



SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE

RECEIVED  
SEP 28 2023

BY: \_\_\_\_\_  
TIME: \_\_\_\_\_

Republic of the Philippines  
Supreme Court  
Baguio City

**SECOND DIVISION**

**JAMES BILLOSO y OBLIGAR**  
Petitioner,

**G.R. No. 257733**

Present:

LEONEN, *Chairperson*,  
LAZARO-JAVIER,  
LOPEZ, M.,  
LOPEZ, J.,  
KHO, JR., *JJ*.

*-versus-*

**PEOPLE OF THE PHILIPPINES,**  
Respondent.

Promulgated:

**JAN 11 2023**

X-----X

**DECISION**

**LOPEZ, J., J.:**

This Court resolves a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Revised Rules of Court assailing the Decision<sup>2</sup> and Resolution<sup>3</sup> rendered by the Court of Appeals (CA) in CA-G.R. SP No. 12761, which reversed and set aside the Decision<sup>4</sup> and Order<sup>5</sup> issued by the Regional Trial Court (RTC) in Criminal Case Nos. C-224-18 and C-225-18. The RTC approved the plea bargaining proposal of James Billoso y Obligar (*Billoso*) and found him guilty beyond reasonable doubt of two counts of violation of Article II, Section 12 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

<sup>1</sup> *Rollo*, pp. 10-43  
<sup>2</sup> *Id.* at 82-96. The October 28, 2020 Decision was penned by Associate Justice Dorothy P. Montejogonzaga, and concurred in by Associate Justices Pamela Ann A. Maxino and Lorenza R. Bordios of the Nineteenth Division, Court of Appeals, Cebu.  
<sup>3</sup> *Id.* at 110-112. The June 30, 2021 Resolution was penned by Associate Justice Dorothy P. Montejogonzaga, and concurred in by Associate Justices Pamela Ann Abella Maxino and Lorenza R. Bordios of the Nineteenth Division, Court of Appeals, Cebu.  
<sup>4</sup> *Id.* at 118-123. The January 24, 2019 Decision was penned by Presiding Judge Kristine B. Tiangco-Vinculado of Branch 16, Regional Trial Court, Roxas City.  
<sup>5</sup> *Id.* at 133. The February 22, 2019 Order was penned by Presiding Judge Kristine B. Tiangco-Vinculado of Branch 16, Regional Trial Court, Roxas City.

### The Antecedents

Billoso and Dave Billoso y Capapas, were charged with violation of Section 5 in relation to Article II, Section 26 of Republic Act No. 9165. The accusatory portion of the Information states that:

That on or about the 10<sup>th</sup> day of July 2018, in the City of Roxas, Philippines, and within the jurisdiction of the Honorable Court, both accused, conspiring and confederating with each other, with deliberate intent and without justifiable motive, did then and there willfully, unlawfully and feloniously, sell and/or deliver to PO2 Rudy Fontenilla, a police [“]poseur buyer[”], one (1) heat-sealed transparent plastic sachet containing white crystalline substance of Methamphetamine Hydrochloride or shabu, a dangerous drug with marking [“]JOB-BB[”], containing 0.0200 gram, in consideration of the sum of Five Hundred Pesos (P500.00), in such manner that when accused James Billoso asked the poseur buyer to quote: [“]five hundred to kuhaon nyo pre no?[”] and the poseur buyer replied positively. Consequently, Dave Billoso asked the money and PO2 Fontenilla took the one piece five hundred peso bill marked money and handed it to him. In exchange, James Billoso took an item on his sling bag and handed PO2 Fontenilla the one (1) piece heat-sealed transparent plastic sachet containing white crystalline substance of suspected shabu.

CONTRARY TO LAW.<sup>6</sup>

Billoso was also charged with violation of Article II, Section 11 of Republic Act No. 9165 in another Information, the accusatory portion of which reads:

That on or about the 10<sup>th</sup> day of July 2018, in the City of Roxas, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, control and custody, four (4) pieces heat-sealed transparent plastic sachets each containing Methamphetamine Hydrochloride or shabu, a dangerous drug with marking [“]JOB-01[”], (with a weight of 0.2651 grams); JOB-2 (with a weight of 0.0524 grams); JOB-3 (with a weight of 0.0403 grams) and JOB-4 (with a weight of 0.0356 grams ) [“] with a total weight of 0.3934 grams, without being authorized by law to possess the same.

