

Title: People of the Philippines vs. Tsang Hin Wai and Choi Ming Cheung

Facts:

On October 15 and 16, 1980, Tsang Hin Wai, Choi Ming Cheung, and Andy Chan Chiwai were accused of importing 2.8 kilograms of heroin into the Philippines from Bangkok via Thai International Airways, in violation of the Dangerous Drugs Act. Upon their arrival at the Manila International Airport, customs officers discovered the heroin hidden in a false bottom of Tsang's luggage.

1. **October 7, 1980**: Wai and Cheung left Hong Kong for Bangkok.
2. **October 15, 1980**: Unaccompanied luggage belonging to Wai arrived in Manila from Bangkok.
3. **October 16, 1980**: Wai and Cheung arrived in Manila on the same flight. Customs inspectors found heroin in Wai's suitcase.
4. **October 23, 1980**: The City Fiscal of Pasay City filed an information against Wai, Cheung, and Chiwai for illegal importation of prohibited drugs.
5. **October 27, 1980**: All defendants pleaded not guilty.
6. **October 30, 1980**: The trial commenced. Each defendant moved for a separate trial, which was granted.
7. **Post-arrest procedures**: Wai confessed during interrogation, implicating Cheung and Chiwai. Statements were taken from the accused by customs police and later by Hong Kong customs officials.

Issues:

1. **Admissibility of Extrajudicial Confessions**: Were the extrajudicial confessions of the accused admissible, considering they were taken without legal counsel?
2. **Guilt Beyond Reasonable Doubt**: Was there sufficient "direct evidence" to convict Wai and Cheung for the illegal importation of heroin?
3. **Applicability of Revised Penal Code Penalties to Special Laws**: Whether the indivisible penalties under a special law (Dangerous Drugs Act) should be applied using the rules under the Revised Penal Code.
4. **Appropriate Penalty**: The appropriateness of the death penalty imposed by the trial court.

Court's Decision:

1. **Admissibility of Confessions**:
 - The court excluded the extrajudicial confessions due to the absence of counsel during

interrogation, consistent with constitutional guarantees.

2. **Guilt Beyond Reasonable Doubt for Wai:**

- Despite the inadmissibility of the confession, direct evidence (heroin found in Wai's luggage) substantiated his guilt. Wai's claims of being an innocent carrier were deemed implausible.

3. **Insufficiency of Evidence for Cheung:**

- Without the confession, no sufficient direct or circumstantial evidence linked Cheung to the crime. Testimonies against Cheung were speculative and thus could not substantiate his conviction.

4. **Penalty under Special Law:**

- Addressed the applicability of Article 63 of the Revised Penal Code (RPC) in cases involving special laws. Held that since no discretion was explicitly provided in the Dangerous Drugs Act, the lesser penalty (life imprisonment) should apply.

- Consequently, imposed reclusion perpetua and a fine of PHP 20,000 instead of the death penalty for Wai.

Doctrine:

- **Right to Counsel:** Ensures the inadmissibility of extrajudicial confessions obtained without the presence of counsel (Sec. 20, Art IV, 1973 Constitution).

- **Indivisible Penalties:** Under special laws lacking express discretion, the penalties must follow the RPC's application rules, particularly Article 63.

Class Notes:

- **Elements of Illegal Drug Importation (RA 6425):**

1. Unauthorized importation of prohibited drugs.

2. Knowledge and intent to import.

- **Right to Silence and Counsel (1973 Constitution, Sec. 20, Art IV):**

- Confessions obtained during custodial investigations are inadmissible without the presence of legal counsel.

- **Indivisible Penalties (Revised Penal Code, Art. 63):**

- When no aggravating or mitigating circumstances are present, impose the lesser penalty.

Key Legal Principles:

- **Right to Counsel during Custodial Investigation:** Crucial in ensuring the reliability and voluntariness of confessions.

- **Application of Indivisible Penalties:** Relevant when a special law does not provide specific guidelines for penalty imposition.

Historical Background:

This case reflects the Philippines' stringent stance on drug-related offenses, established under the Dangerous Drugs Act, and the evolving interpretation of constitutional protections concerning custodial investigations. It underscores the judiciary's struggle with balancing effective law enforcement against the backdrop of fundamental rights, amidst rising drug-related crimes in the late 20th century.