Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, Petitioner,	**G.R. No. 249629**
	Present:
versus –	PERLAS-BERNABE, *SAJ., Chairperson,* GESMUNDO, LAZARO-JAVIER, LOPEZ, ROSARIO, *JJ.*
EDGAR MAJINGCAR *y* YABUT and CHRISTOPHER RYAN LLAGUNO *y* MATOS, Respondents.	Promulgated: MAR 15 2021

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DECISION

LAZARO-JAVIER, *J.*:

The Case

The People of the Philippines[1] seeks to set aside the following dispositions[2] of the Court of Appeals in CA-G.R. SP No. 158396:

1. Decision[3] dated April 5, 2019 dismissing the petition for late filing and for lack of merit; and

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[1] Represented by the Office of the Solicitor General (OSG) through Solicitor General Jose C. Calida, Senior State Solicitor Catalina A. Catral-Talatala and Senior State Solicitor Jose Antonio H. Blanco, *rollo*, pp. 11-28.

[2] Penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Pedro B. Corales and Ruben Reynaldo G. Roxas.

[3] *Rollo*, pp. 33-40.

2. Resolution[4] dated September 24, 2019 denying its motion for reconsideration.

Antecedents

Respondents Edgar Majingcar *y* Yabut (Majingcar) and Christopher Ryan Llaguno *y* Matos (Llaguno) were charged with violations of Sections 5 and 11, Article II of Republic Act No. 9165 (RA 9165) docketed as Criminal Case Nos. 2016-0774 and 2016-0775, respectively, thus:

Criminal Case No. 2016-0774
(Section 5, Article II of RA No. 9165)

> That on or about October 5, 2016, in the City of Naga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, without authority of law did, then and there, willfully, unlawfully and criminally sell, dispense and deliver one (1) pc. medium heat sealed transparent plastic sachet with markings EM-1 10-5-16, weighing 0.056 gram of white crystalline substance to poseur buyer SP02 Clifford A. De Jesus, which when tested, were found positive for the presence of Methampethamine Hydrochloride popularly known as 'shabu', a dangerous [drug], in violation of above-cited law.[5]

Criminal Case No. 2016-0775
(Section [11], Article II of RA No. 9165)

> That on or about October 5, 2016, in the City of Naga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, without authority of law did, then and there, willfully, unlawfully and criminally have in his possession, custody and control of nine (9) pieces [sic] small heat sealed transparent plastic sachet with markings EM-1A-1 10-5-16, EM-1A-2 10-5-16, EM-1A-3 [10-5-16], EM-1A-4 10-5-16, EM-1A-5 10-5-16, EM-1A-6 10-5-16, EM-1A-7 10-5-16, EM-1A-8 10-5-16, EM-1A-9 10-5-16, all containing white crystalline substance with total weight of 0.309 grams, tested and determined to be Methamphetamine Hydrochloride popularly known as 'shabu', a dangerous [drug], in violation of above-cited law.[6]

On arraignment, respondents Majingcar and Llaguno pleaded not guilty to both charges. Thereafter, trial ensued.[7]

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4 *Id.* at 41-42.
5 *Id.* at 13.
6 *Id.* at 14.
7 *Id.*

On separate occasions, respondents submitted their proposals to plead guilty to a lesser offense, specifically to violation of Section 12, Article II of RA 9165 pursuant to A.M. No. 18-03-16-SC entitled *Adoption of the Plea Bargaining Framework in Drugs Cases*.[8]

In its comment,[9] the prosecution, citing Department of Justice (DOJ) Circular No. 027 dated June 26, 2018, counter proposed that respondents plead guilty to violation of Section 5, albeit the penalty would be that as provided under paragraph 3, Section 11 of RA 9165 for Criminal Case No. 2016-0774.

As for respondents' proposal to plead guilty in Criminal Case No. 2016-0775 on violation of Section 12 of RA 9165, in lieu of Section 11, the prosecution interposed no objection.

