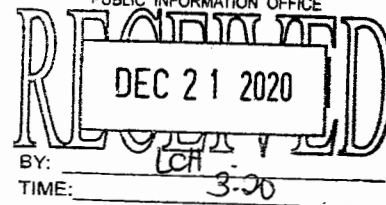




Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



NOTICE

Sirs/Mesdames:

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

**“G.R. No. 205150 – (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. VALENTINO BASILISA y FELISARDO, *accused-appellant*).** – This resolves the appeal filed by accused-appellant Valentino Basilisa y Felisardo (Basilisa) praying for the reversal of the March 26, 2012 Decision<sup>1</sup> of the Court of Appeals (CA) in CA G.R. CR HC No. 03703, which affirmed the Decision<sup>2</sup> of the Regional Trial Court (RTC) Branch 23, Manila, convicting him of violation of Section 5, Article II of Republic Act (R.A.) No. 9165.<sup>3</sup>

**Antecedents**

In an Information dated January 17, 2003, Basilisa was charged with the illegal sale of dangerous drugs, as defined and penalized under Section 5, Article II of R.A. No. 9165, committed as follows:

That on or about January 14, 2003, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did then and there willfully, unlawfully and knowingly sell or offer for sale, dispense, deliver, transport or distribute one (1) heat-sealed transparent plastic sachet containing ZERO POINT ZERO FIVE THREE (0.053) gram of white crystalline substance known as “shabu” containing methamphetamine hydrochloride, which is a dangerous drug.

Contrary to law.<sup>4</sup>

<sup>1</sup> *Rollo*, pp. 2-14; penned by Associate Justice Angelita A. Gacutan, with Associate Justices Magdangal M. De Leon and Justice Francisco P. Acosta, concurring.

<sup>2</sup> *CA rollo*, pp. 31-34; rendered penned by Judge Caroline Rivera-Colasito.

<sup>3</sup> THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002.

<sup>4</sup> *Id.* at 15.

On February 19, 2003, Basilisa was arraigned and pleaded not guilty to the charges.<sup>5</sup> Pre-trial was conducted on May 22, 2003 and terminated without the parties agreeing to any stipulations.<sup>6</sup> Trial on the merits ensued thereafter.

### Evidence for the Prosecution

At around 10 o'clock in the evening of January 14, 2003, the chief of the Narcotics Section of Police Station No. 7, Manila Police District, received a tip from a confidential informant that a certain "Val" was peddling *shabu* in Benita Street, Tondo, Manila.<sup>7</sup>

Pursuant to the report, a buy-bust team was formed composed of PO1 Gener De Guzman<sup>8</sup> (De Guzman) as poseur-buyer, and PO3 Ronald Gallo (Gallo), PO3 Roberto Abanilla (Abanilla) and PO2 Arnold Delos Reyes as back-up officers.<sup>9</sup> The buy-bust team prepared the marked money which consisted of a One Hundred peso (₱100.00) bill. Thereafter, the buy-bust team and the confidential informant proceeded to the target area.<sup>10</sup>

At around 11:50 of that same evening, De Guzman and the confidential informant were walking along Benita Street when they came across Basilisa. Basilisa recognized the confidential informant and approached him. The informant told Basilisa that De Guzman was interested in purchasing *shabu*.<sup>11</sup> After a short negotiation, De Guzman handed the ₱100.00 marked money and in exchange, Basilisa gave a plastic sachet containing a white crystalline substance.<sup>12</sup>

Upon receiving the plastic sachet, De Guzman removed his cap to signal the other operatives to swoop in. He grabbed Basilisa by the waist and introduced himself as a police officer.<sup>13</sup> He arrested Basilisa and informed him of his rights.<sup>14</sup>

Then, the buy-bust team brought Basilisa to the police station where he was turned over to the investigator PO1 Moises Ramos (Ramos) for further investigation. De Guzman marked the seized item in the presence of Basilisa, and handed it to Ramos. Thereafter, the seized item was sent to the crime laboratory for examination. The results yielded positive for methamphetamine hydrochloride. Basilisa was taken to the Manila City Prosecutor's Office for

<sup>5</sup> Id. at 20.

