



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **June 22, 2020**, which reads as follows:

“**G.R. No. 244292 (People of the Philippines v. Clydee Flores y Beech)**. – Before Us is an ordinary appeal¹ filed by accused-appellant Clydee Flores y Beech (Flores) assailing the Decision² dated September 27, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08400. The CA affirmed the Judgment³ dated March 17, 2016 of the Regional Trial Court (RTC) of Pasig City, Branch 164, the dispositive portion of which reads:

WHEREFORE, judgment is rendered as follows:

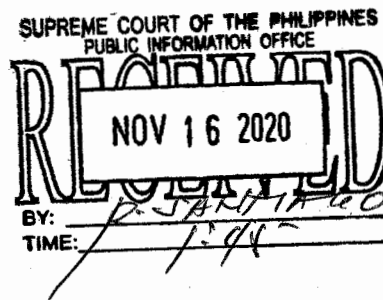
1. In Criminal Case No. 19880-D, the Court finds accused Clydee Beech Flores **GUILTY** beyond reasonable doubt of violation of Section 5, Article II of RA No. 9165, and hereby imposes upon him the **penalty of life imprisonment and a fine of five hundred thousand pesos (P500,000.00)**.
2. In Criminal Case No. 19881-D, the Court also finds accused Clydee Beech Flores **GUILTY** beyond reasonable doubt of violation of Section 11, Article II of RA No. 9165, and hereby imposes upon him an indeterminate penalty of imprisonment from **twelve (12) years and one (1) day, as the minimum term, to fifteen (15) years, as the maximum term, and to pay a fine of three hundred thousand pesos (P300,000.00)**.

The four (4) transparent plastic sachets of *shabu* (Exhibits “S”, “T”, “U” and “V”) subject matter of these cases are hereby ordered confiscated in favour of the government and turned over to the PDEA for destruction in accordance with law.

¹ Rollo, pp. 22-23.

² Penned by Associate Justice Nina G. Antonio-Valenzuela, with Associate Justices Marlene B. Gonzales-Sison and Germano Francisco D. Legaspi, concurring; id. at 3-21.

³ Penned by Presiding Judge Jennifer Albano Pilar; CA rollo, pp. 50-60.



SO ORDERED.⁴ (Emphasis and underscoring in the original)

In two separate Informations⁵ both dated January 4, 2015, Flores was charged with violation of Sections 5 and 11, Article II of Republic Act No. (R.A.) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. The Informations respectively state:

For violation of Section 5

On or about January 2, 2015, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, not being lawfully authorized by law, did then and there wilfully, unlawfully and feloniously sell, deliver and give away to PO3 Allan Caponga, a police poseur-buyer, one (1) heat-sealed transparent plastic sachet containing 0.10 gram of white crystalline substance which was found positive to the tests for methamphetamine hydrochloride, a dangerous drug, in violation of the said law.⁶

Contrary to law.

For violation of Section 11

On or about January 2, 2015, in Pasig City, and, and within the jurisdiction of this Honorable Court, the accused, not being lawfully authorized by law, did then and there wilfully, unlawfully and feloniously have in his possession, custody and control three (3) heat sealed plastic sachets containing 0.08 gram, 0.09 gram and 0.06 gram, respectively, of white crystalline substance, which were found positive to the tests for methamphetamine hydrochloride, a dangerous drug, in violation of the said law.

Contrary to law.⁷

PO3 Caponga testified for the prosecution.⁸ Based on the evidence of the prosecution, at around 3:00 p.m. on January 2, 2015, a confidential informant of the Anti-Drug Council of Pasig reported to Police Chief Inspector Renato B. Castillo (PCI Castillo) the rampant selling of illegal drugs at Kagitingan Street, Barangay Caniogan, Pasig City⁹ by a certain individual referred to as *alias* Clydee.¹⁰ PCI Castillo ordered PO1 Randy S. Sanoy (PO1 Sanoy) to prepare the Coordination Sheet and Pre-Operation Report. PO1 Sanoy prepared said documents and submitted them to the

⁴ Id. at 59-60.

⁵ Records, pp. 1-4.

⁶ Id. at 1-2.

⁷ Id. at 3-4.

⁸ *Rollo*, p. 5.

⁹ Id.

¹⁰ CA *rollo*, p. 52.