Ruling of the Trial Court

Under Plea Bargaining Resolution[10] dated August 6, 2018, the trial court allowed both respondents to plead to a lesser offense, as proposed. It further declared DOJ Circular Nos. 061 dated November 21, 2017 and 027 dated June 26, 2018 and Regional Prosecution Office (RPO) Order No. 027-E-18 dated May 17, 2018 unconstitutional for allegedly infringing the rule-making power of the Supreme Court, thus:

> WHEREFORE, premises considered[, the] Department of Justice (DOJ) Circular No. 061 dated [November] 21, 2017, DOJ Circular No. 027 dated June 26, 2018 and Regional Prosecution Office (RPO) Order No. 027-E-18 dated May 17, 2018 are hereby DECLARED UNCONSTITUTIONAL AND INVALID for being in contravention to or undermining the rule-making power of the SC, its *Estipona* Decision, its A.M. No. 18-03-16-SC Resolution (*Adopting the Plea Bargaining Framework in [Drugs] Cases*), and the equal protection clause in their (the said DOJ issuances) application if not in their design. The defense Proposal for Plea Bargaining is ALLOWED over the 'vigorous' objection of the prosecution. RE-ARRAIGN the accused in accordance therewith at the next scheduled hearing (on August 8).[11]

The prosecution moved to reconsider[12] but it was denied under Plea Bargaining Resolution II[13] dated September 1, 2018.

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8 *Id.* at 49, 50-51.
9 *Id.* at 52-53.
10 *Id.* at 54-59.
11 *Id.* at 59.
12 *Id.* at 61-69.
13 *Id.* at 70-75.

Consequently, on September 5, 2018, respondents were re-arraigned. Pursuant to their respective plea bargaining proposals, as approved by the court, they changed their individual pleas of "not guilty" to "guilty" to the lesser offense of violation of Section 12, Article II of RA 9165 in both Criminal Case Nos. 2016-0774 and 2016-0775.

On September 18, 2018, the trial court issued the assailed Judgment,[14] *viz.*:

> WHEREFORE, premises considered, judgment is hereby rendered FINDING both **accused EDGAR MAJINGCAR y Yabut, and CHRISTOPHER RYAN LLAGUNO y Matos** GUILTY beyond reasonable doubt:
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> [a] In Crim. Case No. 0774 as principals in the special offense of violation of R.A. 9165, Sec. 12 and are EACH SENTENCED to an indeterminate prison term of TWO (2) YEARS **as minimum** to THREE (3) YEARS **as maximum**, and a FINE of TWENTY THOUSAND PESOS (P20,000.00); and
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> [b] In Crim. Case No. 0775 as principals in the special offense of violation of R.A. 9165, Sec. 12 and are EACH SENTENCED to an indeterminate prison term of ONE (1) YEAR **as minimum** to TWO (2) YEARS **as maximum**, and a FINE of TWENTY THOUSAND PESOS (P20,000.00).[15]

Ruling of the Court of Appeals

On a petition for *certiorari* initiated by the People, the Court of Appeals, as borne in its Decision[16] dated April 5, 2019, dismissed the petition on two (2) grounds: late filing and lack of merit.[17] The Court of Appeals stated that the petition should be dismissed as it was filed only on November 16, 2018 beyond the sixty (60) day period which supposedly expired on November 4, 2018. On the merits, the Court of Appeals pronounced that the petition should still fail for failure to show that the trial court gravely abused its discretion when it allowed respondents to plead to a lesser offense in both cases, following A.M. No. 18-03-16-SC. On this score, the Court of Appeals cited ***Estipona v. Hon. Lobrigo***[18] which struck down as unconstitutional the prohibition against plea bargaining in drugs cases. It further upheld the trial court's declaration that DOJ Circular Nos. 027 and 061 and RPO Order No. 027-E-18 are unconstitutional for being contrary to the intent of ***Estipona*** and A.M. No. 18-03-16-SC.

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14 *Id.* at 43-44.

15 *Id.* at 43.

16 Penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Pedro B. Corales and Ruben Reynaldo G. Roxas.

17 *Id.* at 33-40.

18 816 Phil. 789 (2017).

By Resolution[19] dated September 24, 2019, the People's motion for reconsideration was denied for lack of merit.

