



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

ROSANA HEDREYDA y LIZARDA, G.R. No. 243313
Petitioner,

Present:

PERLAS-BERNABE, J.,
Chairperson,
REYES, A., JR.,
HERNANDO,
INTING, and
ZALAMEDA, * JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

27 NOV 2019

X-----X

DECISION

REYES, A., JR., J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated January 23, 2018 and the Resolution³ dated November 13, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 39519, which affirmed the Judgment⁴ dated December 7, 2016 of the Regional Trial Court (RTC) of San Pedro City, Laguna, Branch 31, in Criminal Case No. 13-9460-SPL, finding Rosana Hedreyda y Lizarda (petitioner) guilty beyond reasonable doubt for violation of Section 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

* Designated additional Member per Special Order No. 2727 dated October 25, 2019.

¹ *Rollo*, pp. 12-29.

² Penned by Associate Justice Normandie B. Pizarro, with Associate Justices Ramon A. Cruz and Pablito A. Perez, concurring; id. at 34-46.

³ Penned by Associate Justice Ramon A. Cruz, with Associate Justices Fernanda Lampas Peralta and Pablito A. Perez, concurring; id. at 48.

⁴ Rendered by Judge Sonia T. Yu-Casano; id. at 114-119.

The Facts

In an Information⁵ dated January 7, 2014, the petitioner was charged with Illegal Possession of Dangerous Drugs, defined and penalized under Section 11, Article II of R.A. No. 9165. The accusatory portion of the Information reads:

That on or about January 3, 2014, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court[,] the said accused[,] without authority of the law, did then and there willfully, unlawfully and feloniously have in her possession, custody and control two (2) small heat-sealed transparent plastic sachet containing METHAMPHETAMINE HYDROCHLORIDE, commonly known as shabu, a dangerous drug, weighing a total of zero point fifty[-]eight (0.58) gram.

CONTRARY TO LAW.⁶

Version of the Prosecution

Police Officer 2 Mateo F. Cailo (PO2 Cailo), a member of the Philippine National Police assigned at the Provincial Intelligence Branch of the Laguna Provincial Police Office in Biñan City, Laguna, testified that at around 1:30 p.m. of January 3, 2014, he was on duty when he received a report from a concerned citizen that an illegal drug trade was rampantly and openly going on at Amil Compound in Barangay San Antonio, San Pedro, Laguna. After he relayed the information to Police Chief Inspector Arnold Formento, the latter directed him and PO2 Melmar B. Viray (PO2 Viray) to respond to the said report. PO2 Cailo and PO2 Viray then proceeded to the location and arrived at Amil Compound at around 4:30 p.m. According to PO2 Cailo, while they were standing near a store conducting their surveillance, they saw the petitioner at a distance of two meters, examining and flicking with her fingers a transparent plastic sachet containing white powdery substance suspected to be *shabu*. This prompted them to approach the petitioner. After they introduced themselves as police officers and informed her that she was being arrested for illegal possession of dangerous drugs, they asked the petitioner to take out the contents of her pocket to which the latter obliged. They found in her possession another plastic sachet containing powdery substance. The seized sachets were marked by PO2 Cailo with "RLH" and "RLH-1," the initials of the petitioner. They then brought the petitioner to the police station where a physical inventory of the seized illegal drugs was conducted in the presence of the petitioner and a media representative who took photographs of the same. After the request for laboratory examination was prepared and the drug dependency test conducted, the seized illegal drugs were brought by PO2 Cailo and PO2 Viray to the crime laboratory for examination. PO2 Cailo handed over the

⁵ Id. at 60.

⁶ Id.

