



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 28, 2020 which reads as follows:*

**“G.R. No. 247630 (PEOPLE OF THE PHILIPPINES, plaintiff-appellee, v. JESMON VILLASQUEZ y MORTERA, accused-appellant).-** On appeal<sup>1</sup> before the Court is the Decision<sup>2</sup> dated June 29, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09311, which affirmed the Judgment<sup>3</sup> dated May 15, 2017 of the Regional Trial Court (RTC) of Quezon City finding accused Jesmon Villasquez y Mortera (Jesmon) guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

**The Facts**

An Information<sup>4</sup> docketed as Criminal Case No. R-QZN-14-09554 was filed against Jesmon, charging him with the crime of illegal possession of dangerous drugs:

That on or about the 17<sup>th</sup> day of September, 2014, in Quezon City, Philippines, the above-named accused, not having authority by law to possess any dangerous drug, did then and there, willfully, unlawfully and knowingly have in his possession and control one (1) small heat-sealed transparent plastic sachet containing five point thirty one (5.31) grams of white crystalline

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<sup>1</sup> *Rollo*, pp. 17-19.

<sup>2</sup> *Id.* at 3-16. Penned by Associate Justice Ramon A. Cruz with Associate Justices Ramon M. Bato, Jr. and Pablito A. Perez, concurring.

<sup>3</sup> *CA rollo*, pp. 49-55. Penned by Presiding Judge Nadine Jessica Corazon J. Fama.

<sup>4</sup> Records, p. 1.

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substance containing Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>5</sup>

During arraignment, Jesmon pleaded not guilty.<sup>6</sup> Trial ensued thereafter.

The prosecution presented PO1 Philip Christian Ramos (PO1 Ramos), one of the arresting officers, to testify as to the details of Jesmon's apprehension.<sup>7</sup> The prosecution dispensed with the testimonies of PO3 Exequiel Arevalo, Jr. (PO3 Arevalo), the investigator, and PCI Anamelisa Bacani (PCI Bacani), the forensic chemist, in view of the stipulations agreed upon by the parties.<sup>8</sup>

According to PO1 Ramos, he was assigned as a follow-up operative at the Quezon City Police District (QCPD) Station 6, Batasan Police Station on September 17, 2014. At around 6:45 in the evening, their team leader, SPO3 Jerry Diaz (SPO3 Diaz), received information from the Station Tactical Operation Center (STOC) that there was an on-going illegal gambling in Old Balara. In response, a team of police officers was formed to verify the information. The team was comprised of SPO3 Diaz, PO1 Ramos, PO1 Jeremy Felix, and PO3 Alipio Villareal (PO3 Villareal).<sup>9</sup>

The team boarded a police vehicle and proceeded to the target area. When they arrived, PO1 Ramos observed that there was indeed a group of people playing *cara y cruz*. The police officers then approached the group, but they immediately scampered away upon seeing the police. PO3 Villareal chased after one of the players, who later turned out to be Jesmon, with PO1 Ramos following close behind as back-up.<sup>10</sup>

PO3 Villareal eventually caught up with Jesmon and placed him under arrest. After his arrest, PO1 Ramos directed Jesmon to empty his pockets. The accused complied and PO1 Ramos was able to recover one (1) heat-sealed plastic sachet containing white crystalline

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<sup>5</sup> Id.

<sup>6</sup> Id. at 35.

<sup>7</sup> TSN, June 28, 2016, pp. 1-15; TSN, August 30, 2016, pp. 1-9.

<sup>8</sup> Records, pp. 52-53, 59-60.

<sup>9</sup> TSN, June 28, 2016, p. 4.

