



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 14, 2023** which reads as follows:*

“G.R. No. 261763 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee v. PETER CHIN ONGLATCO y AMANTE alias “Chin-Chin,” Accused-Appellant) — This Appeal assails the Decision¹ dated April 30, 2019 of the Court of Appeals, Cebu City in CA G.R. CEB CR-HC No. 02581, affirming *in toto* the verdict of conviction for violation of Section 5, Article II of Republic Act No. 9165² against appellant Peter Chin Onglatco y Amante @ “Chin-chin.”

Antecedents

Appellant was charged with violation of Section 5, Article II of Republic Act No. 9165 in an Information, which reads:³

That on or about [the] 20th day of March 2011, in the Municipality of Buenavista, Province of Guimaras, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, with deliberate intent and without justifiable motive, did then and there, wil[l]fully, unlawfully and feloniously sell and distribute two (2) small sachets of Methamp[h]etamine Hydrochloride (shabu), a dangerous drug, weighing 0.08 gram for [f]ive [h]undred (P500.00) Pesos, without being authorized by law or permit from competent authority to sell or distribute the same.

CONTRARY TO LAW.

When arraigned, appellant pleaded not guilty. Trial then ensued.⁴

¹ *Rollo*, pp. 13–31; penned by Executive Justice Edgardo L. Delos Santos and concurred in by Associate Justices Marilyn B. Lagura-Yap and Dorothy P. Montejo-Gonzaga of the Eighteenth Division, Court of Appeals, Cebu City.

² “Comprehensive Dangerous Drugs Act of 2002” (June 7, 2002).

³ *Rollo*, p. 13–14.

⁴ *Id.* at 14.

The Prosecution's Version

The prosecution presented the testimonies of the following witnesses: (1) Police Officer 2 John Philip Daguno (PO2 Daguno); (2) Police Inspector Kenneth Bermejo (P/Insp. Bermejo); (3) Police Inspector Jeffrey Ferrer (P/Insp. Ferrer); (4) Police Officer 2 Jesus Galleron (PO2 Galleron); and (5) Police Superintendent Mercedes Delfin Diestro (P/Supt. Diestro).

Their testimonies essentially aver that on March 19, 2011, the Guimaras Police Provincial Office - Special Operations Group (GPPO-SOG) received information that appellant was selling illegal drugs in several barangays of Buenavista, Guimaras: New Poblacion, Salvacion, Sto. Rosario, and Mabini. GPPO-SOG then decided to conduct a buy-bust operation against appellant.⁵

In the morning of March 20, 2011, the team, led by Police Inspector Rolando Araño (P/Insp. Araño), and members PO2 Daguno, P/Insp. Bermejo, PO2 Galleron, and other officers of Buenavista Police Station, held a briefing together with the confidential informant (CI) for the planned buy-bust operation. PO2 Daguno was designated as the poseur buyer and P/Insp. Bermejo as back-up.⁶

Around 3 p.m. of the same day, the team arrived at the target area of operation in Barangay Mabini, Buenavista, Guimaras. At that time, appellant was watching and betting in a cockfight. PO2 Daguno and the CI met appellant outside the cockpit arena and transacted to buy two sachets of *shabu* from him.⁷ The CI gave the PHP 500.00 buy-bust money to appellant who, in turn, handed two transparent plastic sachets of suspected *shabu* to him. The CI then gave the sachets to PO2 Daguno.⁸

PO2 Daguno scratched his head, which was the pre-arranged signal. P/Insp. Bermejo, in turn, signaled to the team that the transaction had been completed. The police operatives then rushed to the scene of the crime. Meantime, PO2 Daguno turned over the sachets of suspected *shabu* to P/Insp. Bermejo who secured the same in a white envelope. P/Insp. Bermejo introduced himself to appellant as a police operative and arrested him. He also frisked him but appellant voluntarily handed over to him the PHP 500.00 buy-bust money. PO2 Daguno, on the other hand, secured the CI and facilitated his escape from the scene.⁹

Appellant was then brought to the Buenavista Police Station to conduct the inventory. They decided to go there because the area of arrest and seizure

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 14–15.