CONTRARY TO LAW.<sup>7</sup>

During their arraignment on August 1, 2018, Billoso and his co-accused entered a plea of “not guilty” to both charges.<sup>8</sup> On the same day, they submitted their Proposal for Plea Bargaining<sup>9</sup> stating their willingness to plead guilty to the lesser offense of violation of Article II, Section 12 of Republic Act No. 9165 for all charges.<sup>10</sup>

<sup>6</sup> *Id.* at 12–13.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 13.

<sup>9</sup> *Id.* at 113–114.

<sup>10</sup> *Id.*

The prosecution filed its Comment/Objection (To Proposal for Plea Bargaining)<sup>11</sup> praying for the denial of the plea bargaining proposal on the grounds that in Criminal Case No. C-224-18: (1) the prosecution is directed not to accept plea bargaining proposals pursuant to Department of Justice (DOJ) Circular No. 027-18 or the "Amended Guidelines on Plea Bargaining for Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002"; and (2) the prosecution's evidence was sufficient to convict petitioner and his co-accused of the crimes charged.<sup>12</sup> For Criminal Case No. C-225-18, the prosecution argued that the evidence was sufficient to convict the accused of the crime charged.<sup>13</sup>

In an Order<sup>14</sup> dated January 24, 2019, the RTC granted Billoso and his co-accused's proposal for plea bargaining and ordered their re-arraignment for the lesser offense of violation of Article II, Section 12 of Republic Act No. 9165.<sup>15</sup> After the plea of "not guilty" to the lesser offense was entered,<sup>16</sup> the RTC rendered its Decision<sup>17</sup> declaring Billoso and his co-accused guilty of the lesser crime, the pertinent portions of which states:

OVER and ABOVE the OBJECTION of the prosecution, the Court resolves to grant the proposals for plea-bargaining of the accused on the following grounds:

1. The total weight of shabu alleged sold and possessed by the accused qualifies him to avail of the benefits of Administrative Matter No. 18-03-16-SC;
2. As stated in *Estipona v. Lobrigo* case, accused is allowed to plea-bargaining during arraignment, the pre-trial or even up to the point when the prosecution already rested its case;
3. The consent of the police officers, or in the instant cases the PDEA agent, is not necessary considering the violation of R.A. 9165 is a public crime and, as such, the state is deemed to be the offended party. The public prosecutor is the representative of the state, thus its comment/opposition to the proposal for plea-bargaining of the accused will suffice; and
4. The primary reason for the prosecution's objection to the proposals for plea-bargaining of the accused is that it is not consistent with Department of Justice Circular No. 027.

Between Administrative Matter No. 18-03-16-SC and Department of Justice Circular No. 027, the former shall prevail as it was adopted in view of the Supreme Court's ruling in *Estipona v. Lobrigo* which forms part of the law of the land. To disallow the accused to plea-bargain because it is not consistent with Department of Justice Circular No. 027 would tantamount to dismissing the Supreme Court's power to promulgate rules concerning the protection and enforcement of constitutional rights, pleading, Practice and procedure in all courts, including plea bargaining in drugs cases, as mandated by Section 5(5), Article VIII of the 1987 Constitution.

<sup>11</sup> *Id.* at 115-117. Dated September 20, 2018.

<sup>12</sup> *Id.* at 13-14.

<sup>13</sup> *Id.* at 14.

<sup>14</sup> *Id.* at 136.

<sup>15</sup> *Id.* at 14.

<sup>16</sup> *Id.* at 134-135.

<sup>17</sup> *Id.* at 118-123.

9

....

**WHEREFORE**, the judgement is hereby rendered as follows:

1. In Criminal Case No. C-224-18, accused James Billoso y Obligar and Dave Billoso y Capapas are both found **GUILTY** beyond reasonable doubt of the crime of violation of Section 12, Article II of R.A. No. 9165 and are each sentenced to imprisonment consisting of six (6) months and one (1) day to three (3) years and to pay a fine of P10,000.00.
2. In Criminal Case No. C-225-18, accused James Billoso y Obligar is found **GUILTY** beyond reasonable doubt of the crime of violation of Section 12, Article II of R.A. 9165 and is hereby sentenced to imprisonment consisting of six (6) months and one (1) day to one (1) years and to pay a fine of P10,000.00.

Both accused's detention period shall be credited in their service of sentences.

Unless both accused had already served the maximum penalties imposed, they are advised to avail the benefits of probation and be released on recognizance.

