

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 924

Submitted by the Committee on Dangerous Drugs on December 12, 2023

Re: *Motu proprio* inquiry, in aid of legislation, on the alleged recycling, reward system, and the alleged commission received by assets/non-organic intelligence people of the Philippine Drug Enforcement Agency and House Resolution No. 495 on the alleged involvement of some police officials to the 990-kilo shabu haul worth 6.7 billion pesos in Tondo, Manila.

Informing the House of its findings and recommendations on the matter.

Sponsor: Representative Robert Ace S. Barbers

Mr. Speaker:

The Committee on Dangerous Drugs, which initially conducted a *motu proprio* inquiry, in aid of legislation, on the alleged recycling, reward system, and the alleged commission received by assets/non-organic intelligence people of the Philippine Drug Enforcement Agency, to which was later referred House Resolution No. 495, entitled:

“RESOLUTION DIRECTING THE HOUSE COMMITTEE ON DANGEROUS DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE ALLEGED INVOLVEMENT OF SOME PNP OFFICIALS TO THE 990-KILO SHABU HAUL WORTH 6.7 BILLION PESOS IN TONDO, MANILA” authored by Representative Robert Ace S. Barbers,

has considered the same and submits its findings and recommendations as contained in the attached report.

Respectfully submitted,

REP. ROBERT ACE S. BARBERS
Chairperson
Committee on Dangerous Drugs

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

COMMITTEE REPORT ON

MOTU PROPRIO INVESTIGATION, IN AID OF LEGISLATION, ON THE ALLEGED RECYCLING, REWARD SYSTEM, AND THE ALLEGED COMMISSION BEING RECEIVED BY THE ASSET/S OR NON-ORGANIC INTELLIGENCE PEOPLE OF THE PHILIPPINE DRUG ENFORCEMENT AGENCY AND HOUSE RESOLUTION NO. 495 “RESOLUTION DIRECTING THE HOUSE COMMITTEE ON DANGEROUS DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE ALLEGED INVOLVEMENT OF SOME PNP OFFICIALS TO THE 990-KILO SHABU HAUL WORTH 6.7 BILLION PESOS IN TONDO, MANILA” AUTHORED BY REP. ROBERT ACE S. BARBERS

PREFATORY STATEMENT

In the ongoing fight against illegal drugs, society relies on law enforcement agencies to uphold justice, protect communities, and eliminate the menace of narcotics. However, a disheartening truth shatters this perception, revealing a disturbing reality: some law enforcement officers are engaged in the reprehensible act of illegal drug recycling. This unlawful conduct involves police officers seizing dangerous drugs during operations, only to divert them back into the illegal market for personal gain.

The scheme of rewarding confidential informants with confiscated illegal drugs and the recent discovery of nearly a ton of shabu in the possession of an active member of the PNP Drug Enforcement Group on October 8, 2022, along with the subsequent incident of drug pilferage, vividly illustrate the nature of this unethical and illegal conduct. These rogue officers not only betray the trust placed in them by the public but also exacerbate the very problem they are meant to address.

The issue of drug recycling and the alleged attempt to cover-up procedural and operational lapses during the October 8, 2022 Tondo drug raid and the events that took place thereafter are now the present controversy under investigation of the House Committee on Dangerous Drugs.

The Committee on Dangerous Drugs, whose function is to monitor, and ensure the proper implementation of Republic Act (RA) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended, exercises its mandate to investigate the implications of existing drug-related legislation, identify loopholes, and give more teeth to each provision in order to empower our law enforcement officers and develop appropriate measures to prevent the occurrence of similar incidents in the future.

COMMITTEE ACTION

Acting on the information shared by Director General Moro Virgilio Mandac Lazo of the Philippine Drug Enforcement Agency (PDEA) during the Committee Meeting on February 21, 2023 that he received reports of confidential assets from the Philippine National Police (PNP) and PDEA receiving a portion of seized drugs as part of the reward system, the Committee on Dangerous Drugs held a *motu proprio* investigation, in aid of legislation, on the alleged recycling, reward system, and the alleged commission being received by the asset/s or non-organic intelligence people of the PDEA on March 14, April 26 and May 17, 2023.

Meanwhile, House Resolution No. 495, entitled “Resolution Directing the House Committee on Dangerous Drugs to Conduct an Investigation, In Aid of Legislation, on the Alleged Involvement of Some PNP Officials to the 990-kilo Shabu Haul Worth 6.7 billion pesos in Tondo, Manila” authored by Rep. Robert Ace S. Barbers and referred to the Committee on November 16, 2022, was incorporated into the *motu proprio* investigation on April 26, 2023.

The *motu proprio* investigation and the HR 495 hearings were attended and actively participated in by members of the House and invited guests or resource persons.¹

The Committee considered the testimonies of the resource persons together with all the documents submitted as well as those obtained from reliable sources. The Committee also adopted as part of its records, the documents gathered by the Senate Committee on Public Order and Dangerous Drugs in its meetings on Resolution No. 564 authored by Senator Ramon Revilla, Jr. regarding the matter. The following resource persons testified during the meetings:

- A. From the Philippine National Police (PNP)
 1. PNP Chief Rodolfo Azurin Jr.
 2. PBGEN Andrew Diwayan Cayad
 3. PBGEN Warren Ferrer De Leon
 4. PCOL Faro Antonio Orfano Olaguera
 5. PBGEN Allan Cruz Nobleza
 6. PBGEN Constancio Chinayag, Jr.
 7. PBGEN Romeo Caramat
 8. PBGEN Samuel Camarista Nacion
 9. PBGEN Narciso D. Domingo
 10. PMGEN Eliseo DC Cruz
 11. PCOL Rolando T. Portera
 12. PCOL Julian Olonan
 13. PLTCOL Arnulfo Ibañez
 14. PLTCOL Glenn Gonzales
 15. PLTCOL Dhery Punzalan
 16. PMAJ Michael Angelo Salmingo
 17. PLT Jonathan Sosongco
 18. PLT Jeffrey C. Padilla
 19. PLT Randolph A. Piñon
 20. PLT Ashrap Amerol
 21. PLT Silverio O. Bullester, Jr.
 22. PSMS Jerrywin Rebosora
 23. PMSg Lorenzo Catarata
 24. PSMS Roman Jimenez
 25. PSMS Marian Mananghaya
 26. PSSG Clifton De Leon
 27. PSSG Arnold Tibay
 28. PSSG Ronnie Alonzo
 29. Pat Joe Marie Cristobal
 30. PMSg Carlo Bayeta
 31. Pat Dennis Carolino

¹ Attendance List taken from the Minutes of the Regular Meeting of the Committee on Dangerous Drugs on March 14, April 26 and May 17, 2023 are respectively attached and made integral part hereof.

32. Pat Rommar Bugarin
33. Pat Hassan Kalaw
34. Pat Hustin Peter Gular
35. Pat. Mario Atchuela, Jr.
36. PCMS Emmanuel E. Docena
37. PCMS Jerry E. Barit
38. PMSg Alejandro Flores
39. PCPL Jose Joey V. Igana IV
40. PCPL Joan Franceslynn B. Taradji
41. PCPL Joshua Ivan Baltazar
42. PCPL Jhan Ronald L. Gelacio
43. Pat. Adrian Florie B. Sanchez
44. Pat. Nathaniel D. Gomez
45. Pat. Windel C. De Ramos
46. PBGEN Ronald Oliver Lee
47. NUP Alfegar Menchavez Triambulo
48. PBGEN Joel Bargamento Doria
49. PBGEN Clifford Bajarias Gairanod
50. PCOL Robert Alexander Aguilar Morico II
51. PCOL Dionisio B. Bartolome, Jr.
52. PLT Alfred Austria

B. From the Philippine Drug Enforcement Group (PDEA)

1. Director General Moro Virgilio Mandac Lazo
2. Atty. Czareanah DG Aquino-Isidro
3. Director Adrian Alvarino
4. Director George Paul L. Alcovindas

C. From the National Police Commission (NAPOLCOM)

1. Commissioner Alberto A. Bernardo
2. Commissioner Edilberto DC Leonardo
3. Commissioner Ricardo Bernabe III
4. Commissioner Beatrice Aurora V. Cancio
5. Atty. Mylene Egilus-Caluya
6. Atty. Chito Noel D. Bustonera

D. From the National Bureau of Investigation (NBI)

1. ARD Roel S. Bolivar
2. Head Agent Ross Jonathan V. Galicia
3. Atty. Catherine A. Camposano-Remigio
4. Atty. Christopher N. Godinez
5. Atty. Henry Benjamin O. Kanapi
6. Atty. Ivan Samson

E. Dangerous Drugs Board

1. Undersecretary Earl P. Saavedra
2. Atty. Ferdaussi Masnar

F. Department of Justice

1. Undersecretary Jesse Hermogenes T. Andres
2. Atty. Don Rick C. Ventura

- G. Securities and Exchange Commission
1. Atty. Ann Kathleen C. Galdula-Daguro
 2. Mr. Christian Frances R. Montefalcon
 3. Atty. Ramon B. Launio, Jr.
 4. Atty. RJ A. Bernal
 5. Atty. Mary Grace D. Anga-Angan
 6. Ms. Annette Isabel B. Tamayo

H. Others

1. Former Director General Wilkins Villanueva
2. Hon. Leana Marie Angat – Chairwoman, Barangay 252, Tondo, Manila
3. PDL Rodolfo Mayo, Jr. – Former PMS, Intelligence Officer, PNP-DEG
4. PDL Ney Saligumba Atadero

Voluminous documents were also submitted, gathered, or obtained during the proceedings.