<sup>6</sup> Id.

<sup>7</sup> Id. at 75.

<sup>8</sup> PO3 in some parts of *rollo* and *CA rollo*.

<sup>9</sup> *CA rollo*, p. 21.

<sup>10</sup> Id. at 48.

<sup>11</sup> Id. at 77.

<sup>12</sup> Id.

<sup>13</sup> Id. at 21, 78.

<sup>14</sup> Id.

inquest proceedings.<sup>15</sup>

### Evidence for the Defense

Basilisa vehemently denied the charges leveled against him and interposed the defenses of denial and frame up.<sup>16</sup>

He related that at around 9 o'clock in the evening of January 14, 2003, he was fetching water from a well near his house when police officers De Guzman, Abanilla and Gallo passed by. They were conducting a surveillance in the area.<sup>17</sup>

To his surprise, the police officers frisked him and three other men who were standing nearby. The police officers did not recover anything from them, so the officers left. However, when the police officers returned, De Guzman approached him and told him that someone accused him of being a drug pusher. He was invited to the police station. He agreed, but pleaded for them not to plant any evidence on him.<sup>18</sup>

Upon arriving at the police station, De Guzman placed his hand inside his (Basilisa's) pocket and told him to empty its contents. He was surprised to find a ₱100.00 bill, which De Guzman insisted was his. He denied this, which angered De Guzman, who struck him on the nape and detained him. The next day, he was taken to the City Prosecutor's Office for inquest proceedings.<sup>19</sup>

Basilisa's testimony was corroborated by his neighbor Mary Ann Gonzales. She related that on the day of the alleged incident, she saw three police officers approach Basilisa while he was fetching water. Then, Basilisa was taken to the police station.<sup>20</sup>

### Ruling of the RTC

On October 29, 2008, the RTC rendered a Decision convicting Basilisa of violation of Section 5 of R.A. No. 9165. The RTC opined that the evidence of the prosecution overwhelmingly proved Basilisa's guilt beyond reasonable doubt.<sup>21</sup> Furthermore, the RTC held that the buy-bust operation which led to Basilisa's arrest was valid. It noted that the testimonies of the arresting

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<sup>15</sup> Id. at 78-79.

<sup>16</sup> Id. at 21.

<sup>17</sup> Id.

<sup>18</sup> Id. at 21-22.

<sup>19</sup> Id. at 22.

<sup>20</sup> Id.

<sup>21</sup> Id.

officers regarding the buy-bust operation deserve full faith and credit.<sup>22</sup>

The dispositive portion of the RTC ruling reads:

WHEREFORE, premises considered, the court finds the accused VALENTINO BASILISA Y FELIZARDO guilty beyond reasonable doubt of the offense of Violation of Sec. 5, Article II of R.A. No. 9165, and is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P 500,000.00).

The shabu subject of this case is hereby confiscated in favor of the State and ordered destroyed immediately pursuant to existing rules. No costs.<sup>23</sup>

Aggrieved, Basilisa filed a Notice of Appeal.<sup>24</sup>

### Ruling of the CA

In a Decision<sup>25</sup> dated March 26, 2012, the CA affirmed the conviction meted by the RTC. The CA held that the prosecution established all the elements of illegal sale of dangerous drugs.<sup>26</sup> The CA opined that De Guzman and Abadilla's testimony was sufficient to support Basilisa's conviction.<sup>27</sup>

Likewise, the CA rejected Basilisa's contention that the officers failed to comply with the chain of custody rule. It declared that the failure of the officers to strictly abide by Section 21 of R.A. No. 9165 is not fatal to the case, inasmuch the integrity and evidentiary value of the seized item were preserved.<sup>28</sup>

Moreover, the CA rebuffed Basilisa's accusation that the letter request was prepared prior to the actual buy-bust operation, as highly unlikely considering that said letter contained essential details which cannot be provided without full knowledge of what actually transpired during the buy-bust.<sup>29</sup>

Finally, the CA rejected Basilisa's defense of frame-up, discrediting it as an easily concocted common defense ploy.<sup>30</sup> It noted that Basilisa failed to

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<sup>22</sup> Id. at 23.

