



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 12, 2021** which reads as follows:*

“G.R. No. 240754 (People of the Philippines, Plaintiff-Appellee, v. Lolita Jatulan y Agulto, Accused-Appellant). – Before the Court is an appeal from the Decision¹ dated 31 January 2018 of the Court Appeals in CA-G.R. CR-HC No. 07771, which affirmed the Decision² of Branch 13, Regional Trial Court (RTC) of Laoag City, Ilocos Norte finding Lolita Agulto Jatulan (accused-appellant) guilty of violating Article II, Section 5 of Republic Act (RA) No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, as amended.

Factual Antecedents

An Information against accused-appellant for illegal sale of drugs was filed, the accusatory portion of which reads:

That on or about May 10, 2014, at Brgy. Bungcag, municipality of Dingras, province of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell one (1) piece heat-sealed transparent plastic sachet containing 1.5185 grams of methamphetamine hydrochloride, commonly known as “shabu[,”] a dangerous drug, in the amount of Five Thousand Pesos (P5,000.00) to police poseur buyer, PO1 Andrei P. Piniera, a member of the PNP-Dingras, Ilocos Norte without any authority or license from the appropriate government agency to do so.

CONTRARY TO LAW.³

- over – thirteen (13) pages ...

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¹ *Rollo*, pp. 2-16; penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Rosmari D. Carandang (now a Member of this Court) and Jane Aurora C. Lantion of Third Division, Court of Appeals, Manila.

² *CA rollo*, pp. 48-65; penned by Judge Philip G. Salvador.

³ *Id.* at 48.

Accused-appellant pleaded not guilty to the charge. After termination of pre-trial, trial on the merits ensued.

Version of the Prosecution

In the early morning of 10 May 2014, the Municipal Police Station in Dingras, Ilocos Norte received a report from a confidential informant (CI) that a big time drug pusher from Manila was in their town looking for buyers. The chief of police, Police Chief Inspector Teddy Rosqueta (PCI Rosqueta), immediately organized a buy-bust operation.

At 5:30 that morning, the CI and Police Officer 1 Andrie Piniera (PO1 Piniera), the designated poseur-buyer, went to the old public market to verify the report. They found accused-appellant there, and the CI introduced PO1 Piniera as a buyer. Accused-appellant said that she had Php5,000.00 worth of drugs to sell. PO1 Piniera said he did not have enough money with him. They negotiated and finally agreed to meet later that day when PO1 Piniera had the full amount. PO1 Piniera returned to the police station where PCI Rosqueta gave him the money to pay accused-appellant.

Later that day, the buy-bust team proceeded to the agreed place of transaction – a waiting shed near the Catholic Cemetery – but accused-appellant was nowhere in sight. PO1 Piniera boarded a tricycle driven by PO3 Benjie Calaoagan (PO3 Calaoagan) to look around the area for accused-appellant. They finally found her at the old public market. PO1 Piniera completed the transaction with accused-appellant. The buy-bust team then arrested accused-appellant and informed her of her constitutional rights. She was frisked by PO3 Rea Valenciano (PO3 Valenciano) and the buy-bust money was recovered. The team called *barangay* officials to witness the inventory, marking, and photographing of the seized items. They then brought accused-appellant to the police station. Later, PO1 Piniera brought the seized plastic sachet to the PNP Crime Lab for examination. It was found to contain methamphetamine hydrochloride, or “*shabu*.”

Version of the Defense

Accused-appellant denied the charge against her. She narrated that she went to Ilocos Norte on an errand for her friend, Florencio Vidal, an inmate at the National Bilibid Prisons (NBP). Vidal asked her to collect a Php35,000.00 debt that *Brgy. Capt. Melcon Saguid*

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(Saguid) owed him. She arrived in Ilocos Norte in the evening of 09 May 2014. Saguid met her at the bus station and brought her to the house of a certain Joey Peralta where she could stay for the night.

The next day, Saguid told her that he only had Php10,000.00, and asked for more time to raise money. They agreed to meet again at noon. When they did, however, Saguid was only willing to pay Php8,300.00. They set another meeting at 3:00 that afternoon. Once again, Saguid could not pay and said he only had Php6,700.00 left with him. Accused-appellant agreed to meet anew later that night. She waited but Saguid failed to show, prompting her to look for him herself. Not knowing the area, accused-appellant said she ended up at the Police Assistance Center. She asked a woman there to help her find Saguid's house but since it was late, and Saguid might be asleep already, accused-appellant was brought to the police station instead. There, PCI Rosqueta offered for accused-appellant to stay at the station and have someone bring her to Saguid's house the next day.

