

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NEIL ALBIS Y BARRAMEDA, ACCUSED-APPELLANT.

G.R. No. 266701, July 08, 2026

Ponente: ROSARIO, J.

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ROSARIO, J.:

The Court resolves an Appeal[1] from the Decision[2] of the Court of Appeals (CA), which affirmed the Joint Judgment[3] of the Regional Trial Court (RTC) finding Neil Albis y Barrameda (Albis) guilty of illegal possession of methamphetamine hydrochloride and illegal possession of dangerous drugs paraphernalia.

Albis was charged with violating Sections 11 and 12 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, as amended by Republic Act No. 10640:

1. In Crim. Case No. 12949

....

That around 5:00 [a.m.] of August 28, 2014, in Legazpi City, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, accused NEIL ALBIS [y] BARRAMEDA, without being authorized by law, did then and there willfully, unlawfully[,] and knowingly possess and have under his custody and control several heat-sealed transparent plastic sachets containing a total of 6.18 grams of white crystalline substance, which was found positive to the test for Methamphetamine Hydrochloride, commonly known as "shabu", a dangerous drug, without the corresponding license and prescription.

ACTS CONTRARY TO LAW.

....

2. In Crim. Case No. 12950

....

That around 5:00 [a.m.] of August 28, 2014, in Legazpi City, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, accused NEIL ALBIS [y] BARRAMEDA, without being authorized by law, did then and there willfully, unlawfully[,] and knowingly possess and have under his custody and control several aluminum foils, lighters, and improvised needle burners[,] which are all instruments, equipments [sic], apparatuses or paraphernalia fit or intended for smoking, sniffing, consuming[,] and ingesting into the body "shabu" or methamphetamine hydrochloride, a dangerous drug.

ACTS CONTRARY TO LAW.

....

3. In Crim. Case No. 12951

....

That around 5:00 [a.m.] of August 28, 2014, in Legazpi City, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, accused NEIL ALBIS [y] BARRAMEDA, did then and there willfully, unlawfully[,] and criminally have in his possession, custody and control a .22 caliber ammunition without any license, permit to carry firearm outside residence[,] and other pertinent documents.

ACTS CONTRARY TO LAW.[4]

Version of the prosecution

The prosecution's version, as quoted by the CA from the Office of the Solicitor General's (OSG) narrations, are as follows:

4. [Police Senior Inspector] Domingo Tapel, Jr. [(PSINSP Tapel)] was assigned as Intelligence Officer of the Legazpi Police Station, Legazpi, Albay in 2015.

5. On August 27, 2014, [PSINSP] Tapel filed an application for search warrant before Branch 15 of the RTC in Tabaco City. The intended subject of the search was the house at Brgy. 33, Peñranda Street, Legazpi City where [Albis] and his family lived. The application was based on [an] intelligence report that [Albis] was engaged in selling the illegal drug methamphetamine hydrochloride or "[shabu]" and was using his residence as his base operation.

6. The trial court granted the application and subsequently issued Search Warrant No. T2014-25.

7. Around 3:30 [a.m.] of the following day, August 28, 2014, [PSINSP] Tapel briefed the members of the Legazpi Police Station, the Regional Intelligence Division Albay Provincial [Office], the [Criminal Investigation and Detection Group (CIDG)] Albay[,], and [Philippine Drug Enforcement Agency (PDEA)] Regional Office No. 5 relative to the implementation of the Search Warrant.

8. During the briefing, [PSINSP] Tapel designated [Police Officer I] Gil Raymundo Rodero [(PO1 Rodero)] as the searcher, [Police Officer I] Ma. Joanne Batislaong [(PO1 Batislaong)] as the photographer[,], and [Police Officer I] Pipaño [(PO1 Pipaño)] as [the] arresting officer. He assigned the other members of the team to provide security.

9. After the briefing, [PSINSP] Tapel coordinated with the PDEA to which he submitted a Coordination Report and a Coordination Form.

10. By 4:00 [a.m.] of the same date, [PSINSP] Tapel and his team proceeded to the place identified in the Search Warrant, the alleged residence of [Albis].