<sup>23</sup> Id.

<sup>24</sup> Id. at 24.

<sup>25</sup> *Rollo*, pp. 2-14.

<sup>26</sup> Id. at 9.

<sup>27</sup> Id. at 9-12.

<sup>28</sup> Id. at 11.

<sup>29</sup> Id. at 12.

<sup>30</sup> Id. at 12-13.

show any malice or ill-will on the part of the officers to overturn the presumption of regularity.<sup>31</sup>

The dispositive portion of the CA ruling reads:

WHEREFORE, premises considered, the appealed Decision is hereby AFFIRMED.

SO ORDERED.<sup>32</sup>

Undeterred, Basilisa filed a notice of appeal.<sup>33</sup>

### Issue

The main issue rests on whether or not the prosecution proved Basilisa's guilt beyond reasonable doubt for violation of Section 5 of R.A. No. 9165.

In support of his appeal, Basilisa attacks the prosecution's failure to establish an unbroken chain of custody of the seized item. He claims that the movement of the seized item was not accounted for. Particularly, De Guzman failed to adequately explain how the seized item changed hands from the time of its alleged confiscation up to its eventual presentation in court.<sup>34</sup> Furthermore, De Guzman failed to state the precise point at which the item was marked, and even admitted that he was not sure whether Basilisa actually saw the item being marked.<sup>35</sup>

Basilisa likewise contends that the arresting officers failed to comply with the procedural requirements under Section 21 of R.A. No. 9165. They did not conduct a physical inventory of the seized item nor photograph the same. They did not offer any explanation behind their failure to abide by the rule.<sup>36</sup>

Lastly, Basilisa questions the request for laboratory examination, which was dated one day prior to the buy-bust operation. According to Basilisa, this shows that the request was suspiciously prepared even before the purported buy-bust operation.<sup>37</sup>

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<sup>31</sup> Id. at 13.

<sup>32</sup> Id.

<sup>33</sup> Id. at 15-16.

<sup>34</sup> Id. at 52.

<sup>35</sup> Id. at 54.

<sup>36</sup> Id. at 56.

<sup>37</sup> Id. at 55-56.

On the other hand, the People, through the Office of the Solicitor General (OSG) counters that there was no break in the chain of custody of the seized item.<sup>38</sup> The incidents leading to the recovery of the prohibited drug were well-documented.<sup>39</sup> De Guzman affirmed that he marked the drug in the presence of Basilisa.<sup>40</sup>

The OSG further avers that the police officers faithfully complied with the requirements under R.A. No. 9165.<sup>41</sup> The failure to mark the seized item at the place of arrest, as well as the lack of an inventory and photographs, do not invalidate the arrest.<sup>42</sup>

Finally, the OSG dismisses the discrepancy in the letter request as a mere trivial error.<sup>43</sup> It explains that the mistake in the date could have been due to inadvertence considering that the buy-bust operation was conducted at 11:50 in the evening and ended in the early hours of January 15, 2003.<sup>44</sup>

### Ruling of the Court

#### *The appeal is impressed with merit.*

Essentially, in the crime of illegal sale of dangerous drugs, the prosecution must prove beyond reasonable doubt: (i) the identity of the buyer and the seller, the object of the sale and its consideration; and (ii) the delivery of the thing sold and the payment therefor.<sup>45</sup> Notably, the illegal drug constitutes the *corpus delicti* of the crime. Accordingly, the prosecution must prove the identity of the illegal drug with moral certainty – a duty that is as important as proving the elements of the crime itself.<sup>46</sup>

To achieve this end, the prosecution must show an unbroken chain of custody over the illegal drug. The chain of custody pertains to the duly recorded authorized movements and custody of the seized drug from its seizure, receipt in the forensic laboratory, safekeeping, until its eventual presentation in court.<sup>47</sup>

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<sup>38</sup> Id. at 91.

<sup>39</sup> Id. at 85.

<sup>40</sup> Id. at 82.

<sup>41</sup> Id. at 91.

