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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 220725

Present:

- versus -

CARPIO, J., Chairperson,
CAGUIOA,
J. REYES, JR.,
LAZARO-JAVIER, and
ZALAMEDA, JJ.

CESARIA BASIO VERTUDES and
HENRY BASIO VERTUDES,
Accused-Appellants.

Promulgated:

16 OCT 2019

X ----- X

DECISION

CAGUIOA, J.:

This is an Appeal¹ under Section 13(c), Rule 124 of the Rules of Court from the Decision² dated December 5, 2014 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 06172, which affirmed the Decision³ dated April 4, 2013 rendered by the Regional Trial Court, Branch 259, Parañaque City (RTC) in Criminal Case No. 10-0402, finding accused-appellants Cesaria Basio Vertudes (Cesaria) and Henry Basio Vertudes (Henry) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165,⁴ and in Criminal Case No. 10-0399, finding accused-appellant Cesaria likewise guilty beyond reasonable doubt of violating Section 11, Article II of RA 9165.

¹ See Notice of Appeal dated December 22, 2014, *rollo*, pp. 29-30.

² Id. at 2-28. Penned by Associate Justice Romeo F. Barza with Associate Justices Hakim S. Abdulwahid and Ramon A. Cruz, concurring.

³ CA *rollo*, pp. 46-54. Penned by Presiding Judge Danilo V. Suarez.

⁴ Entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES" (2002).

The Facts

Accused-appellants Cesaria and her son, Henry, were indicted for violation of Section 5 of RA 9165 in an Information which reads as follows:

That on or about the 17th day of April 2010, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together[,] and both of them mutually helping and aiding one another, not being authorized by law, did then and there willfully, unlawfully[,] and feloniously sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport two (2) heat-sealed transparent plastic sachets weighing 0.09 gram and 0.11 gram with a total weight of 0.20 gram to Police Poseur Buyer PO2 Elbert Ocampo, which contents of the said plastic sachets when tested were found to be positive for **Methamphetamine Hydrochloride**, a dangerous drug.

CONTRARY TO LAW.⁵

In addition to the above-mentioned charge, Cesaria was likewise charged for violating Section 11 of RA 9165 in the following Information:

That on or about the 17th day of April 2010, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law to possess, did then and there willfully, unlawfully[,] and feloniously have in her possession and under her control and custody one (1) piece heat sealed transparent sachet weighing 0.12 gram, which when tested[,] [was] positive for **Methamphetamine Hydrochloride**, a dangerous drug.

CONTRARY TO LAW.⁶

Upon arraignment, Cesaria and Henry pleaded not guilty to the respective charges against them.⁷

Version of the Prosecution

The version of the prosecution, as summarized by the CA, is as follows:

The combined testimonies of the witnesses for the prosecution, PO2 Elbert Ocampo (*PO2 Ocampo*) and SPO1 Ricky Macaraeg (*SPO1 Macaraeg*) show that on April 16, 2010 at around 10:00 p.m., PO2 Ocampo was on duty at the Station Anti-Illegal Drugs – Special Operations Task Group (SAIDSOTG) of Parañaque Police Station, when one of their regular assets came to their office to give information about the illegal selling of drugs in the area of Barangay Baclaran, Parañaque City by herein appellants Cesaria and Henry. A buy-bust team was then organized composed of PO2 Ocampo, who was to act as poseur-buyer, SPO1 Macaraeg, PSI Marlou Besona, PO3 Fernan Acbang, and PO2 Domingo Julaton (PO2 Julaton).

⁵ *Rollo*, p. 3; emphasis in the original.

⁶ *Id.* at 3-4; emphasis in the original.

⁷ *Id.* at 4.

