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Republic of the Philippines  
Supreme Court  
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THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
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Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **October 14, 2020**, which reads as follows:

**“G.R. No. 225122 – (Herbert Garcia y Manuel, Petitioner, v. People of the Philippines, Respondent).** – This petition seeks to reverse and set aside the 29 February 2016 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06298. The CA affirmed the 18 April 2013 Decision<sup>2</sup> of Branch 13, Regional Trial Court (RTC) of Laoag City in Criminal Case Nos. 14956, 14957, and 14958 finding Herbert Garcia y Manuel (petitioner) guilty beyond reasonable doubt of violation of Sections (Sec.) 5,<sup>3</sup> 12,<sup>4</sup> and 11,<sup>5</sup> Article (Art.) II of Republic Act No. (R.A.) 9165.<sup>6</sup>

**Antecedents**

Petitioner was indicted for the subject offenses, in three (3) separate Informations, the accusatory portions of which state:

Crim. Case No. 14956 for illegal sale of shabu (Sec. 5, Art. II of R.A. 9165)

That on or about the 24th day of October 2011 in the City of Laoag, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously sell and deliver one (1) heat sealed plastic sachet containing 0.0320 gram [of] Methamphetamine Hydrochloride locally known as “shabu”, a dangerous drug, to a poseur buyer, without any license or authority, in violation of the aforesaid law.

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

<sup>1</sup> *Rollo*, pp. 22-32; penned by Associate Justice Francisco P. Acosta, and concurred in by Associate Justices Noel G. Tijam and Zenaida T. Galapate-Laguilles of the Special Fourth Division, Court of Appeals, Manila.

<sup>2</sup> CA *rollo*, pp. 42-60; penned by Presiding Judge Philip G. Salvador.

<sup>3</sup> Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.

<sup>4</sup> Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs.

<sup>5</sup> Section 11. Possession of Dangerous Drugs.

<sup>6</sup> Comprehensive Dangerous Drugs Act of 2002.

<sup>7</sup> Records, Crim. Case No. 14956, p. 01.

Crim. Case No. 14957 for illegal possession of drug paraphernalia (Sec. 12, Art. II of R.A. 9165)

That on or about the 24th day of October 2011 in the City of Laoag, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously have in his possession, custody and control one (1) piece improvised tooter and five (5) pieces rolling paper, which are dangerous drug paraphernalia intended and fit for the use of introduction into the body [of] methamphetamine hydrochloride, a dangerous drug, without any license or authority to possess the same, in violation of the aforesaid law.

CONTRARY TO LAW.<sup>8</sup>

Crim. Case No. 14958 for illegal possession of marijuana (Sec. 11, Art. II of R.A. 9165)

That on or about the 24th day of October 2011 in the City of Laoag, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously have in his possession, custody and control one (1) double mint metal box containing 0.5820 gram of Marijuana fruiting tops, without any license or authority to possess the same, in violation of the aforesaid law.

CONTRARY TO LAW.<sup>9</sup>

Upon arraignment, petitioner entered a plea of "not guilty" to the charge.<sup>10</sup> Thereafter, trial on the merits ensued.

### Version of the Prosecution

On 24 October 2011, a police asset informed the Provincial Anti-Illegal Drugs Special Operations Task Group (PAIDSOTG) that he had ordered Php2,000.00 worth of *shabu* from petitioner who was already waiting for him in *Barangay 27*, Laoag City. As a result, a buy-bust team was organized to entrap petitioner. PO2 Jefferson Sulmerin (PO2 Sulmerin) was designated as poseur-buyer while PO3 Joey Aninag (PO3 Aninag) and PO1 Jimmel De la Cruz (PO1 De la Cruz) served as back up and perimeter security.<sup>11</sup>

After the briefing of the buy-bust team, the entire team and the asset proceeded to the target area. Thereat, PO2 Sulmerin and the asset found petitioner waiting. The asset introduced PO2 Sulmerin as the buyer. After

<sup>8</sup> Records, Crim. Case No. 14957, p. 1.

<sup>9</sup> Records, Crim. Case No. 14958, p. 1.

<sup>10</sup> *Rollo*, p. 23.