FACTS/INFORMATION

Evidence gathered from the public hearings revealed the following facts and information:

I. ON THE ALLEGED PRACTICE OF GIVING A CERTAIN PORTION OF THE CONFISCATED ILLEGAL DRUGS AS A REWARD TO CONFIDENTIAL INFORMANT/S

During the Committee meeting on March 14, 2023, PDEA Director General Moro Virgilio Lazo revealed that some assets or informants were asking 30% of the actual seizures in exchange for every referred anti-drug information to the agency. He said that based on his personal encounter with the said assets or tipsters, it was disclosed that the scheme of rewarding confidential informants with a certain portion of confiscated illegal drugs has been systemically part of anti-drug operations. However, he stressed that the PDEA only allowed monetary value through the reward system capped at P2 million, depending on the quantity of the drugs seized.

II. ON THE INVOLVEMENT OF PNP DRUG ENFORCEMENT OFFICERS ON THE 990-KILO SHABU SEIZED IN TONDO, MANILA

Official Narrative of the Philippine National Police (PNP)

1. On October 9, 2022, Former PNP Chief Rodolfo Azurin, Jr. called a press conference together with DILG Secretary Benjamin Abalos Jr., PNP Drug Enforcement Group (PDEG) Chief PGen Narciso Domingo and Manila Mayor Honey Lacuna to inform the public that a joint buy-bust operation was conducted which resulted to the arrest of Ney Saligumba Atadero while selling 2 kilograms of prohibited substance worth P13.6 million inside the office of Wealth and Personal Development (WPD) Lending Inc. at 1742 J. Abad Santos Avenue, Sta. Cruz, Manila. Upon arrest, the operatives also seized 990 kilograms of prohibited substance in Atadero's possession and some incriminating documents implicating the involvement in illegal drug activities of

a police officer identified as PMSg Rodolfo Mayo Jr., an active member of PDEG-SOU NCR. PNP Chief Azurin further revealed that after the successful buy-bust operation, PMSg Mayo was subsequently arrested in a follow-up operation in Quezon Bridge at 2:30AM the following day.

2. In the same press conference, PBGen Narciso Domingo narrated that on October 8, 2022, at around 4:45PM, the PDEG, under his supervision, conducted a joint buy-bust operation which led to the arrest of one Ney Atadero and the seizure of 990 kilograms of shabu worth P6.7 billion pesos inside the WPD Lending office in Tondo, Manila. Documents seized during the raid implicated several individuals, including PNP DEG SOU NCR officer PMSg Rodolfo Mayo, Jr., in the illegal drug trade activities. Acting on the evidence seized in WPD Lending office the PDEG conducted a hot-pursuit operation which resulted to the arrest of PMSg Mayo at 2:30AM along Quezon Bridge, Quezon Boulevard, Quiapo Manila. The police officers confiscated more or less 2 kilograms of prohibited drugs valued at P13.6 million, a silver Montero Sport, a cal. 9mm Beretta, magazine loaded with live ammos, and assorted bank books.
3. In another press conference on October 24, 2022, PNP Chief Azurin revealed that PDEG police operatives allegedly sneaked out some 42 kilograms of shabu from the 990 kilograms of shabu seized during the October 8, 2022 operation. When one of the police operatives was asked to shed light on the matter based on the order of PBGen Domingo, the cop admitted that there were 30 kilograms of shabu still in their possession. The cop was then instructed to return the 30 kilograms of shabu but instead of personally delivering the illegal drugs, he informed his superiors about the two bags that were left in an abandoned car outside of Camp Crame, Quezon City on October 15, 2022. Upon inspection, it was found out that the two bags contain 42 kilograms of shabu with an estimated value of P285.6 million.

Unreported Narrative of the October 8, 2022 shabu raid in Tondo

The incident that transpired during the Tondo anti-drug operation on October 8, 2022, was vividly captured by a CCTV camera at the WPD Lending establishment in Tondo, Manila. They are narrated herein as follows:

1. On October 8, 2022, at 11:58AM, a person identified as PMSg Rodolfo Mayo Jr. arrived at WPD Lending office driving his gray SUV Montero. He then parked his car in front of the said building and went inside the establishment. At 12:38PM, he came out of the building carrying a paper bag and boarded his vehicle. He left the establishment at 12:39PM.
2. At 1:16PM, a person identified as Ney Atadero, who was said to be the caretaker of the WPD Lending Inc., arrived driving a red motorcycle which he parked in front of the WPD Lending office.
3. The SUV earlier driven by PMSg Mayo came back followed by a white sedan at 1:20PM. Several persons disembarked from both vehicles including PLt. Jonathan Sosongco and five others at 1:21PM. A few minutes later, at 1:28 PM, some of the men including Police Patrolman Hassan Kalaw were seen talking with Ney Atadero outside WPD Lending office.

4. PSMS Jerrywin Rebosora then entered the WPD Lending office at 1:31PM followed by PLt Jonathan Sosongco at 1:34PM. At 1:39PM, PLt Sosongco was seen opening the rear passenger door of the SUV Montero where PMSg Mayo came out to disembark. PLt Sosongco led PMSg Mayo, who was already handcuffed, to enter the WPD Lending office.
5. At 1:43PM, PMSg Lorenzo Catarata escorted the handcuffed PMSg Mayo out of the WPD Lending office to board the SUV Montero. PLt Sosongco, who were seen talking to someone through his phone just outside the building together with PMSg Rebosora then re-entered the WPD Lending office.
6. Five minutes after, at 1:48 PM, PMSg Catarata opened the trunk of the white sedan and a man in a black shirt placed a medium-sized luggage inside the trunk. At 1:50PM, PMSg Catarata and the man in a black shirt were seen carrying some stuff which they put at the back passenger seat of the white sedan before leaving the premises. A white van and a black sedan arrived near WPD Lending office at 1:52PM.
7. Meanwhile, at 1:56PM, Mr. Ney Atadero was seen talking with PDEG members who were positioned next to a van parked on the other side of the building. While they were having a conversation, the handcuffed PMSg Mayo, at 1:59 PM, was once again taken out of the SUV Montero and accompanied inside the WPD Lending office for the second time, alongside with Patrolman Hustin Peter Gular, PSSg Arnold Tibay and PMSg Lorenzo Catarata. Subsequently, at 2:03PM, the handcuffed PMSg Mayo was escorted out from the WPD Lending office to the SUV Montero.
8. At 2:08 PM, PMSg Catarata departed from the premises on a red motorcycle. Five minutes later, at 2:13 PM, PMSg Catarata, carrying a small black luggage, along with PSSg Tibay, boarded the same motorcycle and left the premises. They returned at 2:15 PM on the same motorcycle. They then escorted PMSg Mayo out of the vehicle, leading him to enter the WPD Lending office for the third time. Shortly after, at 2:20 PM, PMSg Mayo was accompanied back to the SUV Montero.
9. At 2:20PM, a white sedan returned and parked in front of the WPD building with an open trunk. PMSg Catarata and several individuals were observed carrying a sizable black luggage and placing it inside the trunk. The weight of the luggage required three individuals to lift, indicating that it was quite heavy. Additionally, a black duffle bag was brought into the sedan and placed on the rear passenger seat. PMSg Catarata then boarded the sedan, accompanied by another individual carrying a black duffle bag before leaving the WPD premises.
10. In the meantime, at 2:29 PM, PLt Jonathan Sosongco and another person were observed gazing upwards at the building, seemingly surveying perhaps for CCTV cameras in the vicinity. Later, at 2:48 PM, PLt Sosongco, Pat. Gular and Pat. Kalaw were seen talking outside the establishment.
11. At 2:57PM, a black SUV pulled up and parked in front of the WPD Lending office. Approximately an hour later, at 3:44PM, a black sedan arrived and

parked in front of the establishment. Following this, PCol Julian Olonan arrived in a black SUV at 3:45 PM, with PLtCol Arnulfo Ibañez and PMaj Michael Angelo Salmingo arriving in a black van at 3:54PM. PBGen Narciso Domingo arrived at the location at 3:59PM. Subsequently, PBGen Domingo, PCol Olonan, PLtCol Ibañez and PMaj Salmingo then entered the WPD Lending office.

12. PLtCol Glenn Gonzales arrived at the area at 4:29PM and entered the WPD Lending office. Later, at 6:24 PM, PLtGen Santos arrived in the vicinity.
13. At 6:51PM, PMaj Michael Angelo Salmingo boarded the SUV Montero where PMSg Mayo was being detained. At 7:20 PM, PBGen Domingo, PCol Olonan, PLtCol Ibañez and PMaj Salmingo were seen talking at the side of the establishment. Shortly thereafter, at 7:41PM, PBGen Domingo left the area, while PMaj Salmingo and PCol Olonan boarded the SUV Montero, where PMSg Mayo remained captive.
14. At 7:45PM, PDEG operatives were seen removing the handcuffs of PMSg Mayo. Five minutes later, at 7:50 PM, the SUV Montero, carrying PMSg Mayo and several police operatives, departed from the WPD Lending office.
15. The SUV Montero returned to the WPD Lending office at 11:18PM. A minute later at 11:19PM, PMaj Salmingo entered the WPD Lending office. At 11:27PM, PLt Randolph Piñon emerged from the establishment with a black backpack in his possession. He then handed the bag to a PDEG operative who subsequently left the premises.

The aforementioned chronological account is effectively summarized by a sequence of significant events that provided insights into the controversial Tondo raid. One notable event captured in the footage involves a man initially driving his SUV Montero without any restraint, but later emerged handcuffed and apprehended by individuals identified as PNP Drug Enforcement Group (PDEG) operatives. Another event depicted in the footage showcased bags being removed from the WPD Lending office allegedly containing a substantial amount of suspected drugs and some cash. Furthermore, the CCTV footage captured Mr. Ney Atadero calmly arriving alone at the WPD Lending office on his red motorcycle, and subsequently engaging in conversation with certain members of the PNP DEG. Finally, the CCTV footage revealed the policemen taking control of PMSg Rodolfo Mayo's SUV Montero, beginning in the early afternoon of October 8, 2022. Later that same day, two unidentified individuals are observed driving the same SUV out of the WPD Lending premises, just a few hours prior to PMSg Mayo's arrest at 2:30 AM on October 9, 2022, following an alleged hot pursuit operation in Quiapo, Manila.

