (IA1 Restor) testified for the prosecution,⁹ while appellant and his co-accused testified for the defense.¹⁰

The Prosecution's Version

On February 3, 2011, a confidential informant went to the Philippine Drug Enforcement Agency (PDEA) Office IX to report the illegal drug activities of a certain "Dodong," later identified as appellant Jul-Ambri Samsaraji, in Campo Islam, Lower Calarian, Zamboanga City. IO1 Avenido and IO3 Bersales, accompanied by the confidential informant, then conducted surveillance on appellant's residence in Campo Islam. They parked about 15 meters away from appellant's house and noticed four (4) to six (6) men going in and out of the house. The confidential informant told them that these men were users of *shabu*.¹¹

Intelligence Officer 3 Abdulsokor Abdulgani then planned a buy-bust operation and designated IO1 Avenido as poseur-buyer and IO3 Bersales and IA1 Restor as arresting officers.¹²

At 2 o'clock in the afternoon on even date, the team proceeded to appellant's house. The confidential informant introduced IO1 Avenido to appellant as a buyer. Appellant then immediately took from his pocket one (1) medium-sized heat-sealed transparent plastic sachet with several pieces of small-sized sachets containing white crystalline substance believed to be *shabu*. Appellant took one (1) small transparent plastic sachet containing white crystalline substance and gave it to IO1 Avenido. IO1 Avenido confirmed that it was *shabu* and handed appellant the ₱200.00 buy-bust money. Afterwards, appellant invited them inside so they could consume the *shabu*. At that moment, IO1 Avenido executed the pre-arranged signal.¹³

⁷ **Section 7. Employees and Visitors of a Den, Dive or Resort.** - The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon:
(a) Any employee of a den, dive or resort, who is aware of the nature of the place as such; and
(b) **Any person who, not being included in the provisions of the next preceding, paragraph, is aware of the nature of the place as such and shall knowingly visit the same.**

⁸ CA rollo, p. 37.

⁹ *Id.*

¹⁰ *Id.* at 43.

¹¹ *Id.* at 37.

¹² *Id.* at 37-38.

¹³ *Id.* at 38.

IO3 Bersales and the rest of the team rushed to the scene and arrested appellant and his co-accused, Sabbaani, Salih, and Lim. IO1 Avenido placed his initials "HRA" on the plastic sachet of *shabu* he bought from appellant while IO3 Bersales confiscated from appellant's pocket 10 more sachets of *shabu*. The team then brought appellant, his co-accused Sabbaani, Salih, and Lim and the seized items to their office for the inventory and photograph-taking.¹⁴

The Defense's Evidence

Appellant denied the charges against him. He averred that he lived in Salug, Zamboanga del Norte, and only came to Campo Islam because he was informed that he could be reinstated to the Philippine Armed Forces despite having been previously dismissed due to absences without leave.¹⁵

On February 3, 2011, between 1 to 2 o'clock in the afternoon, appellant was staying in the house of Muhaimin Samsaraji, his cousin, in Campo Islam. He went out to watch a game of *tong-its* inside a dilapidated house nearby. While watching the game, three (3) men in civilian clothes appeared, looking for a certain Julbakrim *alias* Dodong. He told them he did not know him personally but he used to hear the name. He pointed them to the general area of Julbakrim's house, but he did not know which one in particular was the latter's house. The men left but later came back with three (3) handcuffed persons. One (1) of the handcuffed persons pointed to appellant and said he was Julbakrim *alias* Dodong. Appellant vehemently denied this, insisting he is Jul-Ambri Samsaraji, but they still handcuffed him and the rest of the men playing *tong-its*. The men frisked him but found nothing. They all proceeded to the PDEA Office where appellant noticed that the three (3) men were being released. When he asked them about their release, they responded that they gave the agents ₱20,000.00. An officer then approached appellant and asked him for ₱50,000.00 in exchange for his freedom.¹⁶

For their part, Sabbaani, Salih, and Lim, all testified that they were merely playing *tong-its*, and having a drinking spree in the dilapidated house owned by a certain Jamilah when six (6) men came looking for a certain "Julbakrim." They pointed to Jul Baknil's house and the men left. The men, however, returned after 30 minutes, poked their guns at them, and introduced themselves as PDEA agents. The men frisked them but found nothing. They were then brought to the PDEA Office for investigation.¹⁷

¹⁴ *Id.*

¹⁵ *Id.* at 45.

