



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **October 10, 2022**, which reads as follows:*

**“G.R. No. 248195 (*People of the Philippines v. Ricardo Macalisang y Calunod*).**— Accused-appellant Ricardo Macalisang y Calunod (appellant) insists on his innocence and remonstrates against the *Decision*<sup>1</sup> dated 16 May 2019 of the Court of Appeals (CA) in CA G.R. CR-HC No. 01881-MIN, which affirmed with modification the *Decision*<sup>2</sup> dated 1 February 2018 of the Regional Trial Court (RTC) of Oroquieta City, Branch 14, in Criminal Case Nos. 2451, 1630, and 2452. Accordingly, he was found guilty beyond reasonable doubt of illegal sale, illegal possession of drugs, and illegal possession of equipment and other paraphernalia for dangerous drugs, defined and penalized under Sections 5, 11, and 12, respectively, Article II of Republic Act (RA) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002,<sup>3</sup> as amended.

In three separate Informations, appellant was indicted for the aforesaid offenses, the accusatory averments of which read:

**Criminal Case No. 2451**

That on November 9, 2016, at about 6:00 o'clock in the evening, in Purok 3, Barangay Lower Lamac, Oroquieta City, Philippines and within the jurisdiction of this Honorable Court, RICARDO MACALISANG y CALUNOD, not being authorized by law, did(,) then and there(,) willfully, unlawfully and feloniously sell and deliver to a poseur-buyer one (1) small plastic sachet containing Methamphetamine Hydrochloride, locally known as “*shabu*”, a dangerous drug having the total net weight of 0.0188 gram in exchange of Two Hundred Peso Bill (₱200.00) with Serial No. BT483588.

CONTRARY TO LAW.<sup>4</sup>

<sup>1</sup> *Rollo*, pp. 4-35. Penned by Associate Justice Walter S. Ong, with the concurrence of Associate Justices Edgardo A. Camello and Florencio M. Mamauag, Jr.

<sup>2</sup> *CA rollo*, pp. 73-96 (erroneously paginated as pp. 73-65). Penned by Presiding Judge Nora B. Montejo.

<sup>3</sup> Approved on 7 June 2002.

<sup>4</sup> *Rollo*, p. 5.

**Criminal Case No. 1630**

That on November 9, 2016, at about 6:00 o'clock in the evening, in Purok 3, Barangay Lower Lamac, Oroquieta City, Philippines, and within the jurisdiction of this Honorable Court, said [appellant], without being authorized by law to possess, did(,) then and there, willfully, unlawfully and feloniously(,) have in his possession and control four (4) pieces of rectangular small heat-sealed transparent plastic sachets each containing methamphetamine hydrochloride, locally known as "shabu", a dangerous drug, having the total net weight of 0.0748 gram.

CONTRARY TO LAW.<sup>5</sup>

**Criminal Case No. 2452**

That on November 9, 2016, at about 6:00 o'clock in the evening, in Purok 3, Barangay Lower Lamac, Oroquieta City, Philippines, and within the jurisdiction of this Honorable Court, the said [appellant], not being authorized by law, did(,) then and there, willfully, unlawfully and feloniously have in his possession, control and custody one (1) piece of electric sealer, and one (1) glass slab, which are considered as equipment, instrument or apparatus for packing and repacking methamphetamine hydrochloride, and one (1) big roll of aluminum foil commonly known as paraphernalia or intended for smoking, consuming, administering or introducing into the body methamphetamine hydrochloride locally known as "*shabu*"(,) a dangerous drug.

CONTRARY TO LAW.<sup>6</sup>

Upon arraignment, appellant pled not guilty to the charges. The cases were consolidated and tried jointly. After pre-trial, trial on the merits ensued.

The prosecution endeavored to prove the inculpatory averments *via* the following account—

On 9 November 2016, a confidential informant (CI) tipped off the operatives of the Misamis Occidental Provincial Police about the illegal drug activities of a certain Ricardo Macalisang in *Purok 3, Barangay Lower Lama, Oroquieta City*. After confirming the veracity of the information provided by the CI through surveillance, the intelligence operatives, in cooperation with the Criminal Investigation and Detection Group (CIDG), hatched a buy-bust operation against appellant. Police Officer 2 Jovane T. Adorable (PO2 Adorable) was designated as the *poseur-buyer*, with PO2 Wayne M. Jumalon, Jr. (PO2 Jumalon) as his immediate back-up, while the rest of the team served as perimeter security.<sup>7</sup>

The operatives proceeded to the target area after the final briefing and strategically positioned themselves thereat. The insulated witnesses were

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<sup>5</sup> Id. at 5-6.