Meza

seized drugs to the crime laboratory receiving clerk, PO3 Randy Legaspi, who then gave it to Forensic Chemist Donna Villa Huelgas who found both specimens positive for the presence of methamphetamine hydrochloride or *shabu*, a dangerous drug.⁷

Version of the Defense

On January 3, 2014, at around noon, the petitioner was sleeping inside her house in Amil Compound when police officers arrived and entered her house looking for her husband. She told them that he was not around as he seldom comes home. Nonetheless, the police officers searched her house. PO2 Viray then said that he found *shabu* on the bed. The petitioner denied keeping any drugs in the house but the police officers did not listen to her and brought her to the police station for investigation.⁸

On arraignment, the petitioner pleaded “not guilty” to the charge. Trial on the merits ensued thereafter.⁹

In a Judgment¹⁰ dated December 7, 2016, the RTC found the petitioner guilty of the offense charged. The trial court held that the evidence presented by the prosecution has proven that the requirements of the law were substantially complied with and that the integrity and evidentiary value of the seized drugs were properly preserved.¹¹ The decretal portion of the judgment reads as follows:

WHEREFORE, judgment is hereby rendered finding [the petitioner] GUILTY beyond reasonable doubt of violation of Section 11, Article II of [R.A.] No. 9165 and she is hereby sentenced to suffer imprisonment of TWELVE (12) YEARS and ONE (1) DAY as minimum and FOURTEEN (14) YEARS and EIGHT (8) MONTHS as maximum and to pay a fine of THREE HUNDRED THOUSAND (P300,000.00) PESOS without subsidiary imprisonment in case of insolvency.

Let the two plastic sachets of methamphetamine hydrochloride subject matter of this case be forwarded to the Philippine Drug Enforcement Agency for its disposition as provided by law.

SO ORDERED.¹²

⁷ Id. at 115-116.

⁸ Id. at 116.

⁹ Id. at 35-36.

¹⁰ Id. at 114-119.

¹¹ Id. at 118.

¹² Id.

Mejia

Undeterred, the petitioner appealed to the CA. In a Decision¹³ dated January 23, 2018, the CA affirmed the conviction and held, among others, that the failure of the police officers to strictly comply with Section 21, Article II of R.A. No. 9165 was not fatal as long as the integrity and evidentiary value of the seized dangerous drugs were preserved.¹⁴ The *fallo* of the decision reads:

WHEREFORE, the appeal is **DENIED**. The assailed disposition of the RTC in Crim. Case No. 13-9460-SPL is **AFFIRMED**. Costs against the [petitioner].

SO ORDERED.¹⁵ (Emphases in the original)

The petitioner moved for reconsideration¹⁶ which was, however, denied by the CA in a Resolution¹⁷ dated November 13, 2018. Hence, this petition.

The issue for the Court's resolution is whether or not the petitioner's conviction for illegal possession of dangerous drugs, defined and penalized under Section 11, Article II of R.A. No. 9165, should be upheld.

Ruling of the Court

The petition is meritorious.

To warrant a conviction for violation of R.A. No. 9165, the prosecution must prove with moral certainty the identity of the prohibited drug, considering that the dangerous drug itself forms part of the *corpus delicti* of the crime. The prosecution has to show an unbroken chain of custody over the dangerous drugs so as to obviate any unnecessary doubts on the identity of the dangerous drugs on account of switching, "planting," or contamination of evidence. Accordingly, the prosecution must be able to account for each link of the chain of custody from the moment that the illegal drugs are seized up to their presentation in court as evidence of the crime.¹⁸

¹³ Id. at 34-46.

¹⁴ Id. at 43.

¹⁵ Id. at 46.

¹⁶ Id. at 49-57.

¹⁷ Id. at 48.

¹⁸ *People v. Paz*, G.R. No. 229512, January 31, 2018, 854 SCRA 23, 34-35.

Meyer

Here, the petitioner was charged with the crime of Illegal Possession of Dangerous Drugs, defined and penalized under Section 11,¹⁹ Article II of R.A. No. 9165. The petitioner insists that she should be acquitted for failure of the prosecution to establish every link in the chain of custody of the seized dangerous drugs and its failure to comply with the procedure outlined in Section 21 of R.A. No. 9165.