Both accused are mandated to report to the DOH Treatment and Rehabilitation Center, Brgy. Rumbang, Pototan Iloilo for the proper orientation of the terms and conditions of their **OUTPATIENT** drug treatment and rehabilitation within fifteen (15) days from their release.

The sachets of shabu are confiscated to be turned over to the Philippine Drug Enforcement Agency Region VI, Iloilo City for proper disposal. The buy-bust money shall be turned over to the national treasury.

**SO ORDERED.**<sup>18</sup> (Emphasis in the original)

The Office of the Solicitor General moved for the reconsideration<sup>19</sup> of the RTC Decision. Thereafter, the RTC issued its Order<sup>20</sup> denying the motion for reconsideration on the ground that it was filed out of time.

The Office of the Solicitor General subsequently filed a Petition for *Certiorari*<sup>21</sup> praying for the annulment of the RTC's Decision and Order, and for the reinstatement and the continuation of proceedings. In response, Billoso and his co-accused filed their Comment (On the Petition for *Certiorari*).<sup>22</sup>

In the assailed Decision,<sup>23</sup> the CA granted the Office of the Solicitor General's Petition for *Certiorari*. The dispositive portion reads:

**WHEREFORE**, in view of the foregoing, the Petition for *Certiorari* is **GRANTED**. The Decision dated January 24, 2019 and Order dated February 22, 2019 of the Regional Trial Court (RTC) of Roxas City, 6<sup>th</sup> Judicial Region, Branch 16, in Criminal Case No. C-224-18 and Criminal Case No. C-225-18, are **REVERSED** and **SET ASIDE**. The Regional Trial

<sup>18</sup> *Id.* at 121-123.

<sup>19</sup> *Id.* at 124-132

<sup>20</sup> *Id.* at 133.

<sup>21</sup> *Id.* at 47-63.

<sup>22</sup> *Id.* at 67-78.

<sup>23</sup> *Id.* at 82-96.

Court (RTC) of Roxas City, 6<sup>th</sup> Judicial Region, Branch 16, is hereby **ORDERED** to immediately proceed with the criminal cases filed against James Billoso y Obligar and Dave Billoso y Capapas.

**SO ORDERED.**<sup>24</sup> (Emphasis in the original)

Billoso and his co-accused moved for reconsideration,<sup>25</sup> which was denied by the Court of Appeals in its Resolution,<sup>26</sup> thus:

**WHEREFORE**, premises considered, private respondents' Motion for Reconsideration is **DENIED** for lack of merit. The Regional Trial Court of Roxas City, Branch 16 is hereby **ORDERED** to proceed with the original charges in Criminal Case Nos. C-224-18 and C-225-18 against private respondents James Billoso y Obligar and Dave Billoso y Capapas with both privates (sic) respondents brought back into the custody of the court.

**SO ORDERED.**<sup>27</sup> (Emphasis in the original)

Thus, Billoso filed this present Petition.

### Issue

The lone issue for resolution in this case is whether the CA erred when it annulled the Decision and Order of the RTC, and ordered the reinstatement and continuation of the proceeding of the criminal cases against Billoso.

### This Court's Ruling

The Petition is without merit.

To recall, the prosecution's objection to Billoso's plea bargaining proposal was based on two grounds: *first*, that it is directed not to accept plea bargaining proposals for violation of Section 5 in relation to Section 26, Article II of Republic Act No. 9165 pursuant to DOJ Circular No. 027-18; and *second*, that there is supposedly sufficient evidence to convict Billoso of violation of Article II, Section 5, in relation to Section 26, of Republic Act No. 9165 and violation of Article II, Section 11 of Republic Act No. 9165.<sup>28</sup> The RTC granted Billoso's plea bargaining proposal over the prosecution's objection reasoning that the judiciary's Plea Bargaining Framework in Drugs Cases prevails over DOJ Circular No. 027-18. It did not touch upon, much less resolve, the prosecution's claim that there is sufficient evidence to convict Billoso of the offenses originally charged against him.

<sup>24</sup> *Id.* at 95.

<sup>25</sup> *Id.* at 97-105. Dated December 17, 2020.

<sup>26</sup> *Id.* at 110-112.

<sup>27</sup> *Id.* at 112.

<sup>28</sup> *Rollo*, pp. 13-14.