⁹ *Id.* at 15.

was crowded since the cockfight had just ended and the father of the appellant was getting agitated at that time.¹⁰ Barangay Captain Freddie Dominguez (Barangay Captain Dominguez), Barangay Kagawad Edwin Rapada (Barangay Kagawad Rapada), Department of Justice (DOJ) representative Cresenciano Mana-ay (DOJ Rep. Mana-ay), and appellant witnessed the inventory. P/Insp. Bermejo marked the two sachets of suspected *shabu* subject of the sale as “PCO-1” and “PCO-2.” He also prepared the Certificate of Inventory and the Receipt of Property Seized. PO2 Daguno took several photographs during the inventory.¹¹

P/Insp. Bermejo then brought the two sachets of suspected *shabu* to the Regional Crime Laboratory 6 for laboratory examination, which were received by POI Rochel Buensalido (POI Buensalido).¹² The qualitative examination conducted by forensic chemist, P/Supt. Diestro, revealed that the sachets seized from appellant and marked “PCO-1” and “PCO-2” contained methamphetamine hydrochloride, a dangerous drug.¹³ P/Supt. Diestro further testified on the measures undertaken for the safekeeping of the pieces of evidence while these were in her custody until the time she personally submitted the evidence to the trial court.¹⁴

The Defense’s Version

Appellant offered the defenses of denial and frame-up. He, together with his father Glenn Onglatco and grandfather Danilo Onglatco collectively testified that in the afternoon of March 20, 2011, they went to the cockpit in Barangay Mabini, Buenavista, Guimaras to watch and bet. While they were inside the cockpit, P/Insp. Bermejo and PO2 Galleron suddenly grabbed appellant and brought him into the patrol car. His father and grandfather tried to stop the police operatives but they could not overpower them since they were many. The police operatives then took appellant to the police station where he saw a photocopy of a PHP 500.00 bill on the table. P/Insp. Araño took something from his bag and announced that the same was purchased from the appellant. He was then placed under arrest. The police operatives planted the evidence against him.¹⁵

Ruling of the Regional Trial Court

Per Decision¹⁶ dated October 6, 2016, Regional Trial Court–Branch 65 of Jordan, Guimaras rendered a verdict of conviction, *viz.*:¹⁷

¹⁰ *Id.* at 15.

¹¹ *Id.*

¹² *Id.* at 28–29.

¹³ *Id.* at 15.

¹⁴ *Id.* at 29.

¹⁵ *Id.* at 16.

¹⁶ CA *rollo* at 23–27; penned by Presiding Judge Rosario Abigail M. Dris-Villanueva of Regional Trial Court, Branch 65, Jordan, Guimaras.

¹⁷ *Id.* at 26–27.

IN VIEW WHEREOF, the court finds accused Peter Chin Onglatco y Amante **GUILTY** beyond reasonable doubt of Violation of Section 5 of R.A. 9165. He is sentenced to **LIFE IMPRISONMENT** and to pay a **FINE** of ₱500,000.00. The accused who is detained shall be credited in the service of his sentence.

The items recovered from the accused are **CONFISCATED** to be **DESTROYED** in accordance with the provisions of R.A. 9165.

SO ORDERED.¹⁸ (Emphases in the original)

The trial court accorded more weight to the testimonies of the prosecution than appellant's defense of denial and frame-up. It ordained that the offense had been duly proven by the clear and detailed account of the sale transaction between the CI and appellant on March 20, 2011. Too, the two confiscated sachets of *shabu* were properly identified in court through their markings "PCO-1" and "PCO-2" while Chemistry Report No. D-052-2011 confirmed that the same contained methamphetamine hydrochloride or *shabu*, a dangerous drug.¹⁹

In denying appellant's subsequent motion for reconsideration, the trial court held that the marking of the seized items at the nearest police station was done in accordance with the rules and relevant jurisprudence as it is contemplated as marking upon immediate confiscation. More, the police operatives duly recorded the authorized movement and custody of the seized items, thereby establishing the integrity and evidentiary value of the seized items.²⁰

Ruling of the Court of Appeals

Under the assailed Decision²¹ dated April 30, 2019, the Court of Appeals affirmed.²² It pronounced that the police officers enjoy the presumption of regularity in the performance of their official duties when they conducted the buy-bust operation and held that all the requisites of the offense were duly established. Too, there was no break in the chain of custody since PO2 Daguno turned over the seized items to P/Insp. Bermejo, the designated seizing officer, for custody and preservation. P/Insp. Bermejo, in turn, testified how he safeguarded the items from the time he received the same to the time these were brought to the police station where he conducted the marking, inventory, and photography of the same until these were submitted

¹⁸ *Id.*

¹⁹ *Id.* at 26.