11. Punong Barangay Beatriz Toledo [(Punong Barangay Toledo)], Barangay Kagawad Bonifacio Arao [(Kagawad Arao)], Barangay Kagawad Rowena Lim [(Kagawad Lim)], [and Department of Justice (DOJ)] representative Jesus Arsenio Aragon [(DOJ representative Aragon)] then arrived to witness the search. [PSINSP] Tapel sought the presence of a media representative to also witness the search, but none was available at that time.

12. [Albis] was not around when the team arrived. [PSINSP] Tapel then explained to [Albis's] live-in partner, [Josephine Cortez (Josephine)] and the barangay officials that the search would proceed. He furnished Josephine a copy of the [S]earch [W]arrant which Josephine also acknowledged.

13. Thereafter, PO1 Roder[o] began the search in the presence of the barangay officials, upon instructions of [PSINSP] Tapel.

14. As PO1 Rodero inspected a jacket hanging near the living room door, he found a total of 15 sachets of suspected "[shabu]". He then proceeded to the cabinet and found lighters, aluminum foil, money, scissors, weighing scales[,], and pieces of paper with a list of names and prices. He also found a .22 rifle and [three]

sachets of suspected "[shabu]".

15. After the search, PO1 Rodero placed all the items he found on a table in [Albis's] house and marked them with his initials "GRPR", dates[,] and numbers. Thereafter, he conducted the inventory in the presence of the barangay officials, [Albis's] live-in partner, Josephine[,] and DOJ representative Aragon.

16. The Certificate of Inventory was encoded in the laptop which [PSINSP] Tapel previously brought from his office. [PSINSP] Tapel then asked a certain Astor to print the Certificate of Inventory, the Receipt of Property Seized[,] and the Certificate of Orderly Search at [Community Police Assistance Center (CPAC)] 1, Peñranda St., Legazpi City.

17. After the Certificate of Inventory was printed, [PSINSP] Tapel read the items stated therein while PO1 Rodero pointed to them as they were being mentioned. The witnesses, along with [PSINSP] Tapel and PO1 Rodero[,] signed the Certificate of Inventory.

18. PO1 Rodero placed all the seized items in [two] plastic envelopes and brought them to the Legazpi Police Station. Upon PO1 Rodero and the police team's arrival at the station, the incident, as well as the search and the seizure of the items found therein[,] were entered in the police blotter.

19. [PSINSP] Tapel submitted to the RTC, Branch 15, Legazpi City a [R]eturn of the [S]earch [W]arrant and a Motion to [T]ake Custody of the Items Seized. The RTC acknowledged the [R]eturn of the warrant, noted all the items stated in the return, granted the motion to withdraw the items[,] and allowed PO1 Rodero to take custody thereof for the delivery to the [Philippine National Police (PNP)] Crime Laboratory.

20. PO1 Rodero submitted the 18 plastic sachets of suspected "[shabu]" seized during the implementation of the [S]earch [W]arrant to [the] forensic chemist, [Police Senior Inspector] Wilfredo Pabustan [(PSINSP Pabustan),] of the PNP Crime Laboratory.

21. The items with a total weight of 6.18 grams tested positive for the illegal drug "methamphetamine hydrochloride" or "[shabu]" per Chemistry Report No. D-159-2014.

22. After the laboratory examination, the confiscated items were transmitted by [PSINSP] Pabustan to the evidence custodian, [Police Officer 1] Ralph Eleazar.[5]

Version of the defense

The defense's narrations, as quoted by the CA from the submissions of the Public Attorney's Office are:

6. [Albis] and his common-law wife [Josephine], as well as his mother, AMALIA ALBIS (Amalia), denied that the seized items belonged to [Albis]. The house was owned by [Amalia] and [Albis] was not present when the search was conducted. The seized items were all recovered from the room inside the house rented by Raymund Cambaya [Cambaya], who owned the seized drug items. There was no compelling reason to file the application for search warrant with RTC Tabaco City and it should have been filed in RTC Legazpi City, since the house is located in Legazpi City. The [S]earch [W]arrant was issued beyond the jurisdiction of RTC Tabaco City, as could be gleaned from the testimony of ATTY. CYRIL T. OBELIDOR-SABA, the Branch Clerk of Court of RTC Tabaco City, Branch 15. Further, no media representative was present during the conduct of inventory. Before the police officers arrived to search, there were previously [four] persons wearing bonnets who advanced the search of the room of [Cambaya] and had probably planted evidence.[6]