As to the prosecution's first ground, it was clarified in *People v. Montierro*<sup>29</sup> that insofar as the inconsistency to plea bargaining involving violation of Section 5 of Republic Act No. 9165 is concerned, the same was already reconciled with the issuance of DOJ Circular No. 18 dated May 10, 2022, and thus, any objection based solely on DOJ Circular No. 027-18 can now be considered effectively withdrawn, thus:

At the very outset, the Court takes judicial notice of DOJ Department Circular No. 18 dated May 10, 2022 (DOJ Circular No. 18), which took effect on the same date. It appears that DOJ Circular No. 18 amended DOJ Circular No. 27 to conform to the Court-issued Plea Bargaining Framework in Drugs Cases.

Under DOJ Circular No. 27, an accused charged with violation of Section 5 of RA No. 9165 (for less than 5 grams of shabu or less than 300 grams of marijuana) may plead guilty to a lesser offense under Section 11, paragraph 3 or Possession of Dangerous Drugs; whereas, under the Court's Plea Bargaining Framework in Drugs Cases, the acceptable plea for violation of Section 5 of RA No. 9165 (for 0.01 gram to 0.99 gram of shabu or 0.01 gram to 9.99 grams of marijuana) is the lesser offense of Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs under Section 12 of RA No. 9165. This inconsistency was reconciled in DOJ Circular No. 18, where the acceptable plea for violation of Section 5 of RA No. 9165 is now Section 12 of RA No. 9165, which is in accordance with the Court's Plea Bargaining Framework in Drugs Cases.

With the amendments introduced in DOJ Circular No. 18, the prosecution's objection to Montierro and Baldadera's plea bargaining proposals, which was based solely on DOJ Circular No. 27, can now be considered as effectively withdrawn. As such, the issues of whether the RTC erred in declaring DOJ Circular Nos. 61 and 27 invalid and overruling the prosecution's continuing objection to Montierro and Baldadera's plea bargaining proposals are now rendered moot and academic.<sup>30</sup>

Per DOJ Circular No. 018-22, the prosecution is no longer mandated to raise an objection to a plea bargain involving violation of Section 5, to a violation of Section 12 of Republic Act No. 9165 provided that the drugs involved are .01 gram to .99 gram of Methamphetamine hydrochloride or "shabu" and/or .01 gram to 9.99 grams of marijuana, which is covered by the instant case.

However, with respect to the prosecution's second ground, jurisprudence and guidelines issued by this Court have consistently provided that trial courts should resolve plea bargaining proposals *on the basis of evidence*. In *Estipona, Jr. v. Lobrigo*,<sup>31</sup> this Court held that *a trial court's ruling on motions for plea bargaining must be grounded on evidence*, to wit:

<sup>29</sup> G.R. Nos. 254564, 254974, A.M. No. 21-07-16-SC & A.M. No. 18-03-16-SC, July 26, 2022 [Per J. Caguioa, *En Banc*].

<sup>30</sup> *Id.* at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>31</sup> 816 Phil. 789 (2017) [Per J. Peralta, *En Banc*].

Plea bargaining is allowed during the arraignment, the pre-trial, or even up to the point when the prosecution already rested its case. As regards plea bargaining during the pre-trial stage, the trial court's exercise of discretion should not amount to a grave abuse thereof....

If the accused moved to plead guilty to a lesser offense subsequent to a bail hearing or after the prosecution rested its case, the rules allow such a plea only when the prosecution does not have sufficient evidence to establish the guilt of the crime charged. The only basis on which the prosecutor and the court could rightfully act in allowing change in the former plea of not guilty could be nothing more and nothing less than the evidence on record. *As soon as the prosecutor has submitted a comment whether for or against said motion, it behooves the trial court to assiduously study the prosecution's evidence as well as all the circumstances upon which the accused made his change of plea to the end that the interests of justice and of the public will be served. The ruling on the motion must disclose the strength or weakness of the prosecution's evidence. Absent any finding on the weight of the evidence on hand, the judge's acceptance of the defendant's change of plea is improper and irregular.*<sup>32</sup> (Emphasis supplied)

In the same vein, this Court had directed trial courts to resolve plea bargaining proposals in drugs cases based on whether evidence exists that the accused: (1) is a recidivist; (2) is a habitual offender or known in the community as a drug addict and a troublemaker; (3) has undergone rehabilitation but had a relapse; (4) has been charged many times; or (5) is guilty of the crime charged,<sup>33</sup> viz.:

Significantly, plea bargaining is always addressed to the sound discretion of the judge, guided by Court issuances, like A.M. No. 18-03-16-SC dated April 10, 2018. If the objection to the plea bargaining is solely to the effect that it will weaken the drug campaign of the government, the judges may overrule such objections because they are constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government. However, if objections to the plea bargaining are valid and supported by evidence to the effect that the offender is a recidivist, a habitual offender or known in the community as a drug addict and a troublemaker, or one who has undergone rehabilitation but had a relapse, or has been charged many times, or when the evidence of guilt of the charge is strong, courts should not allow plea bargaining, because that will not help

<sup>32</sup> *Id.* at 816-817.

