



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 17, 2022** which reads as follows:*

“G.R. No. 248850 (*People of the Philippines v. Wilfredo Legaspi y Abad @ “Gie”*). – The subject of review in this appeal¹ is the conviction of accused-appellant Wilfredo Legaspi y Abad (Wilfredo) for Illegal Sale and Illegal Possession of Dangerous Drugs in the Decision² dated June 28, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11243, which affirmed the findings of the Regional Trial Court of Valenzuela City, Branch 282 (RTC).

ANTECEDENTS

Wilfredo was charged with violations of Sections 5 and 11, Article II of Republic Act (RA) No. 9165³ under the following Informations:

Criminal Case No. 1862-V-16

On or about September 30, 2016 in Valenzuela City and within the jurisdiction of this Honorable Court, the accused, for [and] in consideration of THREE HUNDRED PESOS ([P]300.00) consisting of three (3) pieces of one hundred peso bills ([P]100.00) with serial numbers GR489716, LA858116 and RN806856 with markings “GSD-3 09-30-16 with signature, GSD-4 09-30-16 with signature and GSD-5 09-30-16 with signature” respectively, without any authority of law, did then and there willfully, unlawfully and knowingly sell and deliver to PO2 JUNJAY J. TUMBADO who posed as buyer of one heat-sealed transparent plastic sachet (marked

¹ See Notice of Appeal dated July 29, 2019; *rollo*, pp. 32–33.

² Id. at 3–31. Penned by Associate Justice Fernanda Lampas Peralta, with the concurrence of Associate Justices Rodil V. Zalameda (now a Member of this Court) and Marie Christine Azcarraga-Jacob.

³ 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 on June 7, 2002.

as JJT) containing 0.10 gram of Methamphetamine Hydrochloride (Shabu), knowing it to be a dangerous drug.

CONTRARY TO LAW.

Criminal Case No. 1863-V-16

That on or about September 30, 2016 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, without any authority of law, did then and there willfully, unlawfully and knowingly have in his possession and control three (3) heat-sealed transparent plastic sachets containing 4.68 grams (marked as “GSD, w/ date and signature”), 0.10 gram (marked as “GSD-1, w/ date and signature”) and 0.10 gram (marked as “GSD-2 w/ date and signature”), containing Methamphetamine Hydrochloride (Shabu), accused knowing the same to be a dangerous drug.

CONTRARY TO LAW.⁴

When arraigned, Wilfredo pleaded not guilty. Trial then ensued.⁵

The prosecution’s evidence consisted mainly of the testimony of Police Officer (PO) 2 Junjay J. Tumbado (PO2 Tumbado) and PO1 Glenn S. De Chavez (PO1 De Chavez), who established that, in the morning of September 30, 2016, the Station Anti-Illegal Drugs – Special Operations Task Group of the Valenzuela City Police Station (SAID-SOTG) received a telephone call from a concerned citizen informing them about the illegal drug activity of a certain alias *Gie* on Little Baguio Street, Marulas, Valenzuela City. The concerned citizen called again to notify the police that *Gie* was presently selling drugs in front of his house and gave a full description of *Gie*. After receiving the call, PO2 Tumbado called the regular confidential informant, who was then at the place described by the caller and confirmed the tip. PO2 Tumbado then informed Police Senior Inspector Milan Vargas Naz (PSI Naz), who immediately formed a team to conduct a buy-bust operation. PO2 Tumbado was designated as the poseur buyer, PO1 De Chavez as the immediate back up, while the others shall serve as perimeter back-up.⁶

A briefing was conducted and PO2 Tumbado was given three pieces of ₱100-bills, which he marked with his initials, “JT,” to be used as buy-bust money. It was also agreed that PO2 Tumbado would scratch his butt as the prearranged signal for the consummation of the transaction. The buy-bust team then proceeded to the target area at Little Baguio Street, Marulas, Valenzuela City. Thereat, PO2 Tumbado met with the confidential informant while the other police officers strategically positioned themselves. While PO2 Tumbado and the informant were walking, they saw *Gie*. The informant greeted him and asked, “*Tatay Gie, mayroon ba tayo diyan?*” While referring to PO2 Tumbado, the informant uttered, “[*t*]ropa ko din pala adik, iiskor sana kami.” *Gie* responded, “*mayroon naman p’re*” and asked PO2 Tumbado how

⁴ *Rollo*, pp. 8–9. See also *CA rollo*, pp. 46–47.