Ruling of the RTC

The dispositive portion of the RTC Joint Judgment[7] reads:

WHEREFORE, premises considered, the Joint Judgment in the above-[titled] cases is hereby rendered, as follows:

1. In Crim. Case No. 12949: Finding him GUILTY beyond reasonable doubt of the offense of Illegal Possession of Methamphetamine Hydrochloride or "[shabu]", a dangerous drug, defined and penalized under Article II, Section 11, paragraph 2, of [Republic Act No.] 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and applying the Indeterminate Sentence Law, the Court hereby sentences accused NEIL ALBIS [y] BARRAMEDA to suffer imprisonment from [20] years and [one] day, as minimum, to [25] years, as maximum and to pay the fine of [PHP 450,000.00].

The subject "[shabu]", contained in the transparent plastic sachets marked in evidence as Exh. "T-2" to Exh. "T-19", inclusive of sub-markings, are hereby ordered confiscated in favor of the Government, subject to the destruction thereof, pursuant to Section 21, paragraph 7, of [Republic Act No.] 9165.

Cost against the accused.

SO ORDERED.

2. In Crim. Case No. 12950:

Finding him GUILTY beyond reasonable doubt if the offence of Illegal Possession of Dangerous Drugs Paraphernalia, defined and penalized under Article II, Section 12, first paragraph, of [Republic Act No.] 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and applying the Indeterminate Sentence Law, the Court hereby sentences accused NEIL ALBIS [y] BARRAMEDA to suffer imprisonment of [six] months and [one] day, as minimum, to [one] year and [eight] months, as maximum, and to pay the fine of [PHP 10,000.00] Pesos.

The subject dangerous drugs paraphernalia which are the digital weighing scale (Exh. "U"), another digital weighing scale (Exh. "V"), plastic container (Exh. "T-1"), white envelope (Exh. "W") and plastic sachet containing aluminum foils (Exh. "GG") and [one] roll aluminum foil marked as Exh. "HH" and sub-marking are hereby ordered confiscated in favor of the Government, subject to the destruction thereof, pursuant to Section 21, paragraph 7 of [Republic Act No.] 9165.

Cost against the accused.

SO ORDERED.

3. In Crim. Case No. 12951:

For insufficiency of evidence, accused NEIL ALBIS [y] BARRAMEDA is hereby ACQUITTED of the offence of Violation of Sec. 28(a), [Republic Act No.] 10591, as charged in the Information in this case.

SO ORDERED.[8]

It was found during trial that the law enforcement officers could not present the firearm and the corresponding forensic certification. The RTC, thus, dismissed the charge for illegal possession of firearms.[9]

The RTC found that the prosecution sufficiently proved that the search was valid and that the photographing, marking, and inventory were properly done.[10] Hence, it convicted Albis of both illegal possession of dangerous drugs and paraphernalia.[11]

Albis filed his appeal. Notably, he argued for the first time that the identities of the insulating witnesses were never proven in court.[12]

Ruling of the CA

The dispositive portion of the assailed Decision reads:

ACCORDINGLY, the appeal is DENIED. The Joint Judgment dated [November 7, 2017] of the Regional Trial Court, Branch 4, Legazpi City, in Criminal [Case] Nos. 12949 and 12950, finding accused-appellant Neil Albis [y] Barrameda guilty of violating Sections 11 and 12, Article II of Republic Act No. 9165 is hereby AFFIRMED.

SO ORDERED.[13]

The CA affirmed the RTC's findings that the prosecution sufficiently proved that Albis was guilty of the offenses charged. Moreover, the CA found that the law enforcement officers sufficiently complied with the rules on chain of custody.[14] Notably, the CA did not rule on Albis's argument that the identity of the insulating witnesses were never proven in court.

Ruling of this Court
We grant the appeal.