ISSUES

- A. WHETHER OR NOT THE ALLEGED SCHEME OF GIVING A CERTAIN PORTION OF THE CONFISCATED ILLEGAL DRUGS AS A REWARD TO CONFIDENTIAL INFORMANTS/ASSETS IS TRUE

- B. WHETHER OR NOT THERE IS RECYCLING OF SEIZED ILLEGAL DRUGS BY SOME MEMBERS OF PHILIPPINE NATIONAL POLICE DRUG ENFORCEMENT GROUP (PNP-DEG)
- C. WHETHER OR NOT THE TONDO 990-KILO DRUG OPERATION ON OCTOBER 8, 2022 AND THE INCIDENTS THEREAFTER WERE TAINTED WITH IRREGULARITIES AND PROCEDURAL LAPSES
- D. WHETHER OR NOT THERE WAS AN ATTEMPT TO COVER-UP THE ARREST OF FORMER PMSg RODOLFO MAYO JR., ON OCTOBER 8, 2022

DISCUSSION

A. THE ALLEGED SCHEME OF GIVING A CERTAIN PORTION OF THE CONFISCATED ILLEGAL DRUGS AS A REWARD TO CONFIDENTIAL INFORMANTS/ASSETS IS TRUE

1. During the *motu proprio* investigation on March 14, 2023, PDEA Director General Moro Virgilio Lazo disclosed that the information regarding the illegal scheme of rewarding confidential assets with seized illegal drugs came from a group of confidential assets whom he personally met. DG Lazo said that the assets made a proposal of getting a 30 percent cut on the seized illegal drugs in case the “*trabaho*”, street lingo for giving a tip or information on illegal drug activities, resulted in a successful anti-drug operation. He further stated that the informants believed this to be the prevalent practice in anti-drug operations. However, he made it clear that such scheme of rewarding informants with a portion of confiscated drugs was unacceptable and could not be tolerated under his administration. He stressed that he outrightly rejected their proposal. He further mentioned that a similar scheme was allegedly being practiced by the PNP. To quote DG Lazo’s testimony, it states:

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“MR. LAZO. Yes, Your Honor. Ang nangyari po, they approached one acquaintance of mine who was also helping me in PDEA, who is also helping me in PDEA para mag-offer, Sir, ng trabaho. Tapos, napag-usapan nga po nila na, iyon nga, ang kalakaran is ... the scheme is that they are rewarded with certain portion of the confiscated, kung confiscated, or seized drugs kapag nag-positive po iyong trabaho. So, sinabi, Sir, nung tumutulong sa akin na sa... as far as I am concerned, iyong administration ko, wala pong... hindi po puwede iyong ganoon. So, ang puwede is the monetary reward. Hiningi po nila na iharap ako sa kanila for them to get the assurance na talagang tatayuan ko iyong sinasabi kong monetary reward. Kaya po na-meet... minit (meet) ko sila personally.”²

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THE CHAIRPERSON. *Nasabi ba nila sa iyo, DG, na iyong ganyang kalakaran, eh, matagal nang ginagawa sa PDEA?*

² Transcript of Stenographic Notes DRG031423-01, page 13, March 14, 2023

MR. LAZO. *Hindi naman po, Your Honor. Ang sinabi po nila is... kasi lang nung sinabi po nga nila na humihingi sila na...a certain portion of the confiscated drugs na parang bayad nila sa efforts nila kasi sinabi nila sa akin din na they want me *** asking for any financial support from my office to do their legwork in pursuing these operations, sinabi lang na iyon po iyong kalakaran nga, to use their term, sabi nila, “Iyon, Sir, ang kalakaran pati sa kabila.”*

THE CHAIRPERSON. *Pag sinabing “kabila”, ano ‘yung “kabila”?*

MR. LAZO. *Pina-clarify ko, Sir, sa kanya. When you say “kabila” what do you mean? Sabi nila, Sir, then they mentioned the PNP”.³*

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2. PNP Police Brigadier General Allan Nobleza, when asked about their position on this issue, reiterated that it is not a policy of the PNP to recycle drugs in any drug operations and that when they use informants or agents, they see to it that it is well-documented or covered by a case operation plan.
3. Contrary to the statement of the PNP, the scheme of rewarding a substantial portion of the seized drugs to confidential informants was confirmed by the testimony of an unidentified asset of the PDEA. The asset or informant, who testified via video teleconferencing, openly admitted that he received “*basura*”, street lingo for shabu, from both PDEA and PNP anti-illegal drug operatives every time they conducted a successful operation based on his provided tip. He said that the quantity of drugs received varied between 30%, and in some cases, as much as 70% of the total seizure. The asset further revealed that the scheme of giving confiscated drugs to tipsters had become a prevailing practice in anti-drug operations.
4. The grant of reward to informant/s of illegal drug activity is governed by the DDB Board Resolution No. 5, Series of 2003, known as the “Guidelines in the Implementation of ‘Private Eye’”, pursuant to Section 22 of RA 9165. The reward pertains only to the monetary value based on the Reward Schedule provided under Section 11 of the said Resolution. Although the purity of the confiscated drugs shall be considered in the computation of the reward, there is no mention in the guidelines that portions of the seized drugs could be given to informants as part of the reward system.
5. Thus, the illegal practice of taking a portion of the seized drugs to be given to confidential informants amounts to drug recycling that violates the chain of custody rule under Section 21 of RA 9165.
6. Consequently, any police officer found to have been involved in such act shall be penalized for the crime of Misappropriation, Misapplication or Failure to Account for the confiscated dangerous drugs under Section 27 of RA 9165. Sec. 27 hereof states that:

³ Transcript of Stenographic Notes DRG031423-01, pages 13-14, March 14, 2023

“The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), in addition to absolute perpetual disqualification from any public office, shall be imposed upon any public officer or employee who misappropriates, misapplies or fails to account for confiscated, seized or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment including the proceeds or properties obtained from the unlawful acts as provided for in this Act.”

B. THERE IS RECYCLING OF ILLEGAL DRUGS ON THE PART OF SOME MEMBERS OF PNP DRUG ENFORCEMENT GROUP (PNP-DEG)

7. The narrative surrounding the seizure of shabu worth P6.7 billion in Tondo, Manila last October 8, 2022, encompasses two distinct instances of drug recycling. The initial case of drug recycling pertains to the possession of the 990 kilos of shabu, which were confiscated by police operating unit on October 8, 2022 within the WPD Lending establishment owned by an active member of the PNP-DEG SOUTHERN CRIMINAL REGION identified as PMSG Rodolfo Mayo Jr., in Tondo, Manila. The second instance involves the theft or pilferage of 42 kilograms of the seized drugs by certain anti-drug operatives who are involved in the raid.
8. For purposes of this discussion, the term “recycling of seized drugs” refers to the unlawful practice of police officers in diverting confiscated or seized dangerous drugs back to the illegal drug market, for profit.

The modus operandi typically involves carrying out anti-drug operations and subsequently stealing portions of the seized illicit substances before conducting an inventory. Afterwards, these pilfered items are sold to or given to drug dealers, who, in turn, distribute or sell them on the streets, with a huge percentage of the proceeds given back to the operatives.

9. Based on the evidence gathered during the course of the legislative investigation, it was established that the 990 kilos of shabu seized in WPD Lending office was recycled or came from “savings”. No less than PNP DEG Director PBGen Narciso Domingo and PDEA DG Moro Virgilio Lazo confirmed last March 14, 2023 hearing that the 990 kilograms was recycled from the previous drug raids. PBGen Domingo’s and DG Lazo’s testimonies state:

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“THE CHAIRPERSON. Okay. So, the... Gen, ang drugs na... that seems to have been recycled which was in the possession of Sergeant Mayo, eh, ito ay mga ebidensiya na nakuha ng PNP at PDEA in their previous raids. Is it safe to assume that, to say that?”

MR. DOMINGO. Yes, Your Honor.

THE CHAIRPERSON. So, maliwanag na maliwanag na merong recycling na nangyayari.

MR. DOMINGO. *It's highly possible, Sir.*

THE CHAIRPERSON. *So, what about PDEA? Maliwanag na merong recycling, 'no. In your opinion, anong masasabi ninyo based on all these raids, buy- bust operations where evidence are tampered with, puwedeng binawasan, sineybings (savings) nga. So, you can say that there is really recycling of drugs.*

MR. LAZO. *There is a possibility, Your Honor.*"⁴

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10. Moreover, PBGen Domingo revealed during the March 14, 2023 hearing that according to his initial interview with PMSg Mayo after his arrest, the drugs seized from the latter was a result of other operations somewhere in Region 3 and that they kept the seized drugs in their custody while looking for the suspect. PBGen Domingo's testimony states:

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"REP. ACOP. *Yung 990 plus 43, recycled ba y'un sa tingin ninyo?*

MR. DOMINGO. *Yes, Sir.*

REP. ACOP. *Recycled? Saan kaya nanggaling y'un, y'ung 1043... 1033... 10... 1033 kilos?*

MR. DOMINGO. *Right after the arrest of Sergeant Mayo, Sir, I talked with him, personally talked with him and conducted the initial interview. And, accordingly, that drugs was a result of their operations somewhere in Region III although the suspect was not arrested, that's why they kept that drugs while still looking for that, accordingly, their suspect.*"⁵

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"REP. PADUANO. *Anyway, when you were asked about that 990 from a certain Sergeant, 'yung... "di ba sabi mo kanina, General, na y'un y'ung... y'un y'ung nakuha n'ung sarhento doon sa operation nila somewhere in Region III, pero hindi nahuli? 'Di ba... As far as I heard, Mr. Chair, kung tama y'ung recollection ko, siya mismo y'ung nagsabi kanina na gan'un, na y'ung 990 kilos galing doon, seemingly, sa operation sa Region III na hindi nahuli n'ung tao pero in possession n'ung sarhento na nahuli naman, nakuha naman ng PDEG, 'di ba? Tama po ba?*

⁴ Transcript of Stenographic Notes DRG031423-04, page 11, March 14, 2023

⁵ Transcript of Stenographic Notes DRG031423-04, pages 5-6, March 14, 2023

MR. DOMINGO. *Yes, Your Honor. As I have mentioned prior, accordingly, during our initial interview with Sergeant Mayo, those drugs were the result of their previous operation with no suspect arrested.*⁶

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11. Former PNP Chief Azurin also confided during the hearing on May 17, 2023, that based on the information he gathered, part of the 990 kilos of shabu seized in WPD Lending office came from savings, which was obtained from NLEX anti-drug operation, and some may be part of the savings of previous operations conducted by former PNP DEG operatives. In his testimony during the questioning of Rep. Romeo Acop, Azurin said:

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“REP. ACOP. May I know...may I know if...of...you have, shall we say, you thought of sources of these drugs, illegal drugs. Have you? Yes, Gen. Azurin.

