



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **December 7, 2022** which reads as follows:*

“G.R. No. 249997 (People of the Philippines, Plaintiff-Appellee v. Malyn Tinago Ceriales, Accused-Appellant). — This Court resolves an Appeal¹ under Rule 124 of the Rules of Court seeking the reversal of the Decision² of the Court of Appeals in CA-G.R. CEB CR-HC No. 02401, which affirmed the Judgment³ of the Regional Trial Court convicting accused-appellant Malyn Tinago Ceriales, also known as “Sho-Sho” (*Ceriales*) guilty of violation of Section 5, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The instant case stemmed from an Information filed against Ceriales, the accusatory portion of which reads:

That on the night of December 8, 2014, or thereabouts, in Barangay Cangmating, Sibulan, Negros Oriental, Philippines[,] and within the jurisdiction of this Honorable Court[,] the above[-]named accused, not being lawfully authorized by law, did then and there willfully, unlawfully[,] and feloniously sell, deliver[,] and give away for Three Hundred Pesos (P300.00), to PO3 Jeric A. Dipaling, a police poseur buyer, one (1) heat-sealed transparent plastic sachet containing 0.08 grams of white crystalline substance, which was found positive to the test for Methamphetamine Hydrochloride, a dangerous drug, in violation of the said law.

Contrary to law.⁴

Upon her arraignment, Ceriales entered a plea of “not guilty.”⁵ During

¹ CA rollo, pp. 166-168.

² Rollo, pp. 5-14. The August 30, 2019 Decision was penned by Associate Justice Emily R. Aliño-Geluz, and concurred in by Associate Justices Marilyn B. Lagura-Yap and Carlito B. Calpatura of the Special Twentieth Division, Court of Appeals, Cebu City.

³ CA rollo, pp. 64-74. The July 27, 2016 Judgment was penned by Presiding Judge Rafael Crescencio C. Tan, Jr. of Branch 30, Regional Trial Court, Dumaguete City.

⁴ Records, pp. 2-3.

⁵ Order dated January 16, 2015; *id.* at 43.

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the pre-trial, the parties stipulated the following:⁶

1. the Regional Trial Court's jurisdiction;
2. the identity of Ceriales;
3. the arrest of Ceriales without a warrant on December 8, 2014 at around 10:35 p.m. at Brgy. Cangmating, Sibulan, Negros Oriental;
4. the fact Ceriales was not authorized to possess the illegal drug *shabu*; and
5. the qualifications and expertise of Police Chief Inspector Josephine Llana (*PCI Llana*), Forensic Chemist of the Negros Oriental Provincial Crime Laboratory.

After pre-trial was conducted, trial ensued.

To prove the charge, the prosecution presented the following as witnesses: Department of Justice representative Carmencita Dipaling (*Carmencita*);⁷ Police Officer 3 Michelle Cañete (*PO3 Cañete*);⁸ PCI Llana;⁹ PO3 Jerry* Dipaling (*PO3 Dipaling*);¹⁰ Barangay Captain Edwin Parajado (*Parajado*);¹¹ PO3 Ana Marie Tumog (*PO3 Tumog*);¹² PO3 Web Mananquil (*PO3 Mananquil*);¹³ DYWC reporter Jufill Mira (*Mira*);¹⁴ and Senior Police Officer 4 Rhuel Tan Piñero (*SPO4 Piñero*).¹⁵

The combined testimonies of the witnesses established that on December 8, 2014, at around 2:00 p.m., a confidential informant informed PO3 Dipaling that a certain "Sho-Sho" was selling drugs in the barangays of Cangmating and Maslog in Sibulan, Negros Oriental.¹⁶ On instructions from PO3 Dipaling, the confidential informant sent Ceriales a text message to arrange a purchase. When they did not receive any reply, the confidential informant went home with the promise to contact PO3 Dipaling once Ceriales responded.¹⁷

The confidential informant eventually received a message from Ceriales at around 9:00 p.m. that same evening. He went to the Sibulan Police Station to inform PO3 Dipaling that he made arrangements to see Ceriales,¹⁸

⁶ Pre-Trial Order dated June 4, 2015; *id.* at 67-73.

⁷ TSN, May 31, 2016.

⁸ TSN, June 1, 2016.

⁹ TSN, June 2, 2016.

* Also referred to as "Jeric" in some parts of the *rollo*.

¹⁰ *Id.*

¹¹ TSN, June 6, 2016.

¹² *Id.*

¹³ TSN, June 7, 2016.

¹⁴ TSN, June 8, 2016.

¹⁵ *Id.*

¹⁶ TSN, June 2, 2016, p. 10.

