



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. 260775 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. ROY GLORIA BACALSO, Accused-Appellant). — For review in this Appeal is the conviction of Roy Gloria Bacalso (Roy) for violation of Sections 5¹ and 11,² Article II³ of Republic Act (RA) No. 9165⁴ in the November 9, 2020 Decision⁵ and the August 2, 2021 Resolution⁶ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02151-MIN, which affirmed the findings of the Regional Trial Court of Davao City, Branch 13 (RTC).

The antecedents follow.

Roy was charged with illegal sale and possession of dangerous drugs under the following Informations:

[Criminal Case No. 67,588-10 – for illegal possession of dangerous drugs]

That on or about April 15, 2010, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, without being authorized by law, willfully, unlawfully[,] and consciously had in his possession and control three (3) small transparent plastic sachets (weighing 0.0557, 0.0255 and 0.0091 gram) with a total

¹ Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.

² Possession of Dangerous Drugs.

³ Unlawful Acts and Penalties.

⁴ AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PUPOSES. Approved June 7, 2002.

⁵ *Rollo*, pp. 9–27. Penned by Associate Justice Loida S. Posadas-Kahulugan with the concurrence of Associate Justices Edgardo T. Lloren and Richard D. Mordeno.

⁶ *Id.* at 29–31.

weight of 0.0903 of a gram of Methamphetamine Hydrochloride, otherwise known as “shabu”, which is a dangerous drug.

That in the commission of the above – crime, herein accused was found positive for use of dangerous drug (methamphetamine hydrochloride) which is hereby alleged as a qualifying aggravating circumstance.

CONTRARY TO LAW.⁷

[Criminal Case No. 67,589-10 – for illegal sale of dangerous drugs]

That on or about April 15, 2010, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, without being authorized by law, willfully, unlawfully[,] and consciously sold, transferred[,] and delivered to one [IA1] Janem Frec B. Reyes, who acted as poscur buyer, one (1) piece small transparent plastic sachet containing 0.0292 of a gram of Methamphetamine Hydrochloride, otherwise known as “shabu” which is a dangerous drug.

That in the commission of the above – crime, herein accused was found positive for use of dangerous drug (methamphetamine hydrochloride) which is hereby alleged as a qualifying circumstance.

CONTRARY TO LAW.⁸

When arraigned, Roy pleaded not guilty to the charges.⁹

The prosecution, through the testimonies of the poseur buyer – Intelligence Agent 1 Janem Free B. Reyes (IA1 Reyes), Intelligence Officer 2 Lakambini Enriquez (IO2 Enriquez), Agent Danilo Cotillar (Agent Cotillar), and the forensic chemist – Police Chief Inspector April dela Rosa Fabian (PCI Fabian), established that, in the morning of April 15, 2010, a confidential informant arrived at the Regional Office XI of the Philippine Drug Enforcement Agency (PDEA), and relayed information that Roy was involved in illegal drug activities at Phase 7, Lubao Street, Doña Asuncion Village, Barrio Pampang, Davao City. After relaying the tip to Regional Director Roybel Sanchez, IA1 Reyes was instructed to form a buy bust team. A briefing was held, where IA1 Reyes was designated as poseur-buyer, Agent Cotillar was tasked to serve as back-up arresting officer, and five other agents will provide security in the vicinity. IA1 Reyes marked a PHP 500.00-bill with his initials, “JFBR,” to be used as buy bust money. It was also agreed that IA1 Reyes will remove his cap to signal the completion of the transaction.¹⁰

⁷ *Id.* at 34–35.

⁸ *Id.* at 35.

⁹ *Id.* at 34.

¹⁰ *Id.* at 12–14 & 35–38.