¹⁶ *Id.* at 45-46.

¹⁷ *Id.* at 43-44.

The Trial Court's Ruling

By Decision¹⁸ dated September 29, 2017, the trial court rendered a verdict of conviction, *viz.*:

Wherefore, in light of all the foregoing, this Court finds:

1. In Criminal Case No. 6439 (25427), accused JUL-AMBRI SAMSARAJI Y SAHI guilty beyond reasonable doubt for violating Section 5, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of FIVE HUNDRED THOUSAND PESOS (P500,000[.00]) without subsidiary imprisonment in case of insolvency;
2. In Criminal Case No. 6640 (25428), accused JUL-AMBRI SAMSARAJI Y SAHI guilty beyond reasonable doubt for violating Section 6, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of FIVE HUNDRED THOUSAND PESOS (P500,000[.00]) without subsidiary imprisonment in case of insolvency;
3. In Criminal Case No. 6441 (25429), accused JUL-AMBRI SAMSARAJI Y SAHI guilty beyond reasonable doubt for violating Section 11, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of 12 YEARS AND 1 DAY TO 14 YEARS OF IMPRISONMENT and pay a fine of THREE HUNDRED THOUSAND PESOS (P300,000[.00]) without subsidiary imprisonment in case of insolvency;
4. In Criminal Case No. 6442 (25430), accused [ABDULHAKIM] SABBAANI Y JANI guilty beyond reasonable doubt for violating Section 7, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of 12 YEARS AND 1 DAY TO 14 YEARS OF IMPRISONMENT and pay a fine of THREE HUNDRED THOUSAND PESOS (P300,000[.00]) without subsidiary imprisonment in case of insolvency;
5. In Criminal Case No. 6443 (25431), accused SANANI [SALIH] Y KAHAL guilty beyond reasonable doubt for violating Section 7, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of 12 YEARS AND 1 DAY TO 14 YEARS OF IMPRISONMENT and pay a fine of THREE HUNDRED THOUSAND PESOS (P300,000[.00]) without subsidiary imprisonment in case of insolvency; and
6. In Criminal Case No. 6444 (25432), accused ALI LIM Y [MANDAK] guilty beyond reasonable doubt for violating Section 7, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of 12 YEARS AND 1 DAY TO 14 YEARS OF IMPRISONMENT and pay a fine of THREE HUNDRED

¹⁸ Penned by Presiding Judge Eric D. Elumba, *id.* at 35-51.

THOUSAND PESOS (P300,000[.00]) without subsidiary imprisonment in case of insolvency;

SO ORDERED.¹⁹

The trial court ruled that the testimonies of the police officers clearly established appellant's guilt for violation of Sections 5, 6, and 11, Article II of RA 9165, and his co-accused's guilt for violation of Section 7, Article II of RA 9165. Appellant's and his co-accused's defense of denial and alibi is inherently weak against the positive testimony of the police officers.²⁰

Only appellant appealed to the Court of Appeals.²¹

The Ruling of the Court of Appeals

By Decision²² dated May 23, 2019, the Court of Appeals partially granted appellant's appeal, viz.:

WHEREFORE, premises considered, the appeal is **PARTIALLY GRANTED**.

The 29 September 2017 Decision rendered by the Regional Trial Court, 9th Judicial Region, Branch 13, Zamboanga City in Criminal Case Nos. 25427, 25428, 25429 is **REVERSED** and **SET ASIDE ONLY** with respect to accused-appellant Jul-Ambri Samsaraji y Sahi's conviction in:

1) Criminal Case No. 6439 (25427), for violating Section 5, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165);

2) Criminal Case No. 6641 (25429), for violating Section 11, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165).

On the other hand, accused-appellant Jul-Ambri Samsaraji y Sahi's (A.K.A. "Dodong") conviction in Criminal Case No. 6440 (25428), for violating Section 6, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) is **AFFIRMED**.