MR. AZURIN. Mr. Chairman, Sir, actually, Sir, the start of the investigation of the SITG 990 started with the pilferage of the 42 kilograms that were recovered at the PSMBFI, Sir. And then, from that...on that basis, Sir, the intel...the Directorate for Intelligence, Sir, as well as the intelligence group and the DIDM, Sir, had been separately conducting an investigation, validation, Sir, on the...on the...ah...on the...ah...source of almost one ton or more than one ton of drugs that was confiscated, ah, from, ah, the WPD Lending being operated by Sergeant Mayo, Sir. And one of the glaring information actually that was provided to me by the director...former director of PDEA, Director General Wilkins Villanueva, was the operation on the NLEX wherein 60 kilograms...

REP. ACOP. Reported.

MR. AZURIN. ...of shabu was presented to Secretary of the Interior and Local Government Benhur Abalos, Sir. And based on the information provided by Sir Wilkins, Sir, what was confiscated during that time is actually more than 60 kilos, Sir. That's why ang tinitingnan natin, Sir, doon sa...doon sa 900...ah, doon sa WPD na operation, Sir, ay there might be a possibility, Sir, that part of the savings that was obtained at the NLEX operation, if the information is valid, Sir, ay kasama po, Sir, doon sa 990 kilos na...na-recover, Sir, and part of...of the confiscated items, Sir, maybe also part of the savings of previous operations which was conducted by former operatives of PDEG, Sir. So parang paatras nang paatras, Sir. Nagba-backtracking, Sir, ang ginagawa ng ating ano...ng ating Directorate for Intelligence because there are informations also, Sir, that prior to my assumption as the chief PNP, Sir, talagang may hinahanda sila, Sir, na ipapasalubong sino man ang magiging bagong chief PNP, Sir.

⁶ Transcript of Stenographic Notes DRG031423-04, page 12, March 14, 2023

And there are safe houses that are being validated by the DI in Baesa, Quezon City and then, ito nga, Sir, 'yung WPD. Kaya nga nu'ng magpapalitan na, Sir, ng chief PNP, Sir, there is a possibility na 'yung stock nila, Sir, sa Quezon City ay inilipat, Sir, sa WPD Lending, Sir.”⁷

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12. With regards to the pilferage of seized illegal drugs by some PNP DEG officers during the Tondo 990-kilo shabu haul, it was established based on the CCTV footage taken from the WPD Lending establishment that, for several occasions, some of the members of the operating unit identified as PSMS Jerrywin Rebosora, PMSg Lorenzo Catarata, PSMS Roman Jimenez and other individuals were seen loading several black bags allegedly containing illegal drugs into a white sedan car and to a red motorcycle parked outside the WPD building while the raid was unfolding.
13. PGen Domingo confirmed, in the April 26, 2023 hearing, that based on the CCTV footage recovered by the PNP DEG - Intelligence Division, there was indeed an unauthorized removal of seized illegal drugs during the Tondo drug raid. PGen Domingo's testimony states:

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“There is, indeed, pilferage that transpired, but we discovered that there were individuals bringing out luggages and putting them into vehicles. Only five days, Sir, five days after the 990 operation at nakita po natin iyan doon sa CCTV na nakuha natin, nakuha natin during backtracking for intel purposes.

Upon discovering of the pilferage, I immediately initiated appropriate actions to recover the pilfered suitcases of shabu. As a result, we successfully recovered the 42 kilos of shabu from the culprits making the drug haul now a total of 1.032 tons of shabu na naiwas po nating masinghot ng ating mga kababayan na mga adik at magiging adik pa lang.”⁸

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14. PGen Eliseo Cruz, Chairman of the Special Investigation Task Group (SITG) of the 990-kilo drug haul, also reported that the CCTV footage came from a reliable source and that the SITG 990 was also using it as evidence to identify the PNP officers who are involved in the said drug misappropriation incident.
15. **PCol Rolando Portera, Chief of the Intelligence and Foreign Liaison Division (IFLD) PNP-DEG also testified that when he asked PSMS Rebosora to shed light on the drug pilferage incident, the latter admitted that they saved more or less 30 kilos of shabu from the Tondo drug raid to be given as a reward to their confidential informant. PSMS Rebosora likewise revealed to him that**

⁷ Transcript of Stenographic Notes DRG051423-04, page 9, May 17, 2023

⁸ Transcript of Stenographic Notes DRG042623-11, page 1, April 26, 2023

the white sedan car, where they loaded the illegal drugs, was owned by PMSg Lorenzo Catarata, a member of the raiding team.

16. The said more or less 30 kilos of shabu, which turned out to be 42 kilos, was later on surrendered to the authorities through the cooperation of PSMS Rebosora. The two black bags containing the illegal drugs were found in an abandoned car that was parked outside Camp Crame on October 15, 2022.

C. THE TONDO ANTI-DRUG OPERATION ON OCTOBER 8, 2022 AND THE INCIDENTS THAT TOOK PLACE THEREAFTER WERE TAINTED WITH SERIOUS IRREGULARITIES AND PROCEDURAL LAPSES

STAGED BUY-BUST OPERATION AGAINST NEY ATADERO; PLANTING OF EVIDENCE

17. A buy-bust operation is “a form of entrapment, in which the violator is caught *in flagrante delicto* and the police officers conducting the operation are not only authorized but duty-bound to apprehend the violator and to search him for anything that may have been part of or used in the commission of the crime.”⁹
18. **The PNP, in its official narrative, claimed that Mr. Ney Atadero was arrested in a buy-bust operation at 4:30PM on October 8, 2022, while selling 2 kilos of illegal drugs inside the WPD Lending establishment.**
19. The official reports also declared that, upon Ney Atadero’s arrest, PNP DEG operatives seized 990 kilograms of prohibited substance in Atadero’s possession, including some incriminating documents implicating PMSg Rodolfo Mayo Jr. in the illegal drug activities.
20. However, the **CCTV footage from the WPD Lending office disputed their claims that the buy-bust operation took place at 4:30PM. Instead, it disclosed that the operating unit, led by PLt Jonathan Sosongco, arrived at 1:20PM in WPD building escorting a handcuffed individual identified as PMSg Mayo. From 1:56PM to 2:06PM, Mr. Atadero was seen talking freely with some members of the PDEG in front of the establishment. While they were having a conversation, the handcuffed PMSg Mayo was seen being brought in and out of the building. Notably, Mr. Atadero was uncuffed in contrast to PMSg Mayo. Mr. Atadero was no longer seen in the CCTV footages after this time.**
21. Contrary to the official narrative that the operation started at 4:30PM, the CCTV footage disclosed that at 1:20PM on October 8, 2022, the PNP anti-drug operatives were already at the WPD building. It also contradicted their claim that Mr. Atadero was arrested prior to the arrest of PMSg Mayo. The CCTV video shows that Mr. Atadero came at the establishment alone at approximately 1:16PM before the policemen arrived carrying their captive PMSg Mayo.
22. **After careful scrutiny of the CCTV footage and the contradictory statements of the persons involved, the Committee is certain that there was no buy-bust**

⁹ People versus dela Cruz, GR No. 185717, June 8, 2011

operation at 4:45PM in the WPD Lending office on October 8, 2022. The CCTV recording shows that at 3:45PM to 3:59PM, PBGen Narciso Domingo, PCol Julian Olonan, PLtCol Arnulfo Ibañez, PMaj Michael Angelo Salmingo and PLtCol Glenn Gonzales were already at the WPD establishment. Are the police saying that the alleged buy-bust operation was conducted within the presence of these PNP DEG high-ranking officials?

