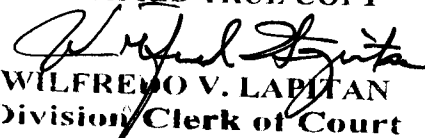




Republic of the Philippines
Supreme Court
 Manila

CERTIFIED TRUE COPY

 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

MAY 07 2019

THIRD DIVISION

**MARK ANTHONY REYES y
 MAQUINA,***

G.R. No. 226053

Petitioner,

Present:

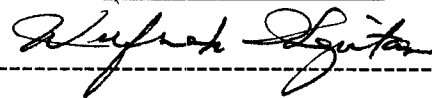
- versus -

PERALTA, J.,
Chairperson,
 LEONEN,
 A. REYES, JR.,
 HERNANDO, and
 CARANDANG,** JJ.

PEOPLE OF THE PHILIPPINES,
 Respondent.

Promulgated:

March 13, 2019



X-----X

DECISION

REYES, A., JR., J.:

This petition for review on *certiorari*¹ under Rule 45 of the Rules of Court seeks to reverse and set aside the Decision² dated October 22, 2015 of the Court of Appeals (CA) in CA-G.R. CR No. 01113-MIN, and the Resolution³ dated July 14, 2016, finding petitioner Mark Anthony Reyes y Maquina (Reyes) guilty beyond reasonable doubt of Illegal Sale and Illegal Possession of Dangerous Drugs defined and penalized under Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

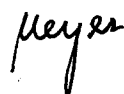
* Also referred to as “Naquila” and “Nequila” in some parts of the *rollo*.

** Designated as additional Member per Special Order No. 2624 dated November 28, 2018.

¹ *Rollo*, pp. 5-19.

² Penned by Associate Justice Edgardo A. Camello, with Associate Justices Henri Jean Paul B. Inting and Rafael Antonio M. Santos, concurring; *id.* at 21-39.

³ *Id.* at 41-42.



The Facts

The instant case stemmed from an Information⁴ dated December 9, 2008, accusing Reyes of violation of Section 5, Article II of R.A. No. 9165 or Illegal Sale of methamphetamine hydrochloride, a dangerous drug also known as *shabu*. The accusatory portion of the information reads:

That on November 21, 2008[,] at more or less 1:00 o'clock dawn, near Pocquinto Building, Kauswagan National Highway, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law to sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drugs, did then and there willfully, unlawfully, criminally and knowingly sell and/or offer for sale, and give away to a confidential informant acting as poseur buyer One (1) heat-sealed transparent plastic sachet containing Methamphetamine hydrochloride, locally known as Shabu, a dangerous drug, [with a total weight of 0.45 gram, accused knowing the same to be a dangerous drug.] in consideration of Php10,000.00.

Contrary to Section 5, Paragraph 1, Article II of Republic Act No. 9165.⁵

Version of the Prosecution

The facts, as narrated by prosecution witnesses SI2 (formerly IO2) Alex Tablate (SI2 Tablate) and Police Officer 3 Benjamin Jay Reycitez (PO3 Reycitez), are as follows:

On November 20, 2008, at about 5:00 p.m., the Philippine Drug Enforcement Agency's (PDEA) confidential informant reported that a certain Jojo Reyes, later identified as Reyes, was engaged in the sale of illegal drugs. Upon checking and confirming that Reyes was listed in the agency's watchlist, they immediately informed their Regional Director who instructed them to form an entrapment team composed of: a) SI2 Tablate as team leader; b) PO3 Reycitez as poseur-buyer; c) IO1 Jerard Pica (IO1 Pica); d) IO1 Rebosura; and e) IO1 Dela Cerna.⁶

The plan was for Reyes and the informant to meet in front of Pocquinto Building, Kauswagan, National Highway between 12 midnight and 1:00 a.m.⁷

⁴ Id. at 22.

⁵ Id.

⁶ Id. at 23.

⁷ Id.