²⁰ *Rollo*, p. 17.

²¹ *Id.* at 13–31; penned by Executive Justice Edgardo L. Delos Santos and concurred in by Associate Justices Marilyn B. Lagura-Yap and Dorothy P. Montejo-Gonzaga of the Eighteenth Division, Court of Appeals, Cebu City.

²² *Id.* at 30.

to the crime laboratory for examination. Finally, the marking of the seized items at the police station did not automatically impair the integrity of the chain of custody since “marking upon immediate confiscation” also contemplates marking done at the nearest police station.²³

The Present Appeal

Appellant now seeks anew a verdict of acquittal. In his Supplemental Brief²⁴ dated March 2, 2023, he argues that the identity of the buyer and the alleged transaction were not established. PO2 Daguno himself admitted that he was not the poseur buyer and was not beside the CI when the transaction happened. Too, the chain of custody rule was not complied with since the inventory was not done at the place of seizure and the officer who received the drugs from P/Insp. Bermejo was not presented as witness.

On the other hand, in its Manifestation²⁵ dated January 6, 2023, the People, represented by the Office of the Solicitor General,²⁶ repleads and adopts its arguments in its Brief²⁷ before the Court of Appeals which essentially avers that the chain of custody had been substantially complied with and the integrity of the seized items had been preserved.²⁸ Since all the elements of the crime charged have been duly established, a verdict of conviction is in order.²⁹

Our Ruling

We acquit.

Appellant is charged with violation of Section 5, Article II of Republic Act No. 9165 or illegal sale of dangerous drugs. To secure a conviction, the prosecution has the burden of establishing the elements of the offense: (1) the identity of the buyer and the seller, the object of the sale, and its consideration; and (2) the delivery of the thing sold and the payment therefor. What is important is that the sale transaction of drugs actually took place and that the object of the transaction is properly presented as evidence in court and is *shown to be the same drugs seized from the accused*.³⁰

Fundamental is the rule that in cases of illegal sale and illegal possession of dangerous drugs, the dangerous drugs seized from the accused

²³ *Id.* at 17–27.

²⁴ *Id.* at 51–53.

²⁵ *Id.* at 47–48.

²⁶ Represented by Assistant Solicitor General Hermes L. Ocampo and Associate Solicitor Rona Francia L. Palines.

²⁷ *CA rollo*, pp. 52–66.

²⁸ *Id.* at 60–64.

²⁹ *Id.* at 64–65.

³⁰ See *People v. Hilario*, 823 Phil. 580, 588–589 (2018) [Per J. Leonardo-De Castro, First Division].

constitutes the *corpus delicti* of the offense. It is thus of utmost importance that the integrity and identity of the seized drugs must be shown to have been duly preserved. The chain of custody rule performs this function as it ensures that necessary doubts concerning the identity of the evidence are removed.³¹

As a general rule, compliance with the chain of custody rule is strictly required, not being a mere procedural technicality but a matter of substantive law. This is because the law has been crafted by Congress as safety precautions to address potential police abuses, especially considering that the penalty imposed may be life imprisonment.³² Thus, in *People v. Holgado*,³³ the Court stressed anew the significance of strict compliance with the chain of custody rule, especially when only a miniscule amount of dangerous drugs is involved. We elucidated, *viz.*:

In *Malilin v. People*,³⁴ this [C]ourt explained that the exactitude required by Section 21 goes into the very nature of narcotics as the subject of prosecutions under Republic Act No. 9165:

Indeed, the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives. . . .

A unique characteristic of narcotic substances is that they are not readily identifiable as in fact they are subject to scientific analysis to determine their composition and nature. **The Court cannot reluctantly close its eyes to the likelihood, or at least the possibility, that at any of the links in the chain of custody over the same there could have been tampering, alteration or substitution of substances from other cases—by accident or otherwise—in which similar evidence was seized or in which similar evidence was submitted for laboratory testing. Hence, in authenticating the same, a standard more stringent than that applied to cases involving objects which are readily identifiable must be applied,** a more exacting standard that entails a chain of custody of the item with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.³⁵ (Emphases supplied)

Here, what is involved are only two small sachets of suspected *shabu* with total net weight of 0.08 gram or 4.2% of the weight of a one centavo coin. The circumstances thus warrant the heightened and utmost careful scrutiny of the Court.