Two Php1,000.00 bills were given to PO2 Ocampo to purchase Php2,000[.]00 worth of *shabu* from the suspects which he marked with "x." After coordinating with the Philippine Drug Enforcement Agency (PDEA) and conducting a short briefing, the team, together with their informant, then proceeded to Barangay Baclaran. Upon arrival at a small wet market along Quirino Avenue, Baclaran, PO2 Ocampo and the informant went toward Bagong Ilog Street, while the rest of the team discre[e]tly followed. There they spotted an elderly woman sitting outside of a house and a male person standing along the street who were later identified respectively as herein appellants Cesaria and her son[,] Henry. At about 12:10 a.m. of April 17, 2010, PO2 Ocampo and the informant proceeded to approach Henry to buy *shabu*. The informant greeted Henry and introduced PO2 Ocampo as a businessman in need of *shabu*. PO2 Ocampo then asked Henry if he has Php2,000.00 worth of *shabu* to which the latter replied that he does not have any and asked them to wait as he will first ask his mother, Cesaria, if she has some left. Henry then shouted to the latter, "*Nay, meron ka pa ba diyan, meron akong scorer dito,*" to which the latter replied, "*meron pa ako at marami pa akong hawak dito.*" Cesaria then stood up to approach them. PO2 Ocampo handed Henry the marked money which the latter in turn handed to his mother. In return, Cesaria handed to Henry two (2) plastic sachets containing white crystalline substance which he in turn handed to PO2 Ocampo. Upon receiving the sachets, PO2 Ocampo executed the pre-arranged signal by turning his cap backwards to alert the rest of the team that the transaction has been completed. SPO1 Macaraeg then rushed to the scene and was able to arrest Henry. Cesaria, on the other hand, was apprehended by PO2 Ocampo. They introduced themselves as police officers and informed appellants of their constitutional rights. Upon instruction from PO2 Ocampo, Cesaria brought out the contents of her pockets which revealed the marked money previously given by PO2 Ocampo and another plastic sachet likewise containing a white crystalline substance. PO2 Ocampo marked at the scene of the arrest the two plastic sachets subject of the sale and the other one recovered from the pocket of Cesaria. However, since there was already a crowd forming at the area, the team proceeded to the barangay hall of Baclaran. There, PO2 Ocampo prepared an inventory of the recovered evidence which was witnessed therein by Barangay Ex-O Jaime Marzan and Barangay Tanod Rene Eliserio. Photographs of the inventory were also taken therein by PO2 Julaton. The team then proceeded to their office to prepare the request for laboratory examination of the contents of the recovered plastic sachets.

On cross examination, PO2 Ocampo testified that no test buy was conducted previous to the buy-bust operation and that he became aware of Cesaria's previous arrest by the National Bureau of Investigation (NBI) upon watching the same on television.⁸

Version of the Defense

The version of the defense, as summarized by the CA, is as follows:

On the part of the defense, they first presented the testimony of herein appellant Cesaria. She testified that she was previously arrested by the NBI on April 10, 2010, by virtue of a search warrant against an alias "*Mommy*" but was nevertheless released on April 16, 2010 at 1:00 p.m. after it was established that she was not the said person. On her release, she was

⁸ Id. at 4-6; italics in the original.

fetches by her son, herein appellant Henry and the latter's wife, Irish Agnot Vertudes (*Irish*). From the NBI, she proceeded to the Parañaque City Jail to visit her incarcerated son Antonio after Irish informed her that the latter was in jail. At about 6:00 p.m., she left the Parañaque City Jail to go home to her house at No. 1823 Bagong Ilog Street, Barangay Baclaran, Parañaque City. At around 9:00 p.m., she was watching television in her room at the second floor of her house when several persons entered her house, two of whom went upstairs to her room and handcuffed her. They introduced themselves as policemen and told her to go with them to the police precinct to explain herself at their office. When she asked them what crime she committed, she was just told to go with them and explain at their office. When she went down, she saw her son Henry who was likewise in handcuffs. They then proceeded to the car of the policemen along with her daughter-in-law and were taken to the Barangay outpost. Inside, they were made to stand up and face the table while PO2 Ocampo suddenly brought out a black pouch which contained two thousand pesos (Php 2,000.00) and three (3) plastic sachets. She asked them why they have placed the said items there when they did not recover anything from her, she was merely told, "*Huwag ka na lang maingay.*" She and the barangay tanod then signed a document. After which, she and Henry boarded again the policemen's car and were taken to their office near a fire station where she and Henry were made to sign a report. Afterwards, they were brought to a place for drug testing. They were not appraised by the police on the results of such test. They were taken to the Coastal Jail. Because of the incident, she and her son filed a complaint against the policemen who arrested them before the People's Enforcement Board.