District Anti-Illegal Drugs Special Operation Task Group of the Philippine National Police (PNP) Eastern Police District (EPD) and the Philippine Drug Enforcement Agency (PDEA). The PDEA authorized them to conduct a buy-bust operation and issued Pasig City Police Station Control No. 0115-00019.¹¹

At 7:00 p.m., PCI Castillo formed a buy-bust team and designated PO3 Allan B. Caponga (PO3 Caponga) as the *poseur*-buyer. He gave him one ₱200.00 bill with Serial No. MK171978 to use in the transaction. PO3 Caponga marked the bill's left lower corner with his initial "ABC." PO1 Sanoy was designated as PO3 Caponga's immediate back-up.¹²

The buy-bust team and the confidential informant arrived at Kagitingan Street at around 7:20 p.m. PO3 Caponga and the informant walked towards the house of *alias* Clydee while the rest of the buy-bust team followed behind. PO3 Caponga saw a man standing in front of the house that fit the informant's description of *alias* Clydee,¹³ one who is tall, dark, and has a prominent nose.¹⁴ The man's identity was confirmed when the informant whispered to PO3 Caponga that he was *alias* Clydee.¹⁵ PO3 Caponga talked to *alias* Clydee and told him that he wanted ₱200.00 worth of *shabu*.¹⁶ He handed over the marked money to *alias* Clydee, who then placed it in his pocket.¹⁷ In turn, the latter brought out four transparent plastic sachets containing white crystalline substance, suspected to be *shabu*, and handed one of them to PO3 Caponga. PO3 Caponga placed the sachet in his right pocket and executed the pre-arranged signal of scratching his head. He arrested *alias* Clydee and introduced himself as a police officer.¹⁸ The rest of the buy-bust team arrived.¹⁹

After PO3 Caponga noticed that *alias* Clydee was holding three transparent plastic sachets of suspected *shabu*, he confiscated it and placed it in his left pocket.²⁰ He ordered *alias* Clydee to take out the marked money and the latter complied. He showed *alias* Clydee the marking that he placed on the money. When PO3 Caponga asked *alias* Clydee what his name was, he replied that it was Clydee. PO3 Caponga informed Clydee of his violation of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, as well as his constitutional rights. He marked the items he seized from Clydee as follows: (1) for the sachet sold to him – 1ABC/CLYDEE/01-02-15 with his signature; and (2) for the three sachets he confiscated from Clydee – 2/ABC/CLYDEE/01-02-15, 3/ABC/CLYDEE/01-02-15, and

11 Rollo, p. 6.
12 Id.
13 Id.
14 CA rollo, p. 53.
15 Rollo, p. 6.
16 Id. at 6-7.
17 CA rollo, p. 53.
18 Rollo, p. 7.
19 CA rollo, p. 53.
20 Id.

4ABC/CLYDEE/01-2-15, all with his signature. The buy-bust team called for a barangay official, but no one came.²¹

Since it was getting late and people were starting to gather around the area, the buy-bust team decided to proceed to the Barangay Hall of Caniogan, Pasig City to protect everyone's safety.²² At the Barangay Hall, PO3 Caponga presented Clydee and the seized items to Barangay Kagawad Petri Cortez (Kagawad Cortez). PO3 Caponga prepared the inventory of the seized items in the presence of Clydee and Kagawad Cortez. All three of them signed the inventory. Photographs were taken during the inventory.²³

Thereafter, PO3 Caponga brought Clydee and the seized items to the Station Anti-Illegal Drugs Special Operation Task Group (SAID-SOTG), Pasig City Police Station.²⁴ During the investigation, it was discovered that Clydee's full name is Clydee Beech Flores.²⁵ PO3 Caponga turned over the evidence to PO1 Lodjie N. Coz (PO1 Coz) who then prepared the chain of custody form, request for drug test, and request for laboratory examination. PO1 Coz brought the chain of custody form, the request for laboratory examination, and the drug specimens to the EPD Crime Laboratory in Mandaluyong City where they were received by PSI Anghelisa S. Vicente (PSI Vicente), a forensic chemist. PSI Vicente conducted a qualitative examination of the drug specimens and issued Physical Sciences Report No. D-001-15E. The report states that all four sachets containing the drug specimens tested positive for Methamphetamine Hydrochloride or *shabu*, a dangerous drug.²⁶

