



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 October 2020** which reads as follows:*

“G.R. No. 246465 (*People of the Philippines v. Eddie Valenzuela y Silvino @ Badong*). – This appeal assails the Decision¹ dated August 13, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 09115 affirming Eddie Valenzuela y Silvino @ Badong’s (accused-appellant) conviction for violation of Sections 5 and 11, Article II of Republic Act No. (RA) 9165 involving the alleged sale and possession of Methamphetamine Hydrochloride, also known as “*shabu*,” a dangerous drug.

The Proceedings Before the Trial Court

The Charges

Two (2) separate Information for violations of RA 9165 were filed against accused-appellant, *viz.*:

In Criminal Case No. 17231-D-SJ

That, on or about the 3rd day of August 2010, in the City of San Juan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess any dangerous drugs, did then and there willfully, unlawfully and knowingly have in his custody and control one (1) heat-sealed transparent plastic sachet with marking “JA” containing 0.0858 gram of white crystalline substance which substance was found positive to the test for the presence of “Methamphetamine Hydrochloride,” a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.²

¹ Penned by Associate Justice Marie Christine Azcarraga-Jacob, with Associate Justices Celia C. Librea-Leagogo and Samuel H. Gaerlan (now a Member of the Court), concurring; *rollo*, pp. 3-17.

² *Id.* at 4.

In Criminal Case No. 17232-D-SJ

That, on or about the 3rd day of August 2010, in the City of San Juan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to sell any dangerous drugs, did then and there willfully, unlawfully and knowingly sell, deliver and give away to PO1 Luigi Rey M. Tejada, 0.0816 gram of white crystalline substance contained in one (1) heat-sealed transparent plastic sachet which substance was found positive to the test for "Methamphetamine Hydrochloride," also known as "shabu," a dangerous drug, in consideration of the amount of Php 500.00, in violation of the above-cited law.

CONTRARY TO LAW.³

The cases were raffled to the Regional Trial Court (RTC) of Pasig City, Branch 68. On arraignment, accused-appellant pleaded *not guilty* to both charges.

During the trial, Police Officer 1 Luigi Rey Tejada (PO1 Tejada), PO1 Joniseph Arcamo (PO1 Arcamo), Shaila S. Seville (FC Seville) and PO2 Gener Adrian Antazo (PO2 Antazo) and *Barangay* Chairman Reynaldo Angeles testified for the prosecution. On the other hand, accused-appellant and his brother Enrique Valenzuela (Enrique) testified for the defense.

The Prosecution's Version

The prosecution's version of the incident, as summarized by the Office of the Solicitor General (OSG) and adopted by the appellate court, is as follows:

5. On August 23, 2010, at around 9:45 in the morning, a confidential informant went to Precinct 5 Station, San Juan City and notified the police officers about the illegal activities of @Badong, who was rampantly selling shabu in Barangay Sta. Lucia. The confidential informant told them "*pwede magkaroon ng drug deal sa taong iyon kasi kakilala ko sya*". Thus, Team Commander Villaruel formed a team to verify if the report was true. A meeting was afterwards conducted wherein PO1 Tejada was designated as poseur-buyer and PO1 Aganoza, PO1 Arcamo and PO1 Primicias were designated as back-up. PO1 Tejada was given buy-bust money totaling [P]500.00, composed of 1 piece [P]200.00 bill and 3 pieces of [P]100.00 bills. They then proceeded to the target area. PO1 Tejada rode a motorcycle together with the confidential informant while the other members rode a Revo vehicle.

6. At A. Bonifacio Street corner F. Manalo Extension and Barangay Kabayanan, San Juan City, around 11:30 in the morning, appellant, who was on board a red motorcycle, approached the confidential informant and PO1 Tejada. The confidential informant introduced PO1 Tejada to appellant and said "*eto yung kukuha ng shabu*". Appellant asked how much will PO1 Tejada buy. The latter replied "500

³ Id. at 4-5.

lang just to taste if it is ok". Appellant alighted from his motorcycle, opened the compartment and took a plastic sachet containing shabu. PO1 Tejada handed the money to appellant. Thereafter, appellant handed to PO1 Tejada the shabu. PO1 Tejada took out his bullcap, which was their pre-arranged signal to indicate that the transaction had been [consummated]. PO1 Tejada then introduced himself as a police officer and informed appellant of his constitutional rights. PO1 Arcamo frisked appellant and recovered from him the marked money. Appellant's motorcycle was also searched and 1 plastic sachet containing shabu was found in the compartment.