x x x x

The defense next presented as witness herein appellant Henry Basio Vertudes. He testified that herein appellant Cesaria is his mother. On the evening of April 16, 2010 at around 9:00 p.m., he was at the corner of Bagong Ilog and Bagong Silang Streets, having a drinking session with his friend Alison Duria when five men in civilian clothes with firearms approached and asked him to point to the house of a person they were looking for. When he failed to comply, they handcuffed him. When he asked what his fault was, they did not reply and started proceeding towards their house. He was then made to sit down in front of their house while two persons went inside. The said persons then went out with his mother. He asked the two persons why they brought his mother out of the house but they again did not answer. His pregnant wife also asked what violation he and his mother have committed but was threatened to be slapped and told to keep quiet. He and his mother were then taken to the Barangay outpost at Barangay Baclaran near Airport Road where they were shown a small pouch while in the presence of Barangay Tanods. Pictures were then taken of the contents of said pouch. They then proceeded to the Police Headquarters near SM Sucat. They learned of the charges against them when they were brought for inquest at a small detention cell as SID. Because of the incident, they filed a complaint against the arresting officers before the PLEB. In relation to said complaint, his wife, Irish, and his friend, Alison Duria submitted their sworn statements.⁹

⁹ Id. at 7-9; italics in the original.



Ruling of the RTC

In the assailed Decision¹⁰ dated April 4, 2013, the RTC ruled that denial or frame-up is a standard defense ploy in most prosecutions for violation of the Dangerous Drugs Law.¹¹ Aside from the self-serving testimonies of the accused, no other witnesses were presented to corroborate recollections of the events leading to their arrest.¹² It further held that non-compliance with Section 21 of RA 9165 need not be followed as an exact science.¹³ Non-compliance with Section 21 does not render the accused's arrest illegal or the items seized/confiscated inadmissible.¹⁴ What is essential is the preservation of the integrity and evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.¹⁵

The dispositive portion of the Decision reads:

WHEREFORE, premises considered[,] the court renders judgment as follows:

1. In *Criminal Case No. 10-0399 for Violation of Sec. 11, Art. II, RA 9165*, the court finds accused **CESARIA BASIO VERTUDES, GUILTY** beyond reasonable doubt and is sentenced to suffer the penalty of **imprisonment of twelve (12) years and one (1) day as minimum to seventeen (17) years and four (4) months as maximum and to pay a fine of Php 300,000.00.**
2. In *Criminal Case No. 10-0402 for Violation of Sec. 5, Art. II, RA 9165*, the court finds accused **HENRY BASIO VERTUDES and CESARIA BASIO VERTUDES, GUILTY** beyond reasonable doubt and are hereby sentenced to suffer the penalty of **LIFE IMPRISONMENT AND TO PAY A FINE OF Php 500,000.00 EACH.**

X X X X

SO ORDERED.¹⁶

Aggrieved, Cesaria and Henry appealed to the CA.

Ruling of the CA

In the assailed Decision¹⁷ dated December 5, 2014, the CA affirmed the conviction of Cesaria and Henry. The dispositive portion of the Decision reads:

¹⁰ Supra note 3.
¹¹ *Rollo*, p. 50.
¹² *Id.*
¹³ *Id.* at 52.
¹⁴ *Id.*
¹⁵ *Id.*
¹⁶ *Id.* at 53-54; emphasis and italics in the original.
¹⁷ Supra note 2.

WHEREFORE, the foregoing considered, the present appeal is **DENIED**. The Decision of the Regional Trial [Court] of Parañaque, Branch 259, in Criminal Case Nos. 10-0399 and 10-0402 dated April 4, 2013, is hereby **AFFIRMED**.

SO ORDERED.¹⁸

The CA ruled that all the elements of the crime of illegal sale of *shabu* have been established by the testimony of PO2 Elbert Ocampo (PO2 Ocampo), the poseur-buyer in the buy-bust operation against appellants.¹⁹ With respect to the charge of illegal possession of *shabu* against Cesaria, all the elements of the said crime were also sufficiently established by the prosecution.²⁰ It further ruled that prosecutions for illegal drugs depend largely on the credibility of the police officers who conducted the buy-bust operation.²¹ Their narration therefore of the incident buttressed by the presumption that they have regularly performed their duties must be given weight in the absence of convincing proof to the contrary.²² Lastly, it ruled that compliance with Section 21 of RA 9165 is not mandatory provided that the integrity and evidentiary value of the seized items have been preserved.²³

Hence, the instant appeal.

Issues

Whether the guilt of Henry for violation of Section 5 and of Cesaria for violation of Sections 5 and 11 of RA 9165 was proven beyond reasonable doubt.