<sup>42</sup> Id. at 82.

<sup>43</sup> Id. at 91-92.

<sup>44</sup> Id. at 94.

<sup>45</sup> *People v. Ismael*, 806 Phil. 21, 29 (2017), citing *People v. Alberto*, 625 Phil. 545, 554 (2010) citing *People v. Dumlao*, 584 Phil. 732, 739 (2009).

<sup>46</sup> *People v. Calates*, G.R. No. 214759, April 4, 2018, 860 SCRA 460, 469.

<sup>47</sup> *People v. Garcia*, G.R. No. 215344, June 10, 2019, citing *People v. Guzon*, 719 Phil. 441, 451 (2013).

In *People v. Maneclang*,<sup>48</sup> the Court enumerated the four essential links in the chain of custody, viz.:

x x x There are four links that must be established in the chain of custody, to wit: “1) the seizure and marking, if practicable, of the illegal drug confiscated from the accused by the apprehending officer; 2) the turnover of the seized drug by the apprehending officer to the investigating officer; 3) the turnover by the investigating officer of said item to the forensic chemist for examination; and, 4) the turnover and submission thereof from [the] forensic chemist to the court.”<sup>49</sup>

Furthermore, Section 21 of R.A. No. 9165, prior to its amendment under R.A. No. 10640,<sup>50</sup> lays down the procedure for the proper custody and disposition of the seized dangerous drugs and paraphernalia. Under the said provision, immediately after the seizure and confiscation of the dangerous drugs, the arresting officers must conduct a physical inventory of the seized items and photograph the same in the presence of the accused, or his representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official. In turn, the witnesses shall be required to sign the copies of the inventory and shall be furnished copies of the same. Thereafter, the seized drugs must be turned over to the Philippine National Police Crime Laboratory within 24 hours from confiscation for proper examination.<sup>51</sup>

It bears noting that in the instant case, the confiscation of the seized item occurred in 2003, prior to the amendment of R.A. No. 9165. Hence, the arresting officers were bound to strictly abide by the procedure laid therein.

**Unfortunately, the arresting officers utterly disregarded the procedural safeguards required by the law, thereby leaving gaps in the chain of custody and casting doubt on the integrity and identity of the seized item.**

***The arresting officers failed to promptly and properly mark the seized item***

It must be noted at the outset that marking constitutes the first and most crucial step in the chain of custody.<sup>52</sup> It initiates the process of protecting innocent persons from dubious and concocted searches, and ensures the

<sup>48</sup> G.R. No. 230337, June 17, 2019.

<sup>49</sup> *Id.*, citing *People v. Gajo*, G.R. No. 217026, January 22, 2018, 852 SCRA 274, 287.

<sup>50</sup> An Act to Further Strengthen the Anti-Drug Campaign of the Government Amending for the purpose of Section 21 of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

<sup>51</sup> *People v. Crispo*, G.R. No. 230065, March 14, 2018, 859 SCRA 356, 370.

<sup>52</sup> *People v. Ramirez*, G.R. No. 225690, January 17, 2018, 852 SCRA 85, 97.

integrity of the seized item as it enters into the chain of custody.<sup>53</sup> Consequently, marking must be done immediately upon confiscation, and in the presence of the accused or his/her representative.<sup>54</sup>

Regrettably in the case at bar, the arresting officers failed to mark the seized item immediately upon confiscation at the place of arrest. Rather, De Guzman related that he marked the seized item at the police station. He did not state at what precise point in time the marking took place, save for his vague assertion that the item was marked after arriving at the police station.<sup>55</sup> Neither did he offer any valid excuse to explain such mishap. Although the marking of the seized item at the police station does not *ipso facto* render the marking infirm, the arresting officers must at least offer justifiable reasons to explain their departure from the established rule,<sup>56</sup> which they failed to do.

In addition, although De Guzman mentioned that Basilisa was present during the marking, when pressed, he admitted that he was not sure whether the latter actually saw the marking. This uncertainty cannot be condoned. It bears noting that the law requires the marking of the seized item in the presence of the accused. This entails an assurance that the accused actually witnessed the marking of the seized item.

