



Republic of the Philippines
Supreme Court
Manila City

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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ARSENIO MANAGUELOD y
TANDAYU,

Petitioner,

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. 261612

Members:

LEONEN, *SAJ*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, Jr., *JJ*.

Promulgated:

AUG 14 2024

X-----X

DECISION

LAZARO-JAVIER, J.:

This Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, assails the following dispositions of the Court of Appeals in CA-G.R. CR No. 44810:

- 1) **Decision**² dated December 27, 2021 affirming the conviction of petitioner Arsenio Managuelod y Tandayu (Managuelod) for violation of Batas Pambansa Blg. 6, in relation to Republic Act No. 7166, the Omnibus Election Code, as amended, and Commission on Elections Resolution No. 10446 (COMELEC Resolution No. 10446); and

¹ Rollo, p. 16.

² The December 27, 2021 Decision in CA-G.R. CR No. 44810 was penned by Associate Justice Myra V. Garcia-Fernandez, and concurred in by Associate Justices Louis P. Acosta and Bonifacio S. Pascua, of the Eleventh Division, Court of Appeals, Manila; *id.* at 36–48.

- 2) **Resolution**³ dated May 24, 2022 denying Managuelod's Motion for Reconsideration.

Antecedents

By Information dated May 30, 2019, Managuelod was charged with violation of Batas Pambansa Blg. 6,⁴ in relation to Republic Act No. 7166,⁵ the Omnibus Election Code, as amended,⁶ and COMELEC Resolution No. 10446, viz.:

That on March 18, 2019, in the City of Tuguegarao, Province of Cagayan, and within the [j]urisdiction of this Honorable Court, the accused ARSENIO MANAGUELOD y TANDAYU, without any authority of law, did then and there, willfully, unlawfully and feloniously possess a knife, a deadly bladed weapon which is not used by him as necessary tool or instrument for legitimate activity or for his livelihood; that the accused entered the vicinity of the Bed Spacers Hometel Inn located at Leonarda, this city by climbing on the concrete fence of the said hotel and then he again climb[ed] on the railings at the upper portion of the hotel and stood on the railings prompting the manager of the hotel to seek for police assistance, and this resulted [in] his arrest by members of the PNP assigned at the Tuguegarao City Police Station; that as a consequence of his lawful arrest, the police officers conducted search on the sling bag of the accused, and the deadly bladed weapon with holster was recovered from his direct possession, control, and custody; that the accused carried the deadly weapon outside his residence at a time covered by the May 2019 election period without any validly issued COMELEC Exemption to carry and possess the same; that the incident resulted [in] the confiscation of the deadly weapon by the authorities of the law.

CONTRARY TO LAW.⁷

On arraignment, Managuelod pleaded "*not guilty*" to the offense charged.⁸

During trial, the prosecution presented the testimonies of Police Officer I Patrocinio Lappay (PO1 Lappay) and Police Staff Sergeant Edwin

³ The May 24, 2022 Resolution in CA-G.R. CR No. 44810 was penned by Associate Justice Myra V. Garcia-Fernandez, and concurred in by Associate Justices Louis P. Acosta and Bonifacio S. Pascua, of the Former Eleventh Division, Court of Appeals, Manila; *Id.* at 50–51.

⁴ An Act Reducing the Penalty for Illegal Possession of Bladed, Pointed or Blunt Weapons, and for Other Purposes, Amending for the Purpose Presidential Decree Numbered Nine (Approved on November 21, 1978).

⁵ An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes (Approved on November 26, 1991).

⁶ Batas Pambansa Blg. 881 (Approved on December 3, 1985).

⁷ *Rollo*, p. 18.

⁸ *Id.* at 19.

Pagulayan (PSSg Pagulayan),⁹ while the defense presented Managuelod as its lone witness.¹⁰

Version of the Prosecution

On March 18, 2019, around 11:30 p.m., Giero D. Tumabao (Tumabao), manager of Hometel Inn, Mercedes Village, Barangay Leonarda, Tuguegarao City, saw Managuelod with a sling bag climbing up the hotel's concrete fence, and onto the railings of the upper portion of the building. This prompted Tumabao to call the police.¹¹