The Present Petition

The People[20] now prays anew that respondents' pleas to a lesser offense of violations of Section 12, Article II of RA 9165 in Criminal Case Nos. 2016-0774 and 2016-0775 be set aside, and the case, remanded to the trial court for further proceedings. It faults the Court of Appeals for ruling that its petition for *certiorari* was filed out of time. For in truth, November 16, 2018, the date when it filed the petition was well within the sixty day reglementary period reckoned from September 18, 2018 when the Naga City Prosecution Office received the assailed judgment. Thus, it actually had until November 17, 2018 within which to file its petition.

On the merits, the People faults the Court of Appeals for upholding respondents' plea bargaining proposal over the vehement objection of the prosecution. It asserts that A.M. No. 18-03-16-SC does not dispense with the required consent of the prosecutor whenever an accused puts on the table a plea bargaining proposal. Hence, the trial court gravely abused its discretion when it allowed respondents to plead to a lesser offense in Criminal Case No. 2016-0774, sans the consent of the prosecutor who had invariably objected to it. In so doing, the trial court encroached upon the prosecutor's direction and control in the prosecution of the criminal case.

Too, the trial court gravely abused its discretion when it declared as unconstitutional DOJ Circular Nos. 027 and 061 and RPO Order No. 027-E-18 when none of the parties themselves even prayed for it.

Since the plea bargaining was improper, respondents cannot claim double jeopardy. They can still be prosecuted under the original charges filed against them.

For his part, Majingcar[21] seeks to dismiss the petition due to the purported finality of the trial court's judgment, the People's failure to file a motion for reconsideration of the assailed decision of the Court of Appeals, and the People's resort to an improper remedy against a final and executory judgment of conviction. He likewise posits that while the prosecutor retains direction and control in the prosecution of criminal cases, plea bargaining is addressed to the sound discretion of the judge. Further, although the constitutionality of the DOJ circulars was not raised or prayed

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19 *Id.* at 41-42.

20 Represented by Solicitor General Jose C. Calida, Senior State Solicitors Catalina A. Catral-Talatala and Jose Antonio H. Blanco.

21 Represented by the Public Attorney's Office through Public Attorneys Flordeliza G. Merelos, Mariel D. Baja-Dacanay, Ronald R. Macorol and Eileen Carla Y. Carpio.

for, its resolution was necessary since it directly affected the core issue on plea bargaining. Lastly, he invokes his constitutional right against double jeopardy resulting from the People's challenge against the final judgment of conviction rendered against him.

As for Llaguno,[22] he, too, seeks to dismiss the petition due to its belated filing before the Court of Appeals and in light of the People's failure to show exceptional circumstances to warrant a liberal application of the rules in its favor.

Issues

I

Did the Court of Appeals commit reversible error when it declared that the People initiated the petition for *certiorari* out of time?

II

Did the Court of Appeals commit reversible error when it affirmed the grant of respondents' proposal to plead guilty to the lesser offense of violation of Section 12, Article II of RA 9165 in Criminal Case Nos. 2016-0774 and 2016-0775?

III

Did the Court of Appeals commit reversible error when it affirmed the unconstitutionality of DOJ Circular Nos. 027 and 061 and RPO Order No. 027-E-18, as decreed by the trial court?

IV

Does the People's challenge against the verdict of conviction violate respondents' right against double jeopardy?

Ruling

The Court of Appeals committed reversible error when it declared that the petition for *certiorari* was filed out of time

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[22] Represented by Atty. Manuel B. Torrecampo.

Under Rule 65 of the Rules of Court, a petition for *certiorari* must be filed within sixty (60) days from notice of the judgment, order, or resolution sought to be assailed. Here, the People claims that it reckoned the sixty (60) day period from September 18, 2018 when the prosecutor received a copy of the trial court's judgment of conviction that was rendered on the same day. Remarkably, neither respondents nor the Court of Appeals disagrees that indeed, on September 18, 2018, the trial rendered the assailed judgment and it was on the same day, too, when the prosecutor had notice thereof. It follows, therefore, that starting from September 18, 2018, the sixty-day period expired on November 17, 2018. So when the People filed its petition for *certiorari* on November 16, 2018, it did so still well within the reglamentary period.