Undoubtedly, these breaks in the first link casts doubt on the integrity and identity of the item that entered the chain of custody.

***The arresting officers flagrantly  
disregarded the procedure laid down  
in Section 21 of R.A. No. 9165***

To make matters worse, the arresting officers failed to comply with the inventory, photography, and three-witness requirements under Section 21 of R.A. No. 9165. They did not offer any justifiable excuse for their failure to abide by the rule.

Significantly, the inventory and photography of the seized drugs are crucial procedures laid down in Section 21 of R.A. No. 9165. As held in *People v. Hilario Nepomuceno*,<sup>57</sup> the inventory and photographs provide a catalog of the drugs and the related material recovered from the suspect.<sup>58</sup>

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<sup>53</sup> Id.

<sup>54</sup> Id.

<sup>55</sup> CA rollo, p. 82.

<sup>56</sup> *People v. Sahibil*, G.R. No. 228953, January 28, 2019.

<sup>57</sup> G.R. No. 216062, September 19, 2018.

<sup>58</sup> Id.



Similarly, in *People v. Lumaya*,<sup>59</sup> the Court explained that the inventory and photographs safeguard the identity of the seized drug:

x x x The obvious purpose of the inventory and photography requirements under the law is precisely to ensure that the identity of the drugs seized from the accused are the drugs for which he would be charged. Any discrepancy should therefore be reasonably explained; otherwise, the regularity of the entire seizure procedure would be put into question.<sup>60</sup>

In the same vein, in *People v. Arposeple*,<sup>61</sup> the Court articulated that the inventory and photography likewise serve as “as a safety precaution against potential abuses by law enforcement agents who might fail to appreciate the gravity of the penalties faced by those suspected to be involved in the sale, use or possession of illegal drugs.”<sup>62</sup>

It cannot be gainsaid that the failure to prepare an inventory and take photographs of the seized item will cast doubt on the integrity and evidentiary value of said item. In fact, the Court had adopted a strict stance on the matter and reversed numerous convictions in case of blatant and unjustified failures to abide by the rule.

Particularly, in *People v. Pagaduan*,<sup>63</sup> the Court regarded the failure of the arresting officers to prepare an inventory and take photographs of the confiscated drugs as a ground for acquittal:

In several cases, we have emphasized the importance of compliance with the prescribed procedure in the custody and disposition of the seized drugs. We have repeatedly declared that the deviation from the standard procedure dismally compromises the integrity of the evidence. In *People v. Morales*, we acquitted the accused for failure of the buy-bust team to photograph and inventory the seized items, without giving any justifiable ground for the non-observance of the required procedures. *People v. Garcia* likewise resulted in an acquittal because no physical inventory was ever made, and no photograph of the seized items was taken under the circumstances required by R.A. No. 9165 and its implementing rules. In *Bondad, Jr. v. People*, we also acquitted the accused for the failure of the police to conduct an inventory and to photograph the seized items, without justifiable grounds.

We had the same rulings in *People v. Gutierrez*, *People v. Denoman*, *People v. Partoza*, *People v. Robles*, and *People v. Dela Cruz*, where we emphasized the importance of complying with the required mandatory procedures under Section 21 of R.A. No. 9165.<sup>64</sup> (Citations omitted)

<sup>59</sup> G.R. No. 231983, March 7, 2018, 858 SCRA 114.

<sup>60</sup> Id. at 129.

<sup>61</sup> *People v. Arposeple*, G.R. No. 205787, November 22, 2017, 846 SCRA 150.

<sup>62</sup> Id. at 183.

<sup>63</sup> 641 Phil. 432 (2010).

<sup>64</sup> Id. at 445-446.

