



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
REGISTERED
AUG 24 2018
BY: [Signature]
TIME: 11:22

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 235980

- versus -

Present:

JOSEPH PONTIJOS LIBRE @
"JOYJOY" and LEONILA
PUEBLAS LIBRE @ "INDAY
NILAY,"

CARPIO, J., Chairperson,
PERLAS-BERNABE,
CAGUIOA,
A. REYES, JR., and
J. REYES, JR., JJ.

Accused,

LEONILA PUEBLAS LIBRE @
"INDAY NILAY,"

Promulgated:

Accused-Appellant.

20 AUG 2018

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DECISION

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal¹ filed by accused-appellant Leonila Pueblas Libre @ "Inday Nilay" (Leonila) assailing the Decision² dated August 28, 2015 and the Resolution³ dated February 2, 2017 of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 01817, which affirmed *in toto* the Decision⁴ dated January 24, 2014 of the Regional Trial Court of Cebu City, Branch 13 (RTC) in Crim. Case No. CBU-96141 finding Leonila and her co-accused, Joseph Pontijos Libre @ "Joyjoy" (Joseph; collectively, the accused), guilty beyond reasonable doubt of violating Section 5, Article II

¹ See Entry of Appearance with Notice of Appeal dated June 8, 2017; *rollo*, pp. 19-20.

² Id. at 4-18. Penned by Associate Justice Edward B. Contreras with Associate Justices Edgardo L. Delos Santos and Renato C. Francisco, concurring.

³ CA *rollo*, pp. 131-133. Penned by Associate Justice Edward B. Contreras with Associate Justices Edgardo L. Delos Santos and Gabriel T. Robeniol, concurring.

⁴ Id. at 23-27. Penned by Judge Meinrado P. Paredes.

of Republic Act No. (RA) 9165,⁵ otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

The Facts

This case stemmed from an Information⁶ dated June 8, 2012 filed before the RTC charging the accused with the crime of Illegal Sale of Dangerous Drugs, defined and penalized under Section 5, Article II of RA 9165, the accusatory portion of which reads:

That on or about the 6th day of June, 2012, at about 12:30 a.m., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conniving and confederating together and mutually helping x x x each other, with deliberate intent and without being authorized by law, did then and there sell and deliver to a police [poseur-buyer] one (1) heat-sealed transparent plastic pack containing 24.80 grams of white crystalline substance, which, after laboratory examination, gave positive results to the tests for the presence of Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.⁷

The prosecution alleged that on June 5, 2012, the Regional Anti-Illegal Drug Special Operations Task Group 7 (RAIDSOTG-7), Cebu City received a report from a confidential informant that Leonila and a cohort, later identified as Joseph, were engaged in selling *shabu* in Cebu City and neighboring cities and municipalities. Acting upon the report, Police Officer 1 Julius Codilla (PO1 Codilla), together with the confidential informant, proceeded to Colonade Mall at Colon St., Cebu City, where he was introduced to the accused as buyer of *shabu*. It was agreed that a sale of 25 grams of *shabu* for ₱100,000.00 would take place between twelve (12) o'clock that midnight and one (1) o'clock in the morning of the next day at a designated place along Pelaez Extension, Barangay Sta. Cruz, Cebu City.⁸

After the meeting, PO1 Codilla reported the agreement to their office and a buy-bust operation was consequently organized in coordination with the Philippine Drug Enforcement Agency, Regional Office VII.⁹ A Pre-Operation Report¹⁰ was then prepared, and the buy-bust money, consisting of one marked ₱500.00 bill placed on top of wad papers, was entered in the Police

⁵ Entitled “AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES,” approved on June 7, 2002.

⁶ Records, pp. 1-2.

⁷ Id. at 1.

⁸ See *rollo*, pp. 5-6. See also TSN, January 16, 2013, pp. 4-9; and TSN, April 17, 2013, pp. 9-10.

⁹ See CA *rollo*, p. 24. See also Certificate of Coordination dated June 7, 2012, id. at 31; and TSN, January 16, 2013, p. 10.

¹⁰ Dated June 5, 2012, id. at 32.