The following day, however, she still failed to meet with Saguid. PCI Rosqueta then told her that one of the officers will bring her to the bus station and he will give her fare to go home. She was then told to board a tricycle with PO1 Piniera. As they were traversing the road, believing that they were on the way to the bus station, she was surprised when they stopped at a waiting shed. PO1 Piniera then told her to alight and when she did, he pushed her to the waiting shed. When she asked what was going on, PO1 Piniera told her to be quiet as this was a buy-bust. She did not know what that meant at that time. She would later learn that she was being accused of selling shabu.

Ruling of the RTC

The RTC found accused-appellant guilty beyond reasonable doubt of illegal sale of *shabu*. She was sentenced to life imprisonment and ordered to pay a fine of Php500,000.00.⁴

The RTC found that the prosecution established all the elements of the crime.⁵ It gave credence to the CI's tip as basis for the operation, noting that the police made its own verification of the information. There was also coordination with the Philippine Drug Enforcement Agency (PDEA); although, the court noted that this is not an indispensable element, and the lack of coordination would not have not invalidated the operation.

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⁴ *Id.* at 65.

⁵ *Id.* at 53.

Next, the RTC found the prosecution proved that the sale transaction actually took place. The prosecution was able to “present a complete picture detailing the buy-bust operation” from the initial contact to the consummation of the sale. The RTC held that the deviation from the police’s original buy-bust plan was to ensure that they could catch accused-appellant in the act in spite of her not showing up at the original meeting place. The RTC held that the police had much leeway to perform their operations so long as the rights of the accused were not violated.⁶ The RTC also ruled that the prosecution’s narration of the events were credible, that is, not contrary to common observation and experience.

On the other hand, the RTC rejected accused-appellant’s defense of denial, holding that the same was not credible. The RTC found it difficult to believe accused-appellant’s version of the facts because, unlike the prosecution’s version, it did not conform to common observation and experience. The trial court also observed that accused-appellant was evasive when asked about the details of why she had travelled to Ilocos from Manila. The RTC also noted the defense did not ask to summon witnesses named in accused-appellant’s testimony to corroborate her narration of events. The RTC also held that accused-appellant failed to substantiate her allegation that the police chief conspired with the *barangay* chairman to make false accusations against her.

The RTC held that the prosecution successfully established the *corpus delicti* of the crime and show the unbroken chain of custody of the seized drugs. The RTC noted that the marking, inventory, and taking of pictures of the illegal drugs were done at the place of arrest.⁷ The accused and two (2) *Punong Barangay* of nearby *barangays* witnessed the proceedings.

Ruling of the CA

The appellate court denied accused-appellant’s appeal and affirmed the decision of the RTC.

The CA agreed with the RTC that all the elements of the crime were proven. It ruled that the prosecution established an unbroken chain of custody and demonstrated that the integrity of the seized illegal drugs was preserved.⁸ The CA also upheld the presumption of regularity in the performance of duty of the apprehending officers.

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⁶ *Id.* at 59.

⁷ *Id.* at 63.

⁸ *Rollo*, p. 9.

Issue

The lone issue for the Court's resolution is whether accused-appellant's guilt for illegal sale of shabu was established beyond reasonable doubt.

Ruling of the Court

The appeal is meritorious. The prosecution failed to establish the accused's guilt beyond reasonable doubt, which must necessarily result in her acquittal.

Accused-appellant adopted the arguments in her Appellant's Brief⁹ before the CA. She maintains that the RTC overlooked patent irregularities in the conduct of the buy-bust and inconsistencies in the prosecution witnesses' testimonies.

Further, accused-appellant argues that the prosecution failed to show that the buy-bust team complied with the statutory requirements to preserve the integrity of the *corpus delicti*,¹⁰ specifically, those mandated by Sec. 21 of RA No. 9165. First, she argues that there is no evidence that representatives of the media and the DOJ were present during the inventory. There was even a gap of time between the arrest and seizure and arrival of the barangay captains.¹¹ These two witnesses would not know if the items inventoried are the ones seized from accused because they were only present for the inventory, not during the seizure and arrest.¹²

In *People v. Saragena*,¹³ the Court underscored that the prosecution's evidence in cases involving dangerous drugs must be subjected through "the crucible of a severe testing" given the great possibility of abuse. To support a conviction, the prosecution must prove all the elements of the crime such as to leave no uncertainty that the crime was indeed committed by the accused.¹⁴

The identity and integrity of the dangerous drugs must be established beyond reasonable doubt as "the *corpus delicti* is the dangerous drug itself." The prosecution has the obligation to ensure that the illegal drugs offered in court are the very same items seized

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⁹ CA rollo, 22-47.