The Court's Ruling

The appeal is meritorious.

After a review of the records, the Court resolves to acquit Cesaria and Henry. The prosecution admittedly failed to prove that the buy-bust team complied with the mandatory requirements of Section 21 of RA 9165, which thus results in their failure to prove the guilt of Cesaria and Henry beyond reasonable doubt.

In cases involving dangerous drugs, the confiscated drug constitutes the very *corpus delicti* of the offense²⁴ and the fact of its existence is vital to sustain a judgment of conviction.²⁵ It is essential, therefore, that the identity and integrity of the seized drugs be established with moral certainty.²⁶ Thus,

¹⁸ *Rollo*, p. 27.

¹⁹ *Id.* at 14-15.

²⁰ *Id.* at 17.

²¹ *Id.* at 18.

²² *Id.*

²³ *Id.* at 20.

²⁴ *People v. Sagana*, 815 Phil. 356, 367 (2017).

²⁵ *Derilo v. People*, 784 Phil. 679, 686 (2016).

²⁶ *People v. Alvaro*, G.R. No. 225596, January 10, 2018, 850 SCRA 464, 479.

in order to obviate any unnecessary doubt on their identity, the prosecution has to show an unbroken chain of custody over the same and account for each link in the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.²⁷

In this connection, the Court has repeatedly held that Section 21, Article II of RA 9165,²⁸ the applicable law at the time of the commission of the alleged crime, **strictly requires** that: (1) the seized items be inventoried and photographed **immediately after seizure or confiscation**; (2) that the physical inventory and photographing must be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the Department of Justice.²⁹

Verily, the three required witnesses **should already be physically present at the time of the conduct of the inventory of the seized items which, again, must be immediately done at the place of seizure and confiscation — a requirement that can easily be complied with by the buy-bust team considering that the buy-bust operation is, by its nature, a planned activity.**³⁰

While the Court has clarified that under varied field conditions, strict compliance with the requirements of Section 21 of RA 9165 may not always be possible;³¹ and the failure of the apprehending team to strictly comply with the procedure laid out in Section 21 of RA 9165 does not *ipso facto* render the seizure and custody over the items void and invalid, this has **always** been with the caveat that the prosecution still needs to satisfactorily prove that: (a) there is justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.³²

The buy-bust team utterly failed to comply with the

²⁷ *People v. Manansala*, G.R. No. 229092, February 21, 2018, 856 SCRA 359, 370.

²⁸ The said section reads as follows:

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

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

²⁹ See RA 9165, Art. II, Secs. 21(1) and 21(2); *People v. Ilagan y Baña*, G.R. No. 227021, December 5, 2018; *People v. Mendoza y Magno*, G.R. No. 225061, October 10, 2018; and *Ramos v. People*, G.R. No. 233572, July 30, 2018; emphasis and underscoring supplied.

³⁰ *People v. Angeles y Arimbuyutan*, G.R. No. 237355, November 21, 2018; emphasis supplied.

³¹ *People v. Sanchez*, 590 Phil. 214, 234 (2008).

³² *People v. Ceralde*, 815 Phil. 711, 721 (2017); emphasis supplied.

***requirements of Section 21 of
RA 9165***

In the case at bar, it is evident that the police officers, assuming that their story of a buy-bust operation is even true, blatantly disregarded the requirements laid down under Section 21. The buy-bust team committed several and patent procedural lapses in the conduct of the seizure, initial custody, and handling of the seized drug, which thus compromised the integrity and evidentiary value of the confiscated drugs. More importantly, they had no valid excuse for their deviation from the rules.

Based on the narration of facts by the prosecution, the police officers marked the seized items at the scene of the arrest.³³ However, they claimed that since there was already a crowd forming at the area, the team proceeded to the Barangay Hall of Baclaran.³⁴ There, PO2 Ocampo prepared an inventory of the recovered evidence, which was witnessed by Barangay Ex-O Jaime Marzan and Barangay Tanod Rene Eliserio.³⁵ Photographs of the inventory were also taken therein by PO2 Domingo Julaton.³⁶

The Court points out that, as testified by PO2 Ocampo, none of the three required witnesses was present at the time of arrest of the accused-appellants and the seizure of the drugs. Only two Barangay Tanods were present at the inventory of the seized drugs at the Barangay Hall:

