



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 3, 2021 which reads as follows:

“G.R. No. 242522 (People of the Philippines, Plaintiff-Appellee, v. Alfredo V. Albachera and Carmelita M. Mendoza alias “Carmen,” Accused; Carmelita M. Mendoza, Accused-Appellant). – This is an appeal seeking to reverse and set aside the Decision¹ dated 15 March 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08972, which affirmed the Decision² dated 03 October 2016 of Branch 73, Regional Trial Court (RTC) of Antipolo City, in Criminal Case Nos. 03-25269 and 03-25270.

Antecedents

Carmelita M. Mendoza (appellant) was charged with violating of Sections 5³ and 11,⁴ Article II of Republic Act No. (RA) 9165 in two (2) separate Informations. For Criminal Case No. 03-25269, illegal sale of *shabu* (Section 5, Article II of RA 9165):

That on or about the 10th day of March 2003, in the City of Antipolo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused,⁵ conspiring, confederating together and both of them mutually helping and aiding one another, not being authorized by law to sell or otherwise dispose of any dangerous drug, did, then and there willfully, unlawfully and knowingly sell, deliver and give away to P/A Cristito M. Magsino, who acted as a poseur buyer, one (1) heat sealed transparent plastic

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¹ *Rollo*, pp. 02-13; penned by CA Associate Justice Danton Q. Bueser and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Henri Jean Paul B. Inting (now a Member of this Court) of the Ninth Division, Court of Appeals, Manila.

² Records, pp. 351-362; penned by RTC Acting Presiding Judge Leili C. Suarez.

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

⁴ Section 11. Possession of Dangerous Drugs.

⁵ Referring to appellant and Wilson Rivera.



sachet containing 0.07 gram of white crystalline substance, for and in consideration of the amount of P100.00, which after the corresponding laboratory examination conducted by the PNP Crime Laboratory gave positive result to the tests for Methamphetamine hydrochloride, also known as [*shabu*], a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.⁶

For Criminal Case No. 03-25270, illegal possession of *shabu* (Section 11, Article II of RA 9165):

That on or about the 10th day of March 2003, in the City of Antipolo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess/use any dangerous drugs, did, then and there willfully, unlawfully and feloniously have in her possession, custody and control eleven (11) heat sealed transparent plastic sachets containing 0.06 gram, 0.03 gram, 0.05 gram, 0.05 gram, 0.05 gram, 0.06 gram, 0.06 gram, 0.05 gram, 0.03 gram, 0.04 gram, and 0.04 gram, respectively, or a total of 0.52 gram of white crystalline substance, which after the corresponding laboratory examination conducted by the PNP Crime Laboratory on the white crystalline substance gave positive result to the tests for methamphetamine hydrochloride, also known as [*shabu*], a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.⁷

Upon arraignment, appellant entered a plea of “not guilty” to both charges.⁸ After the pre-trial conference was terminated, trial on the merits ensued.⁹

Meanwhile, accused Alfredo V. Albachera (Albachera) was also indicted for violation of Section 11, Article II of RA 9165 in Criminal Case No. 03-25272.¹⁰

Version of the Prosecution

On 10 March 2003, at about 7:00 o'clock p.m., a concerned citizen informed the Antipolo police station of appellant's alleged involvement in illegal drug activities in *Purok 1, Zone 8, Barangay Cupang, Antipolo City*. As a result, a buy-bust team was organized to

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⁶ Records, p. 1.

⁷ *Id.* at 24.

⁸ *Id.* at 43.

⁹ *Id.* at 104.

¹⁰ *Id.* at 74.

entrap appellant. Police Aide Cristito Magsino (P/A Magsino) was designated as poseur-buyer while Senior Police Officer 2 Arnold Octavio¹¹ (SPO2 Octavio) acted as the team leader. PO2 Lauro Moratillo,¹² PO1 Jojo Angeles (PO1 Angeles), PO1 Anthony A. Alarcon, P/A Rolando Naval (P/A Naval), and P/A Resty Mandal served as back-up.¹³