When Senior Police Officer II Edmar Allam (SPO2 Allam)¹² and PO1 Lappay of the Tuguegarao City Police Station arrived at the hotel, Managuelod was still standing on the railings of the hotel. They arrested him and apprised him of his constitutional rights. Thereafter, SPO2 Allam saw a knife handle protruding from Managuelod's blue sling bag with the brand "Jansport." PO1 Lappay searched the bag and was able to confiscate a knife with a camouflage holster. He marked the fabric handle of the knife with his initials "PBL." The police officers brought Managuelod, Tumabao, and the seized items to the Tuguegarao City Police Station. PSSg Pagulayan interviewed Tumabao for his report while photos of Managuelod and the seized items were taken. These items were later on presented and identified in court by PO1 Lappay.¹³

Version of the Defense

On March 18, 2019, Managuelod was driving his motorcycle along the road beside Hometel Inn. When he stopped to urinate, two men on board a motorcycle approached and asked him what he was doing there. He replied that he was merely urinating but one of the men suddenly drew a firearm and ordered him to raise his hands. The man called for back-up through the radio and said "*may taong suspicious dito, kailangan maimbestigahan. Baka [isa] ito sa grupo na nagnakaw kay Judge.*" (There's a suspicious person here who needs to be investigated. He might be one of the people who stole from Judge)." The men handcuffed and brought him to the police station.¹⁴

⁹ *Id.* at 37.

¹⁰ *Id.* at 39.

¹¹ *Id.* at 38.

¹² *Id.* at 70, referred to as PO2 Edgar Allam in some parts of the *rollo*.

¹³ *Id.* at 38–39.

¹⁴ *Id.* at 39–40.

The Ruling of the Regional Trial Court

By Decision¹⁵ dated January 31, 2020, the trial court found Managuelod guilty as charged, viz.:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused ARSENIO MANAGUELOD y Tandayu GUILTY beyond reasonable doubt of violating Batas Pambansa Blg. 6 in relation to R.A. 7166 and the Omnibus Election Code as amended and sentences him to suffer the penalty of [o]ne (1) year and four (4) months as minimum to [t]hree (3) years, eight (8) months and one (1) (sic) as maximum. Furthermore, the accused shall be disqualified from holding public office and right of suffrage, all in accordance with law.

SO ORDERED.¹⁶

It found that Managuelod carried a deadly weapon in a public place during the 2019 election period without the necessary authority. The seizing officers likewise showed no improper or ill motive to falsify evidence against him.¹⁷

The Ruling of the Court of Appeals

On appeal, the Court of Appeals affirmed.¹⁸

It sustained the trial court's finding that Managuelod carried a deadly weapon in a public place during the 2019 election period without the necessary authority. It denied his argument that it was necessary for his profession. As a driver, he is not included in the list of those authorized to possess deadly weapons during the election period. It also deemed untenable his argument that Hometel Inn is a private place. Section 32 of Republic Act No. 7166 defined public places as "any building, street, park, private vehicle or public conveyance." More, he was arrested outside his residence or place of business.¹⁹

Managuelod sought reconsideration but it was denied by the Court of Appeals in its Resolution²⁰ dated May 24, 2022.

¹⁵ *Id.* at 72.

¹⁶ *Id.*

¹⁷ *Id.* at 70–72.

¹⁸ *Id.* at 14.

¹⁹ *Id.* at 11–14.

²⁰ *Id.* at 21–22.

The Present Petition

Managuelod now asks the Court to exercise its discretionary appellate jurisdiction to review and reverse the assailed dispositions of the Court of Appeals. Essentially, he avers that: (1) the credibility of the prosecution witnesses is questionable, claiming that the version of the prosecution as to how he was allegedly seen with a knife and subsequently arrested is highly incredible; (2) the prosecution should have presented Tumabao, the manager of Hometel Inn, to corroborate the testimonies of the police officers; (3) the prosecution failed to prove that a knife is unnecessary for his profession as a driver; (4) the Hometel Inn is a private place; and (5) the seized knife is inadmissible because it did not contain any markings as alleged by the prosecution when it was presented in court.

In its Comment,²¹ the Office of the Solicitor General counters that under the law, Managuelod has the burden to show that his possession of a deadly weapon during the election period was necessary for his profession. As for the lack of marking on the knife, it argued that the prosecution sufficiently explained that the ink of the marking may have already been absorbed by the fabric of the handle since more than a year has elapsed from the time of marking to its presentation as evidence in court. Finally, PO1 Lappay enjoys the presumption of regularity in the performance of his official duty.

Our Ruling

Foremost, we emphasize that the Court is not a trier of facts. The issue for resolution here – whether Managuelod illegally possessed a deadly weapon during the election period – is ultimately a question of fact. As a rule, only questions of law may be raised in a petition for review on *certiorari* under Rule 45. One exception, however, is when the lower court had ignored, overlooked, or misconstrued relevant facts, which if taken into consideration will change the outcome of the case,²² as in this case.