<sup>6</sup> Id. at 6.

<sup>7</sup> Id. at 7.

likewise present to witness the arrest after they were earlier notified by Senior Police Officer 4 Julito S. Candawan about the entrapment operation.<sup>8</sup> Following the CI's positive identification of appellant, who was then standing in front of his house waiting for customers, PO2 Adorable walked casually towards appellant's direction and asked the latter, "*part papalita ko butang usa lang*" ("Can I buy one sachet?"), to which he nodded. A simultaneous exchange of the marked money and one sachet of suspected *shabu* with rolled aluminum foil between PO2 Adorable and appellant posthaste ensued.<sup>9</sup>

The rest of the back-up team hurriedly rushed to the scene after the pre-arranged signal was executed. Meanwhile, PO2 Jumalon, who was just a stone's throw away from the scene, joined PO2 Adorable. They identified themselves as police officers and forthwith arrested appellant. During the arrest, appellant was apprised of his constitutional rights and the nature of the accusations against him. As part of standard operating procedure, PO2 Jumalon frisked appellant and recovered additional four plastic sachets of suspected *shabu*, the buy-bust money, and four pieces of ₱100-bill from his possession. Likewise, PO2 Jumalon confiscated several drug paraphernalia consisting of one glass slab, one big rolled aluminum foil, and one electric sealer used for re-packing *shabu*, which were all within plain view of the police officers.<sup>10</sup>

PO2 Adorable and PO2 Jumalon immediately proceeded with the mandatory procedures of marking, inventory, and photographing of the confiscated evidence at the place of arrest. In fealty to the rules and regulations, appellant himself, elected official *Barangay Kagawad* Joel Agad, media representative Philip James Remedal, and DOJ representative Patrick Echalico witnessed the mandated procedures. PO2 Adorable marked the items produced by the buy-bust, while PO2 Jumalon marked those which were confiscated from the possession of appellant.<sup>11</sup>

Thereupon, they turned over the evidence to case investigator SPO4 Rico Balbutin (SPO4 Balbutin). After complying with the reportorial requirements, SPO4 Balbutin personally brought the *corpus delicti* to the Misamis Occidental Provincial Crime Laboratory Office for testing. Thereat, the illicit items were received by the duty receiving officer SPO4 Calixto Bernido, Jr. (SPO4 Bernido) who, in turn, forwarded the same to forensic chemist P/Supt Engr. Aileen Bernido (P/Supt Bernido). Ineluctably, the specimens tested positive for methamphetamine hydrochloride, a dangerous drug, as shown in Chemistry Report Nos. D-558- 2016 MO and D-559-2016 MO.<sup>12</sup>

<sup>8</sup> TSN dated 11 October 2017, p. 14.

<sup>9</sup> TSN dated 11 October 2017, pp.11-13.

<sup>10</sup> TSN dated 26 September 2017, pp. 8-16.

<sup>11</sup> Id. at 17-18.

<sup>12</sup> See TSN dated 9 November 2017, pp. 2-11.

Maintaining innocence, appellant proffered the defenses of denial and frame up.

Ploughing through the testimonial and documentary evidence of the prosecution and the defense, the RTC rendered a verdict of conviction, *viz.*:

WHEREFORE, finding [appellant] Ricardo Macalisang y Calunod guilty beyond reasonable doubt of the offense for which he is being indicted, judgment is hereby rendered:

1) Sentencing [appellant] Ricardo Macalisang y Calunod to suffer the penalty of LIFE IMPRISONMENT and to pay a FINE in the amount of Five Hundred Thousand Pesos (₱500,000.00) in Criminal Case No. 2451 for Violation of Section 5, Article II of R.A. 9165 (Illegal Sale of Dangerous Drugs);

2) Sentencing [appellant] Ricardo Macalisang y Calunod to suffer the Indeterminate Penalty of imprisonment ranging from Six (6) months and One (1) day as minimum to Two (2) years as maximum and to pay a FINE in the amount of Ten (10) Thousand Pesos (₱10,000.00) in Criminal Case No. 2452 for Violation of Section 12 of R.A. 9165 (Illegal Possession of Paraphernalia for Dangerous Drugs).