⁵ *Rollo*, p. 9. See also *CA rollo*, p. 47.

⁶ *Rollo*, p. 4. See also *CA rollo*, pp. 47–48.

much he would be getting. PO2 Tumbado replied “*tatlong piso lang p’re*,” PO2 Tumbado then handed the buy-bust money to *Gie*, who in turn brought out one small heat-sealed transparent plastic sachet containing white crystalline substance suspected to be shabu and gave it to PO2 Tumbado. PO2 Tumbado inspected the item he got from Wilfredo then executed the prearranged signal and held *Gie*.⁷

PO1 De Chavez rushed to PO2 Tumbado’s aid and arrested *Gie*, later identified as Wilfredo. PO1 De Chavez frisked Wilfredo and recovered three more plastic sachets containing white crystalline substance and the marked money. While at the place of arrest, PSI Naz contacted representatives from the media, the Department of Justice (DOJ), and an elected public official to witness the marking and inventory of the confiscated items. After two hours of waiting, only Barangay Kagawad Margie Tan (Brgy. Kgd. Tan) came.⁸ PO2 Tumbado marked the plastic sachet he bought from Wilfredo with “JJT,” placed it inside a brown envelope, sealed it, and marked it with “A SAID-SOTG, VCPS,” his signature, and the date. Thereafter, PO1 De Chavez marked the three sachets he confiscated from Wilfredo with “GSD,” “GSD-1,” and “GSD-2,” then placed them inside a brown envelope, sealed it and marked the envelope with “B SAID-SOTG, VCPS,” his signature, and the date.⁹ An inventory of the seized items was made by PO3 Eric Castro (PO3 Castro) in the presence of Wilfredo, Brgy. Kgd. Tan, and the buy-bust team. Photographs were also taken.¹⁰

On the same day, Wilfredo was brought to the Valenzuela General Hospital for medical examination. Thereafter, Wilfredo and the seized items were brought to the SAID-SOTG, where a request for laboratory examination was prepared by PO3 Castro. While in transit to the hospital and the police station, PO2 Tumbado and PO1 De Chavez kept custody of the items they respectively seized from Wilfredo.¹¹

PO2 Tumbado and PO1 De Chavez then delivered the seized items to the crime laboratory where they were received by Duty Desk Officer PO2 June Alvin G. Pasco (PO2 Pasco). Shortly after, PO2 Pasco turned over the items to forensic expert Police Chief Inspector Richard Allan B. Mangalip (PC/Insp. Mangalip), who conducted a qualitative examination which yielded positive for methamphetamine hydrochloride or shabu, a dangerous drug.¹²

⁷ *Rollo*, pp. 4–5. See also *CA rollo*, p. 48.

⁸ The testimony of Brgy. Kgd. Tan was stipulated upon that she was present during the inventory of the confiscated items on September 30, 2016 and that she signed the inventory form. (See *rollo*, p. 10.)

⁹ *Id.* at 5–6. See also *CA rollo*, pp. 48–49.

¹⁰ *Rollo*, p. 10. See also *CA rollo*, pp. 48–49.

¹¹ *Rollo*, p. 7. See also *CA rollo*, p. 49.

¹² *Rollo*, pp. 7 and 10. See also *CA rollo*, pp. 49–50. The testimony of PC/Insp. Mangalip was dispensed subject to the following stipulations: (1) he received the items from PO2 Pasco; (2) he conducted qualitative examination and yielded positive results for methamphetamine hydrochloride or shabu; (3) he turned over all the specimens after testing to their evidence custodian for safekeeping; (4) he issued Chemistry Report No. D-1475-16 dated September 30, 2016; and (5) he turned over the specimens to the RTC for presentation in evidence. Likewise stipulated upon is the testimony of PO2 Pasco, that he received the seized items from PO2 Tumbado and PO1 De Chavez and subsequently, turned them over to PC/Insp. Mangalip.

