

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. JAYSON BOMBIO Y DE VILLA, ACCUSED-APPELLANT.*G.R. No. 234291. October 03, 2018*

Ponente: REYES, A., JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-234291/>**REYES, A., JR., J.:**

Before the Court is an ordinary appeal[1] filed by accused-appellant Jayson Bombio y De Villa (Bombio) assailing the Decision[2] dated June 30, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08167, which affirmed the Joint Decision[3] dated December 2, 2015 of the Regional Trial Court (RTC) of San Pablo City, Branch 32 in Criminal Cases Nos. 20886-SP (14) and 20887-SP (14) finding Bombio guilty beyond reasonable doubt of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drug, defined and penalized under Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002".

The Facts

The facts, as culled from the records, read as follows:

Bombio was charged with violation of Sections 5 and 11, Article II of R.A. No. 9165, before the RTC of San Pablo City, Laguna, Branch 32 in Criminal Cases Nos. 20886-SP (14) and 20887-SP (14), respectively. The Informations[4] read:

That on or about April 11, 2014, in the City of San Pablo, Republic of the Philippines and within the jurisdiction of this Honorable Court, the accused above-named, did then and there willfully, unlawfully and feloniously distribute and sell one (1) heat-sealed transparent plastic sachet marked 'A(JJOE)' containing, 0.03 gram of Methamphetamine Hydrochloride (shabu), a dangerous drug without being authorized by law.

CONTRARY TO LAW.

That on or about April 11, 2014, in the City of San Pablo, Republic of the Philippines and within the jurisdiction of this Honorable Court, the accused above-named did then and there willfully, unlawfully and feloniously have in his possession four (4) pieces heat-sealed transparent plastic sachets containing Methamphetamine Hydrochloride marked as 'B(RVM 1' to E(RVM-4', to wit:

B (RVM 1)-----	0.04
C (RVM 2)-----	0.03
D (RVM 3)-----	0.03
E (RVM 4)-----	0.03
TOTAL-----	0.13

with a total weight of 0.13 grams of Methamphetamine Hydrochloride (shabu) a dangerous drug, without being authorized by law.

CONTRARY TO LAW.

On arraignment, Bombio pleaded not guilty to the offenses charged. During the pre-trial conference, the parties stipulated on the identity of Bombio, jurisdiction of the court, and the due execution of Chemistry Report No. LD-324-14. Thereafter, joint trial on the merits ensued.[5]

The prosecution presented the following witnesses: arresting officers Police Officer 1 Jesus Jerson Exconde (PO1 Exconde) and PO1 Rhowinson Malacaman (PO1 Malacaman). The defense, on the otherhand, presented Bombio himself and Maris Hernandez (Hernandez).[6]

Version of the Prosecution

On April 11, 2014, at 8:30 a.m., a confidential agent relayed to PO1 Exconde information about a person named "Ogie" who was selling shabu at Guadalupe 1, Barangay II-B, San Pablo City. PO1 Exconde informed his superior, Police Inspector Lauro Moratillo (P/Insp. Moratillo), who instructed him to conduct surveillance. He and the confidential agent went to the area and observed for 30 minutes. There, they saw a male person, wearing a sando near the railroad track, selling shabu. Thereafter, they returned to the police station and reported the results of their surveillance to P/Insp. Moratillo. PO1 Exconde then entered into the police blotter the results of the surveillance operation. Immediately, they had briefing for the conduct of a buy-bust operation wherein PO1 Exconde was designated as the poseur buyer, PO1 Malacaman as his back up and another four police officers as perimeter security. They also prepared the marked money, pre-operation report and Philippine Drug Enforcement Agency (PDEA) coordination letter.[7]

The operation team arrived at the target area at around 11:45 a.m. of the same day. Upon seeing "Ogie" at the railroad track, PO1 Exconde immediately wore a wig and sunglasses then approached the latter. PO1 Exconde said: "Kukuha ako ng dalawang pisong bato." "Ogie" then retrieved from his right pocket a small tin can with the markings "Hershey's Milk Chocolate," took one small piece of heat-sealed plastic sachet containing shabu then gave it to PO1 Exconde. In exchange, the latter handed "Ogie" the marked money.[8]

The transaction having been consummated, PO1 Exconde held "Ogie's" right hand and introduced himself as a police officer by saying, "Huwag kang gagalaw, pulis ako." PO1 Malacaman arrived and frisked "Ogie". He recovered the Hershey box containing four plastic sachets. PO1 Exconde marked the plastic sachet subject of the sale while PO1 Malacaman marked the Hershey box with four plastic sachets obtained from "Ogie's" pocket immediately at the scene of the incident.[9]

Thereafter, "Ogie" was brought to the Police Station and was later identified as Bombio. At the police station, the certificates of custody, inventory, and request for laboratory examination were prepared. Bombio was then brought to the barangay to have photographs of the seized items taken with the barangay official. Thereafter, they returned to the police station for taking of photographs with the other mandatory representatives. At about 4:30 p.m., Bombio was brought to the Philippine National Police Crime Laboratory for drug testing and laboratory examination.[10]

The laboratory examination of the suspected plastic sachets of shabu yielded a positive result to the presence of methamphetamine hydrochloride, which was reduced in writing as Chemistry Report No. LD-324-14.[11]