3) Sentencing [appellant] Ricardo Macalisang y Calunod to suffer the Indeterminate Penalty of imprisonment ranging from Twelve (12) Years and One (1) Day as minimum to Fourteen (14) Years as maximum and to pay the FINE of Three Hundred Thousand Pesos (₱300,000.00) in Criminal Case No. 1630 for Violation of Section 11, Article II of R.A. 9165 (Illegal Possession of Dangerous Drugs).

The subject five (5) sachets of *shabu* marked as BB-I, RM-1, RM-2, RM-3 and RM-4 are declared forfeited in favor of the Government to be disposed of pursuant to the provisions of R.A. 9165 and in relation to IRR of the same Act. Clerk of Court Atty. Gemabell L. Manisan is directed to turn them over to the PDEA for proper disposition and destruction.

SO ORDERED.<sup>13</sup>

The RTC gave full credence to the testimonies of the prosecution witnesses who were police officers in the performance of their official functions and rejected appellant's denial and theory of frame up. It found that all the elements of the crimes charged were convincingly established by the prosecution and there was an unbroken chain of custody over the seized *shabu* and drug paraphernalia as the prosecution witnesses were able to testify about every link in the chain—from the moment the *corpus delicti* were confiscated from appellant up to the time these were presented before the RTC. Thusly, the admissibility, integrity, and evidentiary value of the confiscated items are beyond question.

<sup>13</sup> CA *rollo*, pp. 95-96. Erroneously paginated as pp. 64-65.

On appeal, the CA essentially affirmed the RTC, albeit with a modification as to the impossible penalty, to wit:

WHEREFORE, the instant appeal is DENIED. The assailed *Decision* dated 01 February 2018 rendered by the Regional Trial Court, 10<sup>th</sup> Judicial Region, Branch 14, Oroquieta City, in Criminal Cases No. 1630, No. 2451 and No. 2452 is hereby AFFIRMED with MODIFICATION, in that appellant Ricardo Macalisang y Calunod is sentenced to suffer the penalty of life imprisonment without eligibility for parole in Criminal Case No. 2451.

IT IS SO ORDERED.<sup>14</sup>

Appellant now comes to this Court seeking refuge *via* this instant *Appeal*<sup>15</sup> ascribing that—

**THE APPREHENDING TEAM FAILED TO COMPLY WITH THE MANDATORY PRESENCE OF THE INSULATING WITNESSES DURING THE DRUGS' SEIZURE AND CONFISCATION.**<sup>16</sup>

*The Appeal carries weight and conviction.*

The primordial issue in this case is whether the prosecution proved beyond reasonable doubt that appellant is guilty of illegal sale of drugs, illegal possession of drugs, and illegal possession of equipment and other paraphernalia for dangerous drugs, all penalized under Article II, Sections 5, 11, and 12 of the Comprehensive Dangerous Drugs Act of 2002, as amended.

In a prosecution for illegal sale of dangerous drugs under Section 5, Article II of RA No. 9165, the following elements must be established: (1) proof that the transaction or sale took place; (2) presentation in court of the *corpus delicti* or the illicit drug as evidence; and (3) identification of the buyer and seller. What is material in a prosecution for illegal sale of drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* as evident.

On the other hand, in prosecuting a case for illegal possession of dangerous drugs, the following elements must concur: (1) the accused is in possession of an item or object which is identified as a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug. For a conviction for illegal possession of drug paraphernalia to prosper, it is primordial to show that the accused was in possession or control of any equipment, paraphernalia, and the like, which was fit or intended for smoking, consuming, and administering, among other acts, dangerous drugs into the body; and such possession was not authorized by law.

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<sup>14</sup> *Rollo*, p. 34.

<sup>15</sup> *Id.* at 64-69. (Supplemental Brief).

<sup>16</sup> *Id.* at 64.