Section 21, Article II of R.A. No. 9165 laid down the procedure that must be observed and followed by police officers in the seizure and custody of dangerous drugs. Paragraph 1 not only provides the manner by which the seized drugs must be handled, but likewise enumerates the persons who must be present during the inventory and taking of photographs, viz.:

SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the 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[.] (Emphasis and underscoring ours)

¹⁹ **SEC. 11. Possession of Dangerous Drugs.** - 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) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

x x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

Meyra

In 2014, R.A. No. 10640²⁰ amended R.A. No. 9165, specifically Section 21 thereof, to further strengthen the anti-drug campaign of the government. Paragraph 1 of Section 21 was amended, in that the number of witnesses required during the inventory stage was reduced from three to only two, to wit:

SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, **with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof:** *Provided*, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: *Provided, finally*, That noncompliance of these requirements under **justifiable grounds**, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.²¹ (Emphasis and underscoring ours, and italics in the original)

A comparison of the cited provisions shows that the amendments introduced by R.A. No. 10640 reduced the number of witnesses required to be present during the inventory and taking of photographs from three to two - an elected public official AND a representative of the National Prosecution Service (DOJ) OR the media. These witnesses must be present during the inventory stage and are, likewise, required to sign the copies of the inventory and be given a copy of the same, to ensure that the identity and integrity of the seized items are preserved and that the police officers complied with the required procedure. Failure of the arresting officers to justify the absence of any of the required witnesses, *i.e.*, the representative from the media or the DOJ and any elected official, shall constitute as a substantial gap in the chain of custody.

²⁰ AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002." Approved on June 9, 2014.

²¹ R.A. No. 10640, Section 1.

Mejia

Since the offense subject of this petition was committed before the amendment introduced by R.A. No. 10640, the old provisions of Section 21(a) and its Implementing Rules and Regulations (IRR) should apply, *viz.*:

(a) 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[.]

The use of the word “shall” means that compliance with the foregoing requirements is mandatory. Section 21(a) clearly states that physical inventory and the taking of photographs must be made in the presence of the accused or his/her representative or counsel and the following indispensable witnesses: **(1) an elected public official; (2) a representative from the DOJ; and (3) a representative from the media.** The Court, in *People v. Mendoza*,²² explained that the presence of these witnesses would preserve an unbroken chain of custody and prevent the possibility of tampering with or “planting” of evidence, *viz.*:

Without the insulating presence of the representative from the media or the [DOJ], or any elected public official during the seizure and marking of the [seized drugs], the evils of switching, “planting” or contamination of the evidence that had tainted the buy-busts conducted under the regime of [R.A.] No. 6425 (*Dangerous Drugs Act of 1972*) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the [said drugs] that were evidence herein of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused.²³ (Italics in the original)

As culled from the records and highlighted by the testimonies of the witnesses themselves, only one out of three of the required witnesses was present during the inventory stage. There was no elected public official and no representative from the DOJ. It, likewise, bears stressing that PO2 Cailo himself admitted on direct examination that he could no longer recall the name of the media representative who was present during the inventory, *viz.*:

²² 736 Phil. 749 (2014).

²³ Id. at 764.

Meyer

- Q19. And when you arrived at your office, what did you do?
A. We prepared the request for laboratory examination, request for drug test and we presented the arrested person and the items to the media, sir.
- Q20. What is the name of the media man?
A. I cannot recall anymore, sir.²⁴

Neither was it shown nor alleged by the arresting officers that earnest efforts were made to secure the attendance of the other witnesses. The tip was received at around 1:30 p.m. of January 3, 2014 and at 4:30 p.m. of the same day, the arresting officers proceeded to the target area to conduct surveillance. Given the time of the surveillance and arrest, the police officers had more than enough time to secure the attendance of the witnesses had they really wanted to.