¹⁷ *Id.*

¹⁸ *Id.* at 11.

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and the police officer asked him to tell Cerialles that he wanted to buy *shabu* worth PHP 300.00. When Cerialles agreed to meet the confidential informant at the auditorium entrance of Barangay Cangmating in Sibulan, PO3 Dipaling relayed the information to SPO4 Piñero, who lost no time in planning a buy-bust operation against Cerialles.

During their briefing, PO3 Dipaling was designated as poseur buyer, and PO3 Tumog was assigned as his immediate back-up, with the rest of the buy-bust team as security.¹⁹ PO3 Dipaling was given two PHP 100.00 bills and two PHP 50.00 bills to use in the buy-bust, and he marked these with “JD.”²⁰ When the meeting concluded, PO3 Dipaling coordinated with the Philippine Drug Enforcement Agency, through Agent Erwin B. Purisima.²¹

Next, the buy-bust team proceeded to the agreed meeting place. PO3 Dipaling and the confidential informant waited outside at the entrance gate of the auditorium while the latter messaged Cerialles, who replied that she was on her way. Moments later, two women on board a motorcycle arrived. They did not disembark so the confidential informant approached them and, after a short conversation, he signaled PO3 Dipaling to join them. PO3 Dipaling then handed the PHP 300.00 to one of the women who received it and simultaneously gave him a heat-sealed transparent plastic sachet, the contents of which he identified as *shabu*.²² Upon receiving the packet, PO3 Dumaling announced that he was a police officer and prevented the woman from leaving by holding on to the handlebar of the motorcycle. In their dialect, he then promptly informed them of the cause of their arrest and of their constitutional rights.²³ PO3 Dumaling subsequently took back the buy-bust money which was still in Cerialles’ left hand.²⁴ He then lost no time in marking the plastic sachet with “MTC-BB-12-8-14” before affixing his signature thereon.²⁵ The buy-bust team then contacted witnesses for the inventory.²⁶

Afterwards, the buy-bust team brought Cerialles and her companion, Mary Cris Anhao (*Anhao*), to the house of the barangay captain which was about 10–15 meters away from the buy-bust site.²⁷ There, a body search on the two women was conducted by PO3 Tumog. An inventory followed with National Prosecution Service representative Carmencita, DYWC reporter Mira, and Barangay Captain Pajarado signing the inventory report.²⁸

¹⁹ *Id.* at 12.

²⁰ *Id.*

²¹ *Id.*; Folder of Exhibits, p. 11.

²² TSN, June 2, 2016, pp. 14–16.

²³ *Id.* at 15–16.

²⁴ *Id.* at 17.

²⁵ *Id.* at 14–17.

²⁶ *Id.* at 19.

²⁷ *Id.*

²⁸ Folder of Exhibits, p. 7.

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Then, the team went back to the police station where PO3 Dipaling placed the seized plastic sachet he had been keeping inside a locker, retaining the only key to it. It remained there until the morning of December 9, 2014, when PO3 Dumaling retrieved it to deliver at the Negros Oriental Provincial Crime Laboratory Office.²⁹ There, the seized item was received by PO3 Cañete who opened the envelope and confirmed the marking “MTC-BB-12-14” before re-sealing it and placing it in a locked cabinet.³⁰ She then gave the envelope to PCI Llena who performed scientific testing of the evidence upon her arrival. The examination confirmed that the plastic sachet handed by Ceriales to PO3 Dipaling contained a total of 0.08 gram of *shabu*, an illegal drug.³¹ Once done with the test, PCI Llena re-sealed the plastic sachet with its contents inside the brown envelope and affixed her signature.³² The envelope was kept in the evidence room to which she had the only access until she delivered it to the Regional Trial Court on January 15, 2015.³³

For her defense, Ceriales had a different story to tell.³⁴ She recalled that at around 7:00 p.m. on December 8, 2014, she and Anhao, the niece of her live-in partner, were riding the latter’s motorcycle along the barangay hall of Cangmating. Suddenly, their way was blocked by men who announced themselves as police officers and who arrested them without any explanation. They remained in the area while the men waited for a female police officer to arrive. When she arrived, they were taken to the house of the barangay captain where they were bodily searched. However, she claimed that the search yielded nothing incriminating. Moments later, they were instructed to sit down and pictures were taken with them sitting in front of a table on which a plastic sachet, some money, and mobile phones were laid out. Ceriales asserted that she had never seen those items before.