<sup>11</sup> *Id.* at 24; TSN dated 28 February 2012 (witness: PO1 Sulmerin), p. 8.

petitioner asked for the payment of the *shabu*, PO2 Sulmerin handed over the marked money. Petitioner momentarily left and upon his return gave one (1) plastic sachet containing white crystalline substance to PO2 Sulmerin. After inspecting the plastic sachet and placing it inside his pocket, PO2 Sulmerin executed the pre-arranged signal.<sup>12</sup>

PO3 Aninag handcuffed petitioner and informed the latter of his constitutional rights. PO2 Sulmerin was able to recover from petitioner a double mint metal box containing marijuana, five (5) rolling papers, and an improvised tooter. Since petitioner was shouting and asking for help, the confiscated items were not marked at the crime scene but were instead brought to the office of the PAIDSOTG where they were marked by PO2 Sulmerin. An inventory of the items bought and seized were prepared by PO2 Sulmerin while photographs were taken by PO3 Aninag.<sup>13</sup>

Thereafter, PO2 Sulmerin took the seized items, *i.e.*, the plastic sachet containing the white crystalline substance and the double mint metal box containing suspected marijuana, to the crime laboratory.<sup>14</sup> Chemistry Report No. D-055-2011 showed that Specimen A was positive for methamphetamine hydrochloride while Specimen B was positive for marijuana.<sup>15</sup>

### Version of the Defense

At around 4:00 o'clock p.m. of 24 October 2011, petitioner was leaving the house of a certain Constante Pascual as police officers were entering. They asked him where the *shabu* and the marked money were. Even though he had no idea what the police officers were asking, he was handcuffed, his personal items taken, and was brought to the PAIDSOTG office. On a table in the said office were a small plastic sachet, a double mint metal box, and pieces of white paper, all of which he denied were his. The policemen then made an inventory, placed markings, and took photographs of the items.<sup>16</sup>

### Ruling of the RTC

On 18 April 2013, the RTC rendered its Decision,<sup>17</sup> the dispositive portion of which reads:

<sup>12</sup> Id. at 24.

<sup>13</sup> Id.; TSN dated 13 April 2012 (witness: PO3 Aninag), p. 17; TSN dated 06 June 2012 (witness: PO3 Aninag), p. 7.

<sup>14</sup> *Rollo*, p. 24.

<sup>15</sup> Records, Crim. Case No. 14956, p. 34.

<sup>16</sup> *Rollo*, p. 25.

<sup>17</sup> *Supra* note 2.

**WHEREFORE**, judgment is hereby rendered finding accused Herbert Garcia GUILTY beyond reasonable doubt of the three charges and is therefore sentenced to suffer the following:

1. For illegal sale of shabu in Criminal Case No. 14956, the penalty of life imprisonment and a fine of P500,000.00;
2. For illegal possession of drug paraphernalia in Criminal Case No. 14957, the indeterminate penalty of imprisonment of SIX (6) MONTHS and ONE (1) DAY to TWO (2) YEARS and a fine of P10,000.00; and
3. For illegal possession of marijuana weighing 0.5820 gram in Criminal Case No. 14958, the indeterminate penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY to FOURTEEN (14) YEARS and a fine of P300,000.00.

The [contraband] subject hereof are confiscated, the same to be disposed as the law prescribes.

**SO ORDERED.**<sup>18</sup>

The RTC found that the offenses of illegal sale and illegal possession of dangerous drugs, as well as illegal possession of drug paraphernalia, have been established.<sup>19</sup> There was a legitimate buy-bust operation where the sale of the *shabu* indeed took place between petitioner and the poseur-buyer.<sup>20</sup> As a consequence of the valid warrantless arrest of petitioner, the search conducted upon him was likewise valid. The marijuana and the drug paraphernalia found in his possession were, thus, admissible in evidence against him.<sup>21</sup> Finally, the RTC observed that the procedure under Sec. 21, Art. II of R.A. 9165 was substantially complied with.<sup>22</sup>

Aggrieved, petitioner appealed to the CA.

### **Ruling of the Court of Appeals**

In its Decision,<sup>23</sup> the CA affirmed petitioner's conviction. It also ruled that the prosecution succeeded in establishing the existence of a valid buy-bust operation.<sup>24</sup> Furthermore, it lent no credence to petitioner's defense that the police officers did not comply with the proper procedure for handling the evidence seized from him, as the police officers substantially complied with the process of preserving the integrity of the seized plastic sachet containing

<sup>18</sup> Id. at 60.

<sup>19</sup> Id. at 50 and 52-53.

<sup>20</sup> Id. at 48 and 50.

<sup>21</sup> Id. at 52.

<sup>22</sup> Id. at 51.

<sup>23</sup> *Supra* note 1.

<sup>24</sup> Id. at 29.

