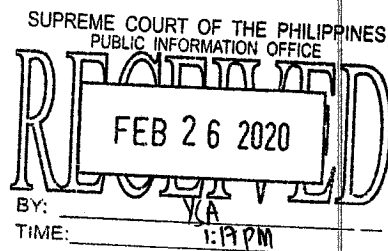




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 15, 2020**, which reads as follows:*

“G.R. No. 218699 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. MELANIE SANTOS y GUBALLO). — This Court resolves an Appeal¹ from the Court of Appeals Decision,² affirming the conviction of Melanie Santos y Guballo for violating Section 5, Article II of Republic Act No. 9165.

On February 13, 2006, separate Informations were filed against Melanie Santos y Guballo (Santos), Jimmy Igulos y Albuera (Igulos), and Reynaldo Yansa y Rojo (Yansa) for violations of Republic Act No. 9165, involving .05 grams of methylamphetamine hydrochloride. The Information against Santos read:

That on or about the 9th day of February 2006, in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully, feloniously and knowingly deliver and give away to PO3 Ramiel E. Soriano, 0.05 gram of Methylamphetamine Hydrochloride, a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.³

The cases were consolidated. Upon arraignment, Santos, Igulos, and Yansa pleaded not guilty.⁴ Pre-trial was conducted, and trial commenced.⁵

P/Sr. Insp. Isidro Cariño (P/Sr. Insp. Cariño), PO3 Ramiel Soriano (PO3 Soriano), PO2 Christopher Anos (PO2 Anos), and PO2 James Paul Santiago (PO2 Santiago) testified for the prosecution as follows:

¹ The appeal was filed under Rule 124, Section 13(c) of the Rules of Court.

² *Rollo*, pp. 2-23.

³ CA rollo, p. 40.

⁴ *Rollo*, p. 4.

⁵ *Id.* at 5.

On the evening of February 8, 2006, a confidential informant told PO3 Soriano, a member of the Station Anti-Illegal Drugs-Special Operations Task Force of Marikina about a certain "Melanie" and "Susan" who were engaged in illegal drug activities in Munding Avenue, Sto. Niño, Marikina City. PO3 Soriano relayed this to his chief, who then formed a team to surveil these alleged activities, and conduct a buy-bust operation. PO3 Soriano was assigned to act as the poseur-buyer, while PO2 Anos, PO2 Santiago, and SPO1 Jose Castelo were his back-up. The team coordinated with the Philippine Drug Enforcement Agency.⁶

The buy-bust team proceeded to Munding Avenue and met the confidential informant. PO3 Soriano asked the informant to verify whether "Melanie," later identified as Santos, was home. The informant left then returned to say that Santos was in her house, together with a certain "Jimmy," who was later identified as Igulos. PO3 Soriano and the informant then proceeded to Santos' house while the other team members took their assigned positions.⁷

Upon arrival, PO3 Soriano saw a man, who was later identified as Yansa, sitting outside Santos' house. Santos emerged from the house and handed Yansa a plastic sachet. PO3 Soriano was introduced to Santos as being interested in buying ₱500.00 worth of shabu. Igulos said, "[e]to na lang basurang hawak ko ang ibibigay ko sa kanya[.]"⁸ Santos then said, "[w]ala ng ₱500.00 iyang hawak mo. Eto na lang nasa akin ang ibibigay ko sa kanya."⁹ Santos then handed a plastic sachet to PO3 Soriano.¹⁰

Then, placing his arm around the informant's shoulders, PO3 Soriano signaled his team to close in and arrest Santos, Igulos, and Yansa. He identified himself as a police officer and proceeded to grab Santos' and Igulos' hands. He then called the team members to apprehend Yansa, who was about to run. PO3 Soriano was able to confiscate plastic sachets from both Igulos and Yansa. He marked the sachet confiscated from Santos as "MGS-RS DELIVERY"; from Yansa, "RRY-RS POSS"; and from Igulos, "JAI-RS POSS". He then took photographs of the plastic sachets and their markings at the crime scene.¹¹

Together with the confiscated items, Santos, Igulos, and Yansa were brought to the police station. After preparing a request for laboratory examination and drug tests for them, PO3 Soriano brought the requests and

⁶ Id. at 5-6.