For his part, Wilfredo denied that charges and claimed that he was framed up by the police officers. On September 30, 2016, he was at home fixing his motorcycle when an individual, who climbed over the fence, approached him and asked if he was “Gie.” Before he could answer, another individual came, kicked him, and suddenly handcuffed him. The two individuals introduced themselves as police officers. The police officers stayed in Wilfredo’s house for about two hours. When a barangay kagawad arrived, the police officers took out small plastic sachets and laid it on top of a small table. Thereafter, Wilfredo was boarded into a vehicle and brought to the hospital before he was brought to the police station where he was detained. Wilfredo’s mother, Gloria A. Legaspi, and his wife, Lucia B. Legaspi, corroborated his narrative.¹³

In a Decision¹⁴ dated May 16, 2018, the RTC found Wilfredo guilty of the crimes charged and was sentenced as follows:

WHEREFORE, the court hereby rendered judgment as follows:

1. In Criminal Case No. 1862-V-16, accused Wilfredo Legaspi y Abad @ Gie is found GUILTY beyond reasonable doubt of the crime of Sale of Dangerous Drug in violation of Sec[.] 5, Article II of RA 9165 and is hereby sentenced to serve life imprisonment and to pay a fine of Five Hundred Thousand Pesos ([P]500,000.00).
2. In Criminal Case No. 1863-V-16, accused Wilfredo Legaspi y Abad @ Gie is found GUILTY beyond reasonable doubt of the crime of Possession of Dangerous Drug in violation of Sec[.] 11, Article II of RA 9165 and is hereby sentenced to serve imprisonment of Twelve (12) Years and One (1) day, as minimum[.] to Fourteen (14) years[.] as maximum, and to pay a fine of Three Hundred Thousand Pesos ([P]300,000.00);

x x x x

SO ORDERED.¹⁵ (Emphases in the original)

The RTC held that the prosecution proved the commission of the crimes charged when PO2 Tumbado clearly detailed the sale transaction with Wilfredo and after his valid warrantless arrest, was found in possession of three more plastic sachets containing white crystalline substance. There was substantial compliance with Section 21, Article II of RA No. 9165 as the chain of custody over the seized drugs was not broken and the identity and integrity of the *corpus delicti* was guarded and preserved when the marking and inventory were made at the place of arrest in the presence of Wilfredo, Brgy.

¹³ *Rollo*, pp. 7–8. See also *CA rollo*, pp. 50–52.

¹⁴ *CA rollo*, pp. 46–63. Penned by Presiding Judge Elena A. Amigo-Amano.

¹⁵ *Id.* at 62–63.

Kgd. Tan, and the buy-bust team. The absence of a representative from the media or the DOJ was sufficiently explained by the prosecution witnesses.¹⁶

On appeal, Wilfredo argued that the apprehending team failed to comply with Section 21, Article II of RA No. 9165 since the inventory was not witnessed by representatives of the media and the National Prosecution Service (NPS), and PO2 Tumbado did not attest that the marking and inventory were made in his presence. Although there was a turnover to an investigator, PO3 Castro, the same was not included in the stipulation of his testimony. The prosecution did not show how the forensic chemist conducted the examination, the manner by which he handled the specimen, and the safeguards he took while in custody of the drugs.¹⁷

In a Decision dated June 28, 2019, the CA affirmed Wilfredo's conviction.¹⁸ The CA held that the prosecution was able to prove that all the elements of Illegal Sale and Illegal Possession of Dangerous Drugs were present. Moreover, the buy-bust team substantially complied with Section 21, Article II of RA No. 9165 and preserved the identity and integrity of the seized items.¹⁹

Hence, this appeal.²⁰ Wilfredo, through counsel, echoed the allegations made in his appeal brief submitted to the CA, in alleging that the RTC erroneously assumed that PO2 Tumbado validly arrested him.²¹

On the other hand, People, through the Office of the Solicitor General, manifested that they are adopting the allegations made in the appeal brief filed with the CA.²²

RULING

The appeal is meritorious.