At any rate, the Court of Appeals clearly had its way of counting the sixty days. Although it did not mention from what date it started counting, logic dictates that it started counting on September 5, 2018, when respondents were re-arraigned and allowed to plead "guilty" to the lesser offense of violation of Section 12, Article II of RA 9165 in Criminal Case Nos. 2016-0774 and 2016-0775. We arrive at this conclusion because the Court of Appeals referred to November 4, 2018 as the last day for filing the petition for *certiorari*. Counting backward, the Court of Appeals appears to have started counting from September 5, 2018, the date when respondents got re-arraigned and pleaded guilty to the lesser offense of violation of Section 12, Article II of RA 9165 in both Criminal Case Nos. 2016-0774 and 2016-0775.

But this counting is erroneous. For it was still much later, on September 18, 2018, when the prosecutor actually had notice of the trial court's judgment of conviction that was rendered on the same day. Hence, the People correctly reckoned the sixty-day period from September 18, 2018 or until November 17, 2018. Therefore, we repeat that when the People subsequently filed its petition for *certiorari* on November 16, 2018, it was well within the reglementary period.

To clarify, the Plea Bargaining Resolutions dated August 6, 2018 and September 1, 2018 are mere interlocutory orders which cannot be the subject of a petition for *certiorari*. To allow a challenge thereof *via* Rule 65 will not only breed undue delay in the administration of justice but a much frowned upon piecemeal attacks against the court's mere interim issuances. Consistent with consideration of expediency, the proper remedy is a one-time challenge against the court's final judgment on the merits. To allow otherwise would result in a never ending trial, not to mention the clogging of the dockets of appellate court with *ad infinitum* petitions of aggrieved parties-litigants against every interlocutory order of the trial court.[23]

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[23] *See Spouses Ampeloquio v. Court of Appeals*, 389 Phil. 13, 19 (2000).

At any rate, we keenly note the successive, nay, rapid actions of the trial court on the People's motion for reconsideration (September 1, 2018) respondents' re-arraignment (September 5, 2018) and the decision on the merits itself (September 18, 2018) which the People could not have also challenged every step of the way, with the same lightning speed.

As for the alleged failure of the People to seek a reconsideration of the judgment of conviction as condition precedent to the filing of its petition for *certiorari*, records show that in fact, the People had initially filed a motion for reconsideration of the grant of respondents' proposed plea bargaining in Criminal Case Nos. 2016-0774 and 2016-0775, albeit it was denied. In any case, the filing of a motion for reconsideration as condition *sine qua non* to initiating a petition for *certiorari* is not an ironclad rule as it admits of well-defined exceptions, among them, **where the questions raised in the *certiorari* proceedings have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court**; and **where the issue raised is one purely of law or where public interest is involved.**[24] These exceptions are both present here, thus dispensing with the prior filing of a motion for reconsideration is in order.

The Court of Appeals did not err in upholding respondents' plea to a lesser offense of violation of Section 12, Article II of RA 9165 in Criminal Case No. 2016-0775 which carried the conformity of the prosecutor

In Criminal Case No. 2016-0775, for illegal possession of drugs, the prosecution interposed no objection to respondents' proposal to plead to the lesser offense of violation of Section 12, Article II of RA 9165. Whether to grant this proposal already rested upon the sound discretion of the court.[25] Thus, the trial court cannot be faulted with grave abuse of discretion, amounting to excess or lack of jurisdiction when first, it approved respondents' aforesaid proposal, then set their re-arraignment and accepted their pleas of guilty to the lesser offense proposed, and finally rendered a judgment of conviction against them.

The Court, therefore, now focuses solely on Criminal Case No. 2016-0774.

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24 *Shuley Mine, Inc. v. Department of Environment and Natural Resources*, G.R. No. 214923, August 28, 2019.

25 *Sayre v. Xenos*, G.R. Nos. 244413 & 244415-16, February 18, 2020.

The Court of Appeals committed reversible error when it affirmed the grant of respondents' proposal to plead guilty to the lesser offense of violation of Section 12, Article II of RA 9165 in Criminal Case No. 2016-0774, *sans* the consent of the prosecution which invariably opposed it

Section 2, Rule 116 of the Rules of Court states:

> **Section 2.** *Plea of guilty to a lesser offense.* – At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.