⁷ Id. at 6.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 7.

the specimens to the Crime Laboratory, where the items were received by Forensic Chemical Officer P/Sr. Insp. Cariño.¹²

Physical Report No. D-17-06E stated that the plastic sachets tested positive for methylamphetamine hydrochloride (methylamphetamine). Furthermore, Santos tested positive for methylamphetamine; Yansa, for methylamphetamine and THC metabolites; and Igulos, for THC metabolites.¹³

The defense presented Santos, Igulos, and Yansa as witnesses.¹⁴

Santos testified that on the night in question, she was at home with Igulos, her live-in partner. She was leaving to buy bread when men appeared outside, arrested her, made her board a vehicle, and brought her to the police station without informing her why she was arrested. At the station, when asked if she sold shabu, she answered no. The police officers then took ₱40.00 from her during the interrogation. Thereafter, Igulos, Santos' son, along with Yansa, arrived at the station. It was only then that Santos learned that they were being charged with illegal possession of dangerous drugs.¹⁵

Igulos testified that on the evening of February 8, 2006, he was at home with Santos and her son. She later on announced that she would buy something from the store, and left. She returned with bread, but realized it was not enough to feed all three (3) of them, so she left to buy some more, but did not return. Igulos later learned that she had been taken by police officers. He waited at home for more news about what had happened. Around 30 minutes later, police officers arrived and invited him to the police station for questioning. He saw Santos and Yansa at the station and learned that he had been included as an accused in a charge for illegal possession of drugs.¹⁶

Yansa testified that at around 7:00 p.m. on the night in question, he was about to go home after having finished a manicure service, when suddenly, a car of police officers stopped beside him. The officers asked where he came from but did not believe his response. They then frisked him, asking where he was hiding the shabu. Afterwards, they brought him to a dark place, stripped him, frisked him again, took his manicure set worth ₱500.00, and ₱100.00. They then brought him to the police station, where he saw Santos and Igulos. The officers said they would release Yansa

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 8.

¹⁶ Id. at 8-9.

in exchange for ₱5,000.00, but Yansa did not accede. He was then charged with illegal possession of drugs.¹⁷

In a March 31, 2009 Decision,¹⁸ the Regional Trial Court found Santos, Igulos, and Yansa guilty beyond reasonable doubt of the crimes charged. It held that the prosecution was able to establish beyond moral certainty that the transaction involving illegal drugs took place, that dangerous drugs had been delivered by the accused, and that the *corpus delicti* had been presented in court as evidence of this. The Regional Trial Court observed that Santos had been positively identified by PO3 Soriano as having delivered the dangerous drugs to him, and that this was confirmed by PO2 Christopher Anos, who witnessed the delivery of an object from Santos to PO3 Soriano.¹⁹

On the issue of the apprehending team's failure to comply with the requirements of Section 21 of Republic Act No. 9165, the Regional Trial Court found that this was not fatal to the case, because there was justifiable ground therefor, and because the seized items had been properly preserved. It noted that PO3 Soriano explained that the manner of complying with the requirements under Republic Act No. 9165 was still being discussed and that the provision was "still in its transition period[.]"²⁰ Further, the Regional Trial Court held that the evidentiary value of the seized items had been safeguarded by the apprehending team as they were immediately marked at the scene of the seizure and then forwarded to a laboratory for examination.²¹

The dispositive portion of the Regional Trial Court Decision read:

WHEREFORE, in Criminal Case No. 2006-3226-D-MK, the Court finds accused, JIMMY IGULOS y ALBUERA, GUILTY BEYOND REASONABLE DOUBT of violation of Section 11, par. 2(3), Article II of RA 9165. The accused is hereby sentenced to suffer the indeterminate penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY, as minimum, to THIRTEEN (13) YEARS, as maximum, and to pay a fine of THREE HUNDRED THOUSAND (P300,000.00) PESOS.

In Criminal Case No. 2006-3227-D-MK, the Court finds the accused, REYNALDO YANSA y ROJO, GUILTY BEYOND REASONABLE DOUBT of violation of Section 11, par. 2(3), Article II of RA 9165. The accused is hereby sentenced to suffer the indeterminate penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY, as minimum, to THIRTEEN (13) YEARS, as maximum, and to pay a fine of THREE HUNDRED THOUSAND (P300,000.00) PESOS.

¹⁷ Id. at 9.

¹⁸ CA *rollo*, pp. 39–61. The Decision was penned by Judge Geraldine C. Fiel-Macaraig of the Regional Trial Court of Marikina City, Branch 192.

¹⁹ Id. at 57.