Managuelod was properly charged under Republic Act No. 7166, in relation to the Omnibus Election Code, and COMELEC Resolution No. 10446

By Information dated May 30, 2019, Managuelod was charged with violation of Batas Pambansa Blg. 6, in relation to Section 32 of Republic Act

²¹ Comment of the Office of the Solicitor General dated June 29, 2023.

²² *Garma v. People*, G.R. No. 248317, March 16, 2022 [Per J. Lazaro-Javier, Second Division], citing *Cruz v. People*, 821 Phil. 372, 384 (2017).

No. 7166, the Omnibus Election Code, and COMELEC Resolution No. 10446.

Batas Pambansa Blg. 6 is titled “An Act Reducing the Penalty for Illegal Possession of Bladed, Pointed or Blunt Weapons, and for Other Purposes, Amending for the Purpose Presidential Decree Numbered Nine.”

Section 1 of Batas Pambansa Blg. 6²³ states:

It is unlawful to carry outside of one’s residence any bladed, pointed or blunt weapon such as “knife”, “spear”, “pana”, “dagger”, “bolo”, “barong”, “kris”, or “chako”, except where such articles are being used as necessary tools or implements to earn a livelihood or in pursuit of a lawful activity. Any person found guilty thereof shall suffer the penalty of imprisonment of not less than one month nor more than one year or a fine of not less than Two Hundred Pesos nor more than Two Thousand Pesos, or both such imprisonment and fine as the Court may direct.

On the other hand, Presidential Decree No. 9, the law amended by Batas Pambansa Blg. 6, was enacted for the purpose of curtailing “subversion, rebellion, insurrection, lawless violence, criminally, chaos and public disorder” by reason of Proclamation No. 1081, the law which proclaimed a state of martial law in the Philippines on September 21, 1972.²⁴ Batas Pambansa Blg. 6, therefore, is no longer applicable since the rationale for its enactment, i.e., curtailment of public disorder during martial law, has already ceased. *Cessante ratione legis cessat ipsa lex*. When the reason for the law ceases, the law itself ceases.²⁵

Too, in *People v. Purisima*,²⁶ taking into consideration the intent and spirit of Presidential Decree No. 9, the Court held that such law is limited to acts of carrying a blunt or bladed weapon with a motivation connected with or related to the afore-quoted desired result of Proclamation No. 1081.

²³ Batas Pambansa Blg. 6, An Act Reducing the Penalty for Illegal Possession of Bladed, Pointed or Blunt Weapons, and for Other Purposes, Amending for the Purpose Presidential Decree Numbered Nine.

²⁴ WHEREAS, pursuant to Proclamation No. 1081 dated September 21, 1972, the Philippines has been placed under a state of martial law;
WHEREAS, by virtue of said Proclamation No. 1081, General Order No. 6 dated September 22, 1972 and General Order No. 7 dated September 23, 1972, have been promulgated by me;
WHEREAS, subversion, rebellion, insurrection, lawless violence, criminally, chaos and public disorder mentioned in the aforesaid Proclamation No. 1081 are committed and abetted by the use of firearms, explosives and other deadly weapons;
NOW, THEREFORE, I, FERDINAND E. MARCOS, Commander-in-Chief of all the Armed Forces of the Philippines, in order to attain the desired result of the aforesaid Proclamation No. 1081 and General Orders Nos. 6 and 7, do hereby order and decree that:

²⁵ *Light Rail Transit Authority v. City of Pasay*, G.R. No. 211299, June 28, 2022 [Per J. Hernando, *En Banc*].

²⁶ 176 Phil. 186 (1978) [Per J. Muñoz Palma, *En Banc*].

The prosecution, thus, erroneously charged Managuelod with a “dead law.”

This notwithstanding, Managuelod was charged not only with violation of Batas Pambansa Blg. 6, but also of Section 32 of Republic Act No. 7166, in relation to the Omnibus Election Code.

Section 32 of Republic Act No. 7166, which amended Section 261 of the Omnibus Election Code, provides:

Who May Bear Firearms. - During the election period, no person shall bear, carry or transport firearms or **other deadly weapons** in public places, including any building, street, park, private vehicle or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission. The issuance of firearms licenses shall be suspended during the election period.


Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines and other enforcement agencies of the Government who are duly deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: Provided, That, when in the possession of firearms, the deputized law enforcement officer must be: (a) in full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and (b) in the actual performance of his election duty in the specific area designated by the Commission. (Emphasis supplied)

Republic Act No. 7166 does not define the term “other deadly weapons.” To arrive at its proper meaning, we apply the principles of statutory construction. From the plain, ordinary, and common usage of the root phrase “deadly weapon,” the common denominator between firearms and other deadly weapons as used in Section 32 is their ability to cause fatal consequences. Elsewhere, the phrase “deadly weapon” is understood as:

A deadly weapon is defined as “any firearm, *or other weapon, device, instrument, material or substance*, whether animate or inanimate, which in the manner it is used or is intended to be used is *known to be capable of producing death or serious bodily injury*.”²⁷ (Emphasis supplied)

Bladed instruments have such common denominator and are included in the phrase “other deadly weapons” because they are *deadly weapons* that are *other* than firearms.

²⁷ Black’s Law Dictionary, p. 359 (5th Edition).



Notably, the Legislature has long considered bladed instruments as deadly weapons. Act No. 1780, enacted as early as October 12, 1907, provides:

Section 26. It shall be unlawful for any person to carry concealed about his person any **bowie knife, dirk, dagger, kris, or other deadly weapon**: PROVIDED, That this prohibition shall not apply to **firearms** in the possession of persons who have secured a license therefor or who are entitled to carry [the] same under the provisions of this Act. (Emphasis supplied)

Generally, when a statute is clear, there is no room for interpretation.²⁸ In this case, however, it is necessary to clarify what constitutes “other deadly weapons.” Hence, resort to statutes *in pari materia* is warranted. The Court explained in *Yaphockun, et al. v. Professional Regulation Commission, et al.*:²⁹

Statutes are *in pari materia* when they relate to the same person or thing or to the same class of persons or things, or object, or cover the same specific or particular subject matter.

It is axiomatic in statutory construction that a statute must be interpreted, not only to be consistent with itself, but also to harmonize with other laws on the same subject matter, as to form a complete, coherent and intelligible system. The rule is expressed in the maxim, “*interpretare et concordare legibus est optimus interpretandi*,” or every statute must be so construed and harmonized with other statutes as to form a uniform system of jurisprudence.³⁰

It is thus beyond cavil that bladed instruments, such as the one allegedly found in Managuelod’s possession, are included in the term “other deadly weapons” within the purview of Section 32 of Republic Act No. 7166.

Too, Managuelod was charged under COMELEC Resolution No. 10446. The COMELEC, through its quasi-legislative powers, issued such resolution to implement Section 261 of the Omnibus Election Code, as amended by Section 32 of Republic Act No. 7166, during the conduct of the 2019 National and Local Elections. It specified therein that the term “deadly weapon” includes bladed instruments, to wit:

²⁸ *Victoria v. COMELEC*, 299 Phil. 262 (1994) [Per J. Quiason, *En Banc*].

²⁹ 899 Phil. 554 (2021) [Per J. Gesmundo, *En Banc*].

³⁰ *Id.* at 589–590, citing *Philippine Economic Zone Authority v. Green Asia Construction & Development Corporation*, 675 Phil. 846, 857 (2011) [Per J. Sereno, Second Division].

I. Deadly Weapon includes **bladed instruments**, hand grenades or other explosives, except pyrotechnics. Provided, that a bladed instrument is not covered by the prohibition when possession of the bladed instrument is necessary to the occupation of the possessor or when it is used as a tool for legitimate activity.³¹ (Emphasis supplied)

In sum, despite the prosecution's mistake in charging Managuelod under Batas Pambansa Blg. 6, he was appropriately charged with violation of Section 32 of Republic Act No. 7166, in relation to the Omnibus Election Code, and COMELEC Resolution No. 10446.

Managuelod must be acquitted due to the prosecution's failure to prove beyond reasonable doubt that he carried a deadly weapon in a public place

In order to secure a conviction of an accused under Section 32 of Republic Act No. 7166, the prosecution must prove that: (a) the person is bearing, carrying, or transporting firearms or other deadly weapons; (b) such possession occurs during the election period; and (c) the weapon is carried in a public place. It is essential that possession of the deadly weapon in a public place be established beyond reasonable doubt.³²

Managuelod argues that he must be acquitted for the prosecution's failure to establish beyond reasonable doubt that he possessed a knife during the election period in a public place. Particularly, PO1 Lappay's testimony on how he allegedly saw a knife protruding from his bag is highly incredible.