<sup>33</sup> *People v. Montierro, Baldadera v. People, Re Letter of the Philippine Judges Association Expressing Concern over the Ramifications of the Decision in G.R. No. 247575 and G.R. No. 250295, Re Letter of Associate Justice Diosdado M. Peralta on the Suggested Plea Bargaining Framework Submitted by the Philippine Judges Association*, G.R. Nos. 254564, 254974, A.M. No. 21-07-16-SC and A.M. No. 18-033-16-SC, July 26, 2002 [Per J. Caguioa, *En Banc*] at 26. This pinpoint citation refers to the copy uploaded in the Supreme Court website.

keep law and order in the community and the society. And just because the prosecution and the defense agree to enter into a plea bargain, it does not mean the courts will approve the same. The judge must still exercise sound discretion in granting or denying plea bargaining, taking into account relevant circumstances, such as the character of the accused.<sup>34</sup> (Emphasis in the original and citation omitted)

Recently, this Court issued further clarificatory guidelines to trial courts in resolving plea bargaining proposals in drugs cases which further emphasized that *trial courts should resolve plea bargaining proposals on the basis of evidence*,<sup>35</sup> to wit:

1. Offers for plea bargaining must be initiated in writing by way of a formal written motion filed by the accused in court.
2. The lesser offense which the accused proposes to plead guilty to must necessarily be included in the offense charged.
3. Upon receipt of the proposal for plea bargaining that is compliant with the provisions of the Court's *Plea Bargaining Framework in Drugs Cases*, the judge shall order that a drug dependency assessment be administered. If the accused admits drug use, or denies it but is found positive after a drug dependency test, then he/she shall undergo treatment and rehabilitation for a period of not less than six (6) months. Said period shall be credited to his/her penalty and the period of his/her after-care and follow-up program if the penalty is still unserved. If the accused is found negative for drug use/dependency, then he/she will be released on time served, otherwise, he/she will serve his/her sentence in jail minus the counselling period at the rehabilitation center.
4. As a rule, plea bargaining requires the mutual agreement of the parties and remains subject to the approval of the court. Regardless of the mutual agreement of the parties, the acceptance of the 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 court.
  - a. Though the prosecution and the defense may agree to enter into a plea bargain, it does not follow that the courts will automatically approve the proposal. Judges must still exercise sound discretion in granting or denying plea bargaining, taking into account the relevant circumstances, including the character of the accused.
5. *The court shall not allow plea bargaining if the objection to the plea bargaining is valid and supported by evidence to the effect that:*
  - a. *the offender is a recidivist, habitual offender, known in the community as a drug addict and a troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times;*  
*or*
  - b. *when the evidence of guilt is strong.*

---

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 27. This pinpoint citation refers to the copy uploaded in the Supreme Court website.

5

6. Plea bargaining in drugs cases shall not be allowed when the proposed plea bargain does not conform to the Court-issued *Plea Bargaining Framework in Drugs Cases*.
7. *Judges may overrule the objection of the prosecution if it is based solely on the ground that the accused's plea bargaining proposal is inconsistent with the acceptable plea bargain under any internal rules or guidelines of the DOJ, though in accordance with the plea bargaining framework issued by the Court, if any.*
8. If the prosecution objects to the accused's plea bargaining proposal due to the circumstances enumerated in item no. 5, the trial court is mandated to hear the prosecution's objection and rule on the merits thereof. If the trial court finds the objection meritorious, it shall order the continuation of the criminal proceedings.
9. If an accused applies for probation in offenses punishable under RA No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Section 24 thereof, then the law on probation shall apply.<sup>36</sup> (Emphasis supplied)

Grave abuse of discretion is such capricious and whimsical exercise of judgment as equivalent to lack of jurisdiction. The abuse must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility. It must also be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.<sup>37</sup>