³¹ See *People v. Ismael*, 806 Phil. 21, 29 (2017) [Per J. Del Castillo, First Division].

³² *People v. Corral*, 845 Phil. 392, 400 (2019) [Per J. Perlas-Bernabe, Second Division].

³³ 741 Phil. 78, 92-93 (2014) [Per J. Leonen, Third Division].

³⁴ 576 Phil. 576, 588-589 (2008) [Per J. Tinga, Second Division].

³⁵ *Id.*

The incident occurred in 2011. The applicable law, therefore, is Republic Act No. 9165 prior to its amendment. The rule on chain of custody is found under Section 21, Article II of Republic Act No. 9165, which states:

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.* – 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 drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof; . . .

The Implementing Rules and Regulations (IRR) of Republic Act No. 9165 further laid out in detail the procedure for the inventory and photographing of the seized items, to wit:

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.* – . . .

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

. . . .

Under the chain of custody rule, it is imperative to prove the identity and integrity of the seized items by establishing that there had been no break in any of the four links in the chain: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.³⁶

Section 21, Article II of Republic Act No. 9165 and its IRR further requires that inventory and the taking of photographs of the dangerous drugs be made *immediately* by the apprehending officer after seizure and confiscation of the same. More, prior to the amendments introduced by the Republic Act No. 10640, the law requires, aside from the accused himself/herself, *three* insulating witnesses to the inventory-taking and the taking of photographs of the seized items: (1) representative from the media; (2) representative from the DOJ; *and* (3) any elected public official. This is known as the three-witness rule under Republic Act No. 9165.³⁷

Notably, Section 21, Article II of Republic Act No. 9165 appears to distinguish where the proper location for inventory and the taking of photographs of the seized items should be done, depending on whether the search was conducted with or without a warrant: (1) in seizure with search warrant, at the place where the search warrant is served; and (2) in warrantless seizure, at the nearest police station or at the nearest office of the apprehending officers.³⁸

In *People v. Casa*,³⁹ however, the Court finally reconciled once and for all the differing jurisprudence interpreting the proper place where the inventory and taking of photographs of the seized items must be made. We clearly and categorically stated therein:

As current jurisprudence stand, in case of warrantless seizures, the inventory and taking of photographs generally must be conducted at the place of seizure. The exception to this rule is when the police officers provide justification that:

1. It is not practicable to conduct the same at the place of seizure;
- or

³⁶ See *People v. Villojan*, 857 Phil. 386, 402 (2019) [Per J. Lazaro-Javier, Second Division].

³⁷ See *People v. Fulgado*, G.R. No. 246193, February 19, 2020 [Per J. J. Reyes, Jr., First Division].

³⁸ See *Tumabini v. People*, G.R. No. 224495, February 19, 2020 [Per J. Gesmundo, Third Division].

³⁹ G.R. No. 254208, August 16, 2022 [Per CJ. Gesmundo, En Banc].

2. The items seized are threatened by immediate or extreme danger at the place of seizure.⁴⁰ (Emphasis supplied)

As it now stands, marking, inventory, and the taking of photographs of the confiscated items must be made *at the place of seizure*. Only when the same is impracticable or the seized items are threatened by immediate or extreme danger at the place of seizure is a deviation from this rule allowed.

Here, the Court holds that a verdict of acquittal is in order. Several violations of the chain of custody rule were committed by the police officers.

We focus first on the *first link*, i.e., the seizure and marking of the illegal drugs recovered from the accused by the apprehending officer.

Time and again, we reiterated that the chain of custody requires that law enforcers or any person who came in possession of the seized drugs must observe the procedure for proper handling of the seized substance to remove any doubt that it was changed, altered, modified, or planted before its presentation in court as evidence. The chain of evidence is constructed by proper exhibit handling, storage, labeling, and recording, and must exist *from the time the evidence is found* until the time it is offered in evidence.⁴¹ In *Malillin v. People*,⁴² we clearly explained:

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. **It would include testimony about every link in the chain**, from the moment the item was picked up to the time it was offered into evidence, **in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it when in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain**. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.⁴³ (Emphases in the original)

The integrity and identity of the seized items have been rendered incredibly suspect in this case. To recall, it was not PO2 Daguno who received the items from appellant but the CI. He (CI) then, in turn, handed the same to PO2 Daguno who likewise did not retain possession of the same for long. Inexplicably, the seized items yet again changed hands when PO2 Daguno handed the same over to P/Insp. Bermejo. In fine, the seized items got turned over, not once but *twice*, without any information on how these were handled,

⁴⁰ *Id.*

⁴¹ See *People v. Villojan*, 857 Phil. 386, 401-402 (2019) [Per J. Lazaro-Javier, Second Division].