We agree.

In *Gonzales v. People*,³³ the Court acquitted accused Gonzales for the prosecution's failure to establish beyond reasonable doubt its allegation that immediately before and at the time of his arrest, he was holding a knife in a public place. First, the prosecution did not present any other evidence to corroborate PO1 Congson's testimony on how Gonzales was arrested. Gonzales, on the other hand, presented three witnesses to corroborate his alibi. Second, the information and physical evidence presented before the court showed that Gonzales supposedly possessed a kitchen knife. This contradicted PO1 Congson's testimony that he saw Gonzales in the possession of a "*balisong*" or a fan knife.

³¹ Section 1 (I), Rule 1, COMELEC Resolution No. 10446.

³² *Gonzalez v. People*, 826 Phil 190, 200-201 (2018) [Per J. Perlas-Bernabe, Second Division].

³³ *Id.*



Here, there is reasonable doubt as to the testimonies of the prosecution witnesses alleging that Managuelod was seen carrying a knife on top of the Hometel Inn.

The prosecution alleged that Managuelod was seen climbing the concrete fence and railings of the Hometel Inn. When SPO2 Allam and PO1 Lappay arrested Managuelod, they saw a knife's handle protruding from his sling bag. PO1 Lappay confiscated the knife and marked its handle with his initials "PBL." They proceeded to the police station where the apprehending team took photographs of Managuelod and the seized knife.

During trial, PO1 Lappay testified that the knife that was presented in court was the same knife he confiscated from Managuelod. When confronted with the issue of the absence of markings on the knife's handle, the prosecution explained that the ink from the pen used to write the marking may have already been absorbed by the fabric of the handle, given that it was presented in court more than a year after its seizure, viz.:

PROS. SUSUKAN:

Q: Mr. Witness, you stated in your affidavit of arrest that after you arrested the accused you confiscated from the direct possession of the accused fan knife with camouflage holster inside the sling bag color blue with marking. If shown to you the knife will you be able to identify the same?

A: Yes, sir.

Q: How were you able to identify the same?

A: I placed my marking on it.

Q: What is (sic) PBL stands for?

A: "Patricinio B. Lappay, sir.

Q: I am showing to you a knife with camouflage holster. Tell us if this is the same knife you confiscated from the direct possession of the accused?

A: Yes, sir.


Q: Will you please show to the court the marking you placed on it?

A: None, sir. But I am sure that this is the same knife I confiscated from the accused.

Q: You said that you placed your marking and what instrument did you use in placing the marking?

ATTY. CALEDA:

Already answered and he said "none," your Honor.



THE COURT:

Witness may answer.

THE WITNESS:

A: What I can remember I used pentel pen, sir.

PROS. SUSUKAN:

Q: If you can remember, where did you place your marking?

A: I can remember I placed it on its handle, sir.

ATTY. CALEDA:

May we just make on record that the object evidence does not reveal any marking on the handle whether semipermanent, your Honor.

PROS. SUSUKAN:

We manifest that the handle of the knife is fabric and the ink might have been absorbed because the incident was (sic) happened last March 2018, your Honor.³⁴

But upon careful perusal of the photograph of the knife found in the records,³⁵ the knife does not appear to bear any marking on its handle, although it was alleged by the prosecution that such photograph was taken right after the knife had already been marked.

In *Cardona v. People*,³⁶ the prosecution's failure to present the physical evidence of the *corpus delicti* in a case for violation of Republic Act No. 7166 in relation to the Omnibus Election Code, i.e., the allegedly marked ballots, resulted in the acquittal of the accused. As in this case, the prosecution's failure to present the physical evidence of the *corpus delicti* before the trial court, i.e., the marked knife, casts serious doubt as to the guilt of Managuelod. This, too, degrades PO1 Lappay's credibility as a witness.

Notably, there was no other corroborating testimony as to the alleged seizure of a knife from Managuelod. The only other witness for the prosecution, PSSg Pagulayan, was not present during Managuelod's arrest and seizure of the alleged knife. He admitted that, as the investigating officer, he did not go to Hometel Inn to investigate or to interview the apprehending

³⁴ TSN of Patrocinio Lappay, September 3, 2019, pp. 7–8.

³⁵ RTC, Branch 5, Tuguegarao City, Cagayan, Criminal Case No. 20609 Records, Exhibit "F", *rollo*, p. 14.