7. The arresting team brought appellant to the barangay hall. PO1 Tejada marked the plastic sachet which he recovered with "LRT". On the other hand, PO1 Arcamo marked the plastic sachet which he found in appellant's motorcycle with his initials "JA". The inventory was prepared in the presence of the barangay chairman, DOJ representative and media representative. Photographs were also taken in the presence of the barangay chairman, DOJ representative, PO1 Arcamo and PO1 Tejada.

8. The evidence was brought to the San Juan Police Station and turned over to PO2 Antazo who prepared the report to the PDEA. The request for laboratory examination and the evidence were brought to the PDEA office by PO1 Tejada, PO1 Aganoza, PO1 Arcamo and PO1 Primicias. The result of the examination was contained in Chemistry Report No. PDEA-DD010-308 which states that "Specimens A and B contain Methamphetamine Hydrochloride, a dangerous drug under RA 9165.⁴

The Defense's Version

Accused-appellant denied the charge. He testified that around 7 o'clock in the morning of August 3, 2010 or on the alleged date of his arrest, he was at St. Martin de Porres Charity Hospital in San Juan City, where his mother was then confined. When accused-appellant and his brother Enrique went outside to buy some medicine, two (2) male persons in civilian clothes, who later introduced themselves as police officers, approached them and forced accused-appellant to go with them. Accused-appellant refused while Enrique held his hand. One of the police officers, however, drew a gun and poked the same to Enrique and said "*wag ka ng makialam, yung kapatid mo lang ang kailangan namin, para di ka na madamay.*" Accused-appellant was then brought to the police station where he was shown a plastic sachet of suspected *shabu* and was told "*eto yung kaso mo.*" Charges were then filed against accused-appellant for violation of RA 9165.

Accused-appellant's brother Enrique, corroborated his testimony. He testified that he was with accused-appellant when the latter was forcibly taken by police officers on August 3, 2010. The police officers boarded his brother in a red car going to the police station. He followed them on board his own motorcycle. Upon arriving at the police station, he saw the police officers forcing accused-appellant to admit that the plastic sachets belonged

⁴ CA rollo, pp. 67-68.

to him, but his brother, however, did not say anything.

The Trial Court's Ruling

As borne by its Joint Decision⁵ dated February 28, 2017, the trial court rendered a verdict of conviction, *viz.*:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. In Criminal Case No. 17231-D, the Court finds the accused EDDIE VALENZUELA alias "BADONG" GUILTY beyond reasonable doubt for Possession of Dangerous Drugs in Violation of Section 11, Article II of R.A. No. 9165 and is hereby sentenced to suffer the indeterminate penalty of Twelve (12) years and one (1) day, as minimum to Fourteen (14) years as maximum, to pay a fine of Three Hundred Thousand Pesos (P300,000.00) and to suffer the accessory penalties provided for by law.

2. In Criminal Case No. 17232-D, the Court finds accused EDDIE VALENZUELA alias "BADONG" GUILTY beyond reasonable doubt for Sale of Dangerous Drugs in Violation of Section 5, 1st Paragraph, Article II of R.A. No. 9165 and is hereby sentenced to suffer the penalty of Life Imprisonment, to pay a fine of Five Hundred Thousand Pesos (P500,000.00) and to suffer the accessory penalties provided for by law; and

Let an Order of Commitment (*Mittimus*) be issued for accused Eddie Valenzuela alias "Badong" for his commitment at the New Bilibid Prisons.

Let the dangerous drugs subject matter of these cases be turned over to the PDEA for proper disposition and destruction pursuant to Section 21, R.A. No. 9165.