Reyes

IO1 Pica, IO1 Rebosura and IO1 Dela Cerna went to the agreed meeting place. The confidential informant and PO3 Reycitez alighted from the vehicle and positioned themselves five to seven meters away from the Revo. The whole team waited for almost an hour before Reyes arrived in his motor vehicle. Reyes parked at the side of the road where PO3 Reycitez and the confidential informant were standing. The confidential informant and Reyes talked a while, as PO3 Reycitez stood next to the confidential informant, listening in on the conversation. Reyes then handed the sachet of *shabu* to the confidential informant. At that, PO3 Reycitez made the pre-arranged signal. The rest of the team who were hidden inside the vehicle went out and rushed towards Reyes. Reyes attempted to flee, but was prevailed upon.⁸

SI2 Tablate read to him his constitutional (Miranda) rights. PO3 Reycitez, on the other hand, turned over the sachet of *shabu* to SI2 Tablate who put the markings "MARM" thereon. Photographs of Reyes and the sachet of *shabu* were likewise taken by the entrapment team.⁹

SI2 Tablate explained that no buy-bust money was recovered because there was actually no money involved in the transaction, although they had earlier prepared a boodle money for the buy-bust.¹⁰

Reyes was taken to the hospital after he suffered a bullet wound on his leg when he tried to escape and the police officer had to employ force to accost him. When his condition became stable, he was brought to the PDEA office for booking and for documentation. Letter-requests for laboratory examination of the sachet of suspected *shabu* and for drug test examination on Reyes were prepared. The seized sachet brought to the Philippine National Police (PNP) Crime Laboratory was found positive for the presence of methamphetamine hydrochloride, otherwise known as *shabu*. The drug test conducted on Reyes, likewise, resulted positive for Methamphetamine Hydrochloride (*shabu*).¹¹

Version of the Defense

Reyes vehemently denied the accusations against him. He denied that there was a buy-bust operation executed by the PDEA on November 21, 2008, but he admitted his presence in Pocquinto Building, Kauswagan National Highway.¹²

⁸ Id. at 23-24.

⁹ Id. at 24.

¹⁰ Id.

¹¹ Id. at 24-25.

¹² Id. at 25.



Reyes explained that on the evening of November 20, 2008, he was waiting for his friend, Tomas Celdran, who invited him to a meeting in Pyramid, Kauswagan at around 11:30 p.m. When he parked his motor vehicle, a Toyota Revo vehicle heading towards his direction suddenly halted and several men alighted therefrom pointing their guns at him. He was told not to move. Thinking that the men were bandits, he ran southward and that was when he was shot on the right foot. He fell on the ground, and the men caught up with him and handcuffed him. The armed men introduced themselves as PDEA agents and arrested him. A woman suddenly appeared from nowhere with a camera, and placed a plastic sachet containing crystalline substance on the seat of his motorcycle. She forced him to point to that sachet and the PDEA agent took photos of him.¹³

Two other witnesses for the defense, Kevin Pabilona (Pabilona) and Jorge Michael Calugay (Calugay), testified that at around 10:00 p.m., they were having a drinking session at a boarding house located at Pocquinto Building in Kauswagan. At around 1:00 a.m. of November 21, 2008, as Pabilona was about to go home, Calugay accompanied him in hailing a taxi cab. Both saw a speeding Toyota Revo and an Isuzu Crosswind. They claimed that both vehicles stopped beside the man on the motor vehicle and men started to alight from them, pointing guns at the man, later identified as Reyes. The two witnesses panicked and ran back to the boarding house, where they played computer games. Then they heard gunshots. When they noticed neighbors coming out of their respective houses, they themselves went out to check the commotion. It was then when they came to know that the armed men were PDEA agents and that the man shot was Reyes.¹⁴

On June 14, 2013, the Regional Trial Court (RTC) of Cagayan de Oro City, Branch 25, convicted Reyes for Illegal Possession of dangerous drugs, defined and penalized under Section 11, Article II of R.A. No. 9165. According to the RTC, the prosecution was able to establish the guilt of Reyes beyond reasonable doubt, but not for the crime charged (Illegal Sale); rather, for the lesser offense of Illegal Possession, an offense which is necessarily included in the offense charged. The dispositive portion of the RTC Decision¹⁵ reads:

WHEREFORE, premises considered, this Court finds the accused MARK ANTHONY REYES y MAQUINA GUILTY BEYOND REASONABLE DOUBT of the crime defined and penalized under Section 11 of R.A. 9165 and hereby sentences him to suffer the penalty of imprisonment ranging from Twelve (12) years and one (1) day to Fourteen (14) years, and to pay a Fine in the amount of P300,000.00 without subsidiary imprisonment in case of non-payment of Fine.¹⁶

¹³ Id.

¹⁴ Id. at 26.