There is also grave abuse of discretion when an act is done: (1) contrary to the Constitution, the law or jurisprudence; (2) whimsically capriciously or arbitrarily, out of malice, ill will or personal bias,<sup>38</sup> or (3) with manifest disregard of the basic rules and procedures.<sup>39</sup>

The foregoing considered, no error was committed by the CA when it ruled for the annulment and setting aside the RTC's Decision and Order, and directed the reinstatement of the criminal cases against Billoso. The RTC indubitably gravely abused its discretion when it, contrary to established jurisprudence and guidelines issued by this Court, approved Billoso's plea bargaining proposal without resolving the prosecution's claim that there is sufficient evidence to convict Billoso of the offenses originally charged against him. As correctly pointed out by the CA, there is no impediment to the trial court continuing with the proceedings in the criminal cases in order to determine whether there is merit in the prosecution's claim that it has sufficient evidence to convict petitioner.<sup>40</sup>

<sup>36</sup> *Id.* at 31-32.

<sup>37</sup> *United Coconut Planters Bank v. Looyuko*, 560 Phil. 581, 591-592 (2007) [Per J. Austria-Martinez, Third Division].

<sup>38</sup> *Almario v. Executive Secretary*, 714 Phil. 127, 169 (2013) [Per J. Leonardo-de Castro, *En Banc*].

<sup>39</sup> *Cruz v. People of the Philippines*, 812 Phil. 166, 174 (2017) [Per J. Leonen, Second Division], citing *Crisologo v. JEWMA Agro-Industrial Corporation*, 728 Phil. 315 (2014) [Per J. Mendoza, Third Division].

<sup>40</sup> *Rollo*, p. 94.

9

Apropos, We deem it proper and in the interest of justice to direct the RTC to resolve Billoso’s proposal for plea bargaining in accordance with the guidelines that We set forth in the consolidated cases of *People v. Montierro, Baldadera v. People*, A.M. No. 21-07-16-SC and A.M. No. 18-03-16-SC.

**ACCORDINGLY**, the Petition is **DENIED** for lack of merit. The Decision dated October 28, 2020 and the Resolution dated June 30, 2021 issued by the Court of Appeals in CA-G.R. SP No. 12761 are **MODIFIED**. The case against James Billoso y Obligar in Criminal Case Nos. C-224-18 and C-225-18 are **REMANDED** to Branch 16, Regional Trial Court, Roxas City to **RESOLVE** James Billoso y Obligar’s proposal for plea bargaining in accordance with the Montierro guidelines.

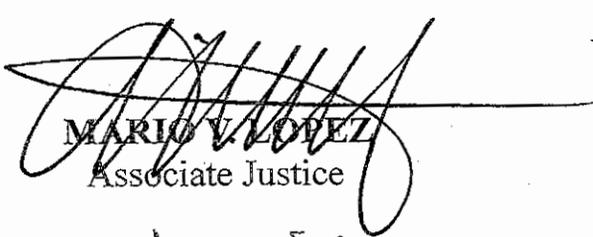
**SO ORDERED.**

  
**JHOSEP LOPEZ**  
Associate Justice

**WE CONCUR:** *See separate concurring opinion*

  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

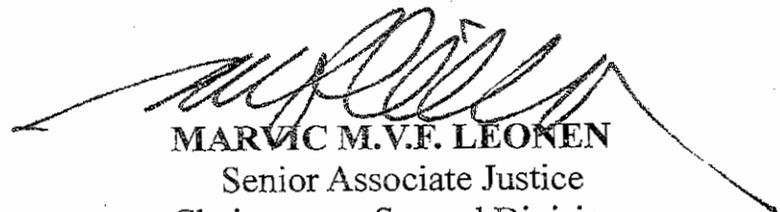
  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**MARIO V. LOPEZ**  
Associate Justice

*Please see my concurring & dissenting opinion*  
  
**ANTONIO T. KHO, JR.**  
Associate Justice

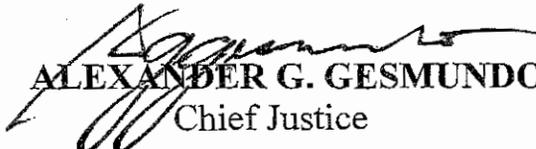
**ATTESTATION**

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.

  
**MARVIC M.V.F. LEONEN**  
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.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

9