<sup>10</sup> Id. at 5.

substance from Jesmon's right front pocket. PO3 Villareal was also able to recover a pistol tucked in Jesmon's waistband.<sup>11</sup>

While still at the place of arrest, PO1 Ramos marked the heat-sealed plastic sachet with his initials "PCR," as well as the initials of Jesmon, "JVM." The marking was done in the presence of Jesmon. PO3 Villareal, for his part, marked the pistol that was likewise recovered from Jesmon. The police officers then took Jesmon with them to their police station. During this time, PO1 Ramos had custody of the seized dangerous drug.<sup>12</sup>

Back at QCPD Station 6, PO1 Ramos turned over the seized plastic sachet marked as "PCR-JVM" to PO3 Arevalo, the assigned investigator. PO3 Arevalo prepared, among other things, the Chain of Custody Form,<sup>13</sup> the Request for Laboratory Examination,<sup>14</sup> the Inventory Receipt,<sup>15</sup> and the Joint Affidavit of Apprehension.<sup>16</sup> He also took photographs of Jesmon, the pistol and the plastic sachet recovered during his arrest.<sup>17</sup>

At 10:05 in the evening of the same day, PO1 Ramos transmitted the Request for Laboratory Examination, together with the evidence, to the QCPD Crime Laboratory Office. He handed them over to PCI Bacani, the forensic chemist.<sup>18</sup>

PCI Bacani conducted a laboratory analysis of the specimen. The results yielded a positive result for Methamphetamine Hydrochloride, a dangerous drug.<sup>19</sup>

Jesmon, for his part, disputed the allegations of the prosecution. He alleged that on September 14, 2014, he was in Old Balara playing a game of *cara y cruz* with three (3) other individuals. Suddenly, police officers arrived to apprehend them. Jesmon and his companions were then taken to QCPD Station 6, where the police officers extorted ₱20,000.00 from each of them.<sup>20</sup>

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<sup>11</sup> Id. at 6.

<sup>12</sup> Id. at 7-8.

<sup>13</sup> Records, pp. 18-19.

<sup>14</sup> Id. at 11.

<sup>15</sup> Id. at 10.

<sup>16</sup> Id. at 8-9.

<sup>17</sup> Id. at 20-22, 59.

<sup>18</sup> Id. at 11, 52-53; TSN, June 28, 2016, pp. 8-9.

<sup>19</sup> Records, pp. 12, 52.

<sup>20</sup> TSN, March 29, 2017, p. 4.

Since Jesmon was unable to raise the money, he was left at the police station. The police officers placed Jesmon in detention and he was informed that charges would be filed against him. Three (3) days later, or on September 17, 2014, he was subjected to inquest proceedings where he first learned that he was being accused of illegal possession of dangerous drugs.<sup>21</sup>

### **Ruling of the RTC**

The trial court promulgated its Judgment dated May 15, 2017, finding Jesmon guilty of illegal possession of dangerous drugs:

**WHEREFORE**, judgment is hereby rendered finding accused **JESMON VILLASQUEZ y MORTERA GUILTY BEYOND REASONABLE DOUBT** of violation of Section 11, Article II of Republic Act 9165, and he is hereby sentenced to suffer imprisonment of twenty (20) years and one (1) day, as minimum, to life imprisonment, as maximum, and to pay a fine of Four [H]undred [T]housand [P]esos (₱400,000.00).

The Branch Clerk of Court is directed to immediately turn over to the Chief of [Philippine Drug Enforcement Agency] Crime Laboratory, the subject drugs covered by Chemistry Report No. D-468-14, to be disposed of in strict conformity with the provisions of Republic Act No. 9165 and its implementing rules and regulations on the matter.

**SO ORDERED.**<sup>22</sup>

The RTC held that Jesmon had the burden of proving the absence of *animus possidendi* of the subject illegal drug. Since Jesmon was unable to provide a satisfactory explanation for his possession of the subject dangerous drugs, the trial court found that the elements of the crime were sufficiently proven in this case.<sup>23</sup>

The RTC also ruled that the prosecution was able to demonstrate the preservation of the integrity and evidentiary value of the seized dangerous drug. The heat-sealed plastic sachet was, according to the trial court, properly marked at the area of arrest. The inventory conducted at the police station was further deemed justified because Jesmon was attempting to catch the attention of his relatives and people were starting to gather at the area. Likewise, the

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<sup>21</sup> Id. at 4-5.

<sup>22</sup> CA *rollo*, p. 55.