¹⁰ *Id.* at 31.

¹¹ *Id.* at 33.

¹² *Id.*; TSN, p. 41.

¹³ *People v. Saragena*, G.R. No. 210677, 23 August 2017, 817 Phil. 117 [per J. Leonen].

¹⁴ See *People v. Gaylon*, G.R. No. 219086, 19 March 2018 [per J. Del Castillo].

from the accused. This would entail the presentation of evidence on how the seized drugs were handled and preserved from the moment they were confiscated from the accused until their presentation in court.¹⁵

In order to meet this exacting standard, the law lays down a mechanism to ensure that the identity and integrity of the seized drugs will be preserved as it passes through the investigation process.

Chain of custody is defined in Section 1 (b) of the Dangerous Drugs Board Regulation No. 1, Series of 2002,¹⁶ thus:

Section 1. Definition of Terms – As used hereunder, unless the context otherwise requires

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 were made in the course of safekeeping and use in court as evidence, and the final disposition; xxxx

Sec. 21 (a) of the IRR of RA No. 9165, prior to its amendment by RA No. 10640, reads:

SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — 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:

(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

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¹⁵ *People v. Saunar*, G.R. No. 207396, 09 August 2017, 816 Phil. 482 [per J. Leonen].

¹⁶ Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, and Laboratory Equipment

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; xxx¹⁷

As its mandatory terms instructs, strict conformity to the procedures in handling the seized articles and drugs is important and the prosecution must prove their acquiescence in any case.¹⁸ Complying with the chain of custody requirement ensures that unnecessary doubts concerning the identity of the *corpus delicti* are removed.¹⁹

The crucial first step in the chain of custody is the marking of the seized items. In *People v. Castillo*, the Court explained:

"Marking" means the placing by the apprehending officer or the poseur-buyer of his/her initials and signature on the items seized. Marking after seizure is the starting point in the custodial link; hence, it is vital that the seized contraband be immediately marked because succeeding handlers of the specimens will use the markings as reference. The marking of the evidence serves to separate the marked evidence from the corpus of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, thus, preventing switching, planting or contamination of evidence.²⁰

The Court notes that PO1 Piniera marked the drugs he purchased during the buy-bust with the generic mark "APP 1."²¹ He did not put down his signature, nor the time or date of the operation, or any other mark to set the specimen apart from any other evidence of the same kind. Without PO1 Piniera's signature, there is no way to tell if he was the one who actually marked the specimen, especially considering that, in this case, there were three officers during the inventory. Any one of them could have written down that marking.

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¹⁷ Implementing Rules and Regulations of Republic Act No. 9165, IRR of RA 9165, 30 August 2002.

¹⁸ *People v. Pangan*, G.R. No. 206965, 29 November 2017 [per J. Leonen].

¹⁹ *People v. Castillo*, G.R. No. 238339, 07 August 2019 [per J. Leonen].

²⁰ *Id.*

²¹ CA rollo, p. 35; TSN (PO1 Piniera), 26 August 2014, p. 43; Records, p. 12.

It must be underscored that marking is a separate requirement from inventory and photograph because it serves an important purpose. Marking is not only to preserve evidence but to ensure that the chain is not broken when the seized item goes on to the next link. The marking on the seized item will serve as the succeeding handlers' reference,²² since the specimen will bear this mark as it makes its way through the chain of custody. This ensures that it is the same specimen from beginning to end.

This detail is all the more critical in light of what happened after the marking and inventory. Based on PO1 Piniera's testimony, they returned to the police station after the inventory. Once there, however, the seized items were not turned over to the investigating officer, a fact that was not explained by the prosecution. According to PO1 Piniera, the seized sachet of illegal drugs stayed in his hand the whole time, from seizure to the time it was brought to the crime lab.²³

This narration is too implausible to be believed. By PO1 Piniera's account, he was holding the seized sachet of drugs for about eight (8) hours,²⁴ from 8:00 in the morning until around 4:00 in the afternoon, while at the same time claiming that he "took [accused-appellant's] fingerprints, took a mug shot of her, and prepared the booking sheet."²⁵ It is simply contrary to human experience that Piniera had the item in his hand the whole time as he did all these other activities for which he would need both hands. Notably, we only have PO1 Piniera's word that the specimen marked as "APP 1" had stayed with him throughout the time he claimed to have it.