At around 1:00 p.m. of the same day, the buy bust team, with the confidential informant, proceeded to the target area at Phase 7, Lubao Street, Doña Asuncion Village, Barrio Pampang, Davao City. There, IA1 Reyes and the confidential informant approached a small *sari-sari* store. The informant called out for Roy, who readily came outside. Roy asked the informant if IA1 Reyes was the one who is going to buy *shabu*, to which the informant replied in confirmation. IA1 Reyes added that he will buy PHP 500.00 worth of *shabu*. Roy then took out a black rectangular eyeglasses case from the right back pocket of his pants, and got one piece of transparent plastic sachet, which he gave to IA1 Reyes. In turn, IA1 Reyes handed the marked money to Roy, removed his cap, introduced himself as a PDEA agent, and grabbed Roy's hand. However, Roy freed himself from IA1 Reyes' grasp, ran towards the store, and locked himself inside. IA1 Reyes and Agent Cotillar followed Roy, and forced open the door. Agent Cotillar pulled Roy out of the store, frisked him, and recovered the buy bust money and the eyeglasses case. Agent Cotillar opened the eyeglasses case and discovered three transparent plastic sachets of suspected *shabu* and eight empty plastic sachets. The items seized from Roy were placed on top of a small table for marking.¹¹

After marking the confiscated items, the team brought Roy to the PDEA Regional Office, where the seized articles were presented to Duty Desk Officer IO2 Enriquez. An inventory was made at the PDEA Office around 3:30 p.m. in the presence of Roy, and witnesses Alger Dura from the media, Ireneo Gepulla from the Department of Justice (DOJ) and Barangay Official Dionisio Sara. After the inventory, the items were turned over to PDEA Evidence Custodian, Agent Carlos Belarmino (Agent Belarmino).¹²

At around 4:00 p.m., Agent Belarmino, assisted by IA1 Reyes and Agent Cotillar, brought the seized articles to the Philippine National Police (PNP) Crime Laboratory for examination. The items were received by Receiving Officer, Police Officer 3 Ruel Rosales (PO3 Rosales), who immediately turned them over to PCI Fabian. PCI Fabian conducted a laboratory analysis on the specimens, and issued Chemistry Report No. D-046-10 that indicated positive results for methamphetamine hydrochloride in all the drug specimens. Roy's urine sample was likewise tested by PCI Fabian. PCI Fabian issued Chemistry Report No. DT-045-10, indicating that Roy's urine sample tested positive for the presence of methamphetamine hydrochloride, suggesting prior use of *shabu*. After examination of the specimens, PCI Fabian turned over the drugs specimens to the evidence custodian, Senior Police Officer 2 Antonio Alcozar (SPO2 Alcozar), for safekeeping.¹³

¹¹ *Id.* at 36–37.

¹² *Id.*

¹³ *Id.* at 37–38.

On the other hand, Roy denied the charges. He admitted being at Phase 7, Lubao Street, Doña Asuncion Village, Barrio Pampanga, Davao City in the afternoon of April 15, 2010, watching TV with his live-in partner inside their store. However, he claimed that he was framed up. Roy narrated that he and his live-in partner noticed a vehicle in front of their house. Roy then saw two armed male persons alighted from the vehicle, climbed their fence, walked towards the store, which is adjacent to their house, and kicked open the door. When the men entered the store, they introduced themselves as PDEA Agents, and ordered Roy to drop down on the floor while pointing their guns at him. Thereafter, Roy was handcuffed, frisked and brought outside, while the PDEA Agents searched the store. After about 30 minutes, Roy was boarded into a Toyota Revo vehicle, and brought to the PDEA Regional Office, where drug items were displayed on top of a table. The agents said that the drugs were owned by Roy. Roy added that he was forced to sign a document while pictures were taken.¹⁴