Thereafter, the team proceeded to the target area. P/A Magsino walked towards appellant's house where he found a man seated outside. The man, later identified as Rivera, asked P/A Magsino what he wanted, and the latter answered that he was looking to buy *shabu*. When Rivera asked how much he was buying, P/A Magsino handed him the marked money, a Php100.00 bill. Rivera then gave it to appellant who, in turn, got one (1) plastic sachet containing white crystalline substance from a coin purse. She handed it to Rivera, who then passed it to P/A Magsino. She also gave two (2) sachets with white crystalline substance to two (2) other individuals, accused Albachera and Ciriaco Carulas (Carulas). Afterwards, P/A Magsino executed the pre-arranged signal.¹⁴

The other members of the team then apprehended appellant, Rivera, Carulas, and Albachera and informed them of their rights. P/A Magsino turned over the seized plastic sachet to SPO2 Octavio. PO1 Angeles recovered from appellant one (1) coin purse containing eleven (11) sachets of suspected *shabu*, while PO1 Alarcon and P/A Naval found one (1) sachet of suspected *shabu* each from Carulas and Albachera. All the seized sachets were turned over to SPO2 Octavio.¹⁵

At the police station, SPO2 Octavio marked the sachet bought from appellant and Rivera with "WR", while the other eleven (11) sachets recovered in appellant's possession were marked "CM1" to "CM11." The sachets recovered from Carulas and Albachera were marked as "CC" and "AA," respectively.¹⁶

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¹¹ Now SPO3 Arnold Octavio.

¹² Now PO3 Lauro Moratillo.

¹³ TSN dated 19 August 2005 (witness: SPO3 Octavio), pp. 4-5; TSN dated 27 July 2006 (witness: SPO3 Octavio), p. 03; TSN dated 29 May 2008 (witness: PO1 Angeles), p. 08; TSN dated 25 June 2009 (witness: P/A Magsino), pp. 3-5.

¹⁴ TSN dated 19 August 2005 (witness: SPO3 Octavio), pp. 6-7; TSN dated 06 December 2007 (witness: PO1 Angeles), pp. 4-5, 8, 10-11; TSN dated 25 June 2009 (witness: P/A Magsino), pp. 6-8 and 11-14.

¹⁵ Exhibit "F" (*Pinag-isang Sinumpaang Salaysay*), Records, pp. 368-369; TSN dated 10 March 2005 (witness: PO3 Moratillo), pp. 6-8, 11-14 and 20; TSN dated 06 December 2007 (witness: PO1 Angeles), pp. 11-12; TSN dated 29 May 2008 (witness: PO1 Angeles), pp. 4-5 and 8; TSN dated 12 November 2008 (witness: PO1 Angeles), p. 6; TSN dated 25 June 2009 (witness: P/A Magsino), p. 14.

¹⁶ Records, p. 357; TSN dated 19 August 2005 (witness: SPO3 Octavio), p. 8; TSN dated 29 May 2008 (witness: PO1 Angeles), pp. 9-11.

Thereafter, P/A Magsino took the seized specimens to the crime laboratory.¹⁷ Chemistry Report No. D-434-03E showed that all the specimens were positive for methamphetamine hydrochloride,¹⁸ commonly known as *shabu*.

Version of the Defense

At around 9:00 o'clock p.m. of 10 March 2003, appellant, Rivera, Carulas, and Albachera were at her home watching television when eight (8) men suddenly entered her house and ordered them to bring out the *shabu*. They replied that they did not have any, but the police still handcuffed them. The house was also searched. Later, all four (4) were taken to the police station.¹⁹

Carulas and Rivera died while in detention. Thus, the RTC dismissed the case for possession of dangerous drugs against Carulas on 25 June 2003, and Rivera's illegal sale of dangerous drugs case on 16 April 2009.²⁰

Ruling of the RTC

On 03 October 2016, the RTC rendered its Decision,²¹ the dispositive portion of which reads:

WHEREFORE, in light of all the foregoing, judgment is hereby rendered as follows:

1.) In Criminal Case No. 03-25269, accused Carmelita M. Mendoza is hereby found **GUILTY** beyond reasonable doubt of illegal sale of dangerous drugs, as defined and penalized under Section 5, 1st Paragraph, Article II of R.A. No. 9165, and is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of Five Hundred Thousand [(Php500,000.00)] pesos;

2.) In Criminal Case No. 03-25270, accused Carmelita M. Mendoza is hereby found **GUILTY** beyond reasonable doubt of illegal possession of dangerous drugs, as defined and penalized under Section 11, 2nd par., No. 3, Article II of R.A. No. 9165, and [is] hereby sentenced to suffer the penalty of imprisonment of twelve (12) years and one (1) day to twenty (20) years and to pay a fine of Three Hundred Thousand [(Php300,000.00)] pesos;

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¹⁷ TSN dated 10 February 2004 (witness: Police Inspector Joseph Perdido), p. 5.