The law further requires the presence of specific persons to witness the inventory of the seized items. Considering that at the time of the commission of the crime, RA 9165 had not yet been amended by RA 10640,²⁶ the Court's discussion in *People v. Cabrellos* is particularly illuminating:

Section 21, Article II of RA 9165 outlines the procedure which the police officers must follow when handling the seized drugs in order to preserve their integrity and evidentiary value. Under the said section, prior to its amendment by RA 10640, the apprehending team shall, among others, immediately after seizure and confiscation conduct a physical inventory and photograph the seized items in the presence of the accused or the person from whom the items were seized, or his representative or counsel, a representative from the media and the Department of Justice

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²² *People v. Alagarme*, G.R. No. 184789, 23 February 2015 [per C.J. Bersamin].

²³ *See People v. Zapanta*, G.R. No. 230227, 06 November 2019 [per J. Zalameda].

²⁴ *CA rollo*, pp. 36-37.

²⁵ TSN (PO1 Piniera), 26 August 2014, p. 51.

²⁶ July 2014.

(DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy of the same, and the seized drugs must be turned over to the PNP Crime Laboratory within twentyfour (24) hours from confiscation for examination. In the case of *People v. Mendoza*, the Court stressed that "[w]ithout 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 [RA] 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. Indeed, the x x x presence of such witnesses would have preserved an unbroken chain of custody."²⁷ (Underscoring removed)

The presence of the required witnesses at the time of apprehension and inventory, is mandatory, and serves an essential purpose.²⁸ It is at this point when "the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug."²⁹ Thus, simply calling in the witnesses after the arrest, and only to witness the inventory, "does not achieve the purpose of the law in having these witnesses prevent or insulate."³⁰

PO1 Piniera himself admitted the *barangay* officials were not present at the time of accused-appellant's arrest. They arrived only in time to witness the inventory and the marking of the drugs obtained during the buy-bust sale.³¹ It is true that PO1 Piniera testified the *barangay* captains were present when police officers searched accused-appellant's person, which yielded only the buy-bust money and her personal effects.³² This, however, was long after the arrest and seizure of the illegal drugs subject of the present charge against accused-appellant.³³

This is significant for several reasons. This means that the witnesses did not see the arrest and seizure itself, and thus, would not be able to tell if the sachet inventoried was the subject of the sale. They would not even be able to tell if the person before them is the

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²⁷ *People v. Cabrellos*, G.R. No. 229826, 30 July 2018 [per J. Bernabe].

²⁸ *People v. Ilagan*, G.R. No. 227021, 05 December 2018 [per J. Caguioa].

²⁹ *People v. Castillo*, *supra* at note 18.

³⁰ *People v. Manabat*, G.R. No. 242947, 17 July 2019 [per J. Caguioa].

³¹ TSN, (PO1 Piniera), 26 August 2014 p. 44.

³² *Id.*

³³ *Id.* at 41.

person arrested, and would need to rely on what the police officers narrate to them. More importantly, it tells us that there was a considerable lapse of time between the arrest and seizure, and the inventory because the buy-bust team had to wait for the witnesses to arrive.

However, there does not appear to be any excuse for this lapse. There was more than enough time to ensure the presence of the witnesses, considering the gap of time between receiving the CI's info and the actual buy-bust.³⁴ There was time for a test buy, to assemble the team, and even to inform the PDEA. There was even a short interval of time when PO1 Piniera and PO3 Calaoagan were looking for accused-appellant, who was not at the meeting place. Evidently, there was more than enough time to have the rest of the team bring in the witnesses before the sale itself. The police officers did not provide any explanation or justification for not securing the presence of the accused at the time of apprehension.

The presence of the two (2) *barangay* officials does not comply with the requirement for insulating witnesses. PO1 Piniera mentioned the presence of a radio reporter, who happened to be passing by at the time of the inventory.³⁵ However, this does not at all cure the defect, especially since that reporter remained unnamed and did not sign the inventory receipt,³⁶ nor is there any evidence that he or she witnessed the inventory at all. The law explicitly requires an elected official, a member of the media, and/or the Department of Justice.

It is also noteworthy that accused-appellant did not sign the inventory receipt.³⁷ This is truly perplexing considering that photographs show, and PO1 Piniera testified that, accused-appellant was present during the inventory.³⁸ This is not a simple error, but a grievous omission. The law requires that the accused, or her representative, sign the inventory receipt. Likewise, that accused-appellant did not sign indicates that she was not aware of the contents of the inventory receipt or that these were the items seized from her. These gaps in the chain of custody are much too wide to be ignored.