In its August 16, 2018 Decision,¹⁵ the RTC held that the prosecution was able to satisfactorily establish all the elements of illegal sale and possession of dangerous drugs. IA1 Reyes gave a vivid narration of what happened from the time the confidential informant gave the tip until the buy bust operation, when he was able to purchase a sachet of *shabu* worth PHP 500.00 from Roy. Thereafter, Roy was caught in possession of three more plastic sachets of *shabu*. The RTC also found that the chain of custody rule has been sufficiently observed. Immediately after Roy's arrest, IA1 Reyes tagged the items at the crime scene with the use of masking tape on which he placed his initials and signatures. At the PDEA Office, the items were turned over to Duty Desk Officer, IO2 Enriquez, and an inventory was made in the presence of the accused, and the witnesses from the DOJ, the media, and the local elective official. The items were then turned over to the PDEA evidence custodian, Agent Belarmino, who, together with IA1 Reyes and Agent Cotillar brought the items to the PNP Crime Laboratory for examination. At the crime laboratory, the items were received by PO3 Rosales, and were thereafter examined by PCI Fabian. When PCI Fabian concluded her examination of the drug specimens, she gave them to their evidence custodian, SPO2 Alcozar, for safekeeping. Upon notice from the trial court, SPO2 Alcozar brought the items for presentation in evidence.

The dispositive portion of the RTC's Decision reads:

WHEREFORE, as the prosecution was able to prove the guilt of accused beyond reasonable doubt, judgment is hereby rendered as follows:

- a) In Criminal Case No. 67.588-10 the accused ROY GLORIA BACALSO is **CONVICTED** for violation of Section 11, Article II of RA 9165. He is hereby sentenced to suffer the indeterminate penalty of Twelve (12) Years and One (1) Day as

¹⁴ *Id.* at 38-39.

¹⁵ *Id.* at 34-49. Penned by Presiding Judge Rowena Apao-Adlawan.

MINIMUM to Fifteen (15) Years as MAXIMUM and to pay a fine of [PHP] 300,000.00;

- b) In Criminal Case No. 67,589-10 the accused ROY GLORIA BACALSO is **CONVICTED** for violation of Section 5, Article II of RA 9165. He is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of [PHP] 500,000.00.

x x x x

SO ORDERED.¹⁶

On appeal to the CA, Roy contended that there was uncertainty that a legitimate buy bust operation occurred, and explained that IA1 Reyes claimed that the informant arrived at about 10:30 a.m. of April 15, 2010, but the time entry on the Authority to Operate showed that it was prepared at 9:30 a.m. Taking into consideration the falsity of the informant's report, Roy's defense of frame-up, planting of evidence, and denial should be accorded greater weight. Moreover, without a valid buy bust, the subsequent search is illegal, and any evidence obtained is inadmissible. Roy further argued that the procedure under Section 21 of RA No. 9165 was not complied with when witnesses arrived only after two hours since the apprehending team took custody of the drugs allegedly bought and confiscated from Roy. Also, there were other substantial gaps in the chain of custody of the drugs, particularly, in the second and third links. *First*, the investigator who prepared the inventory of the seized drugs was not presented as a witness. *Second*, Agent Belarmino, who delivered the confiscated items to the crime laboratory, as well as PO3 Rosales, who received the articles at the crime laboratory, did not testify.¹⁷

On the other hand, the People of the Philippines, through the Office of the Solicitor General (OSG), countered that the buy bust operation was valid. The inconsistencies alleged by Roy were minor, and did not affect the credibility of the prosecution witnesses. IA1 Reyes positively identified Roy as the person from whom he purchased a plastic sachet of *shabu* for PHP 500.00. After Roy was caught *in flagrante delicto* selling dangerous drugs, Agent Cotillar recovered three more plastic sachets of *shabu* inside the rectangular eyeglasses case in Roy's possession. Furthermore, the prosecution established every link in the chain of custody when IA1 Reyes immediately marked the sachet he bought from Roy with his initials, "JFBR," as well as the other plastic sachets confiscated from Roy at the place of arrest, and the inventory was made in the presence of the required witnesses. The integrity and evidentiary value of the seized drugs have been preserved from the time of confiscation until their presentation as evidence in court.¹⁸

¹⁶ *Id.* at 48-49.

¹⁷ *CA rollo*, pp. 50-71.