*shabu*, the double mint metal box containing marijuana, as well as the drug paraphernalia.<sup>25</sup>

Hence, this petition.

### Issue

The issue is whether or not the CA correctly found petitioner guilty beyond reasonable doubt for the offenses of illegal sale and illegal possession of prohibited drugs, as well as drug paraphernalia, under R.A. 9165.

### Ruling of the Court

The Court finds the petition meritorious.

Petitioner was charged with illegal sale and illegal possession of dangerous drugs and drug paraphernalia, defined and penalized under Sec. 5, 11 and 12, Art. II of R.A. 9165. For the prosecution of the crime of illegal sale of prohibited drugs, the following elements must be established: (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor.<sup>26</sup> On the other hand, for illegal possession of dangerous drugs, the prosecution must prove that the accused was in possession of the dangerous drug without authority of law, and the accused freely and consciously possessed the dangerous drug.<sup>27</sup> Finally, for illegal possession of drug paraphernalia, the prosecution must show possession or control by the accused of any equipment, apparatus or other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body, and such possession is not authorized by law.<sup>28</sup>

It is essential that the identity and integrity of the illegal drugs [and/or drug paraphernalia] must be shown to have been preserved. To remove any doubt or uncertainty on the identity and integrity of the seized drugs [and/or drug paraphernalia], evidence must definitely show that the illegal drugs [and/or drug paraphernalia] offered in court as exhibit are the same as those recovered from the accused.<sup>29</sup> This requirement is known as the chain of

<sup>25</sup> Id.

<sup>26</sup> *People v. Pantallano*, G.R. No. 233800, 06 March 2019.

<sup>27</sup> *See People v. Ismael*, 806 Phil. 21-38 (2017); G.R. No. 208093, 20 February 2017.

<sup>28</sup> *See People v. Lumaya*, G.R. No. 231983, 07 March 2018.

<sup>29</sup> *See People v. Macaumbang*, G.R. No. 208836, 01 April 2019; *see People v. Lumaya*, G.R. No. 231983, 07 March 2018.

custody rule under R.A. No. 9165, created to safeguard doubts concerning the identity of the seized drugs.<sup>30</sup>

Sec. 21, Art. II of R.A. 9165 provides the chain of custody rule and outlines the procedure police officers must follow in handling the seized drugs, so as to preserve their integrity and evidentiary value.<sup>31</sup> Said provision was amended by R.A. No. 10640,<sup>32</sup> which was approved on 15 July 2014. Considering, however, that the offenses charged were committed on 24 October 2011, the earlier version of Sec. 21, and its corresponding Implementing Rules and Regulations (IRR), shall apply.

The following procedure must be observed under Sec. 21, Art. II of R.A. 9165:

*Sec. 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; [Emphasis supplied.]

The IRR of R.A. 9165 further provides:

*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:

<sup>30</sup> *People v. Bangcola*, G.R. No. 237802, 18 March 2019.

<sup>31</sup> *People v. Alvaro*, G.R. No. 225596, 10 January 2018.

<sup>32</sup> An Act to Further Strengthen the Anti-Drug Campaign of the Government, Amending for the Purpose Section 21 of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, **a representative from the media and the Department of Justice (DOJ)**, and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that **non-compliance with these requirements under justifiable grounds**, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items; [Emphases supplied.]

*The requirements of Sec. 21, Art. II of R.A. 9165 were not complied with*

It is well-settled that the following links should be established in the chain of custody of the confiscated item: first, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and fourth, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.<sup>33</sup>

In the instant case, PO2 Sulmerin marked the confiscated items with his initials "JS" and the initials of the petitioner "HG."<sup>34</sup> However, the time and place of the seizure of evidence were not indicated on the confiscated items, in clear disregard of Section 13(c)<sup>35</sup> of the PNP Manual on Anti-Illegal Drugs Operation and Investigation, approved by the National Police Commission in its Resolution No. 2010-094 on 26 February 2010.<sup>36</sup>

More importantly, not one of the three (3) required witnesses was present during the buy-bust operation and during the marking, inventory and photographing of the seized items which took place at the PAIDSOTG office.<sup>37</sup> The prosecution explained that *barangay* officials and members of the media were actually invited only that they either failed to come or that they came in late.<sup>38</sup> It also appears that the invitation to the *barangay*

<sup>33</sup> *People v. Ubungen*, G.R. No. 225497, 23 July 2018.

<sup>34</sup> *Rollo*, p. 24.