Hence, in drug cases where there is no private offended party, **the consent of the prosecutor** is the operative act which vests discretion upon the court to allow or reject the accused's proposal to plead guilty to a lesser offense. Thus, where this consent is withheld, no such discretion gets vested in the court.

In his Separate Concurring Opinion in ***Sayre v. Xenos***,[26] citing ***People v. Villarama***,[27] Associate Justice Rodil V. Zalameda explained the importance of the prosecutor's prior consent to a proposed plea of guilty to a lesser offense by the accused, *viz.*:

> In *People v. Villarama*, the Court stressed that consent from the prosecutor is a condition precedent before an accused may validly plead guilty to a lesser offense. The reason for this is obvious. **The prosecutor has full control of the prosecution of criminal actions**. Consequently, it is his duty to always prosecute the proper offense, not any lesser or graver one, when the evidence in his hands can only sustain the former. x x x

He further clarified that when the accused refuses to enter a plea to the offense charged or when the prosecutor objects to a proposed plea of guilty to a lesser offense, the trial court cannot proceed to approve a plea bargain based on the Plea Bargaining Framework. If it does, the trial court commits grave abuse of discretion, *viz.*:

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26 *Id.*

27 *See* 285 Phil. 723, 732 (1992).

> In choosing to respect the prosecution's discretion to give or withhold consent, the Court is not surrendering any of its powers. Instead, it is an exercise of sound judicial restraint. Courts cannot forcefully insist upon any of the parties to plead in accordance with the *Plea Bargaining Framework*. To emphasize, **when there is no unanimity between the prosecution and the defense, there is also no plea bargaining agreement to speak of**. If a party refuses to enter a plea in conformity with the *Plea Bargaining Framework*, **a court commits grave abuse of discretion should it unduly impose its will on the parties** by approving a plea bargain and issuing a conviction based on the *framework*.

There is grave abuse of discretion when the disputed act of the lower court goes beyond the limits of discretion, thus, committing a miscarriage of justice.[28]

Here, the trial court acted with grave abuse of discretion or without jurisdiction when despite the vehement objection of the prosecution, it peremptorily, in clear violation of Section 2, Rule 116 of the Rules of Court, approved respondents' proposed plea bargaining in Criminal Case No. 2016-0774, specifically, to enter a plea of guilty to the lesser offense of violation of Section 12, Article II of RA 9165, in lieu of the original charge of violation of Section 5, Article II of RA 9165.

The trial court acted in gross ignorance of the law when it *motu proprio* declared DOJ Circular No. 27 as unconstitutional

The Court agrees with the People that the trial court gravely abused its discretion amounting to lack of jurisdiction when it *motu proprio* declared as unconstitutional DOJ Circular No. 27, albeit there was a total absence of the Constitutionally prescribed requisites for the exercise of judicial review, *viz.*: (1) there must be an actual case or justiciable controversy before the court; (2) the question before it must be ripe for adjudication; (3) **the person challenging the act must be a proper party**; and (4) the issue of constitutionality must be raised at the earliest opportunity and must be the very *litis mota* of the case.[29] Where the law is straightforward and the facts so evident, failure to know it or to act as if one does not know it constitutes gross ignorance of the law.[30]

The Court has already ruled that DOJ Circular No. 27 does not infringe upon the rule making power of the Court

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28 *See People v. Court of Appeals*, 755 Phil. 80, 101 (2015).
29 *Funa v. Villar*, 686 Phil. 571, 584 (2012).
30 *Department of Justice v. Mislang*, 791 Phil. 219, 227 (2016).

