



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SUPREME COURT OF THE PHILIPPINES
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SPECIAL SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Special Second Division, issued a Resolution dated **25 November 2019** which reads as follows:*

****G.R. No. 242160 – People of the Philippines v. Jan Jan Tayan y Balviran and Aiza Sampa y Omar, accused; Aiza Sampa y Omar, accused-appellant***

X-----X

Before us is a Verified Motion for Partial Reconsideration¹ filed by Jan Jan Tayan y Balviran (Tayan) praying that the Court's Decision² dated July 8, 2019 acquitting Aiza Sampa y Omar (Sampa) in Criminal Case No. R-QZN-14-01991-CR be applied to him. He then prays for his acquittal and immediate release from confinement at the New Bilibid Prison.

Tayan and Sampa were charged before the Regional Trial Court (RTC) of Quezon City, Branch 79, with violation of Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

In its Judgment dated July 12, 2016, the RTC found Tayan and Sampa guilty beyond reasonable doubt of the crime charged and ordered them to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

On appeal, the Court of Appeals (CA) affirmed the RTC Decision and held that there was substantial compliance with the procedural requirements on the custody and control of the seized illegal drugs. Thereafter, Sampa filed a Notice of Appeal dated July 9, 2018.³

Tayan sent handwritten letters dated May 7, 2019 and May 14, 2019 to Atty. Ma. Luisa L. Laurea, a Supreme Court Senior Chief of Staff Officer of the Office of the Court Administrator, requesting information on the status of the case.⁴ He again inquired on the status of the case in a letter⁵ dated June 25, 2019.

In the Decision dated July 8, 2019, the Court reversed and set aside the CA Decision and acquitted Sampa for failure of the prosecution to prove her guilt beyond reasonable doubt. The Court pointed out the apprehending team's

¹ Rollo, pp. 84-86.

² Id. at 39-50.

³ Id. at 12.

⁴ Id. at 35.

⁵ Id. at 33.

Handwritten initials

deviations from the chain of custody rule encapsulated in Section 21 of R.A. No. 9165, to wit: (1) the marking, inventory and photography of the seized items were not conducted immediately at the place of seizure and confiscation; (2) the presence of an elected public official and a representative from the Department of Justice were not secured to witness the marking, inventory, and photographing of the seized items; and (3) no justification was offered to explain the entrapment team's non-compliance with Section 21. The Court enunciated that the procedural lapses of the apprehending team negate its claim that the integrity and evidentiary value of the confiscated illegal drugs were properly observed.

In a letter dated September 23, 2019, Chief Superintendent Marites D. Luceño of Inmates Documents and Processing Division of the Bureau of Corrections, Muntinlupa City, informed the Court that the July 8, 2019 Decision was being implemented. Subsequently, Corrections Technical Chief Inspector May Ann A. Marasigan, Acting Superintendent of the Correctional Institution for Women, Mandaluyong City, informed the Court in a letter dated October 4, 2019 that Sampa was already released from confinement. The Court noted the aforesaid letters in its Resolution dated November 25, 2019.

On October 9, 2019, Tayan filed the instant Verified Motion for Partial Reconsideration alleging that he was of the belief that the Public Attorney's Office filed a Notice of Appeal and a Supplemental Brief in his behalf. He pleads that he be allowed to benefit from the July 8, 2019 Decision and that he be acquitted and released immediately from confinement, in the interest of justice and equity.

The Verified Motion for Partial Reconsideration is granted.

Under Section 11 (a), Rule 122 of the Revised Rules on Criminal Procedure, an appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.

In conformity with existing jurisprudence,⁶ the Court's July 8, 2019 Decision acquitting Sampa should benefit Tayan despite his failure to file a notice of appeal. Thus, the Court deems it proper to acquit Tayan of the crime charged, considering that the criminal case against Tayan arose from the same set of facts as the case against Sampa.

IN VIEW OF THE FOREGOING, the Verified Motion for Partial Reconsideration is hereby **GRANTED**. The Decision dated June 20, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08481, with regard to accused Jan Jan Tayan y Balviran is hereby **REVERSED** and **SET ASIDE**. Jan Jan Tayan y Balviran is **ACQUITTED** on ground of reasonable doubt. He is ordered **IMMEDIATELY RELEASED** from detention, unless he is confined for any other lawful cause. Let an entry of final judgment be issued immediately.

⁶ *People v. Escaño*, 402 Phil. 730 (2001); *Fuentes v. People*, G.R. No. 228718, January 7, 2019.

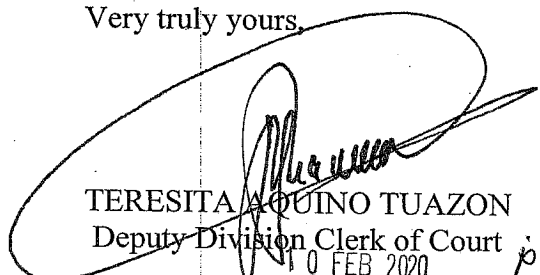
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Let a copy of this Resolution be furnished the Director of the Bureau of Corrections for immediate implementation. Said Director is ordered to report the action he has taken to this Court within five (5) days from receipt of this Resolution.

SO ORDERED.

J. Alfredo Benjamin S. Caguioa, on official leave."

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

10 FEB 2020

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1770 Muntinlupa City

THE DIRECTOR (x)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 79
Quezon City
(Crim. Case No. R-QZN-14-01991-CR)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Please notify the Court of any change in your address.
GR242160. 11/25/19(10&25)URES/ssb(a)