Jurisprudence teems with iterations that in cases of Illegal Sale and Illegal Possession of Dangerous Drugs under RA No. 9165, as amended, it is essential that the identity of the seized drug/paraphernalia be established with moral certainty. Thus, to obviate any unnecessary doubts on such identity, the prosecution must show an unbroken chain of custody over the same. It must be able to account for each link in the chain of custody over the dangerous drug/paraphernalia from the moment of seizure up to its presentation in court as evidence of the *corpus delicti*.<sup>17</sup>

The strict requirements on the chain of custody rule are provided in Section 21 of RA No. 9165, as amended by RA No. 10640:<sup>18</sup>

*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 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 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 persons 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;

<sup>17</sup> See *People v. Rivera*, G.R. No. 252886, 15 March 2021.

<sup>18</sup> AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, which took effect on 23 July 2014. See OCA Circular No. 77-2015 dated 23 April 2015.

- (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;

x x x x<sup>19</sup>

Strict compliance with Section 21 is mandatory, and any deviation therefrom must be acknowledged and explained or justified by the prosecution.<sup>20</sup>

A punctilious review of the evidence adduced reveals that the police officers committed unjustified deviations from the prescribed chain of custody rule, thereby putting into question the integrity and evidentiary value of the *corpus delicti* purportedly seized from the appellant.

***The Court will endeavor to expound on such disquisition.***

The crucial first step in the chain of custody is the marking of the seized items. In *People v. Castillo*,<sup>21</sup> the Court explained:

“*Marking*” means the placing by the apprehending officer or the poseur-buyer of his/her initials and signature on the items seized. Marking after seizure is the starting point in the custodial link; hence, it is vital that the seized contraband be immediately marked because succeeding handlers of the specimens will use the markings as reference. The marking of the evidence serves to separate the marked evidence from the corpus of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, thus, preventing switching, planting or contamination of evidence.<sup>22</sup>

For one thing, PO2 Adorable marked the drugs he purchased during the buy-bust with the generic mark BB-1.<sup>23</sup> Similarly, PO2 Jumalon marked the four heat-sealed plastic sachets of *shabu* purportedly recovered from appellant during the arrest with generic markings of RM-1 until RM-4.<sup>24</sup> Both police officers did not indicate their respective initials and signature, or the time and

<sup>19</sup> Amendment to R.A. No. 9165 (Anti-Drug Campaign of the Government), Republic Act No. 10640, 15 July 2014.

<sup>20</sup> *Belga v. People*, G.R. No. 241836, 11 November 2021.

<sup>21</sup> G.R. No. 238339, 7 August 2019.

<sup>22</sup> *Id.* at 515; emphasis and citations omitted.

<sup>23</sup> TSN dated 26 September 2017, pp. 3-19.

<sup>24</sup> TSN dated 9 November 2017, pp. 4-6.



date of the operation, or any other mark to set the specimen apart from any other evidence of the same kind. Thus, there is no way to tell who actually marked the specimen, especially there were other people during the inventory. Any one of them could have written down that marking.

It must be underscored that marking is a separate requirement from inventory and photograph because it serves an important purpose. Marking after seizure is the **starting point** in the custodial link; hence, it is vital that the seized contraband be immediately marked because succeeding handlers of the specimens will use the markings as reference. The marking of the evidence serves to separate the marked evidence from the *corpus* of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, thus preventing switching, "planting," or contamination of evidence.<sup>25</sup> This ensures that the *corpus delicti* is the same specimen from beginning to end.

For another, the prosecution's evidence is bereft of details as to the safekeeping measures adopted by the evidence custodian after the forensic chemist transferred custody of the seized items following the qualitative examination. Absent any testimony on the management, storage, and preservation of the illegal drugs allegedly seized after their qualitative examination, the fourth link in the chain of custody could not be reasonably established.<sup>26</sup>

Compliance with the chain of custody procedure, as a rule, is strictly enjoined as the same has been regarded not merely as a procedural technicality but as a matter of substantive law. This is because "[t]he law has been crafted by Congress as safety precautions to address potential police abuses, especially considering that the penalty imposed may be life imprisonment."<sup>27</sup>