In *People v. Reyes*,²⁵ the Court enumerated certain instances where the absence of the required witnesses may be justified, *viz.*:

It must be emphasized that the prosecution must be able to prove a justifiable ground in omitting certain requirements provided in Sec. 21 such as, but not limited to the following: (1) media representatives are not available at that time or that the police operatives had no time to alert the media due to the immediacy of the operation they were about to undertake, especially if it is done in more remote areas; (2) the police operatives, with the same reason, failed to find an available representative of the National Prosecution Service; (3) the police officers, due to time constraints brought about by the urgency of the operation to be undertaken and in order to comply with the provisions of Article 125 of the Revised Penal Code in the timely delivery of prisoners, were not able to comply with all the requisites set forth in Section 21 of R.A. 9165.²⁶ (Citation omitted)

The above-ruling was further reiterated by the Court in *People of the Philippines v. Vicente Sipin y De Castro*,²⁷ where it provided additional grounds that would serve as valid justification for the relaxation of the rule on mandatory witnesses, *viz.*:

The prosecution never alleged and proved that the presence of the required witnesses was not obtained for any of the following reasons, such as: (1) their attendance was impossible because the place of arrest was a remote area; (2) their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf; (3) the elected official[s] themselves were involved in the punishable acts sought to be apprehended; (4) earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required

²⁴ TSN, February 3, 2015; *rollo*, p. 64.

²⁵ G.R. No. 219953, April 23, 2018, 862 SCRA 352.

²⁶ *Id.* at 367-368.

²⁷ G.R. No. 224290, June 11, 2018.

Reyes

under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.²⁸ (Citation omitted)

To the Court's mind, the lower courts relied so much on the narration of the prosecution witnesses that the integrity and evidentiary value of the seized drugs were preserved without taking into account the weight of these unjustified lapses.

In *People v. Relato*,²⁹ the Court explained that in a prosecution for sale and possession of methamphetamine hydrochloride (*shabu*) prohibited under R.A. No. 9165, the State not only carries the heavy burden of proving the elements of the offense but also bears the obligation to prove the *corpus delicti*, failing in which the State will not discharge its basic duty of proving the guilt of the accused beyond reasonable doubt. **It is settled that the State does not establish the corpus delicti when the prohibited substance subject of the prosecution is missing or when substantial gaps in the chain of custody of the prohibited substance raise grave doubts about the authenticity of the prohibited substance presented as evidence in court.** Any gap renders the case for the State less than complete in terms of proving the guilt of the accused beyond reasonable doubt.³⁰

The Court is well aware that a perfect chain of custody is almost always impossible to achieve and so it has previously ruled that minor procedural lapses or deviations from the prescribed chain of custody are excused so long as it can be shown by the prosecution that the arresting officers put in their best effort to comply with the same and the justifiable ground for noncompliance is proven as a fact.

In the recent case of *People of the Philippines v. Romy Lim y Miranda*,³¹ the Court, speaking through now Chief Justice Diosdado M. Peralta, reiterated that testimonies of the prosecution witnesses must establish in detail that earnest efforts to coordinate with and secure the presence of the required witnesses were made. In addition, it pointed out that given the increasing number of poorly built up drug-related cases in the courts' docket, Section 1(A.1.10) of the Chain of Custody IRR should be enforced as a mandatory policy. The pertinent portions of the decision read:

²⁸ Id.

²⁹ 679 Phil. 268 (2012).

³⁰ Id. at 277-278.

³¹ G.R. No. 231989, September 4, 2018.

Meyer

To conclude, judicial notice is taken of the fact that arrests and seizures related to illegal drugs are typically made without a warrant; hence, subject to inquest proceedings. Relative thereto, [Section] 1 (A.1.10) of the Chain of Custody [IRR] directs:

A.1.10. Any justification or explanation in cases of noncompliance with the requirements of Section 21 (1) of R.A. No. 9165, as amended, shall be clearly stated in the sworn statements/affidavits of the apprehending/seizing officers, as well as the steps taken to preserve the integrity and evidentiary value of the seized/confiscated items. Certification or record of coordination for operating units other than the PDEA pursuant to Section 86 (a) and (b), Article IX of the IRR of R.A. No. 9165 shall be presented.