⁴² 576 Phil. 576, 587 (2008) [Per J. Tinga, Second Division].

⁴³ *Id.*

stored, or preserved. Worse, the items changed hands multiple times *without* having been marked. The risk of alteration, swapping, and tampering is thus even higher.

At any rate, the three-witness rule was also violated since no representative of the media was present. Only DOJ Rep. Mana-ay and two elected public officials, Barangay Captain Dominguez and Barangay Kagawad Rapada, along with appellant, witnessed the marking, inventory, and photography of the confiscated items.

In *People v. Ordiz*,⁴⁴ we stressed the significance of the three-witness rule in buy-bust operations as the same reinforces protection of the integrity and identity of the confiscated items, *viz.* :

The presence of the three witnesses must be secured not only during the inventory but more importantly at the time of the warrantless arrest. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able to testify that the buy-bust operation and inventory of the seized drugs were done in their presence in accordance with Section 21 of RA 9165.⁴⁵

We go to the **second link**, i.e., the turnover of the confiscated illegal drugs by the apprehending officer to the investigating officer. The facts indicate here that P/Insp. Bermejo, after marking, inventory, and photography of the seized items, directly turned over the same to the crime laboratory for testing.

Notably, P/Insp. Bermejo's testimony is bereft of any details on the turnover of the confiscated items to the investigating officer. In fact, the investigating officer was never identified in this case. Verily, a gap exists in the chain of custody here.

Finally, the **third link**, i.e., the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination, is likewise wanting. Per the Request for Laboratory Examination, the officer who received the seized items from P/Insp. Bermejo is not P/Supt. Diestro, the forensic chemist, but PO1 Buensalido.⁴⁶ She, however, was never presented as witness. As a result, there is yet another gap in the link of the chain. Sans PO1 Buensalido's testimony, it is unknown whether the items allegedly

⁴⁴ 862 Phil. 614, 632 (2019) [Per J. Caguioa, Second Division].

⁴⁵ *Id.*

⁴⁶ *Rollo*, p. 28–29.

handed to her by P/Insp. Bermejo are the exact same items examined by P/Supt. Diestro.

In *People v. Año*,⁴⁷ the Court held that when there are unjustified gaps in the chain of custody of the seized items, the same militates against a finding of guilt beyond reasonable doubt, which inevitably leads to a verdict of acquittal. So must it be.

As a final note, we reiterate our following pronouncement in *Año* as a continuing reminder:

In this light, prosecutors are strongly reminded that they have the **positive duty** to prove compliance with the procedure set forth in Section 21 of [Republic Act 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 this 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.⁴⁸ (Emphases and underscoring in the original)

FOR THESE REASONS, the Appeal is **GRANTED**. The assailed Decision dated April 30, 2019 of the Court of Appeals, Cebu City in CA G.R. CEB CR-HC No. 02581 is **REVERSED**.

Appellant Peter Chin Onglatco y Amante @ "Chin-Chin" is **ACQUITTED** of violation of Section 5, Article II of Republic Act No. 9165 under Criminal Case No. 11-1709. The Director of the Bureau of Corrections, Muntinlupa City is ordered to immediately release Peter Chin Onglatco y Amante @ "Chin-Chin" from custody unless he is being held for some other lawful cause/s and to submit his/her report on the action taken within five days from notice.

Let an entry of judgment be issued immediately. Copies of this Resolution shall also be furnished to the Chief of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information

⁴⁷ 828 Phil. 439, 451-452 (2018) [Per J. Perlas-Bernabe, Second Division].

⁴⁸ *Id.*

SO ORDERED.” (Leonen, SAJ, on official leave; Lopez, J. J., on sick leave)

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court *pp s/r*
08 AUG 2023

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 65
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(Crim. Case No. 11-1709)

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