Nevertheless, while the chain of custody has been a critical issue leading to acquittals in drug cases, the Court has nevertheless held that noncompliance with the prescribed procedures does not necessarily result in the conclusion that the identity of the seized drugs has been compromised so that an acquittal should follow. Accordingly, before the prosecution can invoke the saving clause, they must satisfy the two requisites: (1) the existence of "justifiable grounds" allowing departure from the rule on strict compliance; and (2) the integrity and the evidentiary value of the seized items are properly preserved by the apprehending team.<sup>28</sup>

As heretofore adumbrated, the chain of custody in this case had been breached. Consequently, the identity and integrity of the seized drugs were not deemed to have been preserved. The saving clause of the Chain of Custody

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<sup>25</sup> *People v. Alejandro*, 671 Phil. 33, 46 (2011).

<sup>26</sup> *People v. Miranda*, G.R. No. 218126, 10 July 2019.

<sup>27</sup> See *Fernandez v. People*, G.R. No. 254320, 5 July 2021.

<sup>28</sup> *People v. Casa*, G.R. No. 254208, 9 September 2022.



is likewise decidedly out of the question for the prosecution's failure to proffer an acceptable explanation and/or justification for their blunders. If the chain of custody procedure had not been complied with, or no justifiable reason exists for its non-compliance, it is the Court's duty to overturn the verdict of conviction. Considering that the prosecution failed to establish with moral certainty the identity and unbroken chain of custody of the dangerous drugs purportedly bought and seized from accused-appellant, a verdict of acquittal here is in order.

*A final note.* The Court finds it fitting to echo its recurring pronouncement in recent jurisprudence on the subject matter:

The Court strongly supports the campaign of the government against drug addiction and commends the efforts of our law enforcement officers against those who would inflict this malediction upon our people, especially the susceptible youth. But as demanding as this campaign may be, it cannot be more so than the compulsions of the Bill of Rights for the protection of liberty of every individual in the realm, including the basest of criminals. The Constitution covers with the mantle of its protection the innocent and the guilty alike against any manner of high-handedness from the authorities, however praiseworthy their intentions.

Those who are supposed to enforce the law are not justified in disregarding the right of the individual in the name of order. Order is too high a price for the loss of liberty. x x x

In this light, prosecutors are strongly reminded that they have the positive duty to prove compliance with the procedure set forth in Section 21 [ , Article II] of RA No. 9165, as amended. As such, they must have the initiative to not only acknowledge but also justify any perceived deviations from the said procedure during the proceedings before the trial court. Since compliance with the procedure is determinative of the integrity and evidentiary value of the *corpus delicti* and ultimately, the fate of the liberty of the accused, the fact that any issue regarding the same was not raised, or even threshed out in the court/s below, would not preclude the appellate court, including this Court, from fully examining the records of the case if only to ascertain whether the procedure had been completely complied with, and if not, whether justifiable reasons exist to excuse any deviation. If no such reasons exist, then it is the appellate court's bounden duty to acquit the accused, and perforce, overturn a conviction.<sup>29</sup>

**WHEREFORE**, the *Appeal* is hereby **GRANTED**. The Decision dated 16 May 2019 of the Court of Appeals in CA G.R. CR-HC No. 01881-MIN is **REVERSED and SET ASIDE**. Accused-appellant Ricardo Macalisang y Calunod is **ACQUITTED** on the ground of reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention unless he is confined for some other lawful cause.

The Regional Superintendent of Davao Prison and Penal Farm, Davao Del Norte is **DIRECTED to IMPLEMENT** this Resolution immediately and

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<sup>29</sup> *People v. Cabrellos*, 837 Phil. 428, 445-446 (2018). Emphasis omitted.

to **REPORT** to this Court the action taken hereon within five (5) days from receipt of this Resolution. Copies shall also be furnished the Police General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

The Regional Trial Court of Oroquieta City, Branch 14, is **DIRECTED** to turn over the seized sachets of methamphetamine hydrochloride to the Dangerous Drugs Board for proper disposal in accordance with law.

Let an entry of judgment be **ISSUED** immediately.