While the above-quoted provision has been the rule, it appears that it has not been practiced in most cases elevated before Us. Thus, in order to weed out early on from the courts' already congested docket any orchestrated or poorly built[-]up drug-related cases, the following should henceforth be enforced as a mandatory policy:

1. In the sworn statements/affidavits, the apprehending/seizing officers must state their compliance with the requirements of Section 21(1) of R.A. No. 9165, as amended, and its IRR.

2. In case of non-observance of the provision, the apprehending/seizing officers must state the justification or explanation therefor as well as the steps they have taken in order to preserve the integrity and evidentiary value of the seized/confiscated items.

3. If there is no justification or explanation expressly declared in the sworn statements or affidavits, the investigating fiscal must not immediately file the case before the court. Instead, he or she must refer the case for further preliminary investigation in order to determine the (non) existence of probable cause.

4. If the investigating fiscal filed the case despite such absence, the court may exercise its discretion to either refuse to issue a commitment order (or warrant of arrest) or dismiss the case outright for lack of probable cause in accordance with Section 5, Rule 112, Rules of Court.³² (Citations omitted)

Simply put, the prosecution cannot simply invoke the saving clause found in Section 21- that the integrity and evidentiary value of the seized items have been preserved- without justifying its failure to comply with the requirements stated therein. Even the presumption as to regularity in the performance by police officers of their official duties cannot prevail when there has been a clear and deliberate disregard of procedural safeguards by the police officers themselves. The Court's ruling in *People v. Umipang*³³ is instructive on the matter:

³² Id.

³³ 686 Phil. 1024 (2012).

meyer

Minor deviations from the procedures under R.A. [No.] 9165 would not automatically exonerate an accused from the crimes of which he or she was convicted. This is especially true when the lapses in procedure were “recognized and explained in terms of x x x justifiable grounds.” There must also be a showing “that the police officers intended to comply with the procedure but were thwarted by some justifiable consideration/reason.” However, when there is gross disregard of the procedural safeguards prescribed in the substantive law (R.A. [No.] 9165), serious uncertainty is generated about the identity of the seized items that the prosecution presented in evidence. This uncertainty cannot be remedied by simply invoking the presumption of regularity in the performance of official duties, for a gross, systematic, or deliberate disregard of the procedural safeguards effectively produces an irregularity in the performance of official duties. As a result, the prosecution is deemed to have failed to fully establish the elements of the crimes charged, creating reasonable doubt on the criminal liability of the accused.

For the arresting officers’ failure to adduce justifiable grounds, we are led to conclude from the totality of the procedural lapses committed in this case that the arresting officers deliberately disregarded the legal safeguards under R.A. [No.] 9165. These lapses effectively produced serious doubts on the integrity and identity of the *corpus delicti*, especially in the face of allegations of frame-up. Thus, for the foregoing reasons, we must resolve the doubt in favor of accused-appellant, “as every fact necessary to constitute the crime must be established by proof beyond reasonable doubt.”

As a final note, we reiterate our past rulings calling upon the authorities “to exert greater efforts in combating the drug menace using the safeguards that our lawmakers have deemed necessary for the greater benefit of our society.” The need to employ a more stringent approach to scrutinizing the evidence of the prosecution—especially when the pieces of evidence were derived from a buy-bust operation—“redounds to the benefit of the criminal justice system by protecting civil liberties and at the same time instilling rigorous discipline on prosecutors.”³⁴ (Citations omitted)

The prosecution’s failure to justify its noncompliance with the requirements found in Section 21, specifically, the presence of the three required witnesses during the actual inventory of the seized items, is fatal to its case. The absence of these witnesses during the inventory stage constitutes a substantial gap in the chain of custody. Such absence cannot be cured by the simple expedient of invoking the saving clause. There being a substantial gap or break in the chain, it casts serious doubt on the integrity and evidentiary value of the *corpus delicti*. As such, the petitioner must be acquitted.