³⁶ *Cardona v. People*, 876 Phil. 265 (2020) [Per J. Carandang, Third Division].

and seizing officers, SPO2 Allam and PO1 Lappay. Rather, he conducted his investigation based solely on his interview with Tumabao, viz.:

ATTY. CALEDA:

Q: Mr. Witness, you mentioned in the excerpt of the police blotter that you conducted investigation. Upon receipt of the same, did you initiate going to the Bedspacers Hometell Inn to investigate on the alleged complaint?

A: I did not already proceed, Sir.

Q: Is it not that as a matter of procedure, a post crime investigation should be conducted at the scene of the crime, do you confirm that?

A: Yes, Sir.

Q: But in this case, you did not conduct any scene of the crime investigation, is that correct?

A: I conducted through the interview according to the victim, Sir.

Q: You did not get my point, Mr. Witness. In fairness to you, I will repeat the question. My question is, you did not go to the Bedspacers Hometell Inn to conduct on the site investigation?

A: Yes, Sir. I did not go there, Sir.

COURT:

Q: Why not? Why did it occur to you not to go there anymore to the inn to investigate?

A: Because according to the witness, he saw the suspect entered (sic) the Bedspacers Hometell Inn.

Q: So, the investigation that you conducted was only on the identification of the accused?

A: Yes, you Honor.

....

ATTY. CALEDA:

Q: Do you confirm that it was only Mr. Tumabao whom you interviewed as part of your investigation?

A: Yes, Sir.

Q: No other else?

A: None.

Q: With your answer now, do you confirm that you neither investigated Police Officers Allam and Lappay, correct?

A: Yes, Sir. Just the bringing of the accused and the victim as a witness.

Q: That was the only participation of Police Officers Allam and Lappay, correct?

A: Yes, Sir.³⁷

PO1 Lappay's inconsistent testimony, the lack of marking on the physical evidence presented before the trial court, and the lack of any corroborating evidence as to the knife's seizure all cast serious doubt on the guilt of Managuelod since it cannot be determined with reasonable certainty whether he truly possessed a knife when he was caught climbing the concrete fence and railings of the Hometel Inn. The prosecution's failure to overcome the burden of proving beyond reasonable doubt that Managuelod carried a deadly weapon in a public place during the election period merits his acquittal. After all, the burden is on the prosecution to overcome the presumption of innocence of the accused, which it failed to do.³⁸

So must it be.

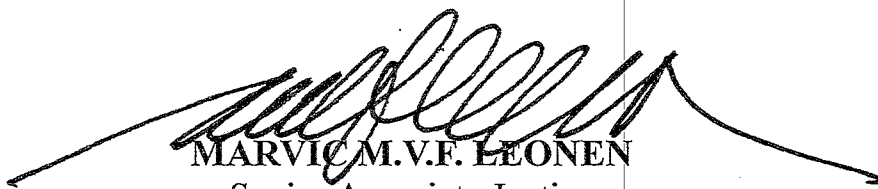
ACCORDINGLY, the Petition is **GRANTED**. The assailed Decision dated December 27, 2021 and Resolution dated May 24, 2022 of the Court of Appeals in CA-G.R. CR No. 44810 are **REVERSED**. Petitioner Arsenio Managuelod y Tandayu is **ACQUITTED** of violation of Batas Pambansa Blg. 6, in relation to Republic Act No. 7166, the Omnibus Election Code, as amended.

Let entry of judgment be issued immediately.

SO ORDERED.

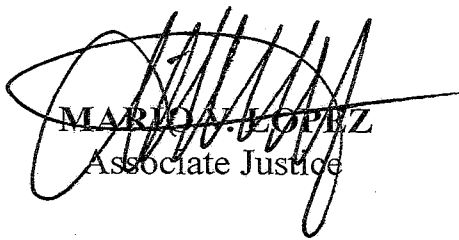

AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:


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

³⁷ TSN of Edwin Pagulayan, September 16, 2019, pp. 5-7.

³⁸ *Daayata v. People*, 807 Phil. 102, 118 (2017) [Per J. Leonen, Second Division].



MARIA A. LOPEZ
Associate Justice



JHOSEPH LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

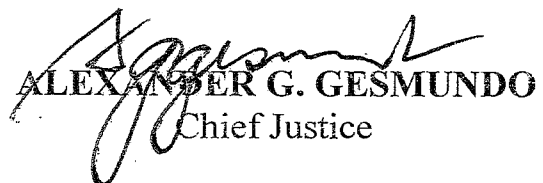
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the above 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.



ALEXANDER G. GESMUNDO
Chief Justice