We acquit on the ground of the prosecution's failure to prove that the apprehending team complied with the mandatory chain of custody requirements under Section 21, Article II of RA No. 9165 resulting in serious doubts as to the identity of the *corpus delicti*.

For prosecutions involving dangerous drugs, the dangerous drug itself constitutes the *corpus delicti* of the offense, and its existence is vital to sustain

¹⁶ Id. at 54–60.

¹⁷ CA rollo, pp. 71–79.

¹⁸ Rollo, pp. 3–31. The dispositive portion of the Decision reads:

WHEREFORE, the Decision dated May 16, 2018 of the trial court is
AFFIRMED *in toto*.

SO ORDERED. (Emphases, underscoring, and italics in the original)

¹⁹ Id. at 16–27.

²⁰ See Notice of Appeal dated July 29, 2019; id. at 32–33.

²¹ Id. at 77–79.

²² Id. at 57–58.

a judgment of conviction beyond reasonable doubt. Like the elements of the offenses charged, the identity of the dangerous drug must be established with moral certainty.²³ The prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.²⁴ Indeed, the prosecution must satisfactorily establish the movement and custody of the seized drug through the following links: (1) the confiscation and marking of the specimen seized from the accused by the apprehending officer; (2) the turnover of the seized item by the apprehending officer to the investigating officer; (3) the investigating officer's turnover of the specimen to the forensic chemist for examination; and (4) the submission of the item by the forensic chemist to the court.²⁵ Here, the records reveal a broken chain of custody.

Notably, the alleged crimes happened after RA No. 9165 was amended by RA No. 10640.²⁶ Section 21, Article II of RA No. 9165, as amended, outlines the post-seizure procedure for the custody and disposition of seized drugs, thus:

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. – x x x

(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 [NPS] 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.

x x x x

²³ *People v. De Guzman*, 825 Phil. 43, 53 (2018).

²⁴ *People v. De Dios*, G.R. No. 243664, January 22, 2020, 930 SCRA 41, 47.

²⁵ *People v. Bugtong*, 826 Phil. 628, 638–639 (2018).

²⁶ 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 on July 15, 2014. RA No. 10640 states that it shall “take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.” Verily, a copy of the law was published on July 23, 2013 in the respective issues of “The Philippine Star” (Vol. XXVIII, No. 359, Philippine Star Metro section, p. 21) and the “Manila Bulletin” (Vol. 499, No. 23; World News section, p. 6); hence, it became effective on August 7, 2014. See also OCA Circular No. 77-2015 dated April 23, 2015.

Foremost, there was a failure to immediately mark the seized drugs. The first link in the chain of custody is the marking of the dangerous drugs which is indispensable in preserving their integrity and evidentiary value. The marking operates to set apart as evidence the dangerous drugs from other materials and forestall switching, planting, or contamination of evidence. The succeeding handlers of the drugs will then use the marking as reference.²⁷

In this case, the prosecution admitted that the marking was not conducted immediately after confiscation and Wilfredo's arrest. PO2 Tumbado testified that the marking was done two hours after the buy bust transaction because the team had to wait for the required witnesses to arrive. Notably, the prosecution witnesses failed to account for the time gap, as well as, the custody of the seized items in the interim. The pertinent portion of PO2 Tumbado's testimony reads:

ACP Yambot:

What happened after [the] search?

WITNESS:

After that, we informed [Wilfredo] of his violations and told him his rights.

COURT

What happened after that?

WITNESS:

After that, we called any representative from the DOJ, media and any elected barangay official, ma'am.

ACP Yambot:

Where were you when they were calling [for] any representatives from the Barangay, DOJ and media?

WITNESS:

At the place of arrest.

ACP Yambot:

What happened after that?

WITNESS:

After we waited, only Kagawad Margie Tan arrived.

x x x x

ACP Yambot:

How long did you wait before Kagawad Margie Tan arrived?