¹⁵ Rendered by Presiding Judge Arthur L. Abundiente; id. at 43-50.

¹⁶ Id. at 49.

Reyes

On appeal, the CA modified the decision of the lower court and adjudged Reyes guilty of Illegal Sale of dangerous drugs, defined and penalized under Section 5, Article II of R.A. No. 9165. The dispositive portion of the CA Decision¹⁷ dated October 22, 2015 reads:

FOR THESE REASONS, the assailed Judgment is AFFIRMED with MODIFICATION. We find Mark Anthony Reyes y Maquina GUILTY beyond reasonable doubt of violating Section 5, Article II of [R.A.] No. 9165. He is sentenced to suffer the penalty of life imprisonment and a fine of P500,000.00.

SO ORDERED.¹⁸

Reyes moved for reconsideration which was, however, denied by the CA in a Resolution¹⁹ dated July 14, 2016; hence, the instant petition.

The pivotal issue for this Court's resolution is whether or not Reyes' conviction for Illegal Sale of dangerous drugs, defined and penalized under Section 5, Article II of R.A. No. 9165, should be upheld.

Ruling of the Court

The petition is impressed with merit.

In cases involving dangerous drugs, the prosecution must prove with moral certainty the identity of the prohibited drug considering that the dangerous drug itself forms part of the *corpus delicti* of the crime. The prosecution has to show an unbroken chain of custody over the dangerous drugs so as to obviate any unnecessary doubts on the identity of the dangerous drugs on account of switching, "planting," or contamination of evidence. Accordingly, the prosecution must be able to account for each link in the chain of custody from the moment that the illegal drugs are seized up to their presentation in court as evidence of the crime.²⁰

Records bear that initially, the issue raised by the parties, and discussed by the RTC and the CA, circled on whether or not Reyes could be held liable for Illegal Sale (and not merely illegal possession) of dangerous drugs notwithstanding the absence of marked money signifying consummation of the sale transaction.

¹⁷ Id. at 21-39.

¹⁸ Id. at 38.

¹⁹ Id. at 41-42.

²⁰ *People of the Philippines v. Ronaldo Paz y Dionisio*, G.R. No. 229512, January 31, 2018, citing *People v. Viterbo, et al.*, 739 Phil. 593, 601 (2014); *People v. Alivio, et al.*, 664 Phil. 565, 580 (2011); and *People v. Denoman*, 612 Phil. 1165, 1175 (2009).

Reyes

The RTC ratiocinated that since the last element or requisite for a valid buy-bust operation, *i.e.*, *consideration/payment of marked money*, is lacking, Reyes could not be held liable for illegal sale but only for illegal possession, an offense that is necessarily included in the former. The CA, on the other hand, ruled that the act of delivering dangerous drugs (*shabu*) undoubtedly falls within the ambit of Section 5, Article II of R.A. No. 9165. The pertinent portions of the CA decision read:

As earlier noted, Reyes delivered a sachet of shabu to the confidential informant and PO3 Reycitez, the poseur buyer. And so, at the time of his arrest, Reyes had just committed a crime, particularly that which falls under Section 5 of RA 9165 – or the delivery of shabu to another person. Section 5 reads:

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.

x x x

Notably, Reyes was not indicted solely for illegal sale of shabu. He was prosecuted, too, because he allegedly violated Section 5 of RA 9165. x x x.

x x x x

This being the case, the two requisites for a valid *in flagrante delicto* arrest were attendant when Reyes was arrested. He executed an overt act of delivering a sachet of shabu worth Php10,000.00 to the confidential informant. This overt act was done in the presence of PO3 Reycitez who acted as poseur buyer and was standing next to the confidential informant when Reyes committed the offense.²¹ (Emphases Ours)

Although the Court agrees with the CA that Reyes may be held liable under Section 5, Article II of R.A. No. 9165 for the delivery of *shabu* even without consideration, We cannot turn a blind eye to the glaring procedural lapses in the evidence proffered by the prosecution.

The Rule on Chain of Custody was not observed

²¹ Rollo, pp. 30-31.

Reyes

In the case of *People v. Alivio, et al.*,²² it was explained that the chain of custody rule requires the identification of the persons who handled the confiscated items for the purpose of duly monitoring the authorized movements of the illegal drugs and/or drug paraphernalia from the time they were seized from the accused until the time they are presented in court. Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002, defined the chain of custody rule in the following manner:

b. “Chain of Custody” means the **duly recorded authorized movements** and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, **from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction.** Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody [was] made in the course of safekeeping and use in court as evidence, and the final disposition[.]