23. It is also highly improbable that the buy-bust operation took place earlier than 4:45PM. Based on the CCTV footage, one of the PNP DEG operatives was talking to Mr. Atadero starting from 1:28PM to 1:56PM. During that period, some of them were already seen going in and out of the building with a handcuffed PMSg Mayo. It is also worth noting that from 1:48PM to 2:20PM, operatives identified as PSMS Jerrywin Rebosora, PMSg Lorenzo Catarata and others were already taking several black bags allegedly containing shabu from the building and they were seen loading it to a white sedan car and to a motorcycle parked outside of the establishment. There is nothing in the video that shows Mr. Atadero was caught selling 2 kilos of shabu before he was apprehended by policemen.
24. What puts in doubt the very conduct of the buy-bust operation is the police officers' deliberate disregard of the 3-witness rule under Section 21 of RA 9165. In *People v. Tomawis*,¹⁰ the Supreme Court elucidated that the presence of the three witnesses must be secured not only during the inventory but more importantly at the time of the warrantless arrest. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witness would also controvert the usual defense of frame-up as the witnesses 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 of RA 9165.
25. In the case of Ney Atadero, the three required witnesses were not present during the buy-bust operation when the alleged drug was seized from him. The witnesses were only called during the inventory of the seized item. Hence there were no impartial witnesses to substantiate the veracity of the events that transpired on the day of the incident or to establish the occurrence of the alleged buy-bust operation.
26. **Thus, the incidents portrayed in the PNP's official narrative did not happen. What is clear is that all the operatives involved conspired to devise legitimate anti-drug operation by portraying the arrest Ney Atadero to justify the raid and take PMSg Mayo out of the picture. The ensuing drama amounted to planting illegal drugs in Ney Atadero's possession and made it appear on paper that he was caught selling 2 kilos of shabu before he was apprehended.**
27. Planting of evidence refers to the willful act by any person of maliciously and surreptitiously inserting, placing, adding or attaching directly or indirectly, through any overt or covert act, whatever quantity of any dangerous drug and/or controlled precursor and essential chemical in the person, house, effects or in the immediate

¹⁰ *People v. Tomawis*, GR No. 228890 (2018)

vicinity of an innocent individual for the purpose of implicating, incriminating or imputing the commission of any violation of this Act.¹¹

28. Under Section 29 of RA 9165, as amended:

“Criminal Liability for Planting of Evidence. – Any person who is found guilty of "planting" any dangerous drug and/or controlled precursor and essential chemical, regardless of quantity and purity, shall suffer the penalty of death.”

FAILURE TO FOLLOW THE CHAIN OF CUSTODY RULE UNDER SEC. 21 OF RA 9165

29. Chain of custody means the duly recorded, authorized movements, and custody of the seized drugs at each stage, from the moment of confiscation to the receipt in the forensic laboratory for examination until it is presented to the court.¹²

30. Sec. 21, Article II of RA 9165, as amended, provides that:

“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.”

31. In the case under investigation, the PNP DEG operatives who conducted the raid at the WPD building in Tondo, Manila, brazenly ignored the procedure outlined under Sec. 21, Article II of RA 9165. They failed to immediately conduct the required physical inventory of the seized items and to photograph the same in the presence of mandatory witnesses.

32. Based on the CCTV footage, the police officers involved in the operation were already at the WPD establishment at 1:21PM on October 8, 2022 and from that time it took them more than five (5) hours before they called the mandatory witnesses and started the required physical inventory, marking and photograph of the seized illegal drugs.

¹¹ Republic Act No. 9165, Article I, Section 3 (cc)

¹² Dangerous Drugs Board Regulation No. 1, Series of 2002, Section 1 (b)

33. Knowing the full consequences of this delay, they purposely declared in their official report that the arrest of Ney Atadero happened at 4:45PM on October 8, 2022 in order to rectify the procedural flaw and conceal the nefarious act of drug recycling.
34. The Supreme Court emphasized that since the phrase “immediately after seizure and confiscation” means that the inventory and taking of photographs of the drugs were intended by the law to be made immediately after said seizure, it follows that the witness required to be present during the inventory should already be present at the time of apprehension – a requirement that can easily be complied with considering that a buy-bust operation is a planned activity.¹³
35. Given that the inventory was done at the place of seizure and did not need to be performed at the nearest police station or the nearest office of the apprehending team, the buy-bust team should have been able to conduct the same immediately after the seizure. Thus, the operating team unjustifiably deviated from the chain of custody rule when the required mandatory witnesses were not readily available at the place of transaction.
36. In *People v. Tomawis*, the Court elucidated on the rationale of the law in mandating the presence of the required witnesses at the time or near the place of apprehension: xxx the reason is simple, it is at the time of arrest – or at the time of the drugs “seizure and confiscation” – that the presence of the witnesses is most needed, as it is their presence at the time of confiscation and seizure that would insulate against the police practice of planting evidence.¹⁴
37. Here, Barangay Chairperson Leana Angat, one of the insulating witnesses against Ney Atadero, testified that she went to the WPD Lending office after being alerted by one of her staff about an operation that was conducted in the area. This implies that she was not present during the seizure and confiscation of drugs but a mere witness to the inventory of the seized items. She had no knowledge whether the items were indeed seized from Ney Atadero or had any prior knowledge of the buy-bust operation conducted by PLt Sosongco’s team. Additionally, she claimed that the inventory only commenced around nighttime when the DOJ representative arrived.
38. The purpose of the law in having the witnesses prevent or insulate against the planting of evidence was not carried out in the instant case. Indeed, it is as if there were no witnesses to the inventory and marking of evidence against Ney Atadero, which is a total disregard of the requirements of Section 21 of RA 9165.

TAMPERING WITH EVIDENCE, MISAPPROPRIATION, AND FAILURE TO ACCOUNT FOR THE CONFISCATED AND/OR SIEZED DANGEROUS DRUGS

39. With the discovery of a CCTV footage from the WPD Lending office, it was found out that before the 990 kilos of shabu was officially declared as seized evidence in connection to the alleged buy-bust arrest of Ney Atadero at 4:45PM on October 8, 2022, a significant portion of it had already been pilfered and stolen by some PDEG operatives. The video footage clearly depicted that between 1:48PM and

¹³ 830 Phil. 385 (2018) [Per J. Caguioa, Second Division]

¹⁴ G.R. No. 228890, April 18, 2018

2:20PM, several black bags were removed from the building by identified operatives PSMS Jerrywin Rebosora, PMSg Lorenzo Catarata and other involved officers. These bags were then loaded into a white sedan car and a motorcycle parked in front of the WPD. Unfortunately, authorities disclosed that only 42 kilos of shabu were eventually recovered and surrendered by PSMS Rebosora several days after the Tondo operation.

40. As stated in paragraph 6 above, the act of misappropriation of seized or confiscated dangerous drugs is punishable by the penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), in addition to absolute perpetual disqualification from any public office under Section 27 of RA 9165.
41. Likewise, the unauthorized removal of evidence seized or confiscated from an anti-drug operation violates the chain of custody rule under Sec. 21 and Sec. 27 of RA 9165, as amended.

RELEASE OF PMSg RODOLFO MAYO JR. FOR A FOLLOW-UP OPERATION IN VIOLATION OF THE STANDARD OPERATING PROCEDURE OF THE PNP

42. **When the CCTV footage depicting the real events that took place during the 990-kilo drug raid at WPD building in Tondo, Manila on October 8, 2022 came out, PNP DEG Chief PBGen Narciso Domingo, made a significant move by admitting that PMSg Rodolfo Mayo Jr., was actually arrested on October 8, 2022, contrary to what he initially declared in his previous press conference that PMSg Mayo was arrested on October 9, 2022 in Quiapo, Manila.**
43. He also admitted during the hearing that he allowed the release of PMSg Mayo in a desire to capture or seize another big cache of shabu stored in a warehouse somewhere in Pasig. PBGen Domingo testified, thus:

“The CCTV footages showing me and other officers having discussion around was at around seven o’clock na, Sir, sa...ng gabi. And it was not our way to plan or discuss a cover up. What we had, Mr. Chair, Your Honors, was the strategic operation plan supposedly to locate another warehouse where we could possibly seize another bigger stocks of illegal drugs with the use of the revelations taken from Master Sergeant Mayo and the suggestion of Police Lieutenant Colonel Arnulfo Ibañez, which were divulged during that time.”¹⁵

44. **According to PBGen Domingo, the decision to uncuff and set PMSg Mayo free at around 7PM on October 8, 2022 and use him in a follow-up operation was part of a ‘tactical move’ agreed by higher officials namely PCol Julian Olonan, PLtCol Arnulfo Ibañez, including the PNP Chief Azurin.**
45. Later that evening, at around 9PM, the PNP DEG special operating unit of NCR together with PMSg Mayo conducted an operation in Pasig resulting to the arrest of Juden Francisco, one of the top four most wanted suspects in Northern Mindanao for violation of RA 9165. The said operation turned out to be just a

¹⁵ Transcript of Stenographic Notes DRG042623-11, page 1, April 26, 2023

service of warrant of arrest and not a follow-up anti-drug operation as mentioned by PBGen Domingo. Based on the after-operation report, PMSg Mayo was made the arresting officer who read the Miranda rights to the arrested person.

46. It is important to highlight that during any operation against drug-related activities, the police officers are required to follow the prescribed procedures outlined in the PNP Revised Manual on Anti-Drug Operations and Investigation. These procedures serve the purpose of ensuring the successful arrest of the target and the preservation of the evidentiary value of the evidence seized.

47. The PNP Revised Manual on Anti-illegal Drugs Operation and Investigation outlines the following standard rules to be followed in the conduct of an anti-drug operation, to wit:

“Section 2.6 - PNP Units, prior to any anti-drug operations shall, as far as practicable, coordinate with the Philippine Drug Enforcement Agency.

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“ Section 2.10 - As a general rule, all operations must be preceded by adequate planning and preparation to ensure the successful prosecution of cases, observance of the human rights of suspects, safety of operating elements and the security and integrity of seized items/ evidence.

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Sec. 2.30 - All arrested suspects must be handcuffed. Should there be shortage of handcuffs, suspects 'hands must be bound by any restraining material. In case of children in conflict with law (CICL), they shall not be handcuffed unless there is a valid reason to restrain them.

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Sec. 2.42 - All information received by PNP Units involving high profile targets, suspected clandestine laboratories, CPEC's warehouses and storage facilities shall be referred to the PNP-AIDSOT for the conduct of joint case-build up and negation operations.

48. Here, PMSg Mayo's release and subsequent participation in the follow-up operation in Pasig are apparent violations of the said standard operating procedures. The follow-up operation is itself defective and without basis for failure of the PNP DEG unit to conduct prior intelligence gathering, case build-up and evaluation to determine the veracity of the information given by PMSg Mayo regarding an illegal drugs storage facility in Pasig.

49. PMSg Mayo's handcuffs should not have been removed as he was already arrested in a buy-bust operation. PBGen Narciso Domingo should have instead secured a search warrant before they executed the alleged operation.