SO ORDERED.²³

The Court of Appeals ruled that in drug cases, it is essential that the identity of the prohibited drug be established beyond reasonable doubt. Unauthorized possession or sale is not sufficient to sustain a finding of guilt, the fact that the very same substance offered in court as an exhibit must be established. Here, there were glaring gaps in the chain of custody, *i.e.*: 1) The prosecution presented only three (3) witnesses, namely: IO1 Avenida, IO3

¹⁹ *Id.* at 50–51.

²⁰ *Id.* at 49–50.

²¹ *Id.* at 9, Notice of Appeal of Jul-Ambri Samsaraji,

²² CA *rollo*, pp. 123–139.

²³ *Id.* at 138.

Bersales, and IA1 Restor, who all failed to account for the third link in the chain of custody; and 2) the prosecution did not present Forensic Chemist PSI Catherine Ade-Lazo, who stipulated that she did not know the origin of the drugs she examined, and that she did not personally receive the same when it was delivered to her office. Accordingly, considering that the integrity of the third link in the chain of custody has been cast in serious doubt, there is no moral certainty that the drugs presented in court were the very same drugs seized from the appellant during the buy-bust operation.²⁴

The Court of Appeals, however, sustained appellant's conviction for violation of Section 6, Article II of RA 9165. The prosecution established that appellant invited IO1 Avenido inside a small shack to use the *shabu* he had just purchased.²⁵

The Present Appeal

Appellant now asks this Court for a verdict of acquittal.²⁶ He avers that he was not maintaining a drug den. The prosecution miserably failed to allege and prove that the target house is habitually used as a drug den, which is an essential element of the crime.²⁷

In compliance with Resolution dated July 14, 2021, the Office of the Solicitor General manifested that in lieu of supplemental briefs, it is adopting its brief filed before the Court of Appeals.²⁸

RULING

We reverse.

For an accused to be convicted of Illegal Maintenance of a Drug Den under Section 6 of RA 9165, the prosecution must establish with proof beyond reasonable doubt that the accused is "maintaining a den" where any dangerous drug is administered, used, or sold. Hence, two things must be established: (a) that the place is a den – a place where any dangerous drug and/or controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold, or used in any form; and (b) that the accused maintains the said place. It is not enough that dangerous drugs or drug or drug paraphernalia were found in the place. More than a finding that dangerous drug is being used thereat, it must also be clearly shown that the

²⁴ *Id.* at 134–135.

²⁵ *Id.* at 131–133.

²⁶ *Rollo*, pp. 22–23, Notice of Appeal.

²⁷ *Id.* at 45–52, Supplemental Brief, *id.* at 45–52.

²⁸ *Id.* at 33.

accused is the maintainer or operator or the owner of the place where the dangerous drug is used or sold.²⁹

More, *People v. Galicia*³⁰ ordained that the prosecution must establish that the alleged drug den is a place where dangerous drugs are **regularly** sold to and/or used by customers of the maintainer of the den. The word “regular” means doing the same thing in uniform intervals, or something that is a common occurrence.

Here, the prosecution did not establish beyond reasonable doubt that appellant is maintaining a drug den for failure to establish the element of regularity.

IOI Avenida testified:

Q. How far were you from that Dodong when the confidential informant told you that it was Dodong who was talking to the two male persons?

A. About ten to fifteen meters, sir.

Q. So after that what happened?

A. **After that, we also noticed that several persons are coming in and out of the place and that confirms the report that it is a drug den; after that, we went back to the Office and reported the development.**

Q. You said you saw several persons coming in and out of the place. How many more or less did you see?

A. About four to six, sir.

Q. And do you know any of these persons whom you saw coming in and out of that house?

A. **I do not know, sir.** But according to the confidential informant, they are users.

Q. So after that, what happened?

A. After that we went back to the Office and reported the development to the chief, Plans (sic) division.³¹

....

Q. And while you were in said office of said date and time, what happened if any?

A. While I was in the office, my confidential informant in the office reported to our Chief, Plans and Operations Division in the person of Agent Abdulgani, that a certain Dodong who was later identified as Jul Ambri was engaged in the selling of prohibited drugs of shabu and maintaining a drug den at the vicinity of Campo Islam, Zamboanga City.³²

....

²⁹ *People v. Cariño*, G.R. No. 234155, March 25, 2019, 838 SCRA 326, 338, [per J. Gesmundo, First Division].