**SO ORDERED.**” (Caguioa, *J.*, on official leave; Inting, *J.*, designated as Acting Chairperson per Special Order No. 2918-REVISED dated 12 October 2022)

By authority of the Court:

*Mis-DCBatt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
CGR  
575123

Regional Special & Appealed Cases Unit  
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OFFICE OF THE SOLICITOR GENERAL  
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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 14, Oroquieta City  
7207 Misamis Occidental  
(Crim. Case No. 2451, 1630 and 2452)

Gen. Gregorio Pio P. Catapang, Jr., AFP (Ret.) CESE  
Director General  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

The Regional Superintendent  
DAVAO PRISON & PENAL FARM  
8105 B.E. Dujali, Davao del Norte

Mr. Ricardo Macalisang y Calunod  
c/o The Regional Superintendent  
DAVAO PRISON & PENAL FARM  
B.E. Dujali, 8105 Davao del Norte

PGEN. Rodolfo S. Azurin., Jr.  
CHIEF, PHILIPPINE NATIONAL POLICE  
National Headquarters  
Camp Crame, Quezon City

The Director General  
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The Chairman  
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**G.R. No. 248195**  


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Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

**G.R. No. 248195**

-versus-

RICARDO MACALISANG y  
CALUNOD,  
Accused-Appellant.

x-----/

**ORDER OF RELEASE**

**TO:** Gen. Gregorio Pio P. Catapang, Jr., AFP (Ret.) CESE  
**Director General**  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

**Thru: The Regional Superintendent**  
DAVAO PRISON & PENAL FARM  
8105 B.E. Dujali, Davao del Norte

**GREETINGS:**

WHEREAS, the Supreme Court on **October 10, 2022** promulgated a **Resolution** in the above-entitled case, the dispositive portion of which reads:

**"WHEREFORE,** the *Appeal* is hereby **GRANTED**. The Decision dated 16 May 2019 of the Court of Appeals in CA G.R. CR-HC No. 01881-MIN is **REVERSED and SET ASIDE**. Accused-appellant Ricardo Macalisang y Calunod is **ACQUITTED** on the ground of reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention unless he is confined for some other lawful cause.

- over -

The Regional Superintendent of Davao Prison and Penal Farm, Davao Del Norte is **DIRECTED** to **IMPLEMENT** this Resolution immediately and to **REPORT** to this Court the action taken hereon within five (5) days from receipt of this Resolution. Copies shall also be furnished the Police General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

The Regional Trial Court of Oroquieta City, Branch 14, is **DIRECTED** to turn over the seized sachets of methamphetamine hydrochloride to the Dangerous Drugs Board for proper disposal in accordance with law.

Let an entry of judgment be **ISSUED** immediately.

**SO ORDERED.”**

**NOW, THEREFORE**, you are hereby ordered to immediately release **Ricardo Macalisang y Calunod**, unless there are other lawful causes for which he should be further detained, and to return this Order with the certificate of your proceedings within five (5) days from notice hereof.

**GIVEN** by the Honorable **HENRI JEAN PAUL B. INTING**, Acting Chairperson of the Third Division of the Supreme Court of the Philippines, this **10<sup>th</sup>** day of **October 2022**.

By authority of the Court:

**MISAEAL DOMINGO C. BATTUNG III**

*Division Clerk of Court*  
GER  
S/123

Regional Special & Appealed Cases Unit  
PUBLIC ATTORNEY'S OFFICE  
2/F BJS Building  
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9000 Cagayan de Oro City

COURT OF APPEALS  
CA G.R. CR HC No. 01881-MIN  
9000 Cagayan de Oro City

OFFICE OF THE SOLICITOR GENERAL  
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Legaspi Village, 1229 Makati City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 14, Oroquieta City  
7207 Misamis Occidental  
(Crim. Case No. 2451, 1630 and 2452)

Mr. Ricardo Macalisang y Calunod  
c/o The Regional Superintendent  
DAVAO PRISON & PENAL FARM  
B.E. Dujali, 8105 Davao del Norte

PGen. Rodolfo S. Azurin, Jr.  
CHIEF, PHILIPPINE NATIONAL POLICE  
National Headquarters  
Camp Crame, Quezon City

The Director General  
PHILIPPINE DRUG ENFORCEMENT AGENCY  
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The Chairman  
DANGEROUS DRUGS BOARD  
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G.R. No. 248195  