¹⁸ Exhibit "E"; *Records*, p. 367.

¹⁹ TSN dated 11 October 2012 (witness: appellant), pp. 4-8.

²⁰ *Records*, pp. 109, 253-255, and 355.

²¹ *Id.* at 351-362.

3.) In Criminal Case No. 03-25272, accused Alfredo V. Albachera is hereby found **GUILTY** beyond reasonable doubt of illegal possession of dangerous drugs, as defined and penalized under Section 11, 2nd par., No. 3, Article II of R.A. No. 9165, and [is] hereby sentenced to suffer the penalty of imprisonment of twelve (12) years and one (1) day to twenty (20) years and to pay a fine of Three Hundred Thousand [(Php300,000.00)] pesos.

X x x

SO ORDERED.²²

The RTC found that the prosecution successfully established all the elements of illegal sale and illegal possession of dangerous drugs,²³ as well as the integrity and evidentiary value of the confiscated *shabu*.²⁴

Aggrieved, appellant and Albachera appealed to the CA. In a letter to the Public Attorney's Office Albachera manifested his desire to withdraw his appeal.²⁵ Thus, on 19 June 2017, the CA rendered its Resolution²⁶ granting Albachera's motion to withdraw his appeal. Consequently, the CA issued a Partial Entry of Judgment with respect to him.²⁷

Ruling of the CA

In its Decision²⁸ dated 15 March 2018, the CA affirmed appellant's conviction. It ruled that the prosecution satisfactorily established the elements of illegal sale and illegal possession of *shabu*,²⁹ and the unbroken chain of custody over the seized drugs.³⁰

Hence, this appeal.

For purposes of this appeal, the Office of the Solicitor General³¹ and the Public Attorney's Office³² manifested that they were no longer filing their respective supplemental briefs.

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²² *Id.* at 361-362.

²³ *Id.* at 359.

²⁴ *Id.* at 360.

²⁵ CA *rollo*, p. 39.

²⁶ *Id.* at 35.

²⁷ *Id.* at 36.

²⁸ *Rollo*, pp. 2-13.

²⁹ *Id.* at 7 and 9.

³⁰ *Id.* at 11.

³¹ *Id.* unnumbered pages after p. 27.

³² *Id.* unnumbered pages after p. 27.

Issue

The issue in this case is whether or not the CA correctly found appellant guilty beyond reasonable doubt for the offenses of illegal sale and illegal possession of prohibited drugs under RA 9165.

Ruling of the Court

The Court finds the appeal meritorious.

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.³³

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.³⁴

It is essential that the identity and integrity of the illegal drugs must be shown to have been preserved. To remove any doubt or uncertainty on the identity and integrity of the seized drugs, evidence must definitely show that the illegal drugs offered in court as exhibit are the same as those recovered from the accused.³⁵ This requirement is known as the chain of custody rule under RA 9165, created to safeguard doubts concerning the identity of the seized drugs.³⁶

Section 21, Article II of RA 9165 lays down the chain of custody rule, outlining the procedure police officers must follow in handling the seized drugs, in order to preserve their integrity and evidentiary value.³⁷ Said provision was amended by RA 10640,³⁸ which was approved on 15 July 2014. Considering, however, that the offense charged was committed on 10 March 2003, the earlier version of Section 21, and its corresponding Implementing Rules and Regulations (IRR), shall apply:

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³³ *People v. Pantallano*, G.R. No. 233800, 06 March 2019 [Per J. A.B. Reyes, Jr.].

³⁴ *People v. Ismael*, G.R. No. 208093, 20 February 2017, 806 Phil. 21-38 (2017) [Per J. Del Castillo].

³⁵ *People v. Macaumbang*, G.R. No. 208836, 01 April 2019 [Per J. Gesmundo]; see *People v. Lumaya*, G.R. No. 231983, 07 March 2018 [Per J. Perlas-Bernabe].