³⁰ 826 Phil. 119, 132 (2018) [per J. Del Castillo, First Division].

³¹ CA *rollo*, pp. 136–137. Emphasis supplied.

³² *Id.* at 137.

Q. What happened after that?

A. After receiving that I verified if it is indeed shabu.

Q. How?

A. I looked at it.

Q. What did you find out?

A. After that, that it was shabu, I gave it to him the P200.00 bill

Q. And then?

A. And then he invited us to go inside the place so that we can use the shabu.

Q. After that?

A. After that, we went inside the place, while inside, I saw several persons sniffing shabu.

Q. More or less, how many were you or these several persons that you saw?

A. Eight of them.

Q. And what happened after you saw them sniffing shabu?

A. After I saw that, I tried it to see if indeed it is shabu.³³

....

In *People v. Rom*³⁴ the Court held that a drug den is a lair or hideaway where prohibited or regulated drugs are used in any form or are found. Its existence may be proved not only by direct evidence but may also be established by proof of facts and circumstances, including evidence of the general reputation of the house, or its general reputation among police officers.

The records are bereft of any evidence, however, that the target house in Campo Islam was indeed known or had a general reputation as a drug den. Too, per IO1 Avenido's testimony, during the surveillance conducted before the buy-bust operation, they were parked 10 to 15 meters away from appellant's house when he saw persons coming in and out of the house and that led him to conclude that there was buying and selling of illegal drugs therein. It was highly suspect, however, that he was able to draw that conclusion merely from seeing persons entering and exiting a house. Verily, entering and exiting a house cannot be considered an illegal drug activity. He did not testify that he saw the ongoing activity or activities inside the house when they first surveilled the area. Notably, mere assumptions or conjectures cannot substitute the required quantum of evidence in criminal prosecution.³⁵

In any event, IO1 Avenido testified that after he purchased the *shabu* from appellant, the latter invited him inside his house to use the same. He then

³³ *Id.* at 137–138.

³⁴ 727 Phil. 587, 605 (2014) [per J. Perez, Second Division].

³⁵ *Supra* note 30 at 135.

saw several persons sniffing what he assumed was *shabu* inside the house. But even if true, this isolated incident does not automatically convert that house into a drug den because the element of regularity was conspicuously absent.

In *People v. Andanar and Garbo*,³⁶ the Court held that appellant Garbo could not be held liable for illegally maintaining a drug den because of the absence of the element of *regularity*, viz.:

Here, PO2 Antillon, Jr. testified that Garbo invited him inside her house where the sale of illegal drugs between him and Andanar took place. Thereafter, Garbo offered PO2 Antillon, Jr. that he could already use the drug he just bought for an additional fee of P20.00. If at all, this only proves an isolated illegal drug transaction involving SPO2 Antillon, Jr., Andanar, and Garbo. There was nothing on record, however, showing that Garbo's house was frequently used as a drug den. Neither did the prosecution prove that Garbo's house had a general reputation as such. Surely, the prosecution had only presented a singular occurrence of **the so-called illegal drug activity in Garbo's house. The same does not satisfy the requirement in *Galicia*. Garbo, therefore, cannot be considered a maintainer of drug den. Besides, the supposed *corpus delicti* was not even established in view of the clear violation of the chain of custody rule, compromising its integrity.**

Second, SPO2 Antillon, Jr. testified that while inside Garbo's house, he saw Gutierrez using *shabu*, thus, making Garbo's house a drug den.

We disagree. At the moment SPO2 Antillon, Jr. saw Gutierrez allegedly sniffing something, he only assumed it was *shabu*. More, nothing in the records show that Gutierrez underwent a laboratory examination and was found positive for drug use. Thus, the Court will not convict an accused, *sans* any supporting evidence. Mere assumptions or conjectures cannot substitute the required quantum of evidence in criminal prosecution. **In any case, a single isolated occasion where one sees another person sniffing *shabu* inside a residence, even if true, does not automatically convert that residence into a den. The element of regularity is conspicuously absent.** (Emphasis supplied, citation omitted)

All told, appellant cannot be considered a maintainer of a drug den. Besides, the supposed *corpus delicti* was not even established in view of the clear violation of the chain of custody rule, compromising its integrity.