<sup>23</sup> Id. at 53.

preparation of the necessary documents to record the chain of custody, the photographs taken in the police station, and the laboratory examination of the submitted specimen were all deemed as substantial compliance with the requirements of Section 21, Article II of R.A. No. 9165.<sup>24</sup>

The trial court acknowledged that the apprehending team failed to completely observe the requirements on the chain of custody, particularly, the immediate inventory and photographing of the seized dangerous drug at the place of arrest, as well as the absence of the required witnesses during this time. But the RTC ruled that despite these lapses on the part of the arresting police officers, the integrity and evidentiary value of the dangerous drug were preserved. Relying on the presumption that the police officers regularly performed their duty, the trial court found Jesmon's defense of denial as weak and self-serving.<sup>25</sup>

The RTC rejected Jesmon's allegation that the police officers tried to extort money from him. The trial court ruled that the defense of extortion is easy to concoct. Without clear and convincing evidence to show that the police officers were motivated by improper motive or ill-will, the trial court ruled that the testimony of PO1 Ramos deserved full faith and credit.<sup>26</sup>

Aggrieved by this decision, Jesmon filed an appeal with the CA.<sup>27</sup> He argued that the prosecution was unable to establish the chain of custody of the seized illegal drug. In particular, Jesmon averred that the seized items were not marked in his presence, and there is no date, time and place indicated on the markings.<sup>28</sup> He also pointed out the following irregularities: (a) the absence of the required witnesses during the inventory and photographing of the seized illegal drug; (b) the failure of the prosecution to provide a justification for the police officers' non-compliance with Section 21, Article II of R.A. No. 9165; and (c) the conduct of the inventory and photographing at the police station, instead of the place of arrest.<sup>29</sup>

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<sup>24</sup> Id.  
<sup>25</sup> Id. at 54.  
<sup>26</sup> Id. at 55.  
<sup>27</sup> Id. at 10.  
<sup>28</sup> Id. at 38.  
<sup>29</sup> Id. at 41-43.

### **Ruling of the CA**

In the challenged June 29, 2018 Decision of the CA, the conviction of Jesmon was affirmed:

**WHEREFORE**, in view of the foregoing, the appeal is **DISMISSED** for lack of merit. The Judgment dated May 15, 2017 rendered by the Regional Trial Court of Quezon City, Branch 79, in Criminal Case No. R-QZN-14-09554-CR is **AFFIRMED**.

**SO ORDERED.**<sup>30</sup>

The CA was not persuaded by Jesmon's arguments. The CA found that the prosecution was able to establish the presence of all the elements of illegal possession of dangerous drugs through the testimony of PO1 Ramos. Furthermore, it ruled that Jesmon's claim of extortion was unsubstantiated, and as such, cannot overcome the presumption of regularity on the part of the police officers.<sup>31</sup>

As regards the irregularities in the police officers' compliance with the chain of custody rule, the CA held that the presentation of a perfect unbroken chain is usually impossible when considering the variables of actual police operations. The CA ruled that substantial compliance with the requirements of Section 21, Article II of R.A. No. 9165 is sufficient to prove the integrity and evidentiary value of the seized dangerous drugs in this case.<sup>32</sup>

Hence, Jesmon filed the present appeal with this Court.<sup>33</sup>

### **Issue**

The sole issue for the resolution of the Court is whether the lower courts erred in finding Jesmon guilty beyond reasonable doubt for violating Section 11, Article II of R.A. No. 9165.

### **The Court's Ruling**

The Court finds the appeal meritorious.

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<sup>30</sup> *Rollo*, p. 15.

<sup>31</sup> *Id.* at 11-12.

<sup>32</sup> *Id.* at 13-14.

<sup>33</sup> *Id.* at 17-19.