Blotter.¹¹ Later in the evening, the buy-bust team went to the target area and positioned themselves at strategic places. PO1 Codilla and the informant waited along the road for the accused's arrival, carrying with them the boodle money. Soon after, the accused arrived, got out from their car, and approached PO1 Codilla. Joseph then took out a medium-sized transparent plastic sachet of suspected *shabu* from the right pocket of his *maong* pants and handed the same to PO1 Codilla, who inspected it and gave the marked money to Leonila, who demanded payment. At that point, PO1 Codilla reversed his ball cap – the pre-arranged signal – which prompted the other members of the buy-bust team to rush towards the scene, informed the accused of their constitutional rights, and arrested them. The team recovered the marked money from Leonila and likewise seized the accused's vehicle, ignition key, and cellphones.¹²

PO1 Codilla marked the confiscated plastic sachet with “JPL/LPL-BB 06/06/12” and conducted an actual physical inventory at the crime scene.¹³ The inventory was witnessed by representatives from the media and a councilor of Barangay Sta. Cruz.¹⁴ Photographs of the seized items, the accused, and the witnesses signing the inventory were taken.¹⁵ Subsequently, the accused were brought to the RAIDSOTG-7 and eventually detained at Station 3, Cebu City Police Office holding cell;¹⁶ while the marked sachet was submitted to the Philippine National Police (PNP), Regional Crime Laboratory Office 7 for examination,¹⁷ and later tested positive for the presence of methamphetamine hydrochloride.¹⁸

Upon arraignment, the accused pleaded not guilty and denied the charges leveled against them. They claimed that at about six (6) o'clock in the evening of June 5, 2012, they were at the second floor of Chowking, Colonade Mall, Colon St., Cebu City waiting for their order, when three (3) persons approached them and invited them to go outside. They were then made to board a vehicle, blindfolded, and brought to the RAIDSOTG-7 where they were investigated separately. Later, they were brought to the reclamation area in Mandaue City. All the while, the police officers kept asking them about the identity of their supposed employer and even threatened to kill them if they would not cooperate. They were eventually brought back to the RAIDSOTG-

¹¹ With Serial No. KG458430, marked with “HPB.” See *CA rollo*, pp. 24, 33, and 40. See also TSN, January 30, 2013, pp. 2-4.

¹² See *rollo*, p. 6. See also *CA rollo*, pp. 24-25; TSN, January 30, 2013, pp. 7-11 and 18; and TSN, April 17, 2013, pp. 15-17.

¹³ See TSN, January 30, 2013, p. 12-14.

¹⁴ Namely: Monching Auxtero from GMA-7, Jaworski Alipon (Jaworski Alipon per the *CA Decision*; Jonorsa Agpon per the *RTC Decision*) from ABS-CBN, and Barangay Councilor Vicente Quintana of Brgy. Sta. Cruz. The team allegedly exerted efforts to contact a representative from the Department of Justice but no one came. (See *CA rollo*, p. 25. See also *rollo*, p. 7; and TSN, January 30, 2013, pp. 14-16)

¹⁵ See *rollo*, p. 7. See also *CA rollo*, pp. 35 to 35-A; and TSN, January 30, 2013, pp. 16-17.

¹⁶ See Spot Report dated June 6, 2012; *CA rollo*, pp. 38-39.

¹⁷ The confiscated pack was handed over by PO1 Codilla to SPO2 Honorato S. Tano, Investigator who, after securing the necessary letter-request (see *CA rollo*, p. 37), turned over the same to the PNP Regional Crime Laboratory Office 7 where it was received by PO3 Domael Thomas. See Chain of Custody Form; *CA rollo*, p. 36; and TSN, January 30, 2013, pp. 18-22.

¹⁸ See Chemistry Report No. D-548-2012 issued by Police Senior Inspector and Forensic Chemist Mary Shiela Garcia Atienza; *CA rollo*, p 41.

7, made to sign a document against their will, and were consequently charged. They asserted that they have nothing against those who testified against them, noting that they were not the same police officers who brought them for investigation and planted evidence against them. Further, they admitted that media representatives were present and took photographs of them, their phones, their vehicle, and the pack of white crystalline substance.¹⁹

The RTC Ruling

In a Decision²⁰ dated January 24, 2014, the RTC found the accused guilty beyond reasonable doubt of violating Section 5, in relation to Section 26, Article II of RA 9165, and accordingly, sentenced each of them to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱500,000.00 each.²¹

The RTC found that the prosecution had successfully established all the elements of the crime of Illegal Sale of Dangerous Drugs. Further, it pointed out that the presumption of regularity in the performance of official function must prevail over the mere denials of the accused, more so considering that they did not assail the genuineness of the chain of custody form nor of the inventory, as well as the accuracy of the photographs.²²

Aggrieved, the accused appealed²³ to the CA.