STAGED HOT PURSUIT ARREST AGAINST PMSg RODOLFO MAYO ON OCTOBER 9, 2022; PLANTING OF EVIDENCE

50. According to the official narratives of the PNP, PMSg Rodolfo Mayo Jr. was apprehended in a hot pursuit operation in Quiapo, Manila at 2:30AM on October 9, 2022 pursuant to incriminating evidence obtained inside the WPD Lending establishment that linked him to illegal drug activities. However, contrary to the narratives of the PNP, the CCTV footage from the establishment disclosed that PMSg Mayo had already been arrested and taken into custody by the police operatives on October 8, 2022 at past 1:00 in the afternoon.

51. During the Committee investigation last April 26, 2023, PBGen Domingo admitted that PMSg Mayo was indeed originally arrested on October 8, 2022 at around 1:30PM and not on October 9, 2022 at 2:30 AM as initially declared by the PNP. He also explained that Mayo's release after his arrest on October 8, 2022 was part of a tactical move after the former police officer claimed that there was another batch of illegal drugs stored in a warehouse somewhere in Pasig, thus:

“REP. ACOP. IFLD. Do you think it is true that Mayo was arrested doon sa sinasabi doon sa report?”

MR. DOMINGO. That 1:00 o'clock, past 1:00 o'clock in the afternoon, Your Honor.

REP. ACOP. And at 1:00 o'clock in the afternoon, nasaan si Mayo?

MR. DOMINGO. I was informed by the ground commander, Your Honors, at past 1:00 o'clock that Mayo and Atadero were arrested earlier.

REP. ACOP. They were arrested earlier?

MR. DOMINGO. Yes, Your Honor.

REP. ACOP. What do you mean by that?

MR. DOMINGO. That would be before 1:00 o'clock, Sir. Maybe... if I remember it right 11:51.

REP. ACOP. 11:51 naaresto si Ney Atadero at saka si Sergeant Mayo?”¹⁶

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“ REP. BOSITA. Yes, Mr. Chair, thank you. Follow-up question, Mr. Chair, kay General Domingo. May nabasa rin po ako, Mr. Chair, na report na binabanggit dito na ni- recommend ni General Domingo, through the former direct—is it Directorate for Intelligence—na gamitin si Mayo para makuha iyong mas malaki and, accordingly, this was

¹⁶ Transcript of Stenographic Notes DRG051723-03, page 24, May 17, 2023

approved by former Chief PNP and...yes, nabanggit dito, Chief...former Chief PNP and DCO then General Santos, yung iyong recommendation na gamitin si Mayo para doon sa follow-up operation na may intention ka na para mas malaki iyong makuha. So, iyon ang nandito sa nabasa kong report, eh. Is it true?

MR. DOMINGO. Yes, Your Honor. It is correct po.”¹⁷

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MR. DOMINGO. xxx *The CCTV footages showing me and other officers having discussion around was at around seven o'clock na, Sir, sa...ng gabi. And it was not our way to plan or discuss a cover up. What we had, Mr. Chair, Your Honors, was the strategic operation plan supposedly to locate another warehouse where we could possibly seize another bigger stocks of illegal drugs with the use of the revelations taken from Master Sergeant Mayo and the suggestion of Police Lieutenant Colonel Arnulfo Ibañez, which were divulged during that time.*”¹⁸

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52. PBGen Domingo added that the said follow-up operation was recalled by the PNP Chief Rodolfo Azurin because of the possibility that PLtCol Arnulfo Ibañez might use the situation to neutralize/kill Mayo.
53. The investigation found that it was PDEA DG Wilkins Villanueva who texted PNP Chief Azurin to include PMSg Mayo in the case and that DG Villanueva informed him that based on their operation, PNP-DEG SOU-NCR chief PLtCol Ibañez and PMSg Mayo were suspected to be involved in recycling and selling of confiscated drugs.
54. Alarmed by this information that the PDEA already knew the release of PMSg Mayo, PNP DEG officers involved decided to plot PMSg Mayo's second arrest on October 9, 2022 in an effort to cover-up the procedural lapses they have made. They came up with a storyline that PMSg Mayo was arrested in a hot-pursuit operation the next day after the arrest of Ney Atadero and the seizure of the 990 kilos of shabu in Tondo, Manila on October 8, 2022.
55. This was confirmed on the May 17, 2023 hearing, when PCOL Julian Olonan explained that the first arrest was made by the team of PLT Sosongco in Bambang in a buy-bust operation on October 8, 2022. However, he added that because of the follow-up operation in which PMSg Mayo was utilized, the team of PLT Piñon finally apprehended PMSg Mayo on October 9, 2022. PCol Olonan's testimony states:

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MR. OLONAN. *As I have said, Your Honor, naaresto si Sergeant Mayo based on the report ni Sosongco sa akin sa Bambang, Your Honor.*

¹⁷ Transcript of Stenographic Notes DRG042623-10, page 3, April 26, 2023

¹⁸ Transcript of Stenographic Notes DRG042623-11, page 1, April 26, 2023

REP. ACOP. *Sino umaresto sa kanya?*

MR. OLONAN. *Team of Lieutenant Sosongco, Your Honor.*

REP. ACOP. *O, e, bakit si Lieutenant Piñon ngayon ang complainant...*

THE CHAIRPERSON. *Oo.*

REP. ACOP. *...at arresting officer?*

MR. OLONAN. *Because Sergeant Mayo, Your Honor, was utilized during the conduct of follow-up, Your Honor, and then...*¹⁹

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56. This was corroborated by the testimony of Pat Mario Atchuela on May 17, 2023, wherein he admitted that he executed the affidavit of arrest against PMSg Mayo on October 9, 2022. However, he initially stated that he has no knowledge that PMSg Mayo was arrested earlier. His act is clearly punishable under Art. 183 of the Revised Penal Code (RPC) as amended by RA 11594 for the crime of perjury for making untruthful statements in his affidavit of arrest knowing that PMSg Mayo was not really arrested in a hot pursuit operation. He is likewise liable under the RPC for giving false testimony.

57. According to PLt Randolph Piñon, the decision for Pat. Atchuela to execute the affidavit of arrest against PMSg Mayo was made by PLtCol Olonan and Police Major Isic. He also stated that it was PCol Olonan who instructed them to conduct a hot pursuit operation. However, he vehemently denied being involved in the arrest of PMSg Mayo. He added that they only went to the WPD Lending office on October 8, 2022 for additional perimeter security and that they were unaware of PMSg Mayo's prior arrest.

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REP. ACOP. *Earlier. So, the conclusion is, hindi ikaw ang umaresto kay Mayo.*

MR. PIÑON. *Yes, Your Honor.*

REP. ACOP. *And, therefore, you are not qualified to be the arresting officer, because, in reality, hindi ikaw ang naka-arrest dito, e.*

MR. PIÑON. *Yes, Your Honor. Wala po kaming idea, Your Honor, during that time, na si Mayo ay naaresto raw po somewhere else, not in the WPD Lending. Because when we arrived at the area, Your Honor, nandoon na po lahat ng mga immediate superior namin...*²⁰

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¹⁹ Transcript of Stenographic Notes DRG051723-05, page 15, May 17, 2023

²⁰ Transcript of Stenographic Notes DRG051723-05, page 14, May 17, 2023

58. Under Rule 113, Section 5 (b) of the Rules on Criminal Procedure, for a hot pursuit operation to be valid, it requires that (1) an offense has just been committed; and (2) that the arresting officer has probable cause to believe based on personal knowledge of facts and circumstances that the person to be arrested has committed it. In the instant case, the team of PLt Piñon had no personal knowledge that PMSg Mayo had just committed or was currently committing any violation at the time of his arrest on October 9, 2022. They did not witness any overt act from PMSg Mayo which will lead them to pursue him for a warrantless arrest.
59. The Committee has reached the conclusion that there was no legitimate hot pursuit operation conducted against PMSg Mayo. Instead, it appears that the said operation was merely a pretext used to conceal the earlier arrest of PMSg Mayo. The notion of a hot pursuit operation seemed to be conceived as an afterthought, prompted by a text message between PDEA DG Villanueva and PNP Chief Azurin.
60. It is believed that the team of PLt Piñon and Pat Atchuela who executed the second arrest of PMSg Mayo on October 9, 2022 committed planting of evidence against the latter since the spot report stated that the arrest resulted to the seizure of more or less 2 kilos of shabu found in the possession of PMSg Mayo.
61. Clearly, the procedural lapses committed by the personalities involved in the October 8 operations are violations of the Revised PNP Manual on Anti-Drug Operations and Investigation, as well the RA 9165 particularly Sections 21, 27 and 29. They are also liable for the violation of Presidential Decree (PD) No. 1829 or Obstruction of Justice as well as RA 3019 or the Anti-Graft and Corrupt Practices Act.