In cases involving dangerous drugs, the Court has, time and again, emphasized the mandatory nature of Section 21, Article II of R.A. No. 9165, otherwise known as the *chain of custody* rule. The chain of custody rule is a matter of substantive law aimed at protecting against potential abuses on the part of the police,<sup>34</sup> which is particularly highlighted in drug cases involving evidence that is not readily identifiable at the time of its seizure.<sup>35</sup>

Since the *corpus delicti* in drugs cases is the confiscated drug itself, the manner through which its identity is preserved with moral certainty is through compliance with Section 21, Article II of R.A. No. 9165. But when there are doubts as to the identity of the confiscated drug, owing to the prosecution's failure to account for each link in the chain of custody, the Court cannot sustain a judgment of conviction.<sup>36</sup>

Section 21, Article II of R.A. No. 9165, as amended, provides the procedure that police officers must observe to preserve the integrity of the confiscated drugs or paraphernalia. In *People of the Philippines v. Kamad*,<sup>37</sup> the Court identified each link that must be accounted for, pursuant to the chain of custody rule:

We applied this ruling in *People v. Garcia*, *People v. Gum-Oyen*, *People v. Denoman* and *People v. Coreche* where we recognized the following links that must be established in the chain of custody in a buy-bust situation: *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>38</sup>

In this case, PO1 Ramos testified that he immediately marked the heat-sealed plastic sachet recovered from Jesmon's front right pocket. But while PO1 Ramos marked the confiscated drug at the place of arrest, the rest of the inventory was conducted at the QCPD

<sup>34</sup> *Loayon y Luis v. People of the Philippines*, G.R. No. 232940, January 14, 2019, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64993>>, citing *People v. Segundo*, G.R. 205614, July 26, 2017, 833 SCRA 16, 44.

<sup>35</sup> *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 634.

<sup>36</sup> *People of the Philippines v. Flores*, G.R. No. 220464, June 10, 2019, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65278>>.

<sup>37</sup> G.R. No. 174198, January 19, 2010, 610 SCRA 295.

<sup>38</sup> *Id.* at 307-308.

Station 6. During PO1 Ramos’s testimony, the prosecution did not prove any justification as to why the arresting officers did not strictly adhere to the requirements of Section 21, Article II of R.A. No. 9165:

*[(Direct examination of PO1 Ramos)]*

[Prosecutor Nicasio Rosales]: You stated that you marked the evidence at the area where it was recovered, what did you and your co[-]police officer do after you marked the evidence?

[PO1 Ramos]: My co[-]police officer also marked the evidence he recovered.

Q: And what did you do next after you marked the evidence at the area?

A: We went back to the police station, sir.<sup>39</sup>

In his cross-examination, PO1 Ramos confirmed that there was nothing to prevent them from conducting the inventory at the place of arrest.

*[(Cross-examination of PO1 Ramos)]*

[Atty. Edgardo Alexander Gayos] Is it not true that the Inventory was not conducted at the place of arrest?

[PO1 Ramos] Yes, sir.

x x x x

**Q And is it not also true that no one prevented you from doing the Inventory at the place of arrest?**

**A Yes, sir.**

Q And after you recovered the evidence you went back to the station, correct?

A Yes, sir.

Q That is where you made the Inventory, only at the station?

A Yes, sir.<sup>40</sup> (Emphasis supplied)

PO1 Ramos later stated during the re-direct examination that several people were starting to gather at the area and Jesmon was attempting to catch the attention of his relatives, thus prompting the arresting officers to complete the inventory at their police station.<sup>41</sup>

<sup>39</sup> TSN, June 28, 2016, p. 8.  
<sup>40</sup> TSN, August 30, 2016, pp. 3-4.  
<sup>41</sup> Id. at 8.



But aside from contradicting his earlier statement, it is well-settled that the burgeoning commotion in the area of arrest does not justify the inventory and photographing at the police station. In *People v. Mola*,<sup>42</sup> the Court deemed this as a “hollow excuse” for failing to comply with the first link in the chain of custody rule:

A review of the records yielded no justifiable reason for the prosecution’s non[-]compliance with the first link in the chain of custody of evidence, *i.e.*, the marking by the apprehending officer of the dangerous drug seized from the accused. The one advanced by SPO4 Columbino as to why it was impractical for him to conduct the marking and inventory of the sachet of alleged *shabu* at the place of arrest and seizure is unconvincing. His assertion that he opted to go to the PCP Tondaligan, which was the nearest police station, because he was “only one” and “there were many persons” is but a hollow excuse. **The insinuation that the safety and security of his person or of the items seized was under immediate or extreme danger was self-serving as it was not substantiated or corroborated by evidence.** To note, it appears that his claim is contrary to his statement during the direct examination that he was with the civilian asset and his companions from the PCP Tondaligan when he proceeded to *Sitio* Kamanang for the buy-bust operation.<sup>43</sup> (Emphasis supplied)

