



Republic of the Philippines  
NATIONAL POLICE COMMISSION  
**PHILIPPINE NATIONAL POLICE**  
**POLICE REGIONAL OFFICE CALABARZON**  
Camp BGen Vicente P Lim, Calamba City



**Philippine National Police,**  
Complainant,

Administrative Case No.  
**PRO4A-AC-176-0423-19-LAGRIAS**

-versus-

for:

**PSSg Ruel Sepida Reyes and**  
**PCpl Anthony Dela Cruz De Guzman**  
Laguna PPO

**Grave Misconduct (Violation of Art**  
**249 of RPC, Homicide)**

Respondents.

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## DECISION

This resolves the administrative case filed against respondents PSSg Ruel Sepida Reyes 158726 and PCpl Anthony Dela Cruz De Guzman 210239, both members of Sta Cruz Municipal Police Station, Laguna PPO, for Grave Misconduct (Violation of Art 249 of RPC, Homicide) which is docketed as Admin Case No. PRO4A-AC-176-0423-19-LAGRIAS.

## ANTECEDENT FACTS

Records show that around 2:00 PM of November 8, 2018, operating team of Sta Cruz Municipal Police Station conducted buy-bust operation at Sitio 7, Barangay Sto. Angel Norte, Sta Cruz, Province of Laguna against Louie Valenciano y Dizon. After the transaction was fully consummated between the confidential informant and PSSg Reyes, with the subject (Louie Valenciano), PCpl De Guzman approaches them after seeing PSSg Reyes removed his cap as their pre-arranged signal, sensing that the suspect transacted to a lawmen, he eventually runs inside his house. Operating personnel pursued the fleeing suspect and were surprised when the suspect who was armed with a caliber 45 pistol shot towards them however missed. Operating team returned fire to that effect. As a result, suspect sustained gunshot wounds on different parts of his body resulting to his instantaneous death.

## ISSUES/FINDINGS

The issue to be resolved is whether or not PSSg Ruel S Reyes and PCpl Anthony DC De Guzman are liable for Grave Misconduct (Homicide).



Respondents claimed Fulfillment of Duty under the Doctrine of Self Defense and Presumption of Regularity in the Performance of Duty as their defense.

To successfully invoke the Doctrine of Fulfillment of Duty under the Doctrine of Self Defense, all requisites under the law must be complied with. There are two (2) requisites of Fulfillment of Duty under Article 11 of the revised Penal Code.

1. The accused acted in the performance of duty or in the lawful exercise of right or office; and
2. The injury caused be the necessary consequence of the due performance of duty or in lawful exercise of a right or office.

The first element is present, respondents PSSg Reyes and PCpl De Guzman acted in the performance of duty as members of the DEU of Sta Cruz MPS. They conducted buy-bust operation by virtue of the Pre-Operation Report and Authority to Operate with PDEA coordination as evidence by PDEA Control No. 10005-102018-0380. The second element is also present. The death of the suspect Louie was a necessary consequence of the respondents due performance of their duty as police officers. Facing danger to their life and limb while performing their duties, respondents have used only sufficient and reasonable force to subdue the unlawful act of the perpetrator.

Had respondents failed to retaliate the lawless shooting of the suspect, respondents could have been hit by bullets and died as a consequence. More so, they are police officers, They were not required to desist performing their duties against the anarchic act of the suspect. They were lawfully performing their duty as state's agents by enforcing the planned drug buy-bust operation albeit resulted to the death of another person.

Having met the requisite, respondents cannot be held liable as they were justified under the law due to the Doctrine of Fulfillment of Duty.

There are three (3) requisites for a valid Self-defense under Article 11 of the Revised Penal Code, namely:

1. Unlawful aggression;
2. Reasonable necessity of the means employed to prevent or repel it; and
3. Lack of sufficiently provocation on the part of the person defending himself.

In the instant case, there was an unlawful aggression. Where, the suspect immediately shot at the responding police officer when he sensed that he was transacting with a police officer. As regards the second requisite, it is reasonably necessary for PCpl De Guzman to use his service firearm because the suspect shoot him requiring sudden decision to preserve their life and limbs. As a matter of fact, they are not required to retreat, but must stand their ground by fighting back consistent with the principle of: "STAND GROUND WHEN IN THE RIGHT". The

Admin Case Nr. PRO1A-AC-176-0423-18-LAGRIAS/PSSg Reyes and PCpl de Guzman

2 of 3



third requisite is also present. Respondents never made any provocation against the suspect before the latter launched an attack at him. Buy-bust operation by police officers and its constitutive transactions do not amount to sufficient provocation. The presence of the three (3) requisites necessarily results to the respondents' valid self-defense which make their act justified and beyond the ambit of the law.

The second requisite of the justifying circumstance of fulfillment of official duty, that is, the injury caused of the offense committed be the necessary consequence of the due performance of duty or the lawful exercise of such right or office is also present in this case. The evidence disclosed that Louie Dizon Valenciano fired his .45 caliber firearm against the operating team (respondents) who are about to arrest him after selling shabu to PSSg Reyes which is bolstered by the result of the investigation of the SOCO team that made a forensic analysis of the firearm of the deceased. Based on the result of the SOCO investigation, it was shown that Louie Dizon Valenciano fired his .45 caliber pistol which had no serial number as shown by Chemistry Report No. LC-080-18 which is the report on the cotton swabbing of the pistol used by the suspect in shooting the respondents. Moreover, the evidence also shows that the paraffin cast taken from the right hand of Louise Dizon Valenciano shown by Chemistry Report LC-081-18 gave positive result to the test of gunpowder nitrates.

It is provided in Rule 8 of the PNP Police Operational Procedure that the use of firearm is justified if the offender poses imminent danger causing death or injury to the officer or other person.

### CONCLUSION

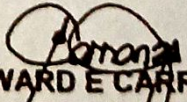
There is no substantial evidence to hold the respondents accountable for Grave Misconduct. The respondents are exonerated from disciplinary charges.

### DISPOSITIVE PORTION

**WHEREFORE**, premises considered, this Disciplinary Authority finds respondents PSSg Ruel S Reyes and PCpl Anthony DC De Guzman, **NOT ACCOUNTABLE** of Grave Misconduct (Homicide), and thus, they are **EXONERATED** from administrative charge.

### SO ORDERED.

Done this 10th of Sept 2019 at Police Regional Office CALABARZON, Camp BG en Vicente P Lim, Calamba City, Laguna.

  
**EDWARD E. CARRANZA**  
Police Brigadier General  
Regional Director