³⁶ *People v. Bangcola*, G.R. No. 237802, 18 March 2019 [Per J. Gesmundo].

³⁷ *People v. Alvaro*, G.R. No. 225596, 10 January 2018 [Per J. Perlas-Bernabe].

³⁸ 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."

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;

The IRR of RA 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:

(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;

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The police officers failed to comply with the requirements of Section 21, Article II, RA 9165

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.³⁹

The first link speaks of seizure and marking, which should be done immediately at the place of arrest and seizure. It also includes the physical inventory and taking of photograph of the seized or confiscated items which should be done in the presence of the accused, a media representative, a representative from the Department of Justice (DOJ), and any elected public official.⁴⁰

In this case, there was no showing that an inventory was conducted and that photographs were taken of the seized items. Although the police officers marked the seized items, this was not conducted immediately at the place of seizure and confiscation but at the police station. Notably, on cross-examination, PO1 Angeles candidly admitted that no photographs were taken of the appellant with the seized items.⁴¹ While PO3 Moratillo testified that he saw the written inventory of all the items taken,⁴² there is no copy of it in the records. When asked about it, the public prosecutor said that he did not have a copy of it.⁴³ Without such inventory [and photographs], a doubt is created whether the *shabu* was really taken from appellant.⁴⁴

More importantly, not one of the three (3) required witnesses was present during the buy-bust operation and during the marking of the seized items. The prosecution did not even offer any explanation for their absence. As testified to by PO1 Angeles, the presence of the

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³⁹ *People v. Ubungen*, G.R. No. 225497, 23 July 2018 [Per J. Martirez].

⁴⁰ *People v. Posos*, G.R. No. 226492, 02 October 2019 [Per J. Lazaro-Javier].

⁴¹ TSN dated 12 November 2008, pp. 4 and 7.

⁴² TSN dated 10 March 2005, pp. 18-19.

⁴³ TSN dated 10 March 2005 (witness: PO3 Moratillo), p. 19.

⁴⁴ *People v. Battung*, G.R. No. 230717, 20 June 2018 [Per J. Peralta].



required witnesses were not secured.⁴⁵ The Court has often looked with disfavor at the absence of the required witnesses during the marking and inventory, and most often result in the acquittal of the accused.⁴⁶

It must be stressed that the presence of the required witnesses at the time of the apprehension and inventory is mandatory. The law imposes this requirement to serve an essential purpose.⁴⁷ 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 Section 21, Article II of RA 9165, as amended.⁴⁸

The prosecution failed to give a justifiable ground for non-compliance with Section 21, Article II of RA 9165

The Court recognizes that under varied field conditions, strict compliance with the requirements of Section 21, Article II of RA 9165 may not always be possible. In fact, the IRR of RA 9165, which is now crystallized into statutory law with the passage of RA 10640, provides that non-compliance with the requirements of Section 21, 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.⁴⁹

In *People v. Dela Torre*,⁵⁰ however, the Court explained that for the above-saving clause to apply, the prosecution must explain the reasons behind the procedural lapses, and that the integrity and evidentiary value of the seized evidence had nonetheless been preserved. The justifiable ground for non-compliance must be proven

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⁴⁵ TSN dated 12 November 2008, pp. 4 and 7.

⁴⁶ See *People v. Allingag*, G.R. No. 233477, 30 July 2018 [Per J. Peralta]; *People v. Gumban*, G.R. No. 224210, 23 January 2019 [Per J. Del Castillo]; *People v. Sendad*, G.R. No. 242025, 20 November 2019 [Per J. Perlas-Bernabe].

⁴⁷ *People v. Moreno*, G.R. No. 234273, 18 September 2019 [Per J. Caguioa].

⁴⁸ *People v. Caranto*, G.R. No. 217668, 20 February 2019 [Per J. Caguioa] citing *People v. Tomawis*, G.R. No. 228890, 18 April 2018 [Per J. Caguioa].

⁴⁹ *People v. Año*, G.R. No. 230070, 14 March 2018 [Per J. Perlas-Bernabe].

⁵⁰ G.R. No. 238519, 26 June 2019 [Per J. Peralta].