- Q: Where were these markings placed?
 A: The markings were done at the scene.
 Q: **Who were present at that time?**
 A: **The accused, our group[,] and the relatives of the accused.**
 Q: What happened after the markings were made?
 A: Our team leader decided to proceed to the barangay hall to conduct the inventory because the accused's relatives were already meddling with our operation.
- x x x x
- Q: **At the barangay, what happened?**
 A: **In front of our witnesses, Barangay Ex-o Jaime Marzan and Barangay Tanod Rene Eliserio, we prepared the inventory of the recovered evidence.**
 Q: So, Ex-O Marzan and Tanod Eliserio were already at the barangay when you arrived there?
 A: Yes, Ma'am.³⁷

It is thus obvious that the police failed to comply with the three-witnesses requirement under Section 21. Although there were two Barangay Tanods that were present at the Barangay Hall for the inventory and photography of the seized items, they are not the required witnesses contemplated by the law. It should be emphasized that the law requires the

³³ *Rollo*, p. 5.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ TSN, September 28, 2011, pp. 26-27; emphasis supplied.

presence of an **elected public official**. A Barangay Tanod is not an elected official; they are merely appointed by the Sangguniang Barangay.³⁸

In addition, the prosecution did not offer any justifiable reason for the deviation by the buy-bust team from the requirements laid down under Section 21. They merely alleged that they decided to transfer to the Barangay Hall to conduct the inventory and photography of the seized items because the relatives of the accused were allegedly meddling with their operation.³⁹ However, they did not even allege that their safety was threatened by an immediate retaliatory action by the accused or the crowd that allegedly meddled with their operation.⁴⁰ Neither did they state that they made earnest efforts to secure the presence of the required witnesses at the place of seizure and arrest.

It bears stressing that the prosecution has the burden of (1) proving the police officers' compliance with Section 21 of RA 9165, and (2) providing a sufficient explanation in case of non-compliance. As the Court *en banc* unanimously held in the recent case of *People v. Lim*,⁴¹

It must be **alleged** and **proved** that the presence of the three witnesses to the physical inventory and photograph of the illegal drug seized was not obtained due to reason/s 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 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 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.⁴²

Verily, none of the abovementioned circumstances was attendant in the case. The police officers' excuse for non-compliance is hardly acceptable. Moreover, the members of the buy-bust team could have strictly complied with the requirements of Section 21 had they been more prudent in doing what is required in their job.

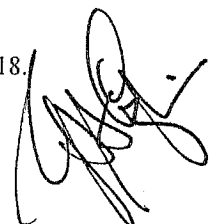
³⁸ RA 7160, Sec. 391(16).

³⁹ TSN, September 28, 2011, pp. 26-27.

⁴⁰ *People v. Lim*, G.R. No. 231989, September 4, 2018.

⁴¹ *Id.*

⁴² *Id.*; emphasis and underscoring supplied, citing *People v. Sipin*, G.R. No. 224290, June 11, 2018.



Thus, contrary to the ruling of the RTC and the CA, the integrity and evidentiary value of the *corpus delicti* were compromised. Cesaria and Henry must perforce be acquitted.

The presumption of innocence of the accused is superior over the presumption of regularity in performance of official duties

The right of the accused to be presumed innocent until proven guilty is a constitutionally protected right.⁴³ In this connection, the presumption of regularity in the performance of duty cannot overcome the stronger presumption of innocence in favor of the accused.⁴⁴ Especially as applied in this case where there are several procedural lapses by the buy-bust operation which cast doubt as to the regularity in the performance of official duties by the police officers.

The Court has repeatedly held that the fact that buy-bust is a planned operation, it strains credulity why the buy-bust team could not have ensured the presence of the required witnesses pursuant to Section 21 or at the very least marked, photographed and inventoried the seized items according to the procedures in their own operations manual.⁴⁵

In this case, the presumption of regularity cannot stand because of the buy-bust team's blatant disregard of the established procedures under Section 21 of RA 9165.

All told, the prosecution failed to prove the *corpus delicti* of the offenses of sale of illegal drugs and illegal possession of dangerous drugs due to the multiple unexplained breaches of procedure committed by the buy-bust team in the seizure, custody, and handling of the seized drug.