³⁴ Id. at 1053-1054.


Meyer

Finally, it cannot be gainsaid that it is mandated by no less than the Constitution³⁵ that an accused in a criminal case shall be presumed innocent until the contrary is proved. In *People v. Hilario*,³⁶ the Court ruled that the prosecution bears the burden to overcome such presumption. If the prosecution fails to discharge this burden, the accused deserves a judgment of acquittal. On the other hand, if the existence of proof beyond reasonable doubt is established by the prosecution, the accused gets a guilty verdict. In order to merit conviction, the prosecution must rely on the strength of its own evidence and not on the weakness of evidence presented by the defense.³⁷


WHEREFORE, premises considered, the petition for review on *certiorari* is hereby **GRANTED**. The Decision dated January 23, 2018 and the Resolution dated November 13, 2018 of the Court of Appeals in CA-G.R. CR No. 39519 are hereby **REVERSED** and **SET ASIDE**. Accordingly, petitioner Rosana Hedreyda y Lizarda is **ACQUITTED** of the crime charged.

Let entry of final judgment be issued immediately.

SO ORDERED.


ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

³⁵ Article III, Section 14(2) of the Constitution mandates:

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.


³⁶ G.R. No. 210610, January 11, 2018, 851 SCRA 1.

³⁷ Id. at 30.

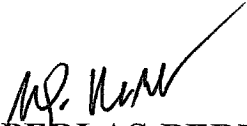
Finally, it cannot be gainsaid that it is mandated by no less than the Constitution³⁵ that an accused in a criminal case shall be presumed innocent until the contrary is proved. In *People v. Hilario*,³⁶ the Court ruled that the prosecution bears the burden to overcome such presumption. If the prosecution fails to discharge this burden, the accused deserves a judgment of acquittal. On the other hand, if the existence of proof beyond reasonable doubt is established by the prosecution, the accused gets a guilty verdict. In order to merit conviction, the prosecution must rely on the strength of its own evidence and not on the weakness of evidence presented by the defense.³⁷

WHEREFORE, premises considered, the petition for review on *certiorari* is hereby **GRANTED**. The Decision dated January 23, 2018 and the Resolution dated November 13, 2018 of the Court of Appeals in CA-G.R. CR No. 39519 are hereby **REVERSED** and **SET ASIDE**. Accordingly, petitioner Rosana Hedreyda y Lizarda is **ACQUITTED** of the crime charged. The Director of the Bureau of Corrections is ordered to cause her immediate release, unless she is being lawfully held in custody for any other reason.

SO ORDERED.


ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:

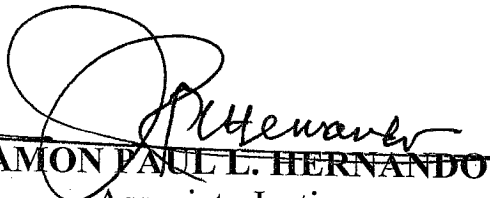

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


³⁵ Article III, Section 14(2) of the Constitution mandates:

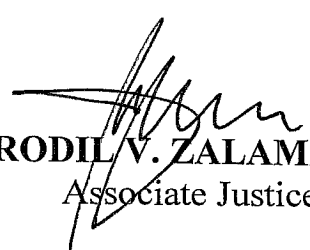
(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

³⁶ G.R. No. 210610, January 11, 2018, 851 SCRA 1.

³⁷ *Id.* at 30.



RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

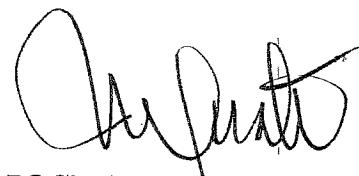
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

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


DIOSDADO M. PERALTA
Chief Justice

Meyer