WITNESS:

More or less two hours, ma'am.²⁸

In the meantime, the seized drugs remained unmarked causing a significant gap in the chain of custody that may have compromised the evidence. Subsequently, the marking, inventory, and photography of the items confiscated from Wilfredo were not witnessed by a representative from the NPS or the media. The presence of the persons who should witness the post-operation measures is necessary to insulate the apprehension and

²⁷ *People v. Ismael*, 806 Phil. 21, 31 (2017), citing *People v. Gonzales*, 708 Phil. 121, 130–131 (2013).

²⁸ *Rollo*, pp. 21–22.

incrimination proceedings from any taint of illegitimacy or irregularity.²⁹ The insulating presence of such witnesses would have preserved an unbroken chain of custody considering that a buy-bust operation is susceptible to abuse, and the only way to prevent this is to ensure that the procedural safeguards provided by the law are strictly observed.

Here, only an elected public official, Brgy. Kgd. Tan, was present during the inventory. There was no representative from the media or the NPS. The prosecution failed to proffer a justifiable reason for the failure to secure the presence of the required witnesses or a showing of any genuine and sufficient effort to secure their attendance. Mere statements of unavailability, absent actual serious attempts to contact the required witnesses, are unacceptable as justified grounds for noncompliance.³⁰

While the failure of the apprehending team to strictly comply with the procedure laid down in Section 21, Article II of RA No. 9165 and the Implementing Rules and Regulations (IRR) does not *ipso facto* render the seizure and custody over the items as void and invalid. However, the prosecution must satisfactorily prove that there is justifiable ground for noncompliance and that the integrity and evidentiary value of the seized items are properly preserved. The justifiable ground for noncompliance must be proven as a fact because the Court cannot presume what these grounds are or that they even exist.³¹ The prosecution must initiate acknowledging and justifying deviations from the prescribed procedure. The rules require that the apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized item.³²

In *Edangalino v. People*,³³ the Court enumerated the instances where the absence of the required witnesses may be justified, to wit: (1) the place of arrest was a remote area; (2) time constraints and urgency of the anti-drug operations; (3) the apprehending team's safety during the inventory and photography of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in their behalf; (4) the elected officials themselves were involved in the punishable acts sought to be apprehended; and (5) earnest efforts to secure the presence of the witnesses within the period required under Article 125 of the Revised Penal Code proved futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention.³⁴ The prosecution in this case failed to

²⁹ *People v. Macud*, 822 Phil. 1016, 1041 (2017), citing *People v. Mendoza*, 736 Phil. 749, 761–762 (2014).

³⁰ *People v. Patacsil*, 838 Phil. 320, 334 (2018).

³¹ *Edangalino v. People*, G.R. No. 235110, January 8, 2020, 928 SCRA 360, 375–376, citing *People v. De Guzman*, 630 Phil. 637, 649 (2010).

³² *People v. Jagdon*, G.R. No. 234648, March 27, 2019, 899 SCRA 277, 296, citing *People v. Señeres, Jr.*, G.R. No. 231008, November 5, 2018, 884 SCRA 172, 191–192.

³³ G.R. No. 235110, January 8, 2020, 928 SCRA 360.

³⁴ *Id.* at 377–378, citing *People v. Sipin*, 833 Phil. 67, 93 (2018); and *People v. Reyes*, 830 Phil. 619, 633 (2018).

sufficiently prove the justifiable ground for noncompliance with the dictates of Section 21, Article II of RA No. 9165 and its IRR.

Furthermore, the second link in the chain of custody requires the prosecution to establish the movement and custody of the confiscated item, particularly, its turnover by the apprehending officer to the investigating officer, who shall conduct the proper investigation and prepare the necessary documents for the transfer of the evidence to the police crime laboratory for testing.³⁵ Further, the third link in the chain of custody requires that the movement from the investigating officer to the forensic chemist be established. Here, there are marked irregularities in the second and third links of the chain of custody. PO2 Tumbado and PO1 De Chavez failed to show how they handled the seized drugs during their transport from the place of arrest to the hospital and later on, to the police station. At the police station, the prosecution witnesses failed to mention whether they turned over the seized articles to the investigator, PO3 Castro, who prepared the Chain of Custody Form and the Request for Laboratory Examination. PO2 Tumbado and PO1 De Chavez likewise failed to account how the seized drugs were handled during their custody, delivery, and turnover to the forensic chemist at the crime laboratory. The operatives failed to provide any justification showing that the integrity of the evidence had all along been preserved. The police officers did not describe the precautions taken to ensure that there had been no change in the condition of the seized items and no opportunity for someone not in the chain to gain possession.