SO ORDERED.⁶

The trial court ruled that as between the testimonies of PO1 Tejada and PO1 Arcamo, on one hand, and the testimonies of accused-appellant and his brother Enrique, on the other, the former was more worthy of belief.⁷ It found that the acts of the police officers, aside from being accorded the presumption of regularity, having had marked the pieces of evidence at the *barangay* hall in the presence of accused-appellant, an elected *barangay* official and media representative, have substantially complied with the chain of custody rule.

⁵ Penned by Presiding Judge Juvencio S. Gascon; id. 37-45.

⁶ Id. at 44-45.

⁷ Id. at 42-43.

The Proceedings Before the CA

On appeal, accused-appellant faulted the trial court for rendering a verdict of conviction despite the failure of the police officers to first hold a surveillance operation prior to the conduct of the buy-bust operation and the buy-bust team's failure to justify their omission to strictly comply with the chain of custody rule.⁸

In refutation, the OSG defended the verdict of conviction. It argued that all the elements of Illegal Sale and Possession of Dangerous Drugs were proven beyond reasonable doubt.⁹ Too, the integrity and evidentiary value of the seized items were preserved despite non-compliance with the chain of custody rule.¹⁰

The CA's Ruling

The CA affirmed the RTC's Joint Judgment through its assailed Decision¹¹ dated August 13, 2018. It found that there was substantial compliance with the chain of custody rule. The prosecution was able to establish the chain of custody of the confiscated illegal drugs from the moment these drugs were taken from accused-appellant and his motorcycle up to their delivery to FC Seville at the PDEA Laboratory Service in Quezon City for laboratory examination. It concluded that the buy-bust team's act of marking the seized items at the nearest *barangay* hall rather than at the place of arrest was an acceptable deviation.¹² Too, for failure of accused-appellant to proffer a valid excuse or explanation regarding his possession of the illegal drugs, the trial court's finding of guilt of the crime charged against him deserve high accord and respect.¹³

Lastly, it ruled that prior surveillance is not required for a valid buy-bust operation, especially if the buy-bust team is accompanied to the target area by their informant.

The Present Appeal

Accused-appellant now seeks affirmative relief from this Court and prays anew for his acquittal.

In compliance with the Resolution¹⁴ dated June 19, 2019, both parties submitted their respective Manifestations (In Lieu of a Supplemental Brief), having fully discussed their points of arguments in their respective briefs

⁸ Id. at 20-35.

⁹ Id. at 68-73.

¹⁰ Id. at 73-79.

¹¹ *Rollo*, pp. 3-17.

¹² Id. at 13-14.

¹³ Id. at 11.

¹⁴ Id. at 24.

submitted with the CA.¹⁵

The Issue

Did the CA err in affirming the trial court's verdict of conviction despite the attendant procedural deficiencies relative to the marking, inventory, and photograph of the seized items?

The Court's Ruling

The appeal is meritorious.

At the outset, we must first emphasize that there is no textbook method of conducting buy-bust operations. A prior surveillance, much less a lengthy one, is not necessary, especially where the police operatives are accompanied by their informant during the entrapment.¹⁶

Accused-appellant is charged with Illegal Sale and Possession of Dangerous Drugs allegedly committed on August 3, 2010. The governing law, therefore, is RA 9165 before its amendment in 2014.¹⁷

In illegal drugs cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution is, therefore, tasked to establish that the substance illegally possessed by the accused is the same substance presented in court.¹⁸

Section 21, Article II of RA 9165 prescribes the standard in preserving the *corpus delicti* in illegal drug cases, 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**

¹⁵ Id. at 35-37 and 40-42.

¹⁶ See *People v. Ocampo*, G.R. No. 232300, August 1, 2018.

¹⁷ *People v. Dela Torre*, G.R. No. 225789, July 29, 2019.

¹⁸ *People v. Nazareno*, G.R. No. 231875, July 29, 2019.

the copies of the inventory and be given a copy thereof[.] (Emphasis supplied)

The Implementing Rules and Regulations (IRR) of RA 9165 further commands:

SEC. 21. x x x

(a) 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.** (Emphasis added)

To ensure the integrity of the seized drug item, the prosecution must account for each link in its chain of custody: ***first***, the seizure and marking of the illegal drug recovered from the accused by the apprehending officer; ***second***, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; ***third***, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and ***fourth***, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.¹⁹

This is the chain of custody rule. It guards against tampering, alteration, or substitution either by accident or otherwise of the seized illegal drugs.²⁰

In the instant case, records show that this rule has been repeatedly breached by the apprehending team.