The CA Ruling

In a Decision²⁴ dated August 28, 2015, the CA affirmed the accused's conviction *in toto*,²⁵ finding that all the elements constituting the crime of Illegal Sale of Dangerous Drugs were present.²⁶ Moreover, it observed that the integrity and identity of the seized *shabu* were preserved and the chain of custody thereof was unbroken.²⁷

Unperturbed, the accused moved for reconsideration,²⁸ which was, however, denied in a Resolution²⁹ dated February 2, 2017; hence, this appeal filed by one of the accused, *i.e.*, Leonila.

¹⁹ See *rollo*, pp. 7-8. See also *CA rollo*, pp. 25-26; TSN, December 11, 2013, pp. 2-9; and TSN, January 22, 2014, pp. 3-7 and 20.

²⁰ *CA rollo*, pp. 23-27.

²¹ *Id.* at 27.

²² See *id.* at 26-27.

²³ See Formal Notice of Appeal (with Entry of Appearance) dated February 14, 2014; records, p. 112.

²⁴ *Rollo*, pp. 4-18.

²⁵ *Id.* at 17.

²⁶ See *id.* at 9-12.

²⁷ See *id.* at 15-17.

²⁸ See motion for reconsideration dated October 12, 2015; *CA rollo*, pp. 102-107.

²⁹ *Id.* at 131-133.

The Issue Before the Court

The issue for the Court's resolution is whether or not the conviction of the accused for violation of Section 5, Article II of RA 9165 should be upheld.

The Court's Ruling

The appeal is meritorious.

At the outset, it must be stressed that an appeal in criminal cases opens the entire case for review, and thus, it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned.³⁰ "The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law."³¹

In this case, the accused were charged with the crime of Illegal Sale of Dangerous Drugs, defined and penalized under Section 5,³² Article II of RA 9165. In order to properly secure the conviction of an accused charged with Illegal Sale of Dangerous Drugs, jurisprudence requires that the prosecution must prove the following: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment.³³ Of these elements, proof that the transaction actually took place, coupled with the presentation before the court of the dangerous drugs, the *corpus delicti* of the crime, are crucial.³⁴ Consequently, the prosecution must show an unbroken chain of custody over the same by accounting for each link in the chain of custody from the moment of seizure up to its presentation in court as evidence of the *corpus delicti*, in order to prove its identity beyond reasonable doubt.³⁵

Considering the importance of ensuring that the dangerous drugs seized from an accused is the same as that presented in court, Section 21, Article II

³⁰ See *People v. Dahil*, 750 Phil. 212, 225 (2015).

³¹ *People v. Comboy*, G.R. No. 218399, March 2, 2016, 785 SCRA 512, 521.

³² It pertinently reads:

Section 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (₱500,000.00) to Ten million pesos (₱10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any such transactions. (Emphases supplied)

x x x x

³³ *People v. Sumili*, 753 Phil. 342, 348 (2015).

³⁴ See *People v. Almodiel*, 694 Phil. 449, 460 (2012); and *People v. dela Cruz*, 666 Phil. 593, 605 (2011).

³⁵ See *People v. Lintag*, 794 Phil. 411, 417 (2016), citing *People v. Viterbo*, 739 Phil. 593, 601 (2014).

of RA 9165, prior to its amendment by RA 10640,³⁶ and Section 21 (a), Article II of the Implementing Rules and Regulations (IRR) of RA 9165 provide the procedures that the apprehending team should observe in the handling of the seized illegal drugs in order to preserve their identity and integrity as evidence. As part of the procedure, the apprehending team shall, **immediately after seizure and confiscation, conduct a physical inventory and photograph the seized items in the presence of the accused or the person/s from whom the items were 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 of the same, and, within twenty-four (24) hours from confiscation, the seized drugs must be turned over to the PNP Crime Laboratory for examination.³⁷ According to jurisprudence, the law requires the presence of an elected public official, as well as representatives from the DOJ and the media in order to remove any suspicion of tampering, switching, planting or contamination of evidence which could considerably affect a case, and thus, ensure that the chain of custody rule is observed.³⁸ Since the police actions relative to the handling of the drugs seized in this case were committed in 2012, and thus prior to RA 9165's amendment by RA 10640, the presence of all three witnesses during the conduct of inventory and photography is required.

³⁶ Entitled "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, Section 1 of which states:

SEC. 1. Section 21 of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," is hereby amended to read as follows:

"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 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 persons 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.

x x x x"

³⁷ See Section 21 (1) and (2), Article II of RA 9165.