As a reminder, the Court exhorts the prosecutors to diligently discharge their onus to prove compliance with the provisions of Section 21 of RA 9165, as amended, and its implementing rules and regulations, which is fundamental in preserving the integrity and evidentiary value of the *corpus delicti*. **To the mind of the Court, the procedure outlined in Section 21 is straightforward and easy to comply with.** In the presentation of evidence to prove compliance therewith, the prosecutors are enjoined to recognize any deviation from the prescribed procedure and provide the explanation therefor as dictated by available evidence. Compliance with Section 21 being integral to every conviction, the appellate court, this Court included, is at liberty to review the records of the case to satisfy itself that the required proof has been

⁴³ CONSTITUTION, Art. III, Sec. 14, par. (2): "In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved x x x."

⁴⁴ Id.

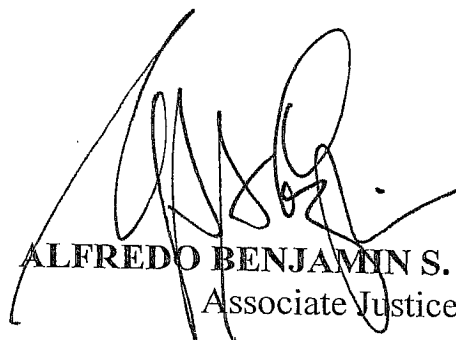
⁴⁵ *People v. Zheng Bai Hui*, 393 Phil. 68, 133 (2000).

adduced by the prosecution whether the accused has raised, before the trial or appellate court, any issue of non-compliance. If deviations are observed and no justifiable reasons are provided, the conviction must be overturned, and the innocence of the accused affirmed.⁴⁶

WHEREFORE, in view of the foregoing, the appeal is hereby **GRANTED**. The Decision dated December 5, 2014 of the Court of Appeals in CA-G.R. CR-H.C. No. 06172, is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellants **CESARIA BASIO VERTUDES** and **HENRY BASIO VERTUDES** are **ACQUITTED** of the crimes charged on the ground of reasonable doubt, and they are **ORDERED IMMEDIATELY RELEASED** from detention unless they are being lawfully held for another cause. Let an entry of final judgment be issued immediately.

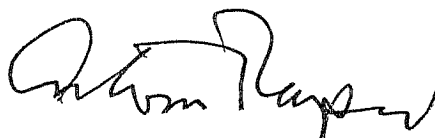
Let a copy of this Decision be furnished the Director of the Bureau of Corrections, Muntinlupa City, for immediate implementation. The said Director is **ORDERED** to **REPORT** to this Court within five (5) days from receipt of this Decision the action he has taken.

SO ORDERED.

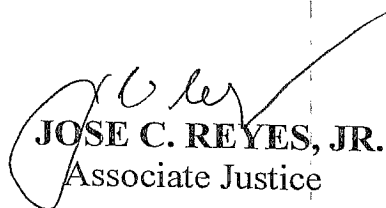


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

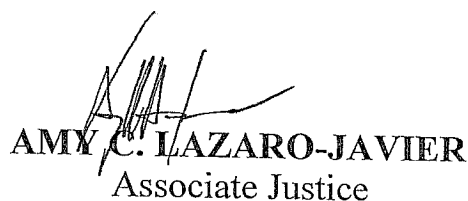
WE CONCUR:



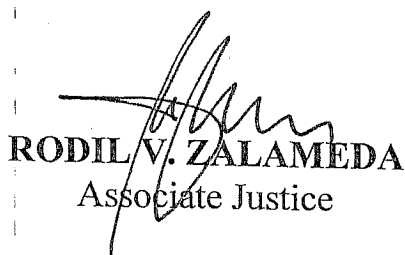
ANTONIO T. CARPIO
Associate Justice
Chairperson



JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

⁴⁶ See *People v. Jugo*, G.R. No. 231792, January 29, 2018, 853 SCRA 321.

ATTESTATION

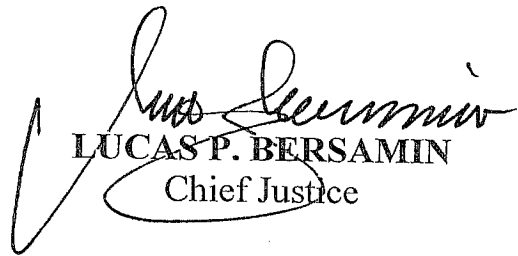
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified 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.



LUCAS P. BERSAMIN
Chief Justice