The Court similarly held in *People v. Sood*<sup>44</sup> and *People v. Cornel*<sup>45</sup> that a gathering crowd does not justify non-compliance with Section 21 of R.A. No. 9165. Here, there were several armed police officers responding to the report of illegal gambling. Their number and presence, therefore, could easily contain any commotion. Lacking evidence to support the claim that the inventory and photographing at the place of arrest is impracticable due to the “gathering crowd,” the Court cannot sanction this amorphous inconvenience on the part of the arresting officers to justify the liberal application of the chain of custody rule.

Further, neither was the prosecution able to establish that QCPD Station 6 is the nearest police station from the place of seizure and arrest. PO1 Ramos testified that their station was 20 to 30 minutes away, or about five (5) kilometers from where Jesmon was arrested.<sup>46</sup> When asked why they decided to proceed to their own station, PO1 Ramos’s only answer was that they acted upon the instruction of their

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<sup>42</sup> G.R. No. 226481, April 18, 2018, 862 SCRA 112.

<sup>43</sup> *Id.* at 124.

<sup>44</sup> G.R. No. 227394, June 6, 2018, 865 SCRA 368, 391.

<sup>45</sup> G.R. No. 229047, April 16, 2018, 861 SCRA 267, 282.

<sup>46</sup> TSN, August 30, 2016, pp. 5, 8.

team leader, SPO3 Diaz.<sup>47</sup> Again, there was no offer of an explanation on the part of the prosecution to justify this deviation from Section 21 of R.A. No. 9165.

The failure to immediately conduct the inventory and take photographs is not the only lapse recognized by the trial court to have been committed by the arresting officers. The insulating presence of the required witnesses was also not complied with. There was no elected public official, nor was there a representative from the National Prosecution Service or the media.<sup>48</sup> With their absence, there could not have been, as there was in fact, any inventory that was signed by them and of which they were furnished copies.

To be sure, there was also no explanation to justify non-compliance with this requirement, much less a showing that earnest efforts were exerted to secure the attendance of the witnesses. Glaringly established from the following testimony of PO1 Ramos is that there was absolutely no attempt even to contact the required witnesses:

[(Cross-examination of PO1 Ramos)]

[Atty. Edgardo Alexander Gayos] Mr. Witness, would you agree with me that in this Inventory of Seized Item marked as Exhibit C, there is no arresting officer who signed this inventory?

PO1 Ramos Yes, sir.

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<sup>47</sup> Id. at 8-9.

<sup>48</sup> R.A. No. 10640 is the governing law at the time of the commission of the alleged crime. R.A. No. 9165 was amended by R.A. No. 10640, 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," approved on July 15, 2014 to read:

"(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items 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, with an elected public official and a representative of the National Prosecution Service or the media 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, finally*, That noncompliance of 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 and custody over said items."

Q **There is no indication as to who made this inventory?**

A **Yes, sir.**

Q **The blanks required for the witnesses to witness this Inventory remained blank, there is no signature on it?**

A **Yes, sir.**

x x x x

Q **So there is no one witnessed (*sic*) this Inventory?**

A **Yes, sir.**

Q There is no indication who made this?

A Yes, sir.

Q And there is also no signature of the accused?

A Yes, sir.

Q So when you look at this document there is no indication that he was present during the marking of this Inventory?

A Yes, sir.<sup>49</sup> (Emphasis supplied)

The Court recognizes that the arresting officers in this case were supposedly responding to a report of illegal gambling in the area, and as such, constraints in time and preparation would have justified the absence of the required witnesses at the time of Jesmon's arrest. That said, even if the Court were to accept as sufficient the delayed inventory, the police officers were nonetheless required to secure the presence of the insulating witnesses to witness the delayed inventory. They never did so. Neither did they show that earnest efforts were made to secure the presence of even one witness.