¹⁸ *Id.* at 102-118.

On November 9, 2020, the CA denied Roy's appeal, and affirmed his conviction, thus:

WHEREFORE, premises considered, the instant appeal is DENIED. The Decision dated 16 August 2018 of the Regional Trial Court, Branch 13, Davao City, is AFFIRMED *in toto*.

SO ORDERED.¹⁹

The CA held that the alleged inconsistencies between the time indicated in the Authority to Operate and the prosecution witnesses' testimonies as to the time when the informant came to their office to report on the drug activities of Roy cannot prevail over the positive identification made by IA1 Reyes that he was able to purchase *shabu* from Roy. Section 21 of RA No. 9165 was complied with, and the chain of custody was unbroken.²⁰

Aggrieved, Roy filed a Motion for Reconsideration,²¹ reiterating the arguments and issues raised in his appeal Brief. On August 2, 2021, the CA denied Roy's motion,²² to wit:

After a careful evaluation of appellant's motion for reconsideration, this Court finds that the arguments raised therein would not warrant a reconsideration or modification of its ruling.

At most, the arguments in his motion are matters that were already amply addressed in the Decision sought to be reconsidered; therefore, the Court finds no cogent reason to reverse Our 9 November 2020 Decision.

THEREFORE, the motion for reconsideration is DENIED.

SO ORDERED.²³

Hence, this appeal.

On July 20, 2022, the parties were required to file their respective Supplemental Briefs.²⁴ Consequently, the People of the Philippines, through the OSG, filed a Manifestation in Lieu of Supplemental Brief²⁵ that they no longer intend to file a Supplemental Brief since their appeal Brief had already exhaustively discussed the issues and arguments, which this Court already noted on February 13, 2023.

¹⁹ *Id.* at 26.

²⁰ *Rollo*, pp. 20–25.

²¹ *CA rollo*, pp. 145–156.

²² *Rollo*, pp. 29–31.

²³ *Id.* at 30.

²⁴ *Id.* at 50–51.

²⁵ *Id.* at 58–59.

On the other hand, Roy, in his Supplemental Brief,²⁶ submitted a rehash of his arguments raised in his Motion for Reconsideration filed with the CA. Thus, the Court **NOTES** the Supplemental Brief dated December 2, 2022 of the Public Attorney's Office, in compliance with the Resolution dated July 20, 2022.

The appeal is meritorious.

We acquit Roy on the ground of the prosecution's failure to prove that the apprehending team complied with the mandatory chain of custody requirements under Section 21²⁷ of RA No. 9165 resulting in serious doubts as to the identity of the *corpus delicti*.

A successful prosecution of cases involving dangerous drugs requires more than the perfunctory presentation of evidence establishing each element of the crime. It is imperative to prove with moral certainty that the intrinsic worth of the pieces of evidence, especially the identity of the *corpus delicti*, have been preserved. Evidence must show beyond reasonable doubt that the illegal drugs presented in court are the same illegal drugs actually seized from the accused.²⁸ The rationale behind this stringent requirement is the unique characteristic of illegal drugs that renders it indistinct, not readily identifiable, and usually open to tampering, alteration, or substitution, either by accident or by deliberate act, especially when seized in small quantity.²⁹

In this regard, the law provides procedural safeguards to remove any doubt on the identity and integrity of seized drugs under the Chain of Custody rule. Chain of custody is the duly recorded authorized movements and custody of seized drugs, controlled chemicals, plant sources of dangerous drugs, or laboratory equipment showing each stage from the time of seizure/confiscation to receipt in the forensic laboratory, safekeeping, and delivery to the court for identification, until their destruction after court proceedings.³⁰

Specifically, Section 21 of RA No. 9165 outlines the post-seizure procedure to be observed by the apprehending officers for the custody and disposition of the seized drugs. The alleged crime in this case happened on April 15, 2010, or before the enactment of the amendatory law.³¹ Hence, the following original provision of Section 21 of RA No. 9165 applies:

²⁶ *Id.* at 62–74.