In ***Sayre***,[31] the Court ruled that DOJ Circular No. 27 does not infringe upon the Court's rule making power under the Constitution, thus:

> In this petition, A.M. No. 18-03-16-SC is a rule of procedure established pursuant to the rule-making power of the Supreme Court that serves as a framework and guide to the trial courts in plea bargaining violations of R.A. 9165.
>
> Nonetheless, a plea bargain still requires mutual agreement of the parties and remains subject to the approval of the court. The acceptance of an offer to plead guilty to a lesser offense is not demandable by the accused as a matter of right but is a matter addressed entirely to the sound discretion of the trial court.
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> Section 2, Rule 116 of the Rules of Court expressly states:
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> Sec. 2. Plea of guilty to a lesser offense. — At arraignment, **the accused, with the consent of the offended party and the prosecutor, may** be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused **may** still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.
>
> The use of the word "may" signifies that the trial court has discretion whether to allow the accused to make a plea of guilty to a lesser offense. Moreover, plea bargaining requires the consent of the accused, offended party, and the prosecutor. It is also essential that the lesser offense is necessarily included in the offense charged.
>
> Taking into consideration the requirements in pleading guilty to a lesser offense, **We find it proper to treat the refusal of the prosecution to adopt the acceptable plea bargain for the charge of Illegal Sale of Dangerous Drugs provided in A.M. No. 18-03-16-SC as a continuing objection that should be resolved by the RTC.** This harmonizes the constitutional provision on the rule making power of the Court under the Constitution and the nature of plea bargaining in Dangerous Drugs cases. **DOJ Circular No. 27 did not repeal, alter, or modify the Plea Bargaining Framework in A.M. No. 18-03-16-SC**.
>
> **Therefore, the DOJ Circular No. 27 provision pertaining to acceptable plea bargain for Section 5 of R.A. 9165 did not violate the rule-making authority of the Court. DOJ Circular No. 27 merely serves as an internal guideline for prosecutors to observe before they may give their consent to proposed plea bargains**. (Emphases supplied)

This ruling by the Court *En Banc* all the more compels the invalidation of the assailed decision in Criminal Case No. 2016-0774.

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[31] Supra note 25.

Respondents' right against double jeopardy has not been violated

Section 7, Rule 117 of the Rules of Court provides:

> **Section 7**. *Former conviction or acquittal; double jeopardy.* – When an accused has been convicted or acquitted, **or the case against him** dismissed or otherwise **terminated without his express consent by a court of competent jurisdiction**, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information.
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> **However, the conviction of the accused shall not be a bar to another prosecution for an offense which necessarily includes the offense charged in the former complaint or information** under any of the following instances:
>
> (a) the graver offense developed due to supervening facts arising from the same act or omission constituting the former charge;
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> (b) the facts constituting the graver charge became known or were discovered only after a plea was entered in the former complaint or information; or
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> (c) **the plea of guilty to the lesser offense was made without the consent of the prosecutor and of the offended party except as provided in Section 1(f) of Rule 116.**
>
> In any of the foregoing cases, where the accused satisfies or serves in whole or in part the judgment, he shall be credited with the same in the event of conviction for the graver offense.

Section 7(c) is self-explanatory. Based thereon, there is no bar to another prosecution against respondents for violation of Section 5, Article II of RA 9165 in Criminal Case No. 2016-0774.

ACCORDINGLY, the petition is **GRANTED**. The Decision dated April 5, 2019 and Resolution dated September 24, 2019 of the Court of Appeals in CA-G.R. SP No. 158396 are **REVERSED** and **SET ASIDE** insofar as Criminal Case No. 2016-0774 is concerned. The same is remanded to the Regional Trial Court-Naga City, Branch 61 which is directed to proceed with the trial of Edgar Majingcar *y* Yabut and Christopher Ryan Llaguno *y* Matos, with utmost dispatch.

As for Criminal Case No. 2016-0775, the Decision dated April 5, 2019 and Resolution dated September 24, 2019 of the Court of Appeals in CA-G.R. SP No. 158396 are **AFFIRMED**. Edgar Majingcar *y* Yabut and Christopher Ryan Llaguno *y* Matos are found guilty of violation of Section 12, Republic Act No. 9165. They are sentenced each to one (1) year to two (2) years of imprisonment and a fine of twenty thousand pesos (₱20,000.00).

SO ORDERED.

AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

ALEXANDER G. GESMUNDO
Associate Justice

MARIO V. LOPEZ
Associate Justice

RICARDO R. ROSARIO
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.

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson, Second 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.

DIOSDADO M. PERALTA
Chief Justice