D. THERE WAS AN ATTEMPT TO COVER-UP PMSg RODOLFO MAYO'S ARREST ON OCTOBER 8, 2022

62. PBGen Domingo claimed that the release of PMSg Mayo was part of a strategic move to facilitate a subsequent operation in Pasig, which was approved by PNP Chief Azurin. PBGen Domingo also mentioned that it was PLtCol Ibañez who proposed the involvement of PMSg Mayo in the follow-up operation. He further said that PNP Chief Azurin eventually rescinded the directive to utilize PMSg Mayo out of concern for the latter's safety.
63. During the hearing on May 17, 2023, PNP Chief Azurin admitted granting approval for the utilization of PMSg Mayo in the Pasig operation but later revoked the order upon receiving a text message from PDEA DG Villanueva. To quote his statement:

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REP. ACOP. *So, in other words, are you trying to tell this Committee na si former Chief PNP nagbigay ng go signal para mag-operate sa Pasig?*

MR. DOMINGO. *Nagbigay po ng go signal for that follow up operation, Your Honor.*

REP. ACOP. *And...*

THE CHAIRPERSON. *Using Mayo.*

REP. ACOP. *...is it with the use...the permission given you or the authority given you by the then Chief PNP, was it or did it include using Master Sergeant Mayo?*

MR. DOMINGO. *Yes, Your Honor.*

REP. ACOP. *Yes? And, General Azurin, do you agree with that?*

MR. AZURIN. *Yes, Your Honor.*²¹

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64. PDEA DG Villanueva affirmed PNP Chief Azurin's statement and stated that he had informed PNP Chief Azurin that he was monitoring the situation from the time PMSg Mayo was arrested and about PLtCol Ibañez being under PDEA surveillance due to involvement in illegal drug activities.
65. Contrary to PBGen Domingo's assertion that it was PLtCol Ibañez's idea to use PMSg Mayo for a follow-up operation in Pasig, the latter denied the claim and instead alleged that it was actually PBGen Domingo who proposed the utilization of PMSg Mayo.
66. PLtCol Gonzales reported that upon arrival at the WPD Lending office, PCol Olonan, PBGen Domingo and PLtCol Ibañez were engaged in a discussion about what course of action to take regarding PMSg Mayo. He stated that their intention was not to file charges against PMSg Mayo, but he insisted on charging him. He further claimed that PBGen Domingo mentioned that PMSg Mayo would receive assistance and that Chief PNP was already aware of the situation. However, PBGen Domingo and PLtCol Ibañez refuted PLtCol Gonzales' allegation and in contrast, both asserted that their plan was indeed to charge PMSg Mayo.
67. Meanwhile, PMaj Salmingo recounted that upon his arrival at around 4PM, PCol Olonan, PBGen Domingo and PLtCol Ibañez were engaged in a discussion regarding the incident's circumstances. He disclosed that he was then directed, with clearance from PBGen Domingo, to retrieve the personal belongings of PMSg Mayo. He asserted that the order to proceed to Pasig for a follow-up operation, which ultimately did not materialize, came from PLtCol Ibañez with PBGen Domingo's approval. However, PBGen Domingo refuted the claim that he instructed PMaj Salmingo to retrieve PMSg Mayo's personal belongings.
68. PCol Olonan acknowledged that there was an agreement to utilize PMSg Mayo for the purpose of identifying the location in Pasig. However, he clarified that there was no agreement to employ PMSg Mayo as the arresting officer.
- 69. Regardless of whose proposal it was to release PMSg Mayo, the fact remains that they collectively decided to release him and employ him in a subsequent operation, following the revelation about a potential large stash of illicit drugs hidden in a warehouse in Pasig. In fact, PMSg Mayo was even**

²¹ Transcript of Stenographic Notes DRG051723-05, May 17, 2023

made the arresting officer and served the warrant of arrest against Juden Francisco. The fact that the handcuff of PMSg Mayo was removed and later permitted to serve the warrant of arrest in Pasig serve as evidence of his release and the illegal act of releasing a suspect without due course.

70. Moreover, according to the After Operation Report Re: Arrest of Juden Francisco dated October 13, 2022 and prepared and signed by PLtCol Ibañez, it is stated that PMSg Mayo was even among the personnel recommended to receive the “*Medalya ng Kagalingan*” award for successfully apprehending Juden Francisco on October 8, 2022.
71. Additionally, the absence of any intention to file charges against PMSg Mayo serves as evidence of an attempt to cover-up his release. He was notably excluded from the Spot Report and the inventory related to the seizure of 990 kilograms in WPD Lending office.
72. Under Section 21 of RA 9165, PMSg Mayo should have been included in the process of doing the inventory of the 990 kilograms of shabu, as the law mandates the immediate inventory and documentation of seized drugs and non-drug evidence after seizure. The fact that he was not accounted for during the inventory raises suspicions that there might have been an attempt to exclude him as a suspect or a person arrested relative to 990 kilograms of shabu haul. The arrest of Ney Atadero, in this context, could have been seen as a form of “*palit-ulo*” to secure the release of PMSg Mayo rather than pursuing charges against him.
73. Moreover, as testified by PMaj Salmingo, PMSg Mayo’s personal belongings found inside the WPD Lending office were intentionally removed from the crime scene. This evidence not only supports PMSg Mayo’s exclusion as a suspect but also suggests an attempt to cover-up his arrest.
74. Based on the CCTV footage analysis, it was observed that PMSg Mayo remained confined inside the SUV Montero from 1:38 PM until 7:45 PM, while the alleged buy-bust operation occurred at 4:45 PM. The question arises as to why PMSg Mayo was kept in the vehicle until his eventual release at 7:45 PM, and why the police operatives did not bring him into the WPD Lending office. The only plausible explanation for this situation appears to be a deliberate attempt to prevent witnesses, including personnel involved in the inventory of the 990 kilograms of shabu, from seeing PMSg Mayo and preventing his involvement in the case.
75. Were it not for the message of PDEA DG Villanueva to PNP Chief Azurin, PMSg Mayo would have been released. Rearresting PMSg Mayo in the guise of hot-pursuit operation on October 9, 2022 at Quiapo, Manila was just to cover up his initial release.
- 76. Due to the inconsistencies in their testimonies, it became apparent that there was really an attempt to cover up the arrest of PMSg Mayo. All of them are in conspiracy to release PMSg Mayo.**
77. PBGen Domingo anchored his defense on good faith when he released PMSg Mayo for a tactical operation with the approval of PNP Chief. However, these justifications are unlikely to hold in court. He cannot invoke the defense of good faith considering that RA 9165 is a special law governed by the concept of *malum*

prohibitum, wherein malice or criminal intent is completely immaterial. Moreover, for his position as the PNP DEG Chief, he should have exercised more than the diligence required of an ordinary PNP official and used the resources available to him before utilizing an already arrested PNP personnel for a subsequent operation.

78. Likewise, PBGen Domingo cannot wash his hands on this as he himself authorized the release and utilization of PMSg Mayo for the Pasig operation. His inaccurate and untruthful declarations in his initial press release have validated his intention to cover-up the procedural lapses in handling PMSg Mayo. It is to be remembered that Executive Order No. 226, series of 1995, otherwise known as the "Institutionalization of the Doctrine of Command Responsibility in all Government Offices, particularly at all levels of command in the Philippine National Police and other law enforcement agencies" expressly provides that:

"Sec. 1. Neglect of Duty Under the Doctrine of "Command Responsibility". - Any government official or supervisor, or officer of the Philippine National Police or that of any other law enforcement agency shall be held accountable for "Neglect of Duty" under the doctrine of "command responsibility" if he has knowledge that a crime or offense shall be committed, is being committed, or has been committed by his subordinates, or by others within his area of responsibility and, despite such knowledge, he did not take preventive or corrective action either before, during, or immediately after its commission."

79. **From the arrest of PMSg Mayo to his subsequent release in order to serve the warrant of arrest against Juden Francisco, all personalities involved are liable in conspiracy with one another to commit violations of RA 9165, particularly Section 21 or the chain of custody rule.**

80. Their acts are also punishable under RA 3019 and PD 1829.

RA 3019 enumerates certain acts of public officers that constitute graft and corrupt practices, in particular:

"Section 3. Corrupt practices of public officers. In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

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PD 1829 penalizes any person who knowingly or willfully obstructs, impedes, frustrates the apprehension of suspects and the prosecution of

criminal cases by harboring or concealing, or facilitating the escape of, any person he knows, or has reasonable ground to believe or suspect, has committed any offense under existing penal laws in order to prevent his arrest, prosecution and conviction.

FINDINGS AND CONCLUSIONS

After judicious evaluation of the records of the proceeding and the testimonies of the persons involved, the Committee finds the following conclusions:

1. The illegal scheme of giving substantial portions of confiscated drugs as a reward to confidential assets/informants is a prevailing practice in anti-drug operations.
2. The 990 kilograms of shabu seized in the WPD Lending office on October 8, 2022 was a product of drug recycling; it was illegally taken from the seized evidence during the previous anti-drug operations of the PNP DEG.
3. There was no buy-bust operation against Ney Atadero on October 8, 2022. He was arrested by the drug operatives because he was at the premises of the WPD building, being its caretaker, when the raid happened.
4. The PNP DEG operatives brazenly disregarded the chain of custody rule under Sec. 21 of RA 9165 when they unreasonably delayed the conduct of the required inventory and photograph of the seized 990 kilos of shabu in the presence of the witnesses and excluded PSG Mayo from the Spot Report on the alleged raid.
5. Some of the members of the PNP DEG operatives involved in the 990-kilo drug raid committed misappropriation and failure to account of the seized evidence when they pilfered significant portions of the said confiscated drugs before its inventory.
6. The recovered 42 kilograms of shabu stashed in a luggage inside an abandoned car in front of Camp Crame were recycled from the shabu seized in the WPD Lending office in Tondo, Manila on October 8, 2022.
7. The release of PMSg Mayo for a follow-up operation is a complete deviation of the standard operating procedures outlined in the PNP Manual on Anti-Drug Operations and Investigation.
8. PMSg Mayo was actually arrested on October 8, 2022 at around 1:00PM and not in a hot-pursuit operation on October 9, 2022, as reported by the PNP.
9. There was an attempt to cover-up PMSg Mayo's arrest on 8 October 2022. It was evident because of the following circumstances: (a) PNP-DEG's failure to present PMSg Mayo as one of the accused during the inventory and photograph of the seized 990 kilos of shabu; (b) failure to include him in the affidavit of arrest and spot report of the PNP DEG operation on October 8, 2022; (c) releasing him to participate in a follow-up operation, (d) allowing him to become an arresting officer in the execution of a warrant of arrest against Juden Francisco in Pasig; and (e) recommending him to receive the "*Medalya ng Kagalingan*" after that operation.

All these were intended to clear his name and cover-up his arrest on 8 October 2022.