The issues regarding the validity of the search warrant[15] and the relationship of the accused-appellant with the site of the warrant's enforcement[16] have been settled. The only issue that the CA did not address was the lack of proof of the identity of the insulating witnesses.

This Court has issued guidelines for the presence of the insulating witnesses in *Nisperos v. People*,[17] thus:

c. Also in the presence of the insulating witnesses, as follows:

- if the seizure occurred during the effectivity of [Republic Act No.] 9165, or from July 4, 2002 until August 6, 2014, the presence of [three] witnesses, namely, an elected public official; a Department of Justice (DOJ) representative; and a media representative;
- if the seizure occurred after the effectivity of [Republic Act No.] 10640, or from August 7, 2014 onward, the presence of [two] witnesses, namely, an elected public official; and a National Prosecution Service representative or a media representative.[18] (Emphasis in the original, citations omitted)

The search and seizure in the present case occurred on August 28, 2014,[19] a full 21 days after the effectivity of Republic Act No. 10640. As provided in *Nisperos*, the mandatory insulating witnesses are an elected public official and a National Prosecution Service representative or a media representative. The law enforcement agents followed the letter of the law and had Punong Barangay Toledo and DOJ representative Aragon present as the statutorily mandated insulating witnesses.[20]

As to the lack of proof of the insulating witnesses, this Court notes that this issue was never addressed in the trial court and was argued by accused-appellant for the first time on appeal.

This Court reviewed the records of the case to confirm that they contained no proof of the identity of the insulating witnesses. Since We agree with the CA's ruling in all issues, only this matter will cause any deviation from the CA's findings.

The police officers submitted photographs of the search when it was conducted. One can see a woman in the photographs who may very well be the aforementioned Punong Barangay Toledo. However, her identity was not substantiated by any supporting evidence.[21]

The same matter appeared on the Certificate of Inventory[22] and Certification of Orderly Search,[23] where Toledo's signature appeared but no proof of her identity was attached.

Finally, in the RTC's Pre-Trial Order, Toledo was offered as a witness but was never presented.[24]

With the foregoing discussion, this Court finds that the identity of the insulating witnesses was never supported

with documentary evidence. Worth repeating, however, is that at the time of the search, this was not expressly required.

In the 2023 case of *People v. Flores*,^[25] this Court ruled that the identity of the witnesses must be proven, and that mere presumption is not sufficient to show that the rule on chain of custody was followed, thus:

To see how this applies to the present appeal may take some effort, but it is nonetheless required due to the prime considerations given to the rights of the accused in any criminal case. The presumed fact of the status of Dela Cruz as a duly elected barangay kagawad is actually an element of the offenses charged, since compliance with Section 21 of [Republic Act No.] 9165, as amended by [Republic Act No.] 10640, is necessarily deemed included as an element in any relevant prosecution under [Republic Act No.] 9165, as amended. As such, it was thus incumbent upon the prosecution to prove the identities and credentials of the mandatory insulating witnesses, along with their presence at the inventory of the confiscated items. The presumed fact of Dela Cruz's status as a duly elected barangay kagawad could only thus have been affirmed at trial below by proving the basic fact that he was indeed acting as a barangay kagawad in the circumstances that the law requires. Moreover, proving this basic fact should have been a simple affair: that of simply presenting documents that would have confirmed the identity of Dela Cruz, and the credentials of Dela Cruz as a duly elected barangay kagawad. It is thus telling that an exhaustive scrutiny of the record could not even reveal in which barangay in Quezon City Dela Cruz serves as a kagawad. Thus, the failure to prove the basic fact of Dela Cruz's supposed participation in witnessing the inventory of the confiscated items amounts to a failure to prove the ultimate fact of the identity of the corpus delicti here.

