



Republic of the Philippines  
Supreme Court  
Manila

SPECIAL FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Special First Division, issued a Resolution dated November 18, 2020 which reads as follows:*

**“G.R. No. 233207 (*People of the Philippines v. Anthony Madria y Higayon and Lorenzo De Ala y Zaballero*).** – This case originated from two (2) Informations filed with the Regional Trial Court, Cagayan de Oro City (*RTC*) for violations of Republic Act (*R.A.*) No. 9165. The information in Criminal Case No. 2010-001 charged accused-appellant Anthony Madria y Higayon (*Madria*) with illegal possession of dangerous drugs under Section 11,<sup>1</sup> Article II of R.A. No. 9165, while the information in Criminal Case No. 2010-002 charged Madria and his co-accused Lorenzo De Ala, Jr. y Zaballero (*De Ala*) with illegal sale of dangerous drugs under Section 5<sup>2</sup>

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<sup>1</sup> **Section 11. Possession of Dangerous Drugs.** - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

x x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or “shabu”, or other dangerous drugs such as, but not limited to, MDMA or “ecstasy”, PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

<sup>2</sup> **Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.** - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

x x x x

of R.A. No. 9165.

The accusatory portion of the Information in Criminal Case No. 2010-002 states:

That on or about December 28, 2009, at more or less 6:25 o'clock in the evening, at Ramonal St., Barangay 29, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually helping one another, without being authorized by law to sell, trade, administer, dispense, deliver, give away to another, dispatch in transit or transport any dangerous drugs, did then and there willfully, unlawfully, criminally and knowingly sell and/or offer for sale, and give away to a poseur[-]buyer One (1) small heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride, locally known as Shabu, a dangerous drug, weighing 0.02 gram, accused knowing the same to be a dangerous drug in consideration of Five Hundred Pesos (Php 500.00), with Serial No. EL240363, which was previously marked for the purpose of the buy-bust operation.<sup>3</sup>

The RTC convicted Madria and De Ala of the respective charges against them, and their convictions were affirmed on appeal by the Court of Appeals (CA) in CA-G.R. CR-HC No. 01357-MIN in a Decision promulgated on March 8, 2017.<sup>4</sup>

The Public Attorney's Office filed a Notice of Appeal<sup>5</sup> with the CA on behalf of Madria alone, and so the appeal to this Court was perfected only as to him. In a Decision promulgated on August 20, 2018,<sup>6</sup> this Court reversed and set aside the March 8, 2017 Decision of the CA, and acquitted Madria of the charges filed against him. An Order of Release<sup>7</sup> was subsequently issued on August 20, 2018.

The Court subsequently received two handwritten letters from De Ala dated July 16, 2019<sup>8</sup> and September 3, 2020,<sup>9</sup> respectively, asking why he was not included in the order of release.

It is a well-established rule that an appeal in a criminal proceeding throws the whole case open for review of all its aspects, including those not raised by the parties.<sup>10</sup>

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<sup>3</sup> *Rollo*, pp. 4-5.

<sup>4</sup> *Id.* at 3-15; penned by Associate Justice Edgardo A. Camello, with Associate Justices Edgardo T. Lloren and Perpetua T. Atal-Paño, concurring.

<sup>5</sup> *Id.* at 16-17.

<sup>6</sup> *Id.* at 38-51.

<sup>7</sup> *Id.* at 60-61.

<sup>8</sup> *Id.* at 69.

<sup>9</sup> *Id.* at 72-73.

<sup>10</sup> *People v. Artellero*, 395 Phil. 876, 889 (2000).

Section 11(a), Rule 122 of the Rules of Court provides:

**Section 11.** *Effect of appeal by any of several accused.* –

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.

Thus, a favorable judgment of acquittal may benefit a co-accused who did not appeal.<sup>11</sup>

In the Court's August 20, 2018 Decision, the police officers were found to have failed to faithfully observe the requirements under Sec. 21,<sup>12</sup> Article II of R.A. No. 9165, *vis-a-vis* the chain of custody rule in drug cases. The procedural lapses led the Court to conclude that the integrity of the seized items presented in court was compromised and that the very identity of the seized drugs had become highly questionable. This creates serious doubt not only on the guilt of Madria, as noted in the decision, but certainly on the guilt of De Ala as well.

Since both Madria and De Ala were charged as co-accused for the sale of the same quantity of alleged *shabu* in conspiracy with each other, Madria's acquittal is undoubtedly applicable and beneficial to De Ala. An acquittal of the latter in Criminal Case No. 2010-002 is, therefore, likewise in order.

**WHEREFORE**, the March 8, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01357-MIN is **REVERSED** and **SET ASIDE**. Accused Lorenzo De Ala y Zaballero is hereby **ACQUITTED** of the crime charged on the ground that his guilt was not established beyond reasonable doubt. He is **ORDERED**

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<sup>11</sup> See *People v. Libre*, G.R. No. 235980, August 20, 2018.

<sup>12</sup> **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:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

x x x x

**IMMEDIATELY RELEASED** from detention, unless he is confined for any other lawful cause. Let entry of final judgment be issued immediately.

Let a copy of this Resolution be furnished to the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director of the Bureau of Corrections is **DIRECTED** to **REPORT** to this Court within five (5) working days from receipt of this Resolution the action he/she has taken.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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Court of Appeals  
9000 Cagayan de Oro City  
(CA-G.R. CR HC No. 01357-MIN)

The Hon. Presiding Judge  
Regional Trial Court, Branch 25  
9000 Cagayan de Oro City  
(Crim. Case Nos. 2010-001  
& 2010-002)

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Mr. Anthony H. Madria  
Accused-Appellant  
(Acquitted)

Mr. Lorenzo Z. De Ala  
Accused  
c/o The Superintendent  
Davao Prison and Penal Farm  
B.E. Dujali, 8105 Davao del Norte

The Superintendent  
Davao Prison and Penal Farm  
B.E. Dujali, 8105 Davao del Norte

The Director General (x)  
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