²⁷ SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Parphernalia and/or Laboratory Equipment.

²⁸ *People v. De Guzman*, 825 Phil. 43, 53 (2018) [Per J. Del Castillo, First Division].

²⁹ *People v. Nuarin*, 764 Phil. 550, 557 (2015) [Per J. Brion, Second Division].

³⁰ Dangerous Drugs Board Regulation No. 1, Series of 2002; and *People v. Omamos*, 856 Phil. 391, 401 (2019) [Per J. Lazaro-Javier, Second Division].

³¹ See Republic Act No. 10640, AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002," approved on July 15, 2014. Republic Act No. 10640 states that it shall "take effect fifteen days after its complete publication in at least two (2) newspapers of general circulation." Verily, a copy of the law was published on July 23, 2014 in the respective issues of "The Philippine Star" (Vol. XXVIII, No. 359, Philippine Star Metro section, p. 21) and the "Manila Bulletin" (Vol. 499, No. 23, World News section, p. 6). Hence, Republic

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, x x x 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 [their] representative or counsel, a representative from the media and the [DOJ], and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

This is implemented by Section 21 (a) of the Implementing Rules and Regulations of RA 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, x x x so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(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 [their] representative or counsel, a representative from the media and the [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[.]

Indeed, “the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.”³² The prosecution must satisfactorily establish the movement and custody of the seized drug through the following links: (1) the confiscation and marking of the drugs seized from the accused by the apprehending officer; (2) the turnover of the seized items by the apprehending officer to the investigating officer; (3) the investigating officer’s

Act No. 10640 became effective on August 7, 2014, or after the commission of the crime on April 15, 2010.

³² *People v. De Dios*, G.R. No. 243664, January 22, 2020, 930 SCRA 41, 47 [Per *J. Perlas-Bernabe*, Second Division].

turnover of the drug specimens to the forensic chemist for examination; and, (4) the submission of the items by the forensic chemist to the court.³³

In this case, the records reveal a broken chain of custody. After the seized drugs were marked at the place of arrest, the buy bust team proceeded to the PDEA Regional Office for Roy's booking. The prosecution witnesses failed to prove how the confiscated items were handled during transport from the place of arrest to the PDEA Regional Office. They likewise failed to explain why no inventory was made at the place of arrest and the necessity of the immediate transfer of post-seizure procedures to the PDEA Regional Office.

We stress that the chain of custody rule requires the prosecution to establish the movement and custody of the confiscated items. The second link in the chain requires the turnover of the seized drugs by the apprehending officer to the investigating officer, who shall conduct the proper investigation and prepare the necessary documents for the transfer of the evidence to the crime laboratory for testing.³⁴ Further, the third link in the chain of custody requires that the movement from the investigating officer to the forensic chemist be established. Here, the prosecution's evidence likewise failed to demonstrate compliance with the law and rules considering that IO2 Enriquez, as investigating officer, did not testify to prove the handling of, and custody over the drugs during investigation at the PDEA Regional Office. Similarly, PDEA Evidence Custodian Agent Belarmino was not presented as a witness to account the custody over the drugs from the time that the inventory was concluded until their delivery to the crime laboratory. The prosecution witnesses' sweeping statements that IA1 Reyes and Agent Cotillar assisted Agent Belarmino during the delivery to the crime laboratory cannot suffice to establish compliance with the chain of custody rule. It remains unclear who took possession of the confiscated items during the transit, their condition upon receipt and prior to turnover, and how they were handled. Furthermore, PO3 Rosales, who received the seized drugs from Agent Belarmino at the crime laboratory, likewise did not testify as to the condition of the confiscated articles upon his receipt and subsequent turnover to PCI Fabian. Without a clear specification of the handling of the drugs while at the PDEA Regional Office until delivery to the crime laboratory, the chain of custody over the confiscated drugs is deemed breached. The operatives failed to provide any justification showing that the integrity of the evidence had all along been preserved. They did not describe the precautions taken to ensure that there had been no change in the condition of the seized items and no opportunity for someone not in the chain to have possession of the same.