10. There was no legitimate hot pursuit operation conducted against PMSg Mayo on October 9, 2022. Instead, said operation was merely a pretext used to conceal the earlier arrest of PMSg Mayo.
11. The circumstances surrounding the arrest of Ney Atadero on October 8, 2022 and the arrest of PMSg Mayo the next day, October 9, 2022 are flawed, leading to bungled operations which would ultimately result to the dismissal of cases filed against them.
12. The joint operating units of the PNP DEG-SOU4A, led by PLt Jonathan Sosongco and PNP Intelligence and Foreign Liaison Division, headed by PLt Ashrap Amerol, who conducted the October 8, 2022 Tondo drug raid committed serious procedural lapses, in violation of Section 21 (chain of custody rule) of RA 9165 and the Revised PNP Manual on Anti-Drug Operations and Investigation. They are likewise liable for the violation of Section 27 (misappropriation of seized drugs in relation to the drug pilferage incident) and Section 29 (planting of evidence in relation to the arrest of Ney Atadero) of RA 9165.
13. PBGen Narciso Domingo, PCol Julian Olonan, PLtCol Arnulfo Ibañez, PMaj Michael Angelo Salmingo and other officers, who allowed the release of PMSg Mayo for a follow-up operation in Pasig are liable for the violations of PD 1829 and RA 3019.
14. The team of PLt Jonathan Sosongco who conducted the initial arrest of PMSg Mayo on October 8, 2022 is liable for the violation of PD 1829 as well as RA 3019, for failure to charge him in the proper court. The officers who conducted the staged hot pursuit arrest against PMSg Mayo on October 9, 2020 at Quiapo, Manila are liable for the crimes of perjury under the RPC and planting of evidence under Section 29 of RA 9165.
15. PMSg Rodolfo Mayo Jr., is liable for the possession of 990 kilos of shabu found/seized inside the WPD Lending Office on October 8, 2022, pursuant to Section 11 of RA 9165. He is also liable for the possession of the 2 kilos of shabu seized during the buy-bust operation conducted prior to the discovery of the 990 kilos shabu.

RECOMMENDATIONS

The Committee proposes the following recommendations or measures to prevent a similar incident from happening in the future:

1. Strengthening RA 9165 by amending Section 21, especially on the immediate destruction of seized drugs by incorporating the Supreme Court promulgated rule on the destruction and disposal of seized dangerous drugs, other substances, and instruments prior to the filing of an information (A.M. No. 21-02-01-SC).
2. Creation of special drug courts for speedy disposition of drug cases, through proper legislation.

3. Establishment of more secured storage facilities for confiscated drugs with strict supervision and control of the PDEA to prevent pilferage and recycling.
4. Forging a memorandum of agreement with crematory facilities, as part of their corporate social responsibility, for the immediate destruction of seized or confiscated illegal drugs.
5. All evidence obtained during the conduct of anti-drug operations, such as cars, guns, condominium units and other tangible properties should be confiscated or escheated in favor of the government to be used for lawful purposes.
6. Mandatory use of body-worn cameras by operatives in all anti-drug operations to document all movements, seizures, arrest and procedures and guarantee transparency and accountability.
7. Strict enforcement of policy requiring all anti-drug operatives of the government to wear proper uniforms and identity tags during anti-drug operations, except during buy-bust and intelligence gathering operations.
8. The Committee strongly recommends that the PNP leadership/organization should strictly adhere to its manual on anti-illegal operations, and discontinue the practice of utilizing arrested drug personalities for a follow-up operation as the same runs contrary to the provisions of RA 9165, particularly the chain of custody rule under Sec. 21 of the said law.
9. In accordance with the provisions of RA 9165, the creation of a unified body is proposed to oversee and coordinate all anti-drug operation units. This composite body, to be led by the Director General of the Philippine Drug Enforcement Agency (PDEA), aims to streamline, and improve the effectiveness of efforts to combat illegal activities. To formalize this initiative, it is recommended that the President of the Philippines should issue an executive order establishing a national anti-illegal drug coordination body. This body will bring together the operational units of the PDEA, PNP, NBI, Bureau of Customs, and other relevant government agencies involved in anti-drug operations. It is imperative that all anti-drug operations shall be carried out in close coordination, active participation and actual presence of PDEA, PNP, and NBI operatives to ensure transparency, effectiveness, and legitimacy of these vital efforts.
- 10. Filing of appropriate criminal and administrative charges against the following persons:**

a. CRIMINAL CHARGES

- 1) Possession of the more than 990 kilos of shabu discovered, found and seized inside the WPD Lending Office in Tondo, Manila on October 8, 2022 under Section 11 of RA 9165 and whatever appropriate charges against former PMSg Rodolfo Mayo Jr. When the evidence warrants, he should likewise be charged for the possession of the 2 kilos during the reported buy-bust operation allegedly conducted prior to the discovery of the 990 kilos of shabu in the WPD Lending premises.**

- 2) **Planting of Evidence under Section 29 of RA 9165 and whatever other appropriate charges against all the members of the PNP DEG-SOU4A operating unit, led by PLT Jonathan Sosongco for the arrest of Ney Atadero on alleged buy-bust operation in the premises of WPD Lending in the afternoon of 08 October 2022. Based on the evidence gathered, however, there was no buy-bust operation conducted against Atadero on the premises of WPD Lending.**
- 3) **Obstruction of Justice under Presidential Decree No. 1829 and whatever other appropriate charges against PLT Jonathan Sosongco and all the members of the PNP DEG-SOU4A operating unit who participated in the arrest of PMSg Mayo on October 8, 2022 in the morning but made it appear that said arrest incident did not exist by excluding his name (PMSg Mayo) in the spot report, affidavit of arrest and inventory of the seized evidence, all of which effectively facilitated the PMSg Mayo's release.**
- 4) **Misappropriation of seized or confiscated dangerous drugs under Section 27 of RA 9165 and whatever other appropriate charges against PSMS Jerrywin Rebosora, PMSg Lorenzo Catarata and other officers involved in the pilferage and unlawful taking of 42 kgs. of shabu from the WPD Lending premises. Incidentally, it is recommended that the vehicles used by the above-named policemen in the misappropriation, taking or pilferage should be taken immediately under custodia legis and confiscation after due notice and hearing.**
- 5) **Obstruction of Justice under PD 1829 against PBGen Narciso Domingo, PCOL Julian Olonan, PLTCOL Arnulfo Ibañez and PMAJ Michael Angelo Salmingo, for conspiring in the release of PMSg Mayo for a purported follow-up operation in Pasig. The said Pasig operation was not actually a follow-up operation but a mere service of an existing warrant of arrest.**
- 6) **Violation under Sections 3(a) and Section 3(b) of RA 3019 and whatever other appropriate charges against PBGen Narciso Domingo, PCOL Julian Olonan, PLTCOL Arnulfo Ibañez and PMAJ Michael Angelo Salmingo, for persuading, inducing, or influencing other public officers or allowing themselves to be persuaded or influenced to release PMSg Mayo under Section 3(a), and for causing undue injury to the Government, or giving PMSg Mayo unwarranted benefits or advantage through manifest partiality, evident bad faith or gross inexcusable negligence under Section 3(b).**
- 7) **Perjury under the Revised Penal Code, Planting of Evidence under Section 29 of RA 9165 and whatever other appropriate charges against Capt. Randolph Piñon, Patrolman Mario Atchuela Jr., and other PNP DEG officers who participated in the staged "hot pursuit**

operation” that purportedly resulted to the arrest against PMSg Mayo in the early morning of 09 October 2022 at Quiapo Bridge in Quiapo, Manila.

b. ADMINISTRATIVE CHARGES

Without prejudice to similar administrative charges that have been conducted in connection with the so-called “990 kgs. Shabu Raid on 08-09 October 2022”, administrative complaints should be filed in proper forum against all PNP officers and members involved and/or have participated in the commission of the acts in violation of existing administrative laws, rules and regulations. These include, among other, the following:

- 1) Grave Misconduct and whatever other appropriate administrative charges for Planting of Evidence against all the members of the PNP DEG-SOU4A operating unit, led by PLT Jonathan Sosongco for the arrest of Ney Atadero on alleged buy-bust operation in the premises of WPD Lending in the afternoon of 08 October 2022.
- 2) Grave Misconduct and whatever other appropriate administrative charges for acts constituting Obstruction of Justice against PLT Jonathan Sosongco and all the members of the PNP DEG-SOU4A operating unit who participated in the arrest of PMSg Mayo on October 8, 2022 in the morning but made it appear that said arrest incident did not exist by excluding his name (PMSg Mayo) in the spot report, affidavit of arrest and inventory of the seized evidence, all of which effectively facilitated the PMSg Mayo’s release.
- 3) Grave Misconduct and whatever other appropriate administrative charges in connection with the misappropriation and unlawful taking of 42kgs siezed or confiscated dangerous drugs against PSMS Jerrywin Rebosora, PMSg Lorenzo Catarata and other officers involved in the drug pilferage incident during the Tondo shabu raid.
- 4) Grave Misconduct and whatever other appropriate administrative charges for Obstruction of Justice against PBGen Narciso Domingo, PCOL Julian Olonan, PLTCOL Arnulfo Ibanez and PMAJ Michael Angelo Salmingo in connection with the release of PMSg Mayo for a purported follow-up operation in Pasig which Pasig operation was not actually a follow-up operation but a mere service of an existing warrant of arrest.
- 5) Grave Misconduct and whatever other appropriate administrative charges for Perjury against Capt. Randolph Piñon, Patrolman Mario Atchuela Jr., and other PNP DEG officers who participated in the staged “hot pursuit” that purportedly resulted to the arrest against PMSg Mayo in the early morning of 09 October 2022 at Quiapo Bridge in Quiapo, Manila.

11. A copy of this Committee Report shall be furnished to the PDEA, PNP, NAPOLCOM, DOJ and Office of the Ombudsman, for their appropriate action.