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 Section 21 without justifying their failure to comply with the requirements stated therein.⁵¹ Moreover, a stricter adherence to Section 21 is required where the quantities of illegal drugs seized are minuscule, as in the instant case where a total of only 0.66 grams were confiscated. They are extremely small amounts which are **highly susceptible to planting, tampering or alteration of evidence.**⁵²

With respect to the absence of key witnesses during the arrest, the Court in *People v. Acub*,⁵³ cited the separate concurring opinion of then Associate Justice (now Chief Justice) Diosdado Peralta in the case of *Mariñas v. People (Mariñas case)*.⁵⁴ 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 Section 21, Article II of RA 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.⁵⁵

None of these instances are present in the instant case. The prosecution must allege and prove the reasons for the absence of the three (3) mandatory witnesses and convince the Court that earnest

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⁵¹ *People v. Bahoyo*, G.R. No. 238589, 26 June 2019 [Per J. A.B. Reyes, Jr.].

⁵² *People v. Bayang*, G.R. No. 234038, 13 March 2019 [Per J. Peralta]; *People v. Sali*, G.R. No. 236596 (Resolution), 29 January 2020 [Per CJ. Peralta].

⁵³ G.R. No. 220456, 10 June 2019 [Per J. Leonen].

⁵⁴ G.R. No. 232891, 23 July 2018 [Per J. Reyes, Jr.].

⁵⁵ *Supra* at note 53.

efforts were exerted to secure their attendance.⁵⁶ 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 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.⁵⁷

Appellant must perforce be acquitted for reasonable doubt

In cases of sale and possession of dangerous drugs, the dangerous drug 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 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.⁵⁸ The rule is imperative, as it is essential that the prohibited drug confiscated or recovered from the suspect is the very same substance offered in court as exhibit, and the identity of the said drug is established with the same unwavering exactitude as that required to make a finding of guilt.⁵⁹

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 appellant'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, there can be no offense of illegal sale of a prohibited drug.⁶⁰

Appellant's co-accused Albachera must also be acquitted

Rule 122, Section 11 (a) of the Rules of Court covers situations where there are several accused but not all of them appeal their conviction:

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⁵⁶ *People v. Laway*, G.R. No. 227741, 27 March 2019 [Per J. Del Castillo].

⁵⁷ *People v. Vistro*, G.R. No. 225744, 06 March 2019 [Per J. Del Castillo].

⁵⁸ *People v. Hilario*, G.R. No. 210610, 11 January 2018 [Per J. Leonardo-De Castro].

⁵⁹ *People v. Malana*, G.R. No. 233747, 05 December 2018 [Per J. Caguioa].

⁶⁰ *Supra* at note 58.

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.

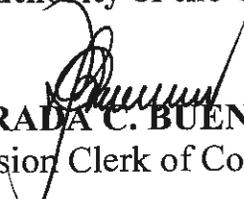
As a rule, the effects of an appeal can only bind the accused who appealed his or her conviction. However, when an appellate court renders a favorable judgment, the effects of such favorable judgment extends even to those who did not appeal, to the extent that such effects apply to their specific contexts.⁶¹ Thus, pursuant to the above Rule, appellant's verdict of acquittal benefits the other accused, Albachera, even if he did not appeal before this Court.

WHEREFORE, the instant appeal is hereby **GRANTED**. The Decision dated 15 March 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08972 is **REVERSED** and **SET ASIDE**. Appellant **CARMELITA M. MENDOZA** and her co-accused **ALFREDO V. ALBACHERA** are hereby **ACQUITTED** on the ground of reasonable doubt. The Superintendent of the Correctional Institution for Women and the Director of the Bureau of Corrections are ordered to cause their immediate release, unless they are being lawfully held in custody for any other reason. Let an entry of final judgment be issued immediately.

The Court **DIRECTS** the Superintendent of the Correctional Institution for Women and the Director of the Bureau of Corrections to implement the immediate release of **CARMELITA M. MENDOZA** and **ALFREDO V. ALBACHERA**, respectively, and to report on their compliance within ten (10) days from receipt.

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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⁶¹ *People v. Yanson*, G.R. No. 238453, 31 July 2019 [Per J. Leonen].



The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 08972)

The Hon. Presiding Judge
Regional Trial Court, Branch 73
1870 Antipolo City
(Crim. Case Nos. 03-25269, 03-25270
and 03-25272)

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