²⁰ Id. at 60.

²¹ Id.

In **Criminal Case No. 2006-3228-D-MK**, the Court finds the accused, MELANIE SANTOS y GUBALLO, **GUILTY BEYOND REASONABLE DOUBT** of violation of Section 5, second paragraph No. 3, Article II of Republic Act 9165. The accused is hereby sentenced to suffer the penalty of **LIFE IMPRISONMENT** and is **ORDERED** to pay a fine of Five Hundred Thousand (P500,000.00) Pesos.

The three (3) plastic sachets of *shabu* subject matter of these cases are hereby confiscated in favor of the Government and to be turned over to the Dangerous Drugs Board for proper disposal, without delay.

SO ORDERED.²² (Emphasis in the original)

Santos, Yansa, and Igulos filed a Notice of Appeal,²³ appealing the Regional Trial Court Decision to the Court of Appeals. However, the Appeal proceeded only with regard to Santos.²⁴ The Court of Appeals considered Igulos' appeal abandoned and dismissed it, because while Igulos was released on bail, he failed to communicate with the public attorney's office, and could not be located.²⁵ Yansa, on the other hand, filed a Motion to Withdraw Appeal, to apply for commutation of his sentence.²⁶

In its Decision,²⁷ the Court of Appeals affirmed Santos' conviction. The Court of Appeals reasoned that the prosecution established the two (2) elements of violation of Section 5 Article II of Republic Act No. 9165. It found that PO3 Soriano's testimony established that (1) Santos sold and delivered a dangerous drug; and (2) she knew what she sold and delivered was a dangerous drug.²⁸ The Court of Appeals found that PO3 Soriano's positive testimony, combined with the presentation in court of the seized dangerous drug, sufficed to prove the crime charged.²⁹

The Court of Appeals rejected the argument that the chain of custody rule had been violated, reasoning that the prosecution had proved, to the point of moral certainty, that the dangerous drug presented in court was the same item recovered from Santos.³⁰

The dispositive portion of the Court of Appeals Decision reads:

ACCORDINGLY, the appeal is **DISMISSED** and the assailed

²² Id. at 60-61.

²³ Id. at 66-67.

²⁴ *Rollo*, p. 11.

²⁵ Id. at 10.

²⁶ Id. at 10-11.

²⁷ Id. at 2-23. The Decision was penned by Associate Justice Amy C. Lazaro-Javier and concurred in by Associate Justices Celia C. Librea-Leagogo (Chair) and Melchor Q. C. Sadang of the Eleventh Division of the Court of Appeals, Manila.

²⁸ Id. at 14.

²⁹ Id. at 15.

³⁰ Id. at 19-20.

Decision dated March 31, 2009, **AFFIRMED**.

SO ORDERED.³¹ (Emphasis in the original)

Santos filed a Notice of Appeal,³² and the Court of Appeals elevated the records of the case to this Court.³³ Subsequently, the Office of the Solicitor General filed its Manifestation before this Court manifesting that it would no longer file any supplemental brief.³⁴ Santos filed a similar Manifestation.³⁵

The principal issue to be resolved is whether or not the prosecution established beyond reasonable doubt that accused-appellant Melanie Santos y Guballo is guilty of violating Section 5 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act.

Accused-appellant is acquitted based on reasonable doubt.

A person criminally charged is presumed innocent until his or her guilt is proven beyond reasonable doubt. The burden of proof falls on the prosecution, and its failure to meet this burden warrants the accused's acquittal.³⁶

Section 5(1) of Republic Act No. 9165 penalizes the act of selling dangerous drugs. Before a court may convict an accused for the crime of sale of dangerous drugs, it must be certain that dangerous drugs were seized, and that the drugs submitted to court were the very ones seized.³⁷ To convince a court of this, the prosecution must show that the apprehending team followed the stringent legal requirements on the custody of the seized drugs. These are the requirements to establish with moral certainty the identity of the dangerous drug seized and presented in court. Section 21 of Republic Act No. 9165 provides:

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. — . . .*

³¹ Id. at 22.

³² CA rollo, p. 265.

³³ Id. at 268.

³⁴ Rollo, p. 33.

³⁵ Id. at 40.

³⁶ *People v. Royol*, G.R. No. 224297, February 13, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65005>> [Per J. Leonen, Third Division].

³⁷ *People v Nandi*, 639 Phil. 134 (2010) [Per J. Mendoza, Second Division] citing *People v. Almorfe*, 631 Phil. 51, 60 (2010) [Per J. Carpio Morales, First Division].

