



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 12, 2023 which reads as follows:

“G.R. No. 263303 (*Carlo Cambe y Burac v. People of the Philippines*). – This Petition for Review on *Certiorari* (Petition)¹ assails the Decision² dated 01 March 2022 and the Resolution³ dated 15 August 2022 of the Court of Appeals (CA) in CA-G.R. SP No. 165810. The CA annulled and set aside the Decision⁴ dated 12 February 2020 as well as the Orders dated 09 December 2019,⁵ 31 January 2020,⁶ and 06 March 2020⁷ of Branch 15, Regional Trial Court (RTC) of Tabaco City in Criminal Case Nos. T-7316 and T-7317. The RTC was likewise directed by the CA to conduct further proceedings in said cases.

Considering the allegations, issues, and arguments presented, the Court finds no cogent reason to deviate from the ruling of the CA and resolves to **DENY** the instant Petition for failure of petitioner Carlo Cambe y Burac (petitioner) to sufficiently show any reversible error in the challenged Decision and Resolution rendered by the CA. Thus, We concur with the CA that the RTC gravely abused its discretion when it granted petitioner’s motion to plea bargain despite the prosecution’s opposition based on its assessment that there is sufficient evidence to prove the guilt of petitioner beyond reasonable doubt.

In the recent Decision of this Court in the consolidated cases of *People v. Montierro (Montierro)*,⁸ We emphasized that plea bargaining in criminal cases requires the consent of the parties, but the approval thereof is subject to the

¹ *Rollo*, pp. 25-51.

² *Id.* at 56-71. Penned by Associate Justice Walter S. Ong, and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Alfonso C. Ruiz II.

³ *Id.* at 73-81. Penned by Associate Justice Walter S. Ong, and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Alfonso C. Ruiz II.

⁴ *Id.* at 113-115.

⁵ *Id.* at 110-111. Penned by Presiding Judge Alben Casimiro Rabe.

⁶ *Id.* at 112.

⁷ *Id.* at 116.

⁸ G.R. Nos. 254564 & 254974, A.M. No. 21-07-16-SC, and A.M. No. 18-03-16-SC, 26 July 2021.

sound discretion of the court. The Court then provided the following guidelines in plea bargaining in drugs cases:

1. Offers for plea bargaining must be initiated in writing by way of a formal written motion filed by the accused in court.
2. The lesser offense which the accused proposes to plead guilty to must necessarily be included in the offense charged.
3. Upon receipt of the proposal for plea bargaining that is compliant with the provisions of the Plea Bargaining Framework in Drugs Cases, the judge shall order that a drug dependency assessment be administered. If the accused admits drug use, or denies it but is found positive after a drug dependency test, then he/she shall undergo treatment and rehabilitation for a period of not less than six (6) months. Said period shall be credited to his/her penalty and the period of his/her after-care and follow-up program if the penalty is still unserved. If the accused is found negative for drug use/dependency, then he/she will be released on time served, otherwise, he/she will serve his/her sentence in jail minus the counselling period at rehabilitation center.
4. As a rule, plea bargaining requires the mutual agreement of the parties and remains subject to the approval of the court. Regardless of the mutual agreement of the parties, the acceptance of the offer to plead guilty to a lesser offense is not demandable by the accused as a matter of right but is a matter addressed entirely to the sound discretion of the court.
 - a. Though the prosecution and the defense may agree to enter into a plea bargain, it does not follow that the courts will automatically approve the proposal. Judges must still exercise sound discretion in granting or denying plea bargaining, taking into account the relevant circumstances, including the character of the accused.
5. The court shall not allow plea bargaining if the objection to the plea bargaining is valid and supported by evidence to the effect that:
 - a. the offender is a recidivist, habitual offender, known in the community as a drug addict and a troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times; or
 - b. when the evidence of guilt is strong.
6. Plea bargaining in drugs cases shall not be allowed when the proposed plea bargain does not conform to the Court-issued Plea Bargaining Framework in Drugs Cases.
7. Judges may overrule the objection of the prosecution if it is based solely on the ground that the accused's plea bargaining proposal is inconsistent with the acceptable plea bargain under any internal rules or guidelines of the DOJ, though in accordance with the plea bargaining framework issued by the Court, if any.
8. If the prosecution objects to the accused's plea bargaining proposal due to the circumstances enumerated in item no. 5, the trial court is mandated to



hear the prosecution's objection and rule on the merits thereof. If the trial court finds the objection meritorious, it shall order the continuation of the criminal proceedings.

9. If an accused applies for probation in offenses punishable under RA No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Section 24 thereof, then the law on probation shall apply.⁹

In this case, the RTC committed grave abuse of discretion in granting the motion for plea bargaining despite the prosecution's continuous opposition and allegation that there is sufficient evidence to prove the guilt of petitioner beyond reasonable doubt. The trial court should have first ascertained whether petitioner is qualified to avail of the benefits of plea bargaining in view of the opposition of the prosecution. Thus, the remand of the case to the trial court for further proceedings is proper.

Consistent with the recent ruling of the Court in *Montierro*, the RTC must still determine whether: (1) the evidence of guilt is strong and (2) petitioner is a recidivist, habitual offender, known in the community as drug addict and troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times. The presence of any of the foregoing circumstances would bar petitioner from availing the benefits of plea bargaining.¹⁰

Further, consistent with A.M. No. 18-03-16-SC,¹¹ petitioner should submit to a drug dependency test as well.¹²

WHEREFORE, the instant Petition is **DENIED**. The Decision dated 01 March 2022 and the Resolution dated 15 August 2022 of the Court of Appeals in CA-G.R. SP No. 165810 are hereby **AFFIRMED with MODIFICATION**. Branch 15, Regional Trial Court of Tabaco City is **ORDERED** to determine (1) whether the evidence of petitioner Carlo Cambe y Burac's guilt is strong; and (2) whether said petitioner is a recidivist, habitual offender, known in the community as drug addict and troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times, in order to properly resolve petitioner's application for plea bargaining.

⁹ Id.

¹⁰ Id.

¹¹ Entitled: "ADOPTION OF THE PLEA BARGAINING FRAMEWORK IN DRUGS CASES." Issued on 10 April 2018:

In all instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after-care and follow-up program if penalty is still unserved. If accused is found negative for drug use/dependency, he/she will be released on time served, otherwise, he [or she] will serve his [or her] sentence in jail minus the counselling period at rehabilitation center. However, if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation shall apply.

¹² Id.

Petitioner is likewise **ORDERED** to submit to a drug dependency test pursuant to A.M. No. 18-03-16-SC.

SO ORDERED.”

By authority of the Court:



LIBRADA C. BUENA
Division Clerk of Court *k/a 5/18*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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