Flores, the sole witness for the defense,²⁷ pleaded not guilty to the charges.²⁸ Flores argued that at 3:00 p.m. on January 2, 2015, he was inside his house at No. 264 Dr. Sixto Antonio Avenue, *Brgy.* Caniogan, Pasig City,²⁹ when more than five armed men entered the house and introduced themselves as police officers. He recognized PO3 Caponga and a certain Nelson Cruz among them. They handcuffed and frisked Flores and searched the entire house. He tried to shout for help, but they hit him. Nothing illegal was found in the house. Nonetheless, the armed men took Flores' cellphone and wallet.³⁰ Thereafter, the armed men brought Flores to the motor pool of the police headquarters.³¹ He stayed there for five hours until he was brought to the crime laboratory in Mandaluyong City to undergo a drug test.³² Subsequently, he was brought to the Barangay Hall of Caniogan, Pasig City.

²¹ *Rollo*, p. 7.
²² *CA rollo*, p. 54.
²³ *Rollo*, pp. 7-8.
²⁴ *Id.* at 8.
²⁵ *CA rollo*, p. 54.
²⁶ *Rollo*, p. 8.
²⁷ *Id.*
²⁸ *Id.* at 4-5, 8.
²⁹ *CA rollo*, p. 55.
³⁰ *Rollo*, p. 9.
³¹ *CA rollo*, p. 55.
³² *Rollo*, p. 9.

PO3 Caponga presented Flores four plastic sachets that were allegedly taken from him to Kagawad Cortez. Flores denied owning the sachets but was nonetheless forced to sign a document. He insisted that he did not sell or possess *shabu* because he was employed as a tricycle driver.³³ Flores was then brought back to the motor pool where PO3 Caponga demanded ₱50,000.00 in exchange for his liberty. Flores refused to give him any money because he did nothing wrong.³⁴

PSI Vicente also appeared before the trial court to testify but her testimony was dispensed with after the parties stipulated on the following: (1) she is a member of the PNP, specifically a forensic chemist assigned at the EPD Crime Laboratory in Mandaluyong City; (2) she is an expert witness in forensic chemistry; (3) she received a request for laboratory examination and the specimens subject of the request from the SAID-SOTG of Pasig City Police Station. The specimens were already pre-marked when she received it; (4) she conducted physical, chemical, and confirmatory tests on the specimens. Her findings are written in Physical Sciences Report No. D-001-15E; (5) the authenticity and due execution of the request for laboratory examination and Physical Sciences Report No. D-001-15E; (6) in compliance with the order of the RTC, she brought with her the white copy of the report, the receiving copy of the request for laboratory examination, and the specimens. She can identify these documents and specimens; (7) she can identify the markings she made on the sachets containing the specimens she examined and the improvised plastic container; and (8) she has no personal knowledge of the facts and circumstances surrounding Flores' arrest.³⁵

PO1 Coz's testimony was likewise dispensed with when the parties stipulated on the following matters: (1) he is the investigator on case assigned at the SAID-SOTG, Pasig City Police Station; (2) he prepared the chain of custody form, request for laboratory examination, and request for drug test; (3) he received the specimens from PO3 Caponga. He turned over these specimens to PSI Vicente; and (4) he has no personal knowledge of the source of the specimens given to him as well as the causes and circumstances leading to Flores' arrest. The specimens were already pre-marked when he received it.³⁶ Flores was the sole witness for the defense.

On March 17, 2016, the RTC rendered its Judgment³⁷ finding Flores guilty of violation of Sections 5 and 11, Article II of R.A. 9165 and imposed the following penalties upon him: (1) for violation of Section 5 – life imprisonment and a fine of ₱500,000.00; and (2) for violation of Section 11 – imprisonment of 12 years and 1 day as minimum to 15 years as the maximum, and to pay a fine of ₱300,000.00.³⁸ The RTC held that based on

³³ CA rollo, p. 55-56.

³⁴ Rollo, p. 9.

³⁵ CA rollo, pp. 51-52.

³⁶ Id. at 52.

³⁷ CA rollo, pp. 50-60.