Section 21, Article II of R.A. No. 9165 laid down the procedure that must be observed and followed by police officers in the seizure and custody of dangerous drugs. Paragraph (1) not only provides the manner by which the seized drugs must be handled, but likewise enumerates the persons who are required to be present during the inventory and taking of photographs, viz.:

SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (1) The apprehending team having initial custody and control of the 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. (Emphasis and underscoring Ours)

According to the prosecution, PO3 Reycitez turned over the sachet of *shabu* to SI2 Tablate who marked the seized *shabu* with “MARM.” Photographs of Reyes and the sachet of suspected *shabu* were then taken by the team. Thereafter, Reyes was brought to the hospital (where he received medical treatment for the bullet wound he sustained) and then transferred to

²² 664 Phil. 565 (2011).



the PDEA office for booking and documentation. At the PDEA office, letter-requests for laboratory examination of the sachet of suspected *shabu* and for drug test examination on Reyes were prepared. The seized sachet of suspected *shabu* was then brought to the PNP Crime Laboratory for examination, which yielded the following results:

SPECIMEN SUBMITTED:

A One (1) heat-sealed transparent plastic with markings
“MARM[”] containing 0.45 gram of white crystalline substance x x x

x x x x

FINDINGS:

Qualitative examination conducted on the above-stated specimen gave POSITIVE result to the tests for the presence of [Methamphetamine] Hydrochloride (*shabu*), a dangerous drug x x x

CONCLUSION:

Specimen A contains [Methamphetamine Hydrochloride] (*shabu*), a dangerous drug x x x

The drug test on Reyes also ended positive for Methamphetamine Hydrochloride (*shabu*).²³ (Citations omitted)

To the Court’s mind, the testimony of PO3 Reycitez and SI2 Tablate failed to demonstrate the stability in the links that the prosecution should have established, namely: (a) the seizure and marking of the illegal drug recovered from the accused by the apprehending officer; (b) the turnover of the illegal drug seized by the apprehending officer to the investigating officer; (c) the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and (d) the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.²⁴

First, it is unclear as to who between PO3 Reycitez and SI2 Tablate initially had possession of the seized drug when the same was confiscated. They also failed to explain why the seized drug was not immediately marked by PO3 Reycitez when he was the designated poseur-buyer who was with the confidential informant when the transaction took place. The records show that it was SI2 Tablate who placed the markings thereon. Since the marking appears to have been belatedly done, it is also unclear whether or not the marking was done in the presence of Reyes, immediately after he was arrested.

²³ *Rollo*, pp. 24-25.

²⁴ *People v. Kamad*, 624 Phil. 289, 304 (2010).

Reyes

Second, apart from a general averment that photographs of Reyes and the seized drug were taken, there was no express mention that the same were done in the presence of the witnesses, as mandated by Section 21, Article II of R.A. No. 9165.

Section 21, Article II of R.A. No. 9165 clearly states that physical inventory and the taking of photographs must be made in the presence of the accused or his/her representative or counsel and the following indispensable witnesses: **(1) a representative from the media; (2) a representative from the Department of Justice (DOJ); and (3) any elected public official.**

The Court, in *People v. Mendoza*,²⁵ explained that the presence of these witnesses would preserve an unbroken chain of custody and prevent the possibility of tampering with or “planting” of evidence, *viz.*:

Without the insulating presence of the representative from the media or the [DOJ], or any elected public official during the seizure and marking of the [seized drugs], the evils of switching, “planting” or contamination of the evidence that had tainted the buy-busts conducted under the regime of [R.A.] No. 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the [said drugs] that were evidence herein of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused.²⁶

Minor procedural lapses or deviations from the prescribed chain of custody are excused so long as it can be shown by the prosecution that the arresting officers out in their best effort to comply with the same and the justifiable ground for non-compliance is proven as a fact.