<sup>35</sup> Section 13. Handling, Custody and Disposition of Drug Evidence

x x x

c. The seizing officer must mark the evidence with his initials indicating therein the date, time and place where the evidence was found and seized. The seizing officer shall secure and preserve the evidence in a suitable evidence bag or in an appropriate container for further laboratory examinations.

<sup>36</sup> *See People v. Otico*, G.R. No. 231133, 06 June 2018.

<sup>37</sup> TSN dated 06 June 2012 (witness: PO3 Aninag), p. 06.

<sup>38</sup> *Rollo*, p. 28.

officials was made only after the conclusion of the buy-bust operation.<sup>39</sup> Nothing was said, however, about any invitation being given to a representative from the DOJ.

In a number of cases,<sup>40</sup> the absence of a representative from the DOJ was frowned upon and resulted in the acquittal of the accused. It must be stressed that the presence of the required witnesses at the time of the apprehension and inventory is mandatory. The law imposes the said requirement to serve an essential purpose.<sup>41</sup> Their presence at the time of seizure and confiscation would belie any doubt as to the source, identity, and integrity of the seized drug. The presence of the insulating witnesses would controvert the usual defense of frame-up, as they would be able to testify that the buy-bust operation and inventory of the seized drugs were done in their presence, in accordance with Sec. 21, Art. II of R.A. No. 9165, as amended.<sup>42</sup>

*The prosecution failed to give a justifiable ground for non-compliance with Sec. 21, Art. II of RA 9165*

The Court recognizes that under varied field conditions, strict compliance with the requirements of Sec. 21, Art. II of R.A. 9165 may not always be possible. In fact, the IRR of R.A. 9165 – which is now crystallized into statutory law with the passage of R.A. 10640 – provides that non-compliance with the requirements of Sec. 21, Art. II of R.A. 9165 – under justifiable grounds – will not automatically render void and invalid the seizure and custody over the seized items so long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer or team.<sup>43</sup>

In *People v. Dela Torre*,<sup>44</sup> however, the Court explained that for the above-saving clause to apply, the prosecution must explain the reasons behind the procedural lapses, and must establish that the integrity and evidentiary value of the seized evidence had, nonetheless, been preserved. The justifiable ground for non-compliance must be proven as a fact, because the Court cannot presume what these grounds are or that they even exist.

Clearly, the prosecution cannot simply invoke the saving clause found in Sec. 21 – that the integrity and evidentiary value of the seized item have been preserved – without justifying their failure to comply with the

<sup>39</sup> TSN dated 06 June 2012 (witness: PO3 Aninag), p. 06.

<sup>40</sup> *People v. Allingag*, G.R. No. 233477, 30 July 2018; *People v. Gumban*, G.R. No. 224210, 23 January 2019; *People v. Sendad*, G.R. No. 242025, 20 November 2019.

<sup>41</sup> *People v. Moreno*, G.R. No. 234273, 18 September 2019.

<sup>42</sup> See *People v. Caranto*, G.R. No. 217668, 20 February 2019 citing *People v. Tomawis*, 830 Phil. 385(2018).

<sup>43</sup> *People v. Año*, G.R. No. 230070, 14 March 2018.

<sup>44</sup> G.R. No. 238519, 26 June 2019.

requirements stated therein.<sup>45</sup> Moreover, a stricter adherence to Sec. 21 is required where the quantity of illegal drugs seized is minuscule, as in the instant case where 0.0320 gram of *shabu* was allegedly obtained from petitioner, since **it is highly susceptible to planting, tampering or alteration of evidence.**<sup>46</sup>

With respect to the absence of key witnesses during the arrest, the Court in *People v. Acub*,<sup>47</sup> cited the separate concurring opinion of then Associate Justice (now Chief Justice) Diosdado Peralta in the case of *Mariñas v. People (Mariñas case)*.<sup>48</sup> In the *Mariñas* case, Chief Justice Peralta stressed that the prosecution, in accordance with the Rules on Evidence, has the burden of proving a justifiable cause for non-compliance with Sec. 21, Art. II of R.A. 9165. He likewise provided some of the justifiable reasons therefor:

In this case, the prosecution never alleged and proved that the presence of all the required witnesses was not obtained for any of the following reasons, such as: (1) their attendance was impossible because the place of arrest was a remote area; (2) their safety during the inventory and photograph of the seized drugs [was] threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf; (3) the elected official[s] themselves were involved in the punishable acts sought to be apprehended; (4) earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.<sup>49</sup>