Verily, the lack of proof here as to the identity and credentials of the supposed barangay kagawad, coupled with the glaring discrepancy between the signature of the media representative on the inventory form and that on the media representative's presented identification card, and along with the admission of the police officers that no other proof of the said mandatory insulating witnesses' presence during the inventory is present in the record aside from their supposed signatures on the inventory form, all paint a murky picture of reasonable doubt in the first link of the chain of custody. Combining this with the unexplained fact that the said insulating witnesses took at least a quarter of an hour to arrive at the police station for the witnessing of the inventory—which meant that they were not readily available to perform their functions as prescribed in *Nisperos*—the first link in the chain of custody was never forged to begin with. Even if the Court here finds that the second, third, and fourth chains here were accomplished in accordance with the strictures of statutory provision and extant jurisprudence, the said compliance would be all for naught due to the reasonable doubt surrounding the corpus delicti from the outset. Verily and to reiterate, without the first link, there is no chain of custody to speak of.^[26] (Emphasis in the original)

In *Columbia Pictures, Inc. v. Court of Appeals*,^[27] We ruled that decisions of this Court which interpret a statute retroact to the date of the statute's effectivity, thus:

The reasoning behind *Senarillos v. Hermosisima* that judicial interpretation of a statute constitutes part of the law as of the date it was originally passed, since the Court's construction merely establishes the contemporaneous legislative intent that the interpreted law carried into effect, is all too familiar. Such judicial doctrine does not amount to the passage of a new law but consists merely of a construction or interpretation of a pre-existing one, and that is precisely the situation obtaining in this case.

It is consequently clear that a judicial interpretation becomes a part of the law as of the date that law was originally passed, subject only to the qualification that when a doctrine of this Court is overruled and a different view is adopted, and more so when there is a reversal thereof, the new doctrine should be applied prospectively and should not apply to parties who relied on the old doctrine and acted in good faith. To hold otherwise would be to deprive the law of its quality of fairness and justice then, if there is no recognition of what had transpired prior to such adjudication.^[28] (Citations omitted)

At this juncture, We have arrived at three main points of consideration in the present case: (1) the identity of the insulating witnesses was not substantiated with documentary evidence; (2) this was never put in issue before the trial court; and (3) the law applicable to the present case, through this Court's ruling in Flores, requires that the identity of the witnesses must be proven.

Two legal principles must be discussed to fully dispose of the instant case. In *People v. Sta. Maria*,^[29] We ruled that the accused may not raise an issue for the first time on appeal, thus:

The law excuses non-compliance under justifiable grounds. However, whatever justifiable grounds may excuse the police officers involved in the buy-bust operation in this case from complying with Section 21 will remain unknown, because appellant did not question during trial the safekeeping of the items seized from him. Indeed, the police officers' alleged violations of Sections 21 and 86 of Republic Act No. 9165 were not raised before the trial court but were instead raised for the first time on appeal. In no instance did appellant least intimate at the trial court that there were lapses in the safekeeping of seized items that affected their integrity and evidentiary value. Objection to evidence cannot be raised for the first time on appeal; when a party desires the court to reject the evidence offered, [they] must so state in the form of objection. Without such objection [they] cannot raise the question for the first time on appeal.^[30]

This ruling is not absolute and allows such exceptions as those found in Rule 117, Section 9 of the Rules of Criminal Procedure.^[31] Nevertheless, none of these exceptions are present here.

On the other hand, this Court recently reiterated in *Banco de Oro v. People*^[32] that an appeal opens the entire case for review, thus:

While the OSG represents the interests of the State, its agencies, and instrumentalities, and its officials and agents in any litigation, proceeding, or investigation, the CA is not precluded from making an independent determination on the liability of the accused based on the records and the evidence. Under Rule 124, Section 11 of the Rules of Court, an appeal in a criminal case opens the entire case for review on any question, including one not raised by the parties; thus, the CA is not bound by the OSG's Manifestation and it may reverse, affirm, or modify the judgment of the trial court based on its own independent assessment of the records.^[33] (Citations omitted)

The same ruling has been used to modify the penalty,^[34] determine the validity of a plea of guilty,^[35] or verify the legality of a warrantless arrest and incident search.^[36]

Jurisprudence is replete with acquittals because law enforcement officers failed to properly comply with the rules of chain of custody.^[37] The circumstances around the instant case predate Flores by almost nine years. It bears reiterating that the law enforcement officers complied with the rules on marking, inventory, and photographing of the seized items in front of the mandatory insulating witnesses.^[38]

The law enforcement officer's compliance with the rules at the time requires that this Court discuss the State's right to due process prior to applying the ruling in Flores in the instant case.