Ceriales also revealed that while they were both arrested that night, the case for the illegal sale of *shabu* filed against Anhao was dismissed.³⁵

In its Judgment,³⁶ the Regional Trial Court found Ceriales liable for the crime as charged. It disposed that:

WHEREFORE, in the light of the foregoing, the Court hereby finds the accused Malyn Tinago Ceriales GUILTY beyond reasonable doubt of the offense of illegal sale, delivery[,] and giving away of 0.08 gram of *shabu* in violation of Section 5, Article II of R.A. No. 9165 and is hereby sentenced to suffer a penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos ([PHP] 500,000.00).

²⁹ Request Conduct of Laboratory Examination and Drug Test, Folder of Exhibits, p. 1.

³⁰ TSN, June 1, 2016, pp. 3-6.

³¹ TSN, June 2, 2016, p. 3; Chemistry Report No. D-520-414, records, p. 24.

³² TSN, June 2, 2016, p. 4.

³³ Received by Atty. Joanna Ruth T. Utzurum, Clerk of Court V, RTC Branch 30, Dumaguete City; Folder of Exhibits, p. 3.

³⁴ TSN, June 27, 2016.

³⁵ *Id.* at 6.

³⁶ CA rollo, pp. 54-74.

The one (1) heat-sealed transparent plastic sachet with marking "MTC-BB-12-8-14" weighing 0.08 gram of *shabu* is hereby confiscated and forfeited in favor of the government and to be disposed of in accordance with law.

In the service of sentence, the accused Malyn Tinago Cerialles shall be credited with the full time during which she has undergone preventive imprisonment, provided she agrees voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners.

SO ORDERED.³⁷

Cerialles filed an appeal³⁸ to the Court of Appeals, which upheld the ruling of the Regional Trial Court in its Decision,³⁹ the dispositive portion of which states:

WHEREFORE, the appeal is DENIED. The *Judgment* dated July 27, 2016 convicting MALYN TINAGO CERIALES for violation of Section 5, Article II of Republic Act No. 9165, as amended, is hereby AFFIRMED *in toto*.

SO ORDERED.⁴⁰

In affirming the conviction, the Court of Appeals held that the integrity and evidentiary value of the *shabu* confiscated were preserved, and any deviation from the chain of custody was adequately justified.⁴¹ Addressing the issue on the place where the inventory was done, the Court of Appeals also explained that this irregularity was sufficiently explained in that it was already late at night and the house of the barangay captain was only around 10–15 meters away from the buy-bust site.⁴²

Aggrieved, Cerialles filed a Notice of Appeal.⁴³

In her appeal, Cerialles raises the issues of whether she was properly convicted of the crime charged despite the failure of the prosecution to comply with the rule on chain of custody; and, whether she was properly convicted of the charge despite the failure of the prosecution to prove her guilt beyond reasonable doubt.

The appeal is impressed with merit.

³⁷ *Id.* at 74.

³⁸ *Id.* at 82–107.

³⁹ Dated August 30, 2019. *Rollo*, pp. 5–14.

⁴⁰ *Id.* at 13–14.

⁴¹ *Id.* at 11.

⁴² *Id.* at 12.

⁴³ CA *rollo*, pp. 166–167.

In the prosecution of violation of Section 5, Article II of Republic Act No. 9165, it is the duty of the prosecution to establish without an iota of doubt the identity of the illegal drugs seized—that drugs subject of the buy-bust are the very same ones examined by the forensic chemist and eventually presented in court as evidence. To facilitate this requirement, Republic Act No. 9165, as amended by Republic Act No. 10640, provides that:

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 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 National Prosecution Service [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. (Emphasis in the original)

The Implementing Rules and Regulations of Republic Act No. 9165 further provides a saving clause for when this chain is not strictly observed, to wit:

(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 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. . . .* (Emphasis supplied)

These requirements are encapsulated in the chain of custody rule which requires the recording of the “authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction.”⁴⁴ An essential part of this legal safeguard is the immediate marking, photographing, and inventory of the evidence after seizure and confiscation, which is a well-established safeguard against the tendency for substitution, adulteration, and planting of fungible evidence.⁴⁵ Thus, the established links in the chain are:

First, the seizure and marking of the illegal drug recovered from the accused by the apprehending officer;

Second, the turn over of the illegal drug seized by the apprehending officer to the investigating officer;

Third, the turn over by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and

Fourth, the turn over and submission of the marked illegal drug seized by the forensic chemist to the court.⁴⁶ (Italics in the original)

First link

A careful reading of the records discloses that the first link in the chain was broken when the inventory was conducted at the house of the barangay chairperson without any proper justification presented by the prosecution. The testimony of Pajarado reads:

Q: Sir, you are [the] barangay captain of Barangay Cangmating?

A: Yes.

Q: And earlier sir[,] you were saying that the inventory for this particular case happened in your house.