³⁸ See *People v. Mendoza*, 736 Phil. 749, 761, and 764 (2014).

It is important to state, however, that while the “chain of custody” rule demands strict compliance from the police officers, the saving clause under Section 21, Article II of 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, Article II of RA 9165 – **under justifiable grounds** – will not irretrievably prejudice the prosecution’s case and 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.³⁹

In other words, the failure of the apprehending team to strictly comply with the procedure laid down in Section 21, Article II of RA 9165 and its IRR does not *ipso facto* render the seizure and custody over the item/s as void and invalid, provided that the prosecution satisfactorily proves that: (a) there is justifiable ground for such non-compliance; and (b) the integrity and evidentiary value of the seized item/s are properly preserved.⁴⁰ In *People v. Almorfe*,⁴¹ the Court explained that for the 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.**⁴² Additionally, *People v. De Guzman*⁴³ emphasized that **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.**⁴⁴ Finally, in explaining the procedural lapse/s, *People v. Umipang*⁴⁵ stressed that **the prosecution must establish the fact that genuine and earnest efforts were employed in contacting and securing the presence of the representatives enumerated under Section 21 (1), Article II of RA 9165, or that there was a justifiable ground for failing to do so, so as to convince the Court that the failure to comply was reasonable under the given circumstances.**⁴⁶

Applying the above principles, the Court finds that the police officers in this case committed unexplained and unjustified deviations from the prescribed chain of custody rule, thereby putting into question the integrity and evidentiary value of the item purportedly seized from the accused.

While the prosecution was able to show that the seized item was inventoried and photographed by the police officers in the presence of the accused, representatives from the media, and *barangay* councilor Quintana, records fail to disclose that said inventory and photography were conducted in the presence of a representative from the DOJ as required by law.

³⁹ See Section 21 (a), Article II of the IRR of RA 9165. See also *People v. Ceralde*, G.R. No. 228894, August 7, 2017.

⁴⁰ See *People v. Goco*, G.R. No. 219584, October 17, 2016, 806 SCRA 240, 252.

⁴¹ 631 Phil. 51 (2010).

⁴² *Id.* at 60.

⁴³ 630 Phil. 637 (2010).

⁴⁴ *Id.* at 649.

⁴⁵ 686 Phil. 1024 (2012).

⁴⁶ See *id.* at 1052-1053.

Notably, the absence of a DOJ representative during the inventory and photography of the seized drugs is not *per se* fatal to the prosecution's cause. However, as earlier intimated, it is incumbent upon the prosecution to demonstrate that genuine and earnest efforts were employed in securing the presence of the DOJ representative or that there exists a justifiable reason for non-compliance. Here, the police officers, in their affidavits, merely stated that "*the team exerted efforts to contact any representative from the Department of Justice but to no avail.*"⁴⁷ Far from satisfying the legal requirement, this statement partakes of a mere general conclusion that is bereft of any discernible detail regarding the steps and efforts the police officers had undertaken to secure the presence of the DOJ representative. As the Court held in *People v. Umipang*,⁴⁸ "[a] sheer statement that representatives were unavailable – without so much as an explanation on whether serious attempts were employed to look for other representatives, given the circumstances – is to be regarded as a flimsy excuse"⁴⁹ – as in this case – and hence, not a valid excuse for non-compliance.

At this juncture, it must be emphasized that the procedure in Section 21, Article II of RA 9165 is a matter of substantive law, and cannot be brushed aside as a simple procedural technicality.⁵⁰ Accordingly, in light of the unjustified breach of procedure as explained above, the Court is impelled to conclude that the integrity and evidentiary value of the *corpus delicti* had been compromised.⁵¹ As such, the acquittal of the accused-appellant, Leonila, is in order.

In addition, Leonila's co-accused in this case, Joseph, must also be acquitted in view of Section 11 (a), Rule 122 of the Revised Rules of Criminal Procedure, as amended, which states:

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.

x x x x (Underscoring supplied)

While it is true that it was only Leonila who successfully perfected her appeal, the rule is that an appeal in a criminal proceeding throws the entire case out in the open, including those not raised by the parties.⁵² Considering that, under Section 11 (a), Rule 122 of the Revised Rules of Criminal

⁴⁷ Affidavit of Poseur-Buyer dated June 7, 2012; records, pp. 4-5.

⁴⁸ *Supra* note 45.

⁴⁹ *Id.* at 1053.