In *People v. Duca*,^[39] We nullified a CA ruling because it deprived the State of its right to due process by deciding a case before OSG had filed its brief, thus:

The State, like the accused, is entitled to due process in criminal cases, that is, it must be given the opportunity to present its evidence in support of the charge. The doctrine consistently adhered to by this Court is that a decision rendered without due process is void [ab initio] and may be attacked directly or collaterally. A decision is void for lack of due process if, as a result, a party is deprived of the opportunity to be heard.

The assailed decision of the CA acquitting the respondent without giving the Solicitor General the chance to file his comment on the petition for review clearly deprived the State of its right to refute the material

allegations of the said petition filed before the CA. The said decision is, therefore, a nullity.[40]

In *Depamaylo v. Brotarlo*,^[41] this Court held a judge administratively liable for not granting the prosecution appropriate time to study a petition for bail. A similar explanation to *Duca* was used in stating that the State is entitled to due process, thus:

In any event, since the prosecutor sent in his motion at 9:35 a.m., shortly after she had terminated the hearing at 9:15 a.m., respondent judge should have granted the motion and in the meantime withheld action on the bail petition. This was the prudent thing for respondent to do, considering that the charge in the case before her was for murder and, therefore, whether the accused should be granted bail depended on the relative strength of the prosecution's evidence against him. But what evidence could respondent judge consider if she did not give the prosecution a reasonable opportunity to present its evidence? Indeed, the State is entitled to due process as much as the accused. The claim that dispatch in the grant of bail to the accused was justified because he was ill and his life was endangered by confinement was never seriously looked into. Respondent simply relied on the affidavit of the Chief of Police for her finding that the accused was seriously ill without even trying to ascertain from what illness he was suffering. There was, therefore, simply no justification for respondent's hasty and arbitrary denial of reasonable opportunity to the prosecution to study the evidence in the case.^[42] (Citation omitted)

In *Ombudsman v. Conti*,^[43] the CA nullified the Ombudsman's orders and dismissed an administrative complaint. This Court held that the CA should have simply remanded the case to the Ombudsman instead of outright dismissal. It was ruled that the dismissal amounted to a denial of the State's right to due process, thus:

The doctrine consistently adhered to by this Court is that a decision rendered without due process is void ab initio and may be attacked directly or collaterally. A decision is void for lack of due process if, as a result, a party is deprived of the opportunity to be heard. "The cardinal precept is that where there is a violation of basic constitutional rights, courts are ousted of their jurisdiction. Thus, the violation of the States right to due process raises a serious jurisdiction issue which cannot be glossed over or disregarded at will. Where the denial of the fundamental right of due process is apparent, a decision rendered in disregard of that right is void for lack of jurisdiction. Any judgment or decision rendered notwithstanding such violation may be regarded as a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever it exhibits its head."

Consequently, such nullity not only applies to the entire judgment rendered by the Ombudsman but likewise nullifies the judgment rendered by the CA reversing the findings of the Ombudsman as to *Conti's* liability. With the violation of *Conti's* right to due process, it is therefore plain, that any judgment arising from it is voted, whether the same be favorable to him or otherwise.^[44] (Citations omitted)

In sum, the State's right to due process is limited to being granted the opportunity to be heard.

In the present case, the State was able to present its case before the RTC and CA. The prosecution was given the opportunity to offer its testimonial, documentary, and object evidence to prove accused-appellant's guilt.^[45] Under the foregoing rulings, the State has been granted its right to due process, i.e., been given its day in court, in the present case. The application of the ruling in *Flores*, a decision issued after the prosecution has rested its case, does not amount to depriving the State of its right to due process.

Under *Flores*, the prosecution's case fails because of its failure to prove the identities of the mandatory witnesses. Hence, this Court must necessarily grant the appeal and order accused-appellant's acquittal.

In view of the foregoing and, as a final note, magistrates and advocates are encouraged to review whether the provisions in Section 21 of Republic Act No. 10640, and the rulings in *Nisperos* and *Flores* were strictly complied with in the conduct of the searches and seizures in pending drug cases.