To be sure, not all lapses result in the invalidation of the entire buy-bust operation. Failure of the apprehending team to strictly

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³⁴ *People v. Castillo*, *supra* at note 18 [per J. Leonen].

³⁵ TSN, (PO1 Piniera), 26 August 2014 p. 49.

³⁶ Records, pp. 13-16.

³⁷ *Id.* See also *People v. Saragena*, *supra* at note 12. [per J. Leonen].

³⁸ TSN, (PO1 Piniera), 26 August 2014, TSN, p. 47.

comply with the procedure laid out in Section 21, Article II of RA No. 9165 and its IRR does not *ipso facto* render the seizure and custody over the items as void and invalid.³⁹ Section 21 (a) of the IRR contains a saving proviso that “noncompliance 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.”⁴⁰

Nevertheless, the prosecution in the case at bar cannot avail of the saving clause. Nothing in the records show that the prosecution made such acknowledgement, much less offered a justification for, these procedural missteps.

The Court has held that police officers must not only to state the reasons for their non-compliance, but must “also convince the Court that they exerted earnest efforts to comply with the mandated procedure, and that under the given circumstance, their actions were reasonable.”⁴¹ In addition, the rules require that the apprehending officers clearly state their justification in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized item.⁴² None of these requirements were met by the apprehending officers.

Further, the presumption of regularity in the performance of official duty cannot be the prosecution’s saving grace. The buy-bust team’s unexplained procedural lapses are definitive proof of irregularity. And any taint of irregularity affects the whole performance, making the presumption unavailable.⁴³

In addition, herein accused-appellant may not be convicted on the basis of the presumption of regularity in the performance of duties simply because she is unable to present proof of ill motive.⁴⁴ The prosecution must rest on its own merits and not rely on the weakness of the defense. Moreover, the prosecution bears the burden of proving strict compliance with the chain of custody requirements because the accused has the constitutional right to be presumed innocent until the contrary is proved. The presumption “cannot substitute for compliance and mend the broken links.”⁴⁵

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³⁹ *People v. Cabrellos*, *supra* at note 26. [per C.J. Peralta].

⁴⁰ *People v. Bermejo*, G.R. No. 199813, 26 June 2019 [per J. Carandang].

⁴¹ *People v. Cabrellos*, *supra* at note 26 [per C.J. Peralta].

⁴² *People v. Goyenoche*, G.R. No. 243985, 03 September 2020 [Per C.J. Peralta]. See also *People v. Lim*, G.R. No. 231989, 04 September 2018 [per C.J. Peralta].

⁴³ *People v. Madria*, G.R. No. 233207, 20 August 2018 [per J. Tijam].

⁴⁴ *People v. Tubera*, G.R. No. 216941, 10 June 2019 [per J. Caguioa].

⁴⁵ *People v. Burdeos*, G.R. No. 218434, 17 July 2019 [per J. Lazaro-Javier].

Since accused-appellant's guilt has not been established beyond reasonable doubt, she should be acquitted as a matter of course.⁴⁶

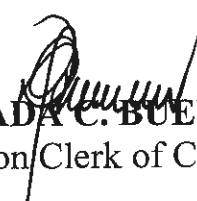
WHEREFORE, the foregoing premises considered, the appeal is hereby **GRANTED**. The Decision of the Court of Appeals dated 31 January 2018 in CA-G.R. CR-HC No. 07771 is **REVERSED** and **SET ASIDE**. Accused-appellant Lolita Jatulan y Agulto is **ACQUITTED** and ordered to be immediately **RELEASED** from detention, unless she is being held for another lawful cause.

Let a copy of this Resolution be **FURNISHED** to the Superintendent of the Correctional Institute for Women for immediate implementation. The Superintendent is **ORDERED** to report the action taken within five (5) days from receipt of this Resolution.

Let entry of final judgment be issued immediately.

SO ORDERED." *Carandang, J., no part; Leonen, J., designated Additional Member per Raffle dated December 21, 2020.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *slr*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
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Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 07771)

The Hon. Presiding Judge
Regional Trial Court, Branch 13
Laoag City, 2900 Ilocos Norte
(Crim. Case No. 15958-13)

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⁴⁶ See *People v. Diputado*, G.R. No. 213922, 05 July 2017, 813 Phil. 160 [per J. Tijam].



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