⁵⁰ See *People v. Macapundag*, G.R. No. 225965, March 13, 2017, citing *People v. Umipang*, 686 Phil. 1024, 1038 (2012).

⁵¹ See *People v. Sumili*, *supra* note 33, at 352.

⁵² See *Benabaye v. People*, 755 Phil. 144, 157 (2015).

Procedure as above-quoted, a favorable judgment – as in this case – shall benefit the co-accused who did not appeal or those who appealed from their judgments of conviction but for one reason or another, the conviction became final and executory,⁵³ Leonila’s acquittal for the crime charged is likewise applicable to Joseph.⁵⁴

As a final note, the Court finds it fitting to echo its recurring pronouncement in recent jurisprudence on the subject matter:

The Court strongly supports the campaign of the government against drug addiction and commends the efforts of our law enforcement officers against those who would inflict this malediction upon our people, especially the susceptible youth. But as demanding as this campaign may be, it cannot be more so than the compulsions of the Bill of Rights for the protection of liberty of every individual in the realm, including the basest of criminals. The Constitution covers with the mantle of its protection the innocent and the guilty alike against any manner of high-handedness from the authorities, however praiseworthy their intentions.

Those who are supposed to enforce the law are not justified in disregarding the right of the individual in the name of order. Order is too high a price for the loss of liberty. x x x.⁵⁵

“In this light, prosecutors are strongly reminded that they have the positive duty to prove compliance with the procedure set forth in Section 21[, Article II] of RA 9165, as amended. As such, they must have the initiative to not only acknowledge but also justify any perceived deviations from the prescribed procedure during the proceedings before the trial court. Since compliance with this procedure is determinative of the integrity and evidentiary value of the *corpus delicti* and ultimately, the fate of the liberty of the accused, the fact that any issue regarding the same was not raised, or even threshed out in the court/s below, would not preclude the appellate court, including this Court, from fully examining the records of the case if only to ascertain whether the procedure had been completely complied with, and if not, whether justifiable reasons exist to excuse any deviation. If no such reasons exist, then it is the appellate court’s bounden duty to acquit the accused, and perforce, overturn a conviction.”⁵⁶

WHEREFORE, the appeal is **GRANTED**. The Decision dated August 28, 2015 and the Resolution dated February 2, 2017 of the Court of Appeals in CA-G.R. CEB CR-HC No. 01817 are hereby **REVERSED** and **SET ASIDE**. Accordingly, the accused Joseph Pontijos Libre @ “Joyjoy” and Leonila Pueblas Libre @ “Inday Nilay” are **ACQUITTED** of the crime charged. The Director of the Bureau of Corrections is ordered to cause their

⁵³ See *id.*

⁵⁴ See *People v. Lumaya*, G.R. No. 231983, March 7, 2018.

⁵⁵ See *People v. Mamangon*, G.R. No. 229102, January 29, 2018; and *People v. Go*, 457 Phil. 885, 925 (2003), citing *People v. Aminnudin*, 246 Phil. 424, 434-435 (1988).

⁵⁶ See *People v. Miranda*, G.R. No. 229671, January 31, 2018.

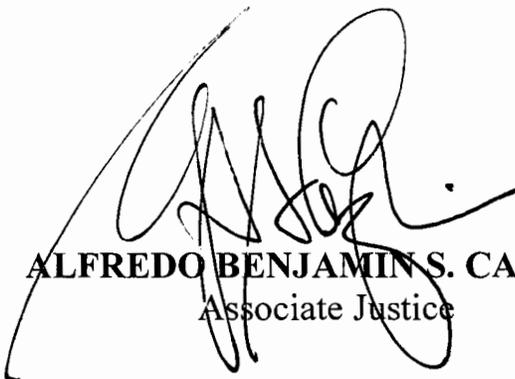
immediate release, unless they are being lawfully held in custody for any other reason.

SO ORDERED.

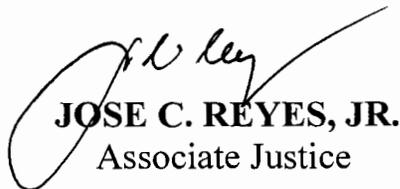

ESTELA M. BERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

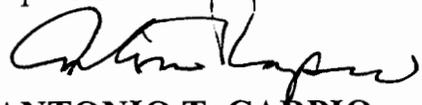

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


JOSE C. REYES, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, Republic Act No. 296,
The Judiciary Act of 1948, As Amended)