³³ *People v. Bugtong*, 826 Phil. 628, 638-639, (2018) [Per *J. Del Castillo*, First Division].

³⁴ *People v. Dahil*, 750 Phil. 212, 235-236 (2015) [Per *J. Mendoza*, Second Division], citing *People v. Remegio*, 700 Phil. 452, 468 (2012) [Per *J. Perez*, Second Division].

Moreover, the prosecution was not able to establish the fourth link in the chain of custody, or that relating to the turnover and submission of the seized drug from the forensic chemist to the court. PCI Fabian's vague generalizations pertaining to her compliance with the chain of custody rule, without providing details as to the condition of the seized drugs upon her receipt, from whom she received them, how she conducted the examination on the specimens, and the particular steps and precautions she took after examination. PCI Fabian did not elaborate on the measures she took to preserve the identity and integrity of the drugs, that is, whether she placed her own markings, and the packaging she used to keep the items. Also, SPO2 Alcozar, the evidence custodian of the crime laboratory, did not testify as to the safekeeping of the confiscated drugs after PCI Fabian's examination until their delivery to the court for presentation as evidence.

On a final note, the provisions of Section 21 of RA No. 9165 embody the constitutional aim to prevent the imprisonment of an innocent person. The Court cannot tolerate the lax approach of law enforcers in handling the very *corpus delicti* of the crime. While the law enforcers enjoy the presumption of regularity in the performance of their duties, this presumption cannot prevail over the constitutional right of the accused to be presumed innocent and it cannot by itself constitute proof of guilt beyond reasonable doubt. The presumption of regularity is disputable and cannot be regarded as binding truth.³⁵ Indeed, when the performance of duty is tainted with irregularities, such presumption is effectively destroyed.³⁶ All told, Roy must be acquitted of the charges against him given the prosecution's failure to prove an unbroken chain of custody.

FOR THESE REASONS, the Appeal is **GRANTED**. The Decision dated November 9, 2020 and the Resolution dated August 2, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 02151-MIN are **REVERSED**. Accused-appellant Roy Gloria Bacalso is **ACQUITTED** of the crimes charged on the ground of reasonable doubt and is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being lawfully held for other causes.

Let an entry of final judgment be issued immediately.

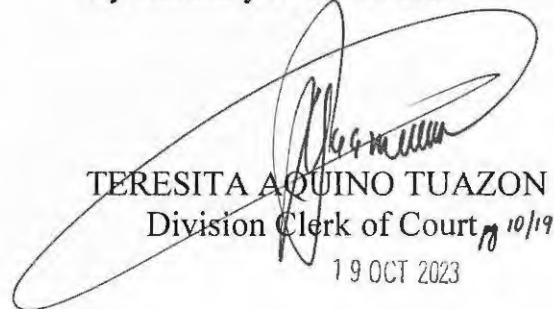
Let a copy of this Resolution be furnished the Director General, Bureau of Corrections, Muntinlupa City for immediate implementation. The Director General is **ORDERED to REPORT** to the Court the action taken within five (5) days from receipt of this Resolution.

³⁵ *Malillin v. People*, 576 Phil. 576, 593 (2008) [Per J. Tinga, Second Division]; and *People v. Cañete*, 433 Phil. 781, 794 (2002) [Per J. Ynares-Santiago, First Division].

³⁶ *People v. Dela Cruz*, 589 Phil. 259, 272 (2008) [Per J. Tinga, Second Division].

SO ORDERED.” (Leonen, S.A.J., on official leave; and Lopez, J., on sick leave)

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court *10/19*
 19 OCT 2023

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HON. PRESIDING JUDGE (reg)
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 Davao City
 (Crim. Case Nos. 67, 558-10 & 67, 589-10)

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