A: Yes.

Q: That is a private residence[,] sir?

A: Yes. Actually, it is the extension of my office because we have agreed

⁴⁴ *People v. Omamos*, G.R. No. 223036, July 10, 2019, 908 SCRA 367, 378 [Per J. Lazaro-Javier, Second Division].

⁴⁵ *People v. Que*, 824 Phil. 882, 914 (2018) [Per J. Leonen, Third Division].

⁴⁶ *People v. Watamama*, 692 Phil. 102 (2012) [Per J. Villarama, First Division].

during our first session of the barangay that we can hold our session inside my house if it is somewhat confidential.

Q: But that is your house.

A: Yeah.

Q: And that is a private house.

A: That is a private house actually.

Q: And it is not located near the Sibulan Police Station.

A: Actually, it's not. It is far from the Sibulan Police Station.

Q: And you are also saying[,] sir[,] that a search was conducted inside your house.

A: Yeah[,] there was a search conducted.

Q: And your house is not a police station.

A: No[,] it's not.

Q: And your house is not also the place where the alleged incident that [led] to the arrest happened?

A: No.⁴⁷

The actions taken by the police officers are not in line with the provisions of Republic Act No. 9165. PO3 Dipaling did not provide an explanation why they decided to conduct the inventory at the barangay chairperson's house. Instead, after admitting that he was familiar with the police procedure prescribed for buy-bust operations, PO3 Dipaling simply referred the question on why they transferred to Pajarado's house to his team leader who, during his own testimony, also failed to address this particular lapse. In addition, SPO4 Piñero, the other prosecution witness did not even mention such particular incident. Records show that the prosecution failed to take the necessary precautions to ensure the integrity and evidentiary value of the same. Breaches of the procedure when left unacknowledged and unexplained by the State, militate against such finding against the accused as the integrity and evidentiary value of the *corpus delicti* have been compromised.⁴⁸ With the numerous controversies hounding drug cases, courts must thus employ heightened scrutiny consistent with the requirement of proof beyond reasonable doubt.⁴⁹ This Court discussed in *People v. Binasing*⁵⁰ that:

The said provision clearly requires the apprehending team to mark and conduct a physical inventory of the seized items and to photograph the same immediately after seizure and confiscation in the presence of the accused or his representative or counsel and the insulating witnesses, namely, any elected public official and a representative of the National Prosecution Service or the media. The law mandates that the insulating witnesses be present during the marking, the actual inventory, and the taking

⁴⁷ TSN, June 6, 2016, pp. 5-6.

⁴⁸ *People v. Sumili*, 753 Phil. 342, 350 (2015) [Per J. Perlas-Bernabe, First Division].

⁴⁹ *People v. Arposeple*, 821 Phil. 340, 370 (2017) [Per J. Martires, Third Division].

⁵⁰ 835 Phil. 673 (2018) [Per J. Del Castillo, First Division].

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of photographs of the seized items to deter possible planting of evidence. Failure to strictly comply with this rule, however, does not *ipso facto* invalidate or render void the seizure and custody over the items as long as the prosecution is able to show that “(a) there is justifiable ground for noncompliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.” However, *in case of non-compliance, the prosecution must be able to “explain the reasons behind the procedural lapses, and that the integrity and value of the seized evidence had nonetheless been preserved ... because the Court cannot presume what these grounds are or that they even exist.”*⁵¹ (Emphasis supplied; citations omitted)

Adding to the uncertainty of the identity of the evidence, there is an apparent inconsistency as to where the marking of the evidence was made. On one hand, PO3 Dipaling stated that he made the markings on the confiscated evidence at the place of the incident.⁵² On the other hand, SPO4 Piñero, the team leader who also served as back-up officer, told the trial court that marking was done after the body search on Ceriales, which, in turn, was conducted already at the house of the barangay chairperson, to wit:

Q: Okay, so after the operation, what happened next?

A: PO3 Tumog conducted a body search and then because there were two (2) girls, they were brought inside the house of the barangay captain, Your Honor, for final body search.

.....

Q: After the body search, what happened?

A: We conducted markings on the evidence, Your Honor.⁵³

Considering the minuscule amount of *shabu* involved, courts are compelled to be more circumspect in the examination of the evidence.⁵⁴ In *People v. Coreche*,⁵⁵ this Court emphasized that:

Crucial in proving chain of custody is the marking of the seized drugs or other related items *immediately after* they are seized from the accused. Marking after seizure is the starting point in the custodial link, thus it is vital that the seized contraband are 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 criminal proceedings, obviating switching, “planting”, or contamination of evidence.⁵⁶ (Citation omitted)

⁵¹ *Id.* at 680.