Lastly, the prosecution was not able to establish the fourth link in the chain of custody or that relating to the turnover and submission of the seized drug from the forensic chemist to the court. In *People v. Andanar*,³⁶ we held that the following details are required in the stipulation of the forensic chemist's testimony, to wit: (1) that the forensic chemist received the seized article as marked, properly sealed, and intact; (2) that the drug was resealed after examination of the content; and (3) that the forensic chemist placed their own marking on the item to ensure that it is not tampered with pending trial. To be sure, the fourth link in the chain of custody could not be reasonably established absent any testimony regarding the management, storage, and preservation of the illegal drug after its qualitative examination.³⁷ In this case, the stipulations on the forensic chemist's testimony are incomplete to remove any doubt on the integrity and evidentiary value of the shabu presented to the trial court. At its best, the stipulations merely provide that the forensic chemist conducted the examination, issued Chemistry Report No. D-1475-16 dated September 30, 2016, and turned over the specimens to the evidence custodian after testing.³⁸ The stipulations are silent on crucial details to demonstrate the handling before, during, and after his examination, *i.e.*, condition of the specimen upon his receipt, the manner and procedure of examination he

³⁵ *People v. Dahil*, 750 Phil. 212, 235 (2015).

³⁶ G.R. No. 246284, June 16, 2021, <<https://sc.judiciary.gov.ph/20724/>>.

³⁷ *Id.*

³⁸ *Rollo*, p. 10. See also *CA rollo*, pp. 49–50.

conducted on the specimens, whether he placed his own markings, the packaging he used to keep the items before turnover to the evidence custodian of the crime laboratory. Likewise, after safekeeping in the crime laboratory, PC/Insp. Mangalip failed to testify on the condition of the drugs before they were presented in court, that is, from the time he withdrew them from storage, the condition of the drugs, from whom and where he retrieved the items, and how he handled the drugs in transit to the court. The lack of these vital information deprived the trial court of the means to ascertain that the evidence presented was not compromised.

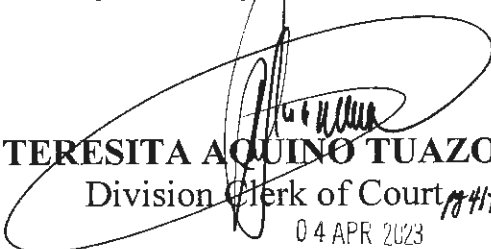
Jurisprudence dictates that the procedure enshrined in Section 21, Article II of RA No. 9165 is a matter of substantive law, and cannot be brushed aside as a simple procedural technicality; or worse, ignored as an impediment to the conviction of illegal drug suspects. For indeed, however noble the purpose or necessary the exigencies of our campaign against illegal drugs may be, it is still a governmental action that must always be executed within the boundaries of law.³⁹ Owing to the unjustified breach of Section 21 that compromised the integrity and evidentiary value of the *corpus delicti*, we acquit Wilfredo.

FOR THESE REASONS, the appeal is **GRANTED**. The Decision dated June 28, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 11243 is **REVERSED**. Accordingly, accused-appellant Wilfredo Legaspi y Abad is **ACQUITTED** and **ORDERED** to be **RELEASED IMMEDIATELY** from detention, unless he is being lawfully held for another cause. Let entry of judgment be issued immediately.

Let a copy of this Resolution be furnished to the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director is directed to report to this Court the action taken within five (5) days from receipt of this Resolution.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
04 APR 2023

³⁹ *People v. Baptista*, G.R. No. 225783, August 20, 2018, 878 SCRA 124, 139.

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 282
Valenzuela City
(Crim. Case Nos. 1862 to 1863-V-16)

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