In addition to the copious jurisprudence cited in *Pagaduan*, the same firm stance was again enforced in a long line of cases, including *Rommel Ramos v. People*,<sup>65</sup> *People v. Alagarme*,<sup>66</sup> *People v. Ismael*,<sup>67</sup> *People v. Omamos*,<sup>68</sup> and *People v. Calates*.<sup>69</sup> In these rulings, the Court regarded the lack of an inventory and photographs as additional grounds for acquittal. Specifically, in *Calates*,<sup>70</sup> the Court reminded arresting officers to comply with the safeguards prescribed by the law for taking the inventory and photographs. Moreover, in *Ismael*, the Court ruled that the failure to provide an inventory and photographs, and explain such lapses, resulted to a break in the chain which tainted the integrity of the seized drugs presented in court. As a result, the very identity of the seized drugs became highly questionable.<sup>71</sup>

Furthermore, the absence of an elected public official, media and DOJ representative, further corrupts the procedures adopted by the arresting officers. As elucidated in *People v. Macud*,<sup>72</sup> their presence insulates the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity. Their attendance is especially essential in a buy-bust operation which is prone to abuse.<sup>73</sup> Moreover, as stressed in *People v. Malabanan*,<sup>74</sup> said witnesses add a further layer of legitimacy to the conduct of the buy-bust operation.<sup>75</sup> Their presence likewise ensures with moral certainty that what was presented in court is the same item recovered from the suspected drug personalities.<sup>76</sup>

It becomes all too apparent that with all the transgressions committed by the arresting officers, there exists great doubt on the identity of the item that entered into the chain of custody. Consequently, “[i]f the identity and integrity of the seized drugs are questionable at its inception, then, the manner in which they are subsequently handled becomes irrelevant as lingering doubt would always follow the *corpus delicti*.”<sup>77</sup>

### ***Other Dubious Circumstances that Engender Doubt on Basilisa’s Guilt***

The request for laboratory examination dated January 14, 2003 cannot be dismissed as a mere trivial and innocuous error. The buy-bust was concluded on January 15, 2003, and thus, the arresting officers were only able

<sup>65</sup> G.R. No. 227336, February 26, 2018, 856 SCRA 459.

<sup>66</sup> 754 Phil. 449 (2015).

<sup>67</sup> *Supra* note 45.

<sup>68</sup> *People v. Omamos*, G.R. No. 223036, July 10, 2019.

<sup>69</sup> *Supra* note 46.

<sup>70</sup> *Id.* at 473.

<sup>71</sup> *People v. Ismael*, *supra* note 45 at 37.

<sup>72</sup> *People v. Macud*, G.R. No. 219175, December 14, 2017, 849 SCRA 294.

<sup>73</sup> *Id.* at 323.

<sup>74</sup> *People v. Malabanan*, G.R. No. 241950, April 10, 2019.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

to take hold of the seized item, and obtain pertinent data relative to the request on the said date. The fact that the request was dated one day prior to the buy-bust foments doubt on the legitimacy of the police operations.

The prosecution dismissed such error as inconsequential, yet they failed to present any proof to support their claim. The officer who prepared the request was not presented in court. Certainly, said officer could have explained the reason behind such purported blunder.

These lingering doubts cannot be simply brushed aside at the expense of Basilisa's deprivation of liberty. Part of the prosecution's task was to prove Basilisa's guilt beyond reasonable doubt. This includes the obligation to satisfactorily explain any circumstances that engender doubt on Basilisa's guilt.

Furthermore, added to the lapses committed by the arresting officers, the miniscule amount of the allegedly seized drug further casts doubt on Basilisa's guilt. *People v. Holgado*<sup>78</sup> and *Veriño v. People*<sup>79</sup> warn that the miniscule amount of drugs magnifies the probability of tampering or substitution of the evidence.

### ***The Officers May Not Harp on the Presumption of Regularity***

The presumption of regularity enjoyed by the arresting officers shall not prevail over the constitutional right of the accused to be presumed innocent.<sup>80</sup> In fact, the Court rejected blanket claims of presumption of regularity in *People v. Dela Cruz*,<sup>81</sup> and *People v. Garcia*,<sup>82</sup> holding that the presumption does not apply in case of a flagrant disregard of the rules.<sup>83</sup>

In fine, the arresting officers blatantly ignored all the legal safeguards for the proper seizure and custody of dangerous drugs. Their transgressions ranged from failing to promptly and properly mark the seized item; neglecting to prepare an inventory and take photographs of the seized item; and failing to invite an elected public official, member of the media and officer of the DOJ. This kind of inadvertence and heedlessness caused a break in the first link of the chain of custody, thereby creating serious doubt on the identity and integrity of the purported drug. Without adequate proof of the *corpus delicti*, the conviction cannot stand. Accordingly, an acquittal must ensue.