None of these instances is present in the instant case. The explanation that *barangay* officials had been invited, only that they failed to come,<sup>50</sup> does not suffice. Mere statements of the required witnesses' unavailability, absent actual serious attempts to secure their attendance, are unacceptable and do not justify non-compliance.<sup>51</sup> The prosecution must allege and prove the reasons for the absence of the three (3) mandatory witnesses and convince the Court that earnest efforts were exerted to secure their attendance.<sup>52</sup> However, it is not borne from the records that earnest efforts were exerted to secure their presence for the buy-bust operation. The lack of evidence of serious attempts to secure the presence of the three (3) required

<sup>45</sup> *People v. Bahoyo*, G.R. No. 238589, 26 June 2019.

<sup>46</sup> *See People v. Bayang*, G.R. No. 234038, 13 March 2019.

<sup>47</sup> G.R. No. 220456, 10 June 2019.

<sup>48</sup> G.R. No. 232891, 23 July 2018.

<sup>49</sup> *Supra* note 47, citing the Separate Concurring Opinion in *Lamberto. Mariñas v. People*, G.R. No. 232891, 23 July 2018.

<sup>50</sup> *Supra* note 38.

<sup>51</sup> *People v. Paran*, G.R. No. 220447, 25 November 2019.

<sup>52</sup> *See People v. Laway*, G.R. No. 227741, 27 March 2019.

witnesses results in a substantial gap in the chain of custody of evidence that adversely affects the authenticity of the prohibited substance presented in court.<sup>53</sup>

*Petitioner must perforce be acquitted  
for reasonable doubt*

In cases of sale and possession of dangerous drugs [and/or drug paraphernalia], the dangerous drug [and/or drug paraphernalia] itself seized from the accused constitutes the *corpus delicti* of the offense. Hence, it is of utmost importance that the integrity and identity of the seized drugs [and/or drug paraphernalia] must be shown to have been duly preserved. The chain of custody rule performs this function as it erases unnecessary doubts concerning the identity of the evidence.<sup>54</sup> The rule is imperative, as it is essential that the prohibited drug [and/or drug paraphernalia] confiscated or recovered from the suspect is the very same substance offered in court as exhibit, and the identity of the said drug [and/or drug paraphernalia] is established with the same unwavering exactitude as that required to make a finding of guilt.<sup>55</sup>

The police officers' failure to strictly comply with the requirements of the law and to give justifiable grounds for their deviations had compromised the integrity and evidentiary value of the *corpus delicti*, warranting petitioner's acquittal for reasonable doubt. Verily, when there are doubts on whether the seized substance was the same substance examined and established to be the prohibited drug [and/or drug paraphernalia], there can be no offense of illegal possession or illegal sale of a prohibited drug [or illegal possession of drug paraphernalia].<sup>56</sup>

**WHEREFORE**, the instant Petition for Review is hereby **GRANTED**. The 29 February 2016 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06298 finding petitioner guilty beyond reasonable doubt of violation of Sections 5, 11 and 12, Article II of Republic Act No. 9165, is **REVERSED** and **SET ASIDE**. Petitioner **HERBERT GARCIA y MANUEL** is hereby **ACQUITTED** on the ground of reasonable doubt. The Director of the Bureau of Corrections is **ORDERED** to cause his immediate release, unless he is being lawfully held in custody for any other reason. Let an entry of final judgment be issued immediately.

The Court **DIRECTS** the Director of the Bureau of Corrections to implement the immediate release of **HERBERT GARCIA y MANUEL**,

<sup>53</sup> *People v. Vistro*, G.R. No. 225744, 06 March 2019.

<sup>54</sup> *People v. Hilario*, G.R. No. 210610, 11 January 2018, citing *People v. Ismael* G.R. No. 208093, 20 February 2017.

<sup>55</sup> See *People v. Malana*, G.R. No. 233747, 05 December 2018.

<sup>56</sup> *People v. Hilario*, G.R. No. 210610, 11 January 2018.

and to report on his compliance within ten (10) days from receipt of this Resolution.

**SO ORDERED.**" (Leonen, J., on leave.)

By authority of the Court:

*Mis Pdc Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
GER  
1/27/21

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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 13,  
2900 Laoag City  
(Criminal Case Nos. 14956, 14957 and 14958)

The Director General  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

The Superintendent  
New Bilibid Prison  
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1770 Muntinlupa City

Mr. Herbert Garcia y Manuel  
c/o New Bilibid Prison  
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**G.R. No. 225122**

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