Arresting officer PO1 Tejada testified:

4th ACP PAULINO

Q After you took out your bullcap, what happened next?

A I immediately got hold of @BADONG and introduced myself as police officer, ma'am.

x x x x

¹⁹ *People v. Dela Torre*, supra note 17.

²⁰ *Id.*

Q What was his reaction?

A He resisted, ma'am.

Q How did he resist you?

A He resisted and so my companions immediately ran towards us, ma'am.

x x x x

Q After you read to him his rights, what happened next?

A **We immediately brought him to the barangay hall of Sta. Luica, ma'am.**

Q **The buy-bust was in Brgy. Kabayanan?**

A **Yes, ma'am.**

Q **In F. Manalo?**

A **Yes, ma'am.**

Q **Why is that?**

A **Because he is [well-known] as pusher and user in Brgy. Sta. Lucia, ma'am.**

Q Do you have proof that he is known as pusher and user?

A Yes, ma'am.

Q What proof is that?

A We were given a copy of the pushers and users, ma'am.

Q If I show you a copy will you be able to identify the same?

A Yes, ma'am.

Q I am showing to you Exhibit "T" please identify the same?

A This is the copy, ma'am.

Q Show me where the name of @BADONG is?

A Here no. 4 in the list one Eddie Valenzuela code name BADONG with address 193, Asinas St., ma'am.

x x x x

Q **What happened in Brgy. Sta. Lucia?**

A **We made inventory of the recovered evidence and photographs were taken, ma'am.**

x x x x

Q **Mr. Witness, you said that inventory was taken in Brgy. Sta. Lucia who were present there?**

A **The barangay chairman, ma'am.**

Q **Who else?**

A **DOJ representative and media representative, ma'am.**

- Q** Who else?
A I [and] the arresting team, ma'am.
- Q** Who else?
A @BADONG, ma'am?
- Q** You mentioned that pictures were taken?
A Yes, ma'am.
- Q** Of what?
A Of the evidence, ma'am.²¹ (Emphases supplied)

PO1 Arcamo also testified as part of the arresting team, *viz.* :

ATTY. HERRERA:

- Q** The inventory taking took place in Brgy. Sta. Lucia?
A Yes, ma'am.
- Q** But the incident happened in Brgy. Kabayanan.
A Yes, [ma'am].
- Q** Despite the fact that the [buy-bust] operation took place in Brgy. Kabayanan, the inventory taking took place in Brgy. Sta. Lucia?
A Yes, ma'am.

COURT:

(to witness)

- Q** The buy bust operation happened in Brgy. Kabayanan but the inventory taking took place in Brgy. Sta. Lucia?
A Yes, your honor.

x x x x

4TH ACP PAULINO:

- Q** Only if you know, why was the inventory done in another barangay not in Brgy. Kabayanan?
A Because Brgy. Sta. Lucia is nearer than the barangay hall of Brgy. Kabayanan, [ma'am].²² (Emphases supplied)

The testimonies of the arresting officers and investigating officer here revealed how the chain of custody rule has been blatantly disregarded and seriously breached.

To begin with, the marking of the seized items was not done immediately at the place of arrest, but at a *barangay* hall which is not one of the allowed alternative places contemplated under the outlined procedure.²³

²¹ TSN, September 17, 2010, pp. 17-22.

²² TSN, March 24, 2011, pp. 18-19.

²³ See *People v. Tomawis*, 830 Phil. 385, 406 (2018).

Moreover, although conducted in the presence of accused-appellant, *Barangay* Chairman Angeles, DOJ and media representatives, the physical inventory and photography of the seized items were likewise not done at the place of the arrest, but rather at the *barangay* hall of Sta. Lucia.