Highlighting the mandatory nature of this requirement is the recent case of *People of the Philippines v. Romy Lim y Miranda*.²⁷ The Court, speaking through Associate Justice Diosdado M. Peralta, reiterated that testimonies of the prosecution witnesses must establish in detail that earnest effort to coordinate with and secure the presence of the required witnesses were made. The Court, likewise, pointed out that given the increasing number of poorly built up drug-related cases in its docket, Section 1 (A.1.10) of the Chain of Custody Implementing Rules and Regulations should be enforced as a mandatory policy. The pertinent portions of the decision read:

To conclude, judicial notice is taken of the fact that arrests and seizures related to illegal drugs are typically made without a warrant; hence, subject to inquest proceedings. Relative thereto, [Section] 1 (A.1.10) of the Chain of Custody Implementing Rules and Regulations directs:

²⁵ 736 Phil. 749 (2014).

²⁶ *Id.* at 764.

²⁷ G.R. No. 231989, September 4, 2018.

Reyes

A.1.10. Any justification or explanation in cases of noncompliance with the requirements of Section 21 (1) of R.A. No. 9165, as amended, shall be clearly stated in the sworn statements/affidavits of the apprehending/seizing officers, as well as the steps taken to preserve the integrity and evidentiary value of the seized/confiscated items. Certification or record of coordination for operating units other than the PDEA pursuant to Section 86 (a) and (b), Article IX of the IRR of R.A. No. 9165 shall be presented.

While the above-quoted provision has been the rule, it appears that it has not been practiced in most cases elevated before Us. Thus, in order to weed out early on from the courts' already congested docket any orchestrated or poorly built-up drug-related cases, the following should henceforth be enforced as a mandatory policy:

1. In the sworn statements/affidavits, the apprehending/seizing officers must state their compliance with the requirements of Section 21 (1) of R.A. No. 9165, as amended, and its IRR.
2. In case of non-observance of the provision, the apprehending/seizing officers must state the justification or explanation therefor as well as the steps they have taken in order to preserve the integrity and evidentiary value of the seized/confiscated items.
3. If there is no justification or explanation expressly declared in the sworn statements or affidavits, the investigating fiscal must not immediately file the case before the court. Instead, he or she must refer the case for further preliminary investigation in order to determine the (non) existence of probable cause.
4. If the investigating fiscal filed the case despite such absence, the court may exercise its discretion to either refuse to issue a commitment order (or warrant of arrest) or dismiss the case outright for lack of probable cause in accordance with Section 5, Rule 112, Rules of Court.²⁸ (Citations omitted)

Simply put, the prosecution cannot simply invoke the saving clause found in Section 21, Article II of R.A. No. 9165 – that the integrity and evidentiary value of the seized items have been preserved – without justifying its failure to comply with the requirements stated therein. Even the presumption as to regularity in the performance by police officers of their official duties cannot prevail when there has been a clear and deliberate disregard of procedural safeguards by the police officers themselves. The Court's ruling in *People v. Umipang*²⁹ is instructive on the matter:

Minor deviations from the procedures under R.A. 9165 would not automatically exonerate an accused from the crimes of which he or she was convicted. This is especially true when the lapses in procedure were

²⁸

Id.

²⁹

686 Phil. 1024 (2012).



“recognized and explained in terms of justifiable grounds.” There must also be a showing “that the police officers intended to comply with the procedure but were thwarted by some justifiable consideration/reason.” However, when there is gross disregard of the procedural safeguards prescribed in the substantive law (R.A. 9165), serious uncertainty is generated about the identity of the seized items that the prosecution presented in evidence. This uncertainty cannot be remedied by simply invoking the presumption of regularity in the performance of official duties, for a gross, systematic, or deliberate disregard of the procedural safeguards effectively produces an irregularity in the performance of official duties. As a result, the prosecution is deemed to have failed to fully establish the elements of the crimes charged, creating reasonable doubt on the criminal liability of the accused.

For the arresting officers’ failure to adduce justifiable grounds, we are led to conclude from the totality of the procedural lapses committed in this case that the arresting officers deliberately disregarded the legal safeguards under R.A. 9165. These lapses effectively produced serious doubts on the integrity and identity of the *corpus delicti*, especially in the face of allegations of frame-up. Thus, for the foregoing reasons, we must resolve the doubt in favor of accused-appellant, “as every fact necessary to constitute the crime must be established by proof beyond reasonable doubt.”