- (1) 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;

The first step in the mandatory procedure for chain of custody is the immediate marking, physical inventory, and photographing of the seized items.³⁸ Republic Act No. 9165 requires not only that the seized drugs be immediately inventoried and photographed, but also requires that this be done in the presence of certain people, namely: (1) the accused or his representative; (2) a representative from the media; (3) a representative from the Department of Justice; and (4) any elected public official—all of whom must sign the inventory, and be given a copy of it. When seizure, inventory, and photographing are done in the presence of these individuals, the possibility that the evidence is planted is minimized. Failure, therefore, to comply with this requirement, raises some doubt that what was submitted in court was, in fact, seized from the accused.³⁹

In affirming accused-appellant's conviction, the Court of Appeals disregarded the lack of witnesses, asserting that notwithstanding the failure to observe the legal requirements, the prosecution established the links in the chain of custody to the point of moral certainty. It noted the steps taken by the apprehending team:

First. After PO3 Soriano confiscated the plastic sachet from appellant, he immediately marked it with "MGS-RS DELIVERY" and took a picture of it.

Second. The item remained in PO3 Soriano's possession until he arrived at the police station where he prepared a request for its laboratory examination.

Third. PO3 Soriano brought the plastic sachet and request for examination to the crime laboratory where Forensic Chemical Officer

³⁸ *People v. Alconde y Madla*, G.R. No. 238117, February 4, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64973>> [Per J. Perlas-Bernabe, Second Division].

³⁹ *People v. Orteza*, 555 Phil. 701 [Per J. Tinga, Second Division].

Isidro Cariño received it.

Fourth. Per Physical Report No. D-17-06E, the specimen confiscated from appellant yielded positive results for methylamphetamine hydrochloride, a dangerous drug.

Fifth. The Chemistry Report and subject specimen were sent to and presented in court as evidence.⁴⁰ (Emphasis in the original)

Contrary to the Court of Appeals conclusion, this is not enough under the law to establish to the point of moral certainty that accused-appellant was the source of the methylamphetamine hydrochloride tested by the crime laboratory and presented in court.

It is true that the law has room for allowance to sustain a conviction based on evidence seized despite noncompliance with the requirements under Republic Act No. 9165. However, before the courts may consider this evidence, the prosecution must establish that the apprehending team had justifiable grounds for noncompliance. Although this was expressly codified into the law in 2014 with the passage of Republic Act No. 10640,⁴¹ the “justifiable grounds” requirement was already stated in the Implementing Rules and Regulations of Republic Act No. 9165.⁴²

Thus, this Court has explained that the justifiable grounds for the noncompliance must be identified and proved in court, and that steps were taken to preserve the integrity and evidentiary value of the seized items.⁴³ This Court has held that the prosecution has the positive duty to establish the apprehending team’s reasons for the procedural lapses.

In *People v. Miranda y Tigas*,⁴⁴ this Court explained:

The Court, however, clarified that under varied field conditions, strict compliance with the requirements of Section 21 of RA 9165 may not always be possible. In fact, the Implementing Rules and Regulations (IRR) of RA 9165 — which is now crystallized into statutory law with the passage of RA 10640 — provide that the said inventory and photography may be conducted at the nearest police station or office of the

⁴⁰ *Rollo*, pp. 19–20.

⁴¹ 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.”

⁴² Implementing Rules and Regulations of Republic Act No. 9165, Section 21(a) provides:

... *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; (Emphasis in the original)

⁴³ See the Decision and J. Leonen’s Concurring Opinion in *People v. Lim*, G.R. No. 231989, September 4, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64400>> [Per J. Peralta, En Banc].

⁴⁴ G.R. No. 229671, January 31, 2018, 842 SCRA 42 [Per J. perlas-Bernabe, Second Division].

apprehending team in instances of warrantless seizure, and that **non-compliance with the requirements of Section 21 of RA 9165 — under justifiable grounds — will not render void and invalid the seizure and custody over the seized items so long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer or team.** Tersely put, the failure of the apprehending team to strictly comply with the procedure laid out in Section 21 of RA 9165 and the IRR does not *ipso facto* render the seizure and custody over the items as void and invalid, provided that the prosecution satisfactorily proves that: (a) there is justifiable ground for non-compliance; **and** (b) the integrity and evidentiary value of the seized items are properly preserved. In *People v. Almorfe*, **the Court stressed that for the above-saving clause to apply, the prosecution must explain the reasons behind the procedural lapses, and that the integrity and value of the seized evidence had nonetheless been preserved.** Also, in *People v. De Guzman*, it was emphasized that **the justifiable ground for non-compliance must be proven as a fact, because the Court cannot presume what these grounds are or that they even exist.**

....