Section 21 of RA 9165 and its IRR require that both physical inventory and photography of the seized items be made immediately after seizure and confiscation, thus, at the place of arrest, or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable. The phrase “immediately after seizure and confiscation” means that the physical inventory and photographing of the drugs were intended by the law to be made immediately after, or at the place of apprehension. It is only when the same is not practicable that the IRR of RA 9165 allows the inventory and photographing to be done as soon as the buy-bust team reaches the nearest police station or the nearest office of the apprehending officer/team.²⁴

To excuse their non-compliance with the venue requirement for the physical inventory and photography of the seized items, the arresting officers claimed that (1) accused-appellant is a known pusher and user of drugs in *Barangay* Sta. Lucia where the physical inventory and photography of the seized items were made, and (2) the *barangay* hall of Sta. Lucia is of closer proximity from the place of arrest than the *barangay* hall of *Barangay* Kabayanan. The Court finds this feeble attempt to justify their blunder irrelevant. The physical inventory and photography of the seized items in the nearest *barangay* hall from the place of arrest is not contemplated by law.

At these junctures, it may be pointed out that Section 21 of RA 9165 and its IRR provide for a saving clause. This saving clause provides that non-compliance with the procedural requirements, under justifiable grounds so long as the integrity and evidentiary value of the seized items are properly preserved, shall not render void and invalid the seizures and custody over the seized items.

The Court does not find the arresting officers’ excuses sufficient to trigger the application of this saving clause. The arresting officers merely explained why they conducted the physical inventory and photography of the seized items at the *barangay* hall of *Barangay* Sta. Lucia rather than at the *barangay* hall of *Barangay* Kabayanan. They offered no explanation for their failure to conduct the physical inventory and photography after seizure and confiscation at the very place of arrest or nearest police station. Thus, the saving clause finds no application here.

Lastly, the second link in the chain of custody which is the turnover of the seized items from the arresting officers to the investigating officer in the

²⁴ *People v. Musor*, G.R. No. 231843, November 7, 2018.

police station was not properly accounted for.²⁵

Arresting officer PO1 Tejada testified:

4th ACP PAULINO:

Q After the pictures were taken, where were it brought?

A In San Juan Police Station, ma'am.

Q Who turned over the evidence?

A We turned it over to Antazo, ma'am.

Q If you know what did Antazo do with the plastic sachets?

A He prepared report for PDEA, ma'am.

Q For what purposes?

A To determine whether the specimens are shabu, ma'am.

Q Who turned over the evidence to the PDEA?

A "kami kami din po," ma'am.

x x x x

Q You said "kami-kami lang po nagdala sa PDEA," who were with you at that time?

A I was with Arganoza, Arcamo and Primicias, ma'am.²⁶ (Emphases supplied)

On the other hand, investigating officer PO2 Antazo testified:

4th ACP PAULINO:

Q Mr. Antazo, it has been admitted by the defense that you prepared the request for laboratory examination on the two pieces of heat-sealed transparent plastic sachets each containing white crystalline substance. What did you do with the requests and the submitted specimens, if any?

A I gave the request to Joniseph Arcamo and the specimens were also with him because I never got hold of the submitted specimens, ma'am.

x x x x

Q Did you get hold of the evidence?

A No, ma'am.²⁷ (Emphases supplied)

It is apparent from the inconsistent testimonies of PO1 Tejada and PO2 Antazo that there has been a glaring breach in the chain of custody during the purported turnover of the seized items from the arresting officers to investigating officer PO2 Antazo of San Juan Police Station. Contrary to PO1 Tejada's claim that the seized items were turned over by them

²⁵ *People v. Gayoso*, 808 Phil. 19, 32-33 (2017).

²⁶ TSN, September 17, 2010, pp. 31-32.

²⁷ TSN, April 19, 2010, pp. 6, 9.

(arresting officers) to investigating officer PO2 Antazo, the latter denied getting hold of said seized items. More, PO1 Tejada testified that it was them (arresting officers) who turned over the seized items to the office of the PDEA without explaining how said seized items came back to their possession after its purported turn over to investigating officer PO2 Antazo. It appears that the seized items actually remained in the custody of the arresting officers until its turnover to the office of the PDEA. Clearly, the second link in the chain of custody here had been seriously breached.