³⁸ Id. at 60.

the evidence presented by the prosecution, PO3 Caponga caught Flores *in flagrante delicto* in the act of selling *shabu* for ₱200.00. When he was searched, three more sachets of *shabu* were obtained from him. Flores' denial was not supported with evidence.³⁹

The RTC likewise ruled that Section 21 of R.A. 9165 was complied with. After PO3 Caponga seized the items from Flores, he marked it in the latter's presence. He brought the items to the Barangay Hall where he prepared the inventory in the presence of Flores and Kagawad Cortez. PO3 Caponga retained custody of the seized items until he gave it to PO1 Coz. PO1 Coz subsequently turned over the items to PSI Vicente. PSI Vicente examined the contents of the sachets and these tested positive for Methamphetamine Hydrochloride. Thus, the chain of custody of the drug specimens was not broken.⁴⁰

Flores appealed to the CA. In its September 27, 2018 Decision,⁴¹ the CA dismissed his appeal and upheld the ruling of the RTC.⁴² The CA ruled that all the elements of Illegal Sale of Dangerous Drugs under Section 5 and Illegal Possession of Dangerous Drugs under Section 11 of R.A. 9165 were proven in this case. PO3 Caponga identified Flores as the one who sold him *shabu* for ₱200.00. Flores was also in possession, without authority, of three heat-sealed plastic sachets of *shabu*. His mere possession raised the *prima facie* presumption of *animus possidendi*. Flores did not present evidence to dispute this presumption. He also failed to present evidence in support of his defense.⁴³ He has not shown that the prosecution's witnesses had any improper motive to falsely testify against him.⁴⁴

As for the chain of custody rule under Section 21 of R.A. 9165, the CA held that the identity of the seized drug specimens was established. The absence of a member of the media or a representative from the Department of Justice (DOJ) during the conduct of the inventory was not deemed fatal to the prosecution's case because the integrity and evidentiary value of the items were preserved. PSI Vicente's non-presentation was likewise irrelevant because the parties stipulated on the matters subject of her testimony.⁴⁵

Flores appealed the ruling of the CA before this Court. Both Flores and plaintiff-appellee, as represented by the Office of the Solicitor General, manifested that they will no longer file a supplemental brief. In lieu thereof, their brief before the CA shall be considered.⁴⁶

³⁹ Id. at 56-57.

⁴⁰ Id. at 58-59.

⁴¹ *Rollo*, pp. 3-21.

⁴² Id. at 20.

⁴³ Id. at 13-16.

⁴⁴ Id. at 19.

⁴⁵ Id. at 16-19.

⁴⁶ Id. at 29-32, 36-38.

Flores argues that the identity of the seized drug specimens was rendered questionable because PO3 Caponga simply placed them in his pockets.⁴⁷ The Court has previously ruled in *People v. Dela Cruz*⁴⁸ that the act of placing the seized items in the pockets is a doubtful and suspicious way of ensuring its integrity.⁴⁹ Moreover, it is contrary to the requirement under Article 13(c) of the 2010 PNP Manual on Anti-Illegal Drugs Operation and Investigation (2010 PNP Manual), which requires the placement of the alleged seized items inside a suitable evidence bag or container.⁵⁰ Flores also underscored that the parties did not stipulate on the identity and integrity of the alleged seized items examined by PSI Vicente. Since her testimony was dispensed with, she was not able to explain how she handled the items she received before, during, and after the examination.⁵¹ Flores further assails the absence of a representative from the DOJ during the seizure of the alleged drug specimens, despite being required under Section 21 of R.A. 9165.⁵² The prosecution failed to prove Flores' guilt beyond reasonable doubt. Hence, Flores reasons that his defense should be given weight and he should be acquitted of the charges against him.⁵³

Plaintiff-appellee insists that Section 21 of R.A. 9165 was complied with. PO3 Caponga's act of placing the seized items in his pockets did not undermine its identity because he clearly testified that he placed the sachet subject of the sale in his right pocket and the sachets confiscated from Flores in his left pocket.⁵⁴ The case of *People v. Dela Cruz* is inapplicable because the items there were not photographed or inventoried, and none of the required witnesses were present. Notably, the 2010 PNP Manual is not mandatory and merely laid down a guideline. In fact, the requirement of placing the items in an evidence bag or container can no longer be found in the revised 2014 version of the manual.⁵⁵ Further, all the seized items were marked at the place of arrest and inventoried, and photographed at the nearby Barangay Hall.⁵⁶ Kagawad Cortez was present to witness this. The fact that no other witnesses were present is not fatal because the integrity and evidentiary value of the seized items were preserved.⁵⁷ With respect to the testimony of PSI Vicente, this Court has already ruled that the non-presentation of the forensic chemist as a witness is not necessarily fatal to the prosecution's case.⁵⁸ More importantly, the reason for the non-presentation of PSI Vicente was due to the stipulation of the parties as to certain facts subject of her testimony.⁵⁹ Accordingly, Flores' conviction should be upheld.