To be sure, this Court is not impervious to the sentiments of the State when it is left to deal with the seemingly unfair situation of having a drug conviction overturned upon grounds that it was not able to meet in the proceedings *a quo*. However, there is no gainsaying that these sentiments must yield to the higher imperative of protecting the fundamental liberties of the accused. Besides, the law itself apprises our law enforcement authorities about the requirements of compliance with the chain of custody rule. Case law exhorts that the procedure in Section 21 of RA 9165 is a matter of substantive law, and cannot be brushed aside as a simple procedural technicality; or worse, ignored as an impediment to the conviction of illegal drug suspects. **Therefore, as the requirements are clearly set forth in the law, then the State retains the positive duty to account for any lapses in the chain of custody of the drugs/items seized from the accused, regardless of whether or not the defense raises the same in the proceedings a quo; otherwise, it risks the possibility of having a conviction overturned on grounds that go into the evidence's integrity and evidentiary value, albeit the same are raised only for the first time on appeal, or even not raised, become apparent upon further review.**⁴⁵ (Emphasis in the original, citations omitted)

In this case, the appellee, in its Brief, argues that PO3 Soriano provided a sufficient justifiable explanation for the apprehending team's failure to observe the required procedure:

PO3 Soriano provided a warranted explanation for their noncompliance. He testified that during the time of the incident, there was a transition period for compliance with the provision of Section 21. The officials of PDEA were still in the process of discussing how to implement said provisions. He further testified that at that time, the PDEA had yet to provide them with the format for conducting the required inventory under

⁴⁵ Id. at 54–61.

said Section.⁴⁶ (Citation omitted)

This is not a justifiable ground for the apprehending team's noncompliance. The buy-bust was conducted in 2006. Republic Act No. 9165 and its Implementing Rules and Regulations were promulgated in 2002. Considering that several years passed between the promulgation of Republic Act No. 9165 and the buy-bust in this case, the excuse that "there was a transition period for compliance"⁴⁷ with the requirements under Republic Act No. 9165 is flimsy.

There being no justifiable ground for the apprehending team's noncompliance with the mandated procedure under Republic Act No. 9165, there is doubt as to the source, identity, and integrity of the drugs allegedly seized from accused-appellant. Thus, she must be acquitted based on reasonable doubt.

This Court again stresses that, when a miniscule amount of dangerous drugs has been allegedly seized, courts must exert a higher level of scrutiny on the credibility of the prosecution's evidence.⁴⁸

As a final note, this Court observes that the Regional Trial Court stated that accused-appellant was charged with, and found guilty of, "violation of **Section 5, second paragraph No. 3**, Article II of Republic Act No. 9165."⁴⁹

This was restated by the Court of Appeals in its Decision:

. . . third, against appellant Melanie Santos y Guballo, for violation of **Sec. 5 par. 2(3)**, Art. II of RA 9165, docketed as Criminal Case No. 2006-3228-D-MK[.]⁵⁰ (Emphasis supplied)

The Court of Appeals even discussed the elements of the crime of "violation of Sec. 5, par. 2(3)":

Violation of **Sec. 5, par. 2(3)**, Art. II of RA 9165 requires the following elements: 1) the accused sold and delivered a dangerous drug to another, and 2) he knew that what he had sold and delivered was a dangerous drug.⁵¹ (Emphasis supplied, citation omitted)

⁴⁶ CA rollo, p. 218.

⁴⁷ Id. at 60.

⁴⁸ *People v. Holgado*, 741 Phil. 78 (2014) [Per J. Leonen, Third Division].

⁴⁹ CA rollo, p. 61.

⁵⁰ Rollo, p 4.

⁵¹ Id. at 14.