⁵² TSN, June 2, 2016, pp. 17&19.

⁵³ TSN, June 8, 2016, p. 8.

⁵⁴ *People v. Comoso*, G.R. No. 227497, April 10, 2019, 901 SCRA 387, 408 [Per J. Leonen, Third Division].

⁵⁵ 612 Phil. 1238 (2009) [Per J. Carpio, First Division].

⁵⁶ *Id.* at 1245.

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On this score, more doubts are cast as to the identity of the evidence. It is established that the most important factor in the chain of custody rule is the preservation of the integrity and evidentiary value of the seized items.⁵⁷ In *People v. Reyes*,⁵⁸ this Court enunciated in this wise:

Under the last paragraph of Section 21(a), Article II of the IRR of R.A. No. 9165, a saving mechanism has been provided to ensure that not every case of non-compliance with the procedures for the preservation of the chain of custody will irretrievably prejudice the Prosecution's case against the accused. To warrant the application of this saving mechanism, however, the Prosecution must recognize the lapse or lapses, and justify or explain them. Such justification or explanation would be the basis for applying the saving mechanism. Yet, the Prosecution did not concede such lapses, and did not even tender any token justification or explanation for them. The failure to justify or explain underscored the doubt and suspicion about the integrity of the evidence of the *corpus delicti*. With the chain of custody having been compromised, the accused deserves acquittal. In other words, his defenses of denial and frame up defenses of the accused, the unexplained procedural lapses committed by the buy-bust team, on its own, created a reasonable doubt about the guilt of accused given the uncertainty over the identity and integrity of the seized *shabu* that the State presented as evidence of his guilt.⁵⁹ (Citations omitted)

Notably, no reason was provided by any of the prosecution witnesses to explain the deviation from the established procedure, *i.e.*, conducting the inventory at the place of the arrest or at the nearest police station, if the former is not practicable. The prosecution did not even exert any effort to prove that the integrity and evidentiary value of the seized items were properly preserved.⁶⁰ The mere claim by the police officers that it was already nighttime will not suffice to trigger the saving clause embodied in Section 21 of the Implementing Rules and Regulations of Republic Act No. 9165, which saving clause is now embodied in Republic Act No. 9165, as amended by R.A. No. 10640. The circumstance of nighttime alone does not in any way prove that there was any danger to the police team, the arrested individuals, or the integrity of their confiscated evidence. As this Court succinctly stated in *People v. Andanar*,⁶¹ “bare invocation of inconvenience does not translate to compliance with the chain of custody rule.”⁶²

The breaks in the first link in the chain ultimately call for the acquittal of Ceriales. These breaks create doubt in the integrity and evidentiary value of the evidence submitted against her. The presumption of regularity on the part of the buy-bust team could not even serve to remedy the lapses committed by them. As stressed in *People v. Kamad*,⁶³ the presumption shall only apply

⁵⁷ *Saraum v. People*, 779 Phil. 122, 133 (2016) [Per J. Peralta, Third Division].

⁵⁸ 797 Phil. 671 (2016) [Per. J. Bersamin, First Division].

⁵⁹ *Id.* at 690.

⁶⁰ *People v. Ceralde*, 815 Phil. 711, 721 (2017) [Per J. Perlas-Bernabe, First Division].

⁶¹ G.R. No. 246284, June 16, 2021 [Per J. Lazaro-Javier, Second Division].

⁶² *Id.*

⁶³ 624 Phil. 289 (2010) [Per J. Brion, Second Division].

when the police officers complied with the required “standard conduct of official duty required by law.”⁶⁴ The buy-bust team in this case unequivocally committed glaring procedural lapses in the initial custody and handling of the seized drug which resulted in reasonable doubts as to the identity and integrity of the drugs and, consequently, reasonable doubt as to the guilt of Ceriales.

FOR THESE REASONS, the instant appeal is **GRANTED**. The Decision dated August 30, 2019 rendered by the Court of Appeals in CA-G.R. CEB CR-HC No. 02401 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant **MALYN TINAGO CERIALES** is **ACQUITTED** for failure to prove her guilt beyond reasonable doubt. She is hereby released from confinement unless she is being held for some other lawful purpose.

Let a copy of this Resolution be furnished to the Superintendent, Correctional Institution for Women, Mandaluyong City for her immediate implementation. The Superintendent of the Correctional Institution for Women is directed to report to this Court the action taken within five (5) days from receipt of this Resolution. 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.

Let an entry of judgment be issued immediately.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court

12 OCT 2023

⁶⁴ *Id.* at 311.

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(Crim. Case No. 2015-22698)

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