⁴⁷ CA rollo, p. 38.
⁴⁸ 744 Phil. 816, 837 (2014).
⁴⁹ CA rollo, pp. 38-39.
⁵⁰ Id. at 39-40.
⁵¹ Id. at 40-41.
⁵² Id. at 41-42.
⁵³ Id. at 46-47.
⁵⁴ Id. at 74.
⁵⁵ Id. at 75.
⁵⁶ Id. at 74.
⁵⁷ Id. at 79.
⁵⁸ Id. at 76-78.
⁵⁹ Id. at 78.

The issue before this Court is whether the CA erred in upholding the conviction of Flores for violation of Sections 5 and 11, Article II of R.A. 9165.

The appeal is meritorious.

The sachet of *shabu* marked as Exhibit S⁶⁰ is the *corpus delicti* of the crime of Illegal Sale of Dangerous Drugs under Section 5 of R.A. 9165. The same can be said for the sachets of *shabu* marked as Exhibits T, U, and V⁶¹ in connection with the crime of Illegal Possession of Dangerous Drugs under Section 11. Accordingly, it is of utmost importance that the integrity and identity of these drug specimens are established with moral certainty in order to sustain Flores' conviction. To do so, strict compliance with the chain of custody rule under Section 21 of R.A. 9165, as amended by R.A. 10640, must be shown.⁶² Since minuscule amounts of drug specimens are involved in this case, there is a need for more exacting compliance with Section 21.⁶³

Section 21(1) of R.A. 9165, as amended, provides:

x x x x

(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public social and a representative of the National Prosecution Service or the media 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, finally, That noncompliance of 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 and custody over said items.

x x x x

⁶⁰ CA rollo, p. 55.

⁶¹ Id.

⁶² *Limbo v. People*, G.R. No. 238299, July 1, 2019; *People v. Aure*, G.R. No. 237809, January 14, 2019; and *People v. Misa*, G.R. No. 236838, October 1, 2018.

⁶³ *People v. Holgado*, 741 Phil. 78, 99 (2014).

In the case of *People v. Miranda*,⁶⁴ the Court held 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.”⁶⁵ Thus, the Court said in the case of *People v. Lim*,⁶⁶ citing *People v. Sipin*,⁶⁷ that the prosecution has the positive duty to demonstrate observance with the chain of custody rule under Section 21 “in such a way that during the trial proceedings, it must initiate in acknowledging and justifying any perceived deviations from the requirements of law.”⁶⁸ Deviations from Section 21 may only be permitted if: (1) there is a justifiable ground for non-compliance; and (2) the integrity and evidentiary value of the seized items are properly preserved.⁶⁹ Procedural lapses must be explained and the justifiable ground for non-compliance must be proven as a fact. Specifically, the prosecution must show that the apprehending officers exerted genuine and sufficient efforts to secure the presence of the required witnesses. It is not enough to state that they are unavailable in order to justify non-compliance.⁷⁰

Without question, only one witness was present during the inventory of the items seized from Flores. During his cross-examination, PO3 Caponga was asked if he did not call any media or DOJ representative. He responded that “[w]e did not call because we have no contact, ma’am.”⁷¹ He did not clarify if the other member of the buy-bust team tried to secure the presence of a media or DOJ representative. The prosecution did not present additional evidence on this matter.

PO3 Caponga’s supposed lack of contact with a representative of the media or the DOJ cannot justify their non-compliance with Section 21 of R.A. 9165. It is incredulous that police operatives do not know a single person from the media or the DOJ that can possibly serve as a witness to their operation. Apparently, neither PO3 Caponga nor the other members of the buy-bust team attempted to find any qualified person. This in spite of the fact that as early as 3:00 p.m. of January 2, 2015, they were aware that a buy-bust operation was going to be conducted. They had several hours before they proceeded to and arrived at the target area at 7:20 p.m. to secure the presence of the witnesses, or at the very least, information on how to contact these witnesses.