Similarly, a verdict of acquittal is in order not just for appellant, but also for Sabbaani, Salih, and Lim, his co-accused, who were charged with violation of Section 7, Article II of RA 9165, for visiting a drug den. Although the co-accused did not appeal their convictions, this Court is not precluded from ruling on their case. Having found that the prosecution failed to establish that appellant was maintaining a drug den, it necessarily follows that

³⁶ G.R. No. 246284, June 16, 2021, [per J. Lazaro-Javier, Second Division).

Sabbaani, Salih, and Lim must also be freed from their conviction therefor. To be sure, the benefits of this appeal extends to appellant's co-accused even if they did not join the present appeal thus:

Rule 122, Section 11, Rules of Criminal Procedure. Effect of appeal by any of several accused. —

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, **except insofar as the judgment of the appellate court is favorable and applicable to the latter**; (Emphasis supplied)

x x x x

FOR THESE REASONS, the appeal is **GRANTED**. The Decision of the Court of Appeals in CA-G.R. CR HC No. 01775-MIN dated May 23, 2019 is **REVERSED**.

Appellant Jul-Ambri Samsaraji y Sahi a.k.a. "Dodong" is **ACQUITTED** in Criminal Case No. 6440 (25428). The Director of the Bureau of Corrections, Muntinlupa City is ordered to: a) immediately release Jul-Ambri Samsaraji y Sahi a.k.a. "Dodong" from custody unless he is being held for some other lawful cause; and b) submit his report on the action taken within five (5) days from notice.

Abdulahkim Sabbaani y Jani a.k.a. "Kim" is **ACQUITTED** in Criminal Case No. 6442 (25430). The Director of the Bureau of Corrections, Muntinlupa City is ordered to: a) immediately release Abdulhakim Sabbaani y Jani a.k.a. "Kim" from custody unless he is being held for some other lawful cause; and b) submit his report on the action taken within five (5) days from notice.

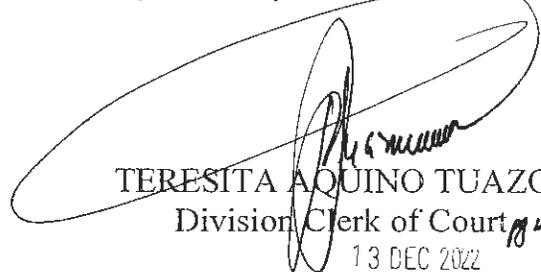
Sanani Salih y Kahal a.k.a. "Nin" is **ACQUITTED** in Criminal Case No. 6443 (25431). The Director of the Bureau of Corrections, Muntinlupa City is ordered to: a) immediately release Sanani Salih y Kahal a.k.a. "Nin" from custody unless he is being held for some other lawful cause; and b) submit his report on the action taken within five (5) days from notice.

Ali Lim y Mandak a.k.a. "Ali" is **ACQUITTED** in Criminal Case No. 6444 (25432). The Director General of the Bureau of Corrections, Muntinlupa City is ordered to: a) immediately release Ali Lim y Mandak a.k.a. "Ali" from custody unless he is being held for some other lawful cause; and b) submit his report on the action taken within five (5) days from notice.

Let an entry of judgment be issued immediately.

SO ORDERED.

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court *at/3*
 13 DEC 2022

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JUL-AMBRI SAMSARAJI y SAHI a.k.a.
 "DODONG" (reg)
 Appellant
 ABDULHAKIM SABBAANI y JANI a.k.a.
 "KIM" (reg)
 SANANI SALIH y KAHAL a.k.a. "NIN" (reg)
 ALI LIM y MANDAK a.k.a. "ALI" (reg)
 Accused
 c/o The Superintendent
 San Ramon Prison and Penal Farm
 Zamboanga City
 Zamboanga del Norte

THE SUPERINTENDENT (reg)
 San Ramon Prison and Penal Farm
 Zamboanga City
 Zamboanga del Norte

THE DIRECTOR (x)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 13
 Zamboanga City
 (Crim. Case Nos. 25427, 25428, 25429
 25430, 25431 & 25432)

COURT OF APPEALS (reg)
 Cagayan de Oro City
 CA-G.R. CR-HC No. 01775-MIN

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 Supreme Court, Manila

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