ACCORDINGLY, the Appeal is GRANTED. The September 2, 2020 Decision of the Court of Appeals in. CA-G.R. CR-HC No. 10946 is REVERSED and SET ASIDE. Accused-appellant Neil Albis y Barrameda is ACQUITTED for the prosecution's failure to prove his guilt beyond reasonable doubt of illegal possession of dangerous drugs and other paraphernalia for dangerous drugs. He is ORDERED IMMEDIATELY RELEASED unless he is confined for other lawful causes.

Let a copy of this Decision be furnished to the Director General of the Bureau of Corrections for immediate implementation. The Director General is directed to report to this Court, within five days from receipt of this Decision, the action he has taken. Copies shall also be furnished to the Chief of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

Let entry of judgment be issued immediately.

SO ORDERED."

Hernando (Acting Chairperson)[**] and Zalameda, JJ., concur.
Gesmundo,[*] C.J. and Marquez,[***] J., on official business.

[*] On official business.

[**] Per Special Order No. 3309 dated July 3, 2026.

[***] On official business.

[1] Rollo, pp. 3-6.

[2] Id. at 9-28. The September 2, 2020 Decision in CA-G.R. CR-HC No. 10946 was penned by Associate Justice Tita Marilyn B. Payoyo-Villordon and concurred in by Associate Justices Fernanda Lampas Peralta and Nina G. Antonio-Valenzuela of the Second Division, Court of Appeals, Manila.

[3] Id. at 33-64. The November 7, 2017 Joint Judgment in Criminal Case Nos. 12949-51 was penned by Judge Edgar L. Armes of Branch 4, Regional Trial Court, Legazpi City.

[4] Id. at 33-35.

[5] Id. at 11-14.

[6] Id. at 14-15.

[7] Id. at 33-64.

[8] Id. at 62-64.

[9] Id. at 43-44.

[10] Id. at 45.

[11] Id. at 48.

[12] CA Rollo, p. 95.

[13] Rollo, p. 27.

[14] Id. at 22-23.

- [15] Id. at 48.
- [16] Id. at 19.
- [17] 931 Phil. 945 (2022) [Per J. Rosario, En Banc].
- [18] Id. at 956-957.
- [19] Rollo, p. 36.
- [20] Id. at 37.
- [21] RTC records, folder I-A, pp. 62-63.
- [22] Id. at 36.
- [23] Id. at 33-35.
- [24] Id. at 108-115.
- [25] 948 Phil. 480 (2023) [Per J. Gaerlan, Third Division].
- [26] Id. at 502-503.
- [27] 329 Phil. 875 (1996) [Per J. Regalado, En Banc].
- [28] Id. at 907-908.
- [29] 545 Phil. 520 (2007) [Per J. Garcia, First Division].
- [30] Id. at 534.
- [31] RULES OF COURT, Ruic 117, sec. 9 reads:

Section 9. Failure to move to quash or to allege any ground therefore. — The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any objections based on the grounds provided for in paragraphs (a), (b), (g), and (i) of section 3 of this Rule.

- [32] 959 Phil. 43 (2024) [Per J. Hernando, First Division].
- [33] Id. at 69-70.
- [34] People v. Laog, 674 Phil. 444, 464 (2011) [Per J. Villarama, Jr., First Division].
- [35] People v. Tonyacao, 477 Phil. 608, 623 (2004) [Per J. Austria-Martinez, En Banc].
- [36] People v. Pangcatan, 887 Phil. 196, 214 (2020) [Per J. Carandang, Third Division].
- [37] Tumabini v. People, 871 Phil. 289, 321, 323 (2020) [Per J. Gesmundo, Third Division].
- [38] Rollo, p. 4.
- [39] 618 Phil. 154 (2009) [Per J. Leonardo-De Castro, First Division].
- [40] Id. at 166.
- [41] 332 Phil. 928 (1996) [Per J. Mendoza, En Banc].
- [42] Id. at 935.

[43] 806 Phil. 384 (2017) [Per J. Mendoza, Second Division].

[44] Id. at 396.

[45] Rollo, pp. 106-107.

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