<sup>78</sup> 741 Phil. 78 (2014).

<sup>79</sup> *Veriño v. People*, G.R. No. 225710, June 19, 2019.

<sup>80</sup> *People v. Hementiza*, 807 Phil. 1017, 1033 (2017).

<sup>81</sup> G.R. No. 234151, December 5, 2018.

<sup>82</sup> G.R. No. 215344, June 10, 2019.

<sup>83</sup> Id.

**WHEREFORE**, the appeal is **GRANTED**. The assailed March 26, 2012 Decision of the Court of Appeals in CA G.R. CR HC No. 03703 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Valentino Basilisa y Felisardo is hereby **ACQUITTED** due to the failure of the prosecution to prove his guilt beyond reasonable doubt.

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 to this Court, within five (5) days from receipt of this Resolution, the action he has taken. Copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

**SO ORDERED.”**

By authority of the Court:

*Misael D C Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court* *8/15/2020*

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

COURT OF APPEALS  
CA G.R. CR HC No. 03703  
1000 Manila

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PUBLIC ATTORNEY'S OFFICE  
DOJ Agencies Building  
East Avenue cor. NIA Road  
1104 Diliman, Quezon City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 23, 1000 Manila  
(Crim. Case No. 03-209800)

Mr. Valentino Basilisa  
Accused-Appellant  
c/o The Director General  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

The Director General  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa 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  
National Government Center  
Brgy. Pinyahan, Quezon City

DANGEROUS DRUGS BOARD  
3<sup>rd</sup> Floor DDB-PDEA Bldg.,  
BIA Northside Road  
National Government Center  
Brgy. Pinyahan, Quezon City

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G.R. No. 205150 *jsf*

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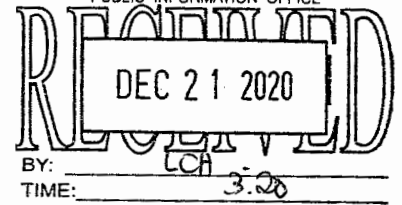
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Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 205150

-versus-

VALENTINO BASILISA Y  
FELISARDO,  
Accused-Appellant.

x-----/

ORDER OF RELEASE

**TO: The Director**  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

**Thru: The Superintendent**  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

**GREETINGS:**

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

WHEREFORE, the appeal is **GRANTED**. The assailed March 26, 2012 Decision of the Court of Appeals in CA G.R. CR HC No. 03703 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Valentino Basilisa y Felisardo is hereby **M**

**ACQUITTED** due to the failure of the prosecution to prove his guilt beyond reasonable doubt.

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 to this Court, within five (5) days from receipt of this Resolution, the action he has taken. Copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

**SO ORDERED.”**

**NOW, THEREFORE**, you are hereby ordered to immediately release **Valentino Basilisa y Felisardo**, unless there are other lawful causes for which he 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 **15<sup>th</sup>** day of **July 2020**.

Very truly yours,

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court *12/14/2020*

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

COURT OF APPEALS  
CA G.R. CR HC No. 03703  
1000 Manila

Special & Appealed Cases Service  
PUBLIC ATTORNEY'S OFFICE  
DOJ Agencies Building  
East Avenue cor. NIA Road  
1104 Diliman, Quezon City



The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 23, 1000 Manila  
(Crim. Case No. 03-209800)

Mr. Valentino Basilisa  
Accused-Appellant  
c/o The Director General  
BUREAU OF CORRECTIONS  
1770 Muntinlupa 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  
National Government Center  
Brgy. Pinyahan, Quezon City

DANGEROUS DRUGS BOARD  
3<sup>rd</sup> Floor DDB-PDEA Bldg.,  
NIA Northside Road  
National Government Center  
Brgy. Pinyahan, Quezon City

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G.R. No. 205150/*Jay CA*