Moreover, the Court has ruled in *People v. Dela Cruz* that “[k]eeping one of the seized items in his right pocket and the rest in his left pocket is a doubtful and suspicious way of ensuring the integrity of the items.”⁷² This is

⁶⁴ G.R. No. 229671, January 31, 2018.

⁶⁵ Id.

⁶⁶ G.R. No. 231989, September 4, 2018.

⁶⁷ G.R. No. 224290, June 11, 2018.

⁶⁸ *People v. Lim*, supra note 66.

⁶⁹ *Limbo v. People*, G.R. No. 238299, July 1, 2019.

⁷⁰ Id.

⁷¹ TSN dated November 10, 2015, p. 12.

⁷² *People v. Dela Cruz*, supra note 48.

June 22, 2020

exactly what PO3 Caponga did. He placed the sachet subject of the sale in his right pocket and the sachets he confiscated from Flores in his left pocket.⁷³ Considering how small the amounts of the drug specimens are in this case, the method he employed in keeping them cannot be countenanced.

PO3 Caponga and the rest of the buy-bust team's lack of genuine and sufficient effort in complying with Section 21 of R.A. 9165 is unacceptable. Their inexcusable deviation from the requirements of the law casts doubts on the identity and integrity of the seized items. Consequently, the Court is behooved to acquit Flores.

WHEREFORE, the appeal is **GRANTED**. The Decision dated September 27, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08400 is **REVERSED** and **SET ASIDE**. Accused-appellant Clydee Flores y Beech is hereby **ACQUITTED** of the crimes charged against him and is ordered to be **IMMEDIATELY RELEASED**, unless he is being lawfully held in custody for any other reason. The Director of the Bureau of Corrections is **DIRECTED** to inform this Court of the action taken hereon within five (5) days from receipt hereof.

SO ORDERED."

Very truly yours,

Misa DC Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

GER
11/5/20

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

COURT OF APPEALS
 CA G.R. CR HC No. 08400
 1000 Manila

Special & Appealed Cases Service
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 DOJ Agencies Building
 East Avenue cor. NIA Road
 1104 Diliman, Quezon City

The Presiding Judge
 REGIONAL TRIAL COURT
 Branch 164, 1600 Pasig City
 (Crim. Case Nos. 19880-D & 19881-D)

⁷³ TSN dated November 3, 2015, pp. 10-12.

Mr. Clyde Flores y Beech
Accused-Appellant
c/o The Director General
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Director General
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Superintendent
New Bilibid Prison North
BUREAU OF CORRECTIONS
1770 Muntinlupa City

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3rd Floor DDB-PDEA Bldg.,
NIA Northside Road
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Brgy. Pinyahan, Quezon City

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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 244292

-versus-

CLYDEE FLORES Y BEECH,
Accused-Appellant.

x-----/

ORDER OF RELEASE

TO: The Director
BUREAU OF CORRECTIONS
1770 Muntinlupa City

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

GREETINGS:

WHEREAS, the Supreme Court on June 22, 2020 promulgated a Resolution in the above-entitled case, the dispositive portion of which reads:

WHEREFORE, the appeal is **GRANTED**. The Decision dated September 27, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08400 is **REVERSED** and **SET ASIDE**. Accused-appellant Clydee Flores y Beech is hereby **ACQUITTED** of the

crimes charged against him and is ordered to be **IMMEDIATELY RELEASED**, unless he is being lawfully held in custody for any other reason. The Director of the Bureau of Corrections is **DIRECTED** to inform this Court of the action taken hereon within five (5) days from receipt hereof.

SO ORDERED.”

NOW, THEREFORE, you are hereby ordered to immediately release **Clydee Flores y Beech**, 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 **22th** day of **June 2020**.

Very truly yours,

MisaDCBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

GER
11/2020

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

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CA G.R. CR HC No. 08400
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The Presiding Judge
REGIONAL TRIAL COURT
Branch 164, 1600 Pasig City
(Crim. Case Nos. 19880-D & 19881-D)

Mr. Clydee Flores y Beech
Accused-Appellant
c/o The Director General
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

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

The Director General
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G.R. No. 244292 *jsa*