This Court must point out that Section 5, Article II of Republic Act No. 9165 does not have a clear paragraph 2(3). Section 5 reads, in its entirety:

SECTION 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. — The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemicals trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

It is unclear which portion of Section 5 of Republic Act No. 9165 "par. 2(3)" pertains to. It appears that the Regional Trial Court committed a

typographical error in its disposition, mixing up Section 5 of Republic Act No. 9165 with Section 11 of the same law, which does have a paragraph 2(3). This, alone, is unfortunate. However, for the Court of Appeals to cite "Section 5, paragraph 2(3)" and even enumerate the elements of the crime penalized thereunder is lamentable. Just as courts are entreated to scrutinize the evidence presented before them, they are also entreated to scrutinize the text of the law invoked.

WHEREFORE, the March 30, 2015 Decision of the Court of Appeals in CA-G.R. CR. HC No. 03873 is **REVERSED** and **SET ASIDE**. Accused-appellant Melanie Santos y Guballo is **ACQUITTED** for the prosecution's failure to prove her guilt beyond reasonable doubt. She is ordered immediately **RELEASED** from confinement unless she is being held for some other lawful cause.

Let a copy of this Resolution be furnished to the Director of the Bureau of Corrections for immediate implementation. The Director of the Bureau of Corrections is directed to report the action he has taken to this Court within five (5) days from receipt of this Resolution. For their information, copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drugs Enforcement Agency.

Let entry of final judgment be issued immediately.

SO ORDERED."

Very truly yours,

Mis D C Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

2/18/20

Special & Appealed Cases Service
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COURT OF APPEALS
CA G.R. CR HC No. 03873
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
1229 Legaspi Village, Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 192, Marikina City
(Criminal Case No. 2006-3228-D-MK)

CTCI Mary Ann A. Marasigan
Officer-in-Charge
CORRECTIONAL INSTITUTION FOR WOMEN
1550 Mandaluyong City

Ms. Melanie Santos y Guballo
c/o The Superintendent
CORRECTIONAL INSTITUTION FOR WOMEN
1550 Mandaluyong City

The Director General
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Camp Crame, Quezon City

The Director General
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Brgy. Pinyahan, Quezon City

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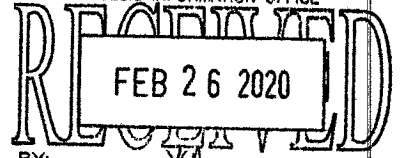
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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218699

-versus-

MELANIE SANTOS y
GUBALLO,
Accused-Appellant.

x-----/

ORDER OF RELEASE

TO: The Director General
BUREAU OF CORRECTIONS
1770 Muntinlupa City

Thru: **CTCI Mary Ann A. Marasigan**
Officer-in-Charge
CORRECTIONAL INSTITUTION FOR WOMEN
1550 Mandaluyong City

GREETINGS:

WHEREAS, the Supreme Court on January 15, 2020 promulgated a Resolution in the above-entitled case, the dispositive portion of which reads:

“WHEREFORE, the March 30, 2015 Decision of the Court of Appeals in CA-G.R. CR. HC No. 03873 is **REVERSED** and **SET ASIDE**. Accused-appellant Melanie Santos y Guballo is **ACQUITTED** for the prosecution’s failure to prove her guilt beyond reasonable doubt. She is ordered immediately **RELEASED** from confinement unless she is being held for some other lawful cause. *ca*”

Let a copy of this Resolution be furnished to the Director of the Bureau of Corrections for immediate implementation. The Director of the Bureau of Corrections is directed to report the action he has taken to this Court within five (5) days from receipt of this Resolution. For their information, copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency.

Let entry of final judgment be issued immediately.

SO ORDERED.”

NOW, THEREFORE, You are hereby ordered to immediately release **MELANIE SANTOS y GUBALLO** unless there are other lawful causes for which she 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 **MARVIC MARIO VICTOR F. LEONEN**, Chairperson of the Third Division of the Supreme Court of the Philippines, this **15th** day of **January 2020**.

Very truly yours,

Misael D C Batt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court

9/2/20

Special & Appealed Cases Service
PUBLIC ATTORNEY'S OFFICE
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COURT OF APPEALS
CA G.R. CR HC No. 03873
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 192, Marikina City
(Criminal Case No. 2006-3228-D-MK)

Mr. Melanie Santos y Guballo
c/o The Superintendent
CORRECTIONAL INSTITUTION FOR WOMEN
1550 Mandaluyong City

The Director General
PHILIPPINE NATIONAL POLICE
National Headquarters
Camp Crame, Quezon City

The Director General
PHILIPPINE DRUG ENFORCEMENT AGENCY
PDEA Bldg., NIA Northside Road
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Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

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G.R. No. 218699 *CA*
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