In fine, the prosecution miserably failed to allege and prove a justifiable ground for these lapses in the chain of custody rule. It must be emphasized that the Court cannot presume the existence of a justifiable ground when the prosecution neither alleged nor proved any. The arresting officers bear the positive duty to comply with Section 21, Article II of R.A. No. 9165, or to present a reasonable justification in case they failed to do so.<sup>50</sup> The saving clause of Section 21 is not triggered when there are lapses in the observation of the chain of custody rule. This Court's ruling in *People of the Philippines v. Sarabia*<sup>51</sup> is instructive:

<sup>49</sup> TSN, August 30, 2016, pp. 4-5.

<sup>50</sup> *People v. Crispo*, G.R. No. 230065, March 14, 2018, 859 SCRA 356, 378-379.

<sup>51</sup> G.R. No. 243190, August 28, 2019, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65635>>.

Concededly, however, there are instances wherein departure from the aforesaid mandatory procedures are permissible.

Section 21 of the IRR provides that “noncompliance 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.”

For this provision to be effective, however, the prosecution must first (1) **recognize any lapses on the part of the police officers and** (2) **be able to justify the same.**

Breaches of the procedure outlined in Section 21 committed by the police officers, left unacknowledged and unexplained by the State, militate against a finding of guilt beyond reasonable doubt against the accused as the integrity and evidentiary value of the *corpus delicti* would be compromised.<sup>52</sup> (Emphasis in the original)

In light of the fact that the very first link in the chain of custody is plagued with irredeemable lapses on the part of the arresting officers, and further considering the absence of a justification for failing to comply with Section 21 of R.A. No. 9165, the evidentiary value of the seized evidence is severely compromised. Such doubt on the integrity of the *corpus delicti*, in turn, casts reasonable doubt on the guilt of the accused. Jesmon’s acquittal in this case is therefore warranted.

Finally, as regards the claim of the presumption of regularity, it should be stressed anew that police officers are presumed to have performed their duty regularly **only when** there is nothing to suggest that they deviated from the standard conduct prescribed by law.<sup>53</sup> It is not a cure that retroactively remedies the deficiencies on the part of the arresting officers.

Ultimately, the presumption of innocence is still accorded to the accused. The duty to overcome this presumption is borne by the prosecution, by establishing that there was stringent compliance with the chain of custody rule. This presumption cannot apply when the record clearly demonstrates the arresting officers’ plain disregard of

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<sup>52</sup> Id.

<sup>53</sup> *People v. Dela Cruz*, G.R. No. 205821, October 1, 2014, 737 SCRA 486, 502, citing *People v. Nandi*, G.R. No. 188905, July 13, 2010, 625 SCRA 123, 134.

the mandatory language of Section 21, as in this case. In light of the arresting officers' non-compliance with the requirements of the law, and the corresponding absence of a justification on the part of the prosecution, the acquittal of Jesmon based on reasonable doubt is in order.

**WHEREFORE**, in view of the foregoing, the appeal is hereby **GRANTED**. The Decision dated June 29, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09311 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Jesmon Villasquez y Mortera is **ACQUITTED** of illegal possession of dangerous drugs on the ground of reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being lawfully held for another cause. Let an entry of final judgment be issued immediately.

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

**SO ORDERED.”**

By authority of the Court:

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

**121-A**

The Solicitor General  
1226 Makati City

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Manila  
(CA-G.R. CR-HC No. 09311)

**PUBLIC ATTORNEY'S OFFICE**  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
DOJ Agencies Bldg.  
Diliman, 1101 Quezon City

RESOLUTION

14

G.R. No. 247630  
July 28, 2020

Judgment Division (x)  
Supreme Court

The Presiding Judge  
Regional Trial Court, Branch 79  
1100 Quezon City  
(Crim. Case No. R-QZN-14-09554-CR)

Mr. Jesmon Villasquez y Mortera (x)  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

The Director General (x)  
Bureau of Corrections  
1770 Muntinlupa City



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