As a final note, we reiterate our past rulings calling upon the authorities “to exert greater efforts in combating the drug menace using the safeguards that our lawmakers have deemed necessary for the greater benefit of our society.” The need to employ a more stringent approach to scrutinizing the evidence of the prosecution - especially when the pieces of evidence were derived from a buy-bust operation – “redounds to the benefit of the criminal justice system by protecting civil liberties and at the same time instilling rigorous discipline on prosecutors.”³⁰ (Citations omitted)

The failure of the police officers to justify their non-compliance with the requirements set forth in Section 21, Article II of R.A. No. 9165 constitutes a substantial gap or break in the chain of custody which, as a result, casts serious doubts on the integrity and evidentiary value of the *corpus delicti*.

Judicial reliance on the presumption of regularity in the performance of official duty, despite the lapses in the procedures undertaken by the agents of the law, is fundamentally flawed because the lapses themselves are affirmative proofs of irregularity.³¹ These circumstances, taken collectively, seriously bring into question the existence of the seized prohibited drug and cast grave doubts as to the guilt of the accused-appellant; thus, the presumption of regularity in the performance of official functions cannot, by its lonesome, overcome the constitutional presumption of innocence. Evidence of guilt beyond reasonable doubt and nothing else is met not by

³⁰ Id. at 1053-1054.

³¹ *People v. Mendoza*, supra note 25, at 770.

Reyes

bestowing distrust on the innocence but by obliterating all doubts as to his culpability.³²

The Court has, in many occasions, reversed decisions of the lower courts and set an accused free when his case has been marred with large gaps and holes, primarily, in the manner by which the handling of the confiscated drugs had transpired. Any indicia of doubt in the evidence of the prosecution that puts into question the fundamental principles of credibility and integrity of the *corpus delicti* makes an acquittal a matter of course.

WHEREFORE, premises considered, the petition for review is **GRANTED**. The Decision dated October 22, 2015 of the Court of Appeals in CA-G.R. CR No. 01113-MIN and its Resolution dated July 14, 2016, which modified the judgment of the Regional Trial Court of Cagayan de Oro City, Branch 25, in Criminal Case No. 2008-776, are **REVERSED** and **SET ASIDE**. Accordingly, petitioner Mark Anthony Reyes y Maquina is **ACQUITTED** on reasonable doubt, and is **ORDERED IMMEDIATELY RELEASED** from detention, unless he is being lawfully held for another cause. Let entry of final judgment be issued immediately.


Let a copy of this Decision be furnished the Director of the Bureau of Corrections, New Bilibid Prison, Muntinlupa City, for immediate implementation. The said Director is **ORDERED** to **REPORT** to this Court, within five (5) days from receipt of this Decision, the action he has undertaken.

Let copies of this Decision be furnished the Department of Justice and the Philippine National Police for their information and guidance.

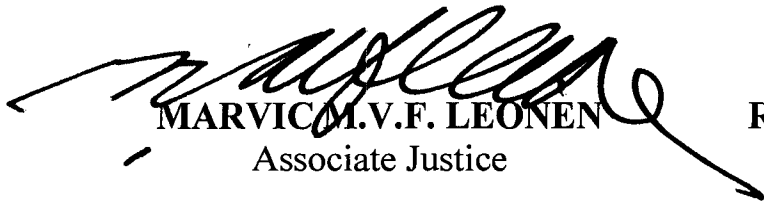
SO ORDERED.


ANDRES B. REYES, JR.
Associate Justice


WE CONCUR:


DIOSDADO M. PERALTA
Associate Justice
Chairperson

³² *Mallillin v. People*, 576 Phil. 576, 579 (2008).



MARVIC M.V.F. LEONEN
Associate Justice




RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice

ATTESTATION

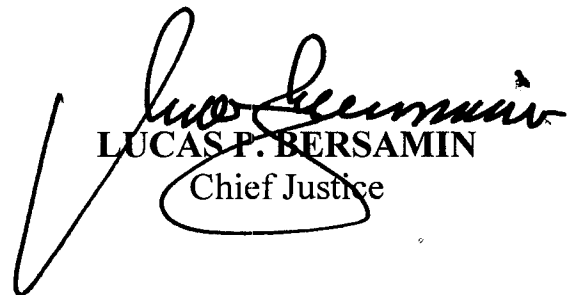
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



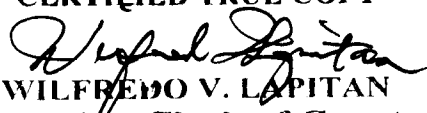
DIOSDADO M. PERALTA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



LUCAS P. BERSAMIN
Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division
 MAY 07 2019