In *People v. Remigio*,²⁸ the Court noted the prosecution's failure to establish the chain of custody for the omission of the apprehending officer to transfer the seized items to the investigating officer. The apprehending officer kept the alleged *shabu* from the time of confiscation until the time he transferred them to the forensic chemist. The deviation from the links in the chain of custody led to the acquittal of the accused in the said case.²⁹

We recognize that strict compliance with the requirements of Section 21 of RA 9165 may not always be possible under field conditions. Non-compliance with the strict directive of Section 21 of RA 9165 is not necessarily fatal to the prosecution's case; police procedures in the handling of confiscated evidence may still have some lapses. These lapses, however, must be recognized and explained in terms of their justifiable grounds and the integrity and evidentiary value of the evidence seized must be shown to have been preserved which unfortunately the prosecution here failed to do.³⁰

Indeed, the repeated breach of the chain of custody here had cast serious doubt on the identity and integrity of the *corpus delicti*. The metaphorical chain did not link at all, albeit it unjustly restrained accused-appellant's right to liberty. Accused-appellant's acquittal, therefore, is called for.³¹

The presumption of regularity in the performance of official duties in favor of the police officers will not save the prosecution's case, given the foregoing lapses and gaps in the chain of custody. The presumption stands only when no reason exists in the records by which to doubt the regularity of the performance of official duty. And even in that instance, the presumption of regularity will never be stronger than the presumption of innocence in favor of the accused. Otherwise, a mere rule of evidence will defeat the constitutionally enshrined right of an accused.³²

It is well-settled that an accused-appellant shall be presumed innocent until the contrary is proved beyond reasonable doubt. The burden lies with the prosecution to overcome this presumption of innocence by presenting

²⁸ *People v. Remigio*, 700 Phil. 452 (2012).

²⁹ *People v. Dahil*, 750 Phil. 212, 235 (2015).

³⁰ See *People v. Sanchez*, 590 Phil. 214, 234 (2008).

³¹ *Jacson v. People*, G.R. No. 199644, June 19, 2019.

³² *People v. Diputado*, 813 Phil. 160, 176 (2017).

proof beyond reasonable doubt. The prosecution must rest on its own merits and must not rely on the weakness of the defense. If the prosecution fails to meet the required evidence, the defense does not even need to present evidence in its own behalf; the presumption prevails and the accused-appellant should be acquitted.³³

All told, for failure of the prosecution to prove accused-appellant's guilt beyond reasonable doubt, his acquittal is performe in order.

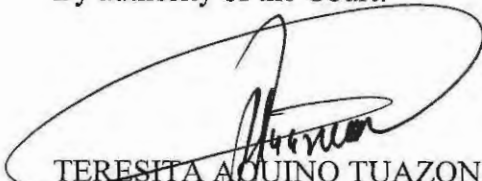
WHEREFORE, the appeal is **GRANTED**. The Decision dated August 13, 2018 of the Court of Appeals in CA-G.R. CR HC No. 09115 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Eddie Valenzuela y Silvino @ Badong is **ACQUITTED** of the crimes charged.

The Director of the Bureau of Corrections, Muntinlupa City is **ORDERED** to: (a) cause the immediate release of Eddie Valenzuela y Silvino @ Badong, unless he is being held in custody for any other lawful reason; and (b) inform the Court of the action taken within five (5) days from receipt of this Resolution.

Let entry of judgment be issued.

SO ORDERED." (*Baltazar-Padilla, J., on leave.*)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *llh*
29 JAN 2021 1/29

³³ Id. at 176-177.

PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
5th Floor, PAO-DOJ Agencies Building
NIA Road corner East Avenue
Diliman, 1104 Quezon City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

EDDIE VALENZUELA y SILVINO @ "BADONG" (x)
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (x)
Bureau of Corrections
1770 Muntinlupa City

THE SUPERINTENDENT (x)
National Bilibid Prison
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 68
Pasig City (San Juan City Station)
(Crim. Case Nos. 17231-32-D)

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