Version of the Defense

Bombio vehemently denied the charges against him. According to him, at around 9:00a.m. of April 11, 2014, he and Hernandez were eating sandwich near the railroad tracks at Guadalupe 1, when several male persons arrived, asking who and where Ogie was. Bombio then raised his hands saying, "Ako po si Ogie, bakit po?" PO1 Exconde,

wearing slippers, shorts, and T-shirt, handcuffed and dragged him to a tricycle and brought him to the police station. Bombio did not resist the arrest but he requested Hernandez to tell his mother about the matter. At the police station, a box was shown to him, then photographs were taken. Bombio claimed that he was never frisked by the police officers.[12]

In a Joint Decision[13] dated December 2, 2015, the trial court found the evidence adduced by the prosecution sufficient to convict Bombio of the crimes charged. It held that Bombio's defense of denial cannot prevail over the positive and affirmative testimonies of the police officers. Moreover, it ruled that absent proof of ill motive on the part of the apprehending officers, the presumption of regularity runs in their favor. The dispositive portion of the RTC decision reads:

WHEREFORE, premises considered, this Court FINDS [BOMBIO] guilty beyond reasonable doubt of the offense of violation of Section 5, Article II of [R.A.] No. 9165, and hereby imposes upon him the penalty of life imprisonment and a fine of P500,000.00 in Criminal Case No. 20886-SP(14).

This Court also FINDS him guilty beyond reasonable doubt of the offense of violation of Section 11, Article II of [R.A.] No. 9165 in Criminal Case No. 20887-SP and hereby imposes upon him the penalty of imprisonment of twenty (20) years, plus a fine of P100,000.00.

x x x x

SO ORDERED.[14]

On appeal, the CA affirmed the findings of the trial court that the prosecution's evidence sufficiently established the unbroken chain of custody. As such, it held that the prosecution was able to establish that the integrity and evidentiary value of the seized items were properly preserved as required by Section 21. Likewise, all of the elements of illegal sale and illegal possession of a dangerous drug was proven. Bombio argued that there was failure on the part of the police officers to immediately conduct a physical inventory of the seized items. He also pointed out that when the inventory was done at the police station, none of the required witnesses to the inventory were present, i.e., elected public official, representative from the Department of Justice (DOJ) and media representative. Anent Bombio's defense of denial and frame-up, the CA agreed with the trial court that there was no clear and convincing evidence to overcome the presumption that the police officers have performed their duties in a regular and proper manner. The dispositive portion of the CA Decision[15] dated June 30, 2017 reads:

WHEREFORE, premises considered, the instant appeal is DENIED. The assailed Joint Decision dated 2 December 2015 is hereby AFFIRMED.

SO ORDERED.[16]

Hence, the present appeal.

The Issue

Whether or not the CA committed a reversible error in affirming Bombio's conviction for violation of Sections 5 and 11 of R.A. No. 9165.

Ruling of the Court

The appeal is meritorious.

To convict an accused who is charged with illegal possession of dangerous drugs, defined and penalized under Section 11, Article II of R.A. No. 9165, the prosecution must establish the following elements by proof beyond reasonable doubt: (a) that the accused was in possession of dangerous drugs; (b) such possession was not

authorized by law; and (c) the accused was freely and consciously aware of being in possession of dangerous drugs.[17]

On the other hand, in order to secure a conviction for illegal sale of dangerous drugs, defined and penalized under Section 5, Article II of R.A. No. 9165, the prosecution must establish the following elements: (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor. What is important is that the sale transaction of drugs actually took place and that the object of the transaction is properly presented as evidence in court and is shown to be the same drugs seized from the accused.[18]

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 in the chain of custody from the moment that the illegal drugs are seized up to their presentation in court as evidence of the crime.[19]

In this case, Bombio was charged with the crime of Illegal Sale and Illegal Possession of Dangerous Drugs, defined and penalized under Sections 5 and 11,[20] Article II of R.A. No. 9165. Bombio insists that he should be acquitted for failure of the prosecution to establish every link in the chain of custody of the seized dangerous drugs and failing to give credence to his defense of denial. Bombio likewise argues that the inventory of the seized items was made only at the police station and not at the place of apprehension. Moreover, there was no elected public official and representatives from either the DOJ or media present at the time of the inventory.

In *People v. Relato*,[21] 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.[22]

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 one (1) provides a list of the witnesses required to be present during the inventory and taking of photographs and the venue where these should be conducted, 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 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)

In 2014, R.A. No. 10640[23] 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 (3) to only two (2), 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/pharaphernalia 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 for 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 by the apprehending officer/ team, shall not render void and invalid such seizures and custody over said items. (Emphasis and Underscoring Ours)

A comparison of the cited provisions show 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. It is likewise worthy to note that failure of the arresting officers to justify the absence of the required witnesses, i.e., the representative from the media or the DOJ and any elected official, constitutes as a substantial gap in the chain of custody.

Since the offenses subject of this appeal were committed before the amendment introduced by R.A. 10640, the old provisions of Section 21 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 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. (Emphasis and underscoring Ours)

From the foregoing, it is clear that the venue of physical inventory is not limited to the place of apprehension. The venues of the physical inventory and photography of the seized items differ and depend on whether the seizure was made by virtue of a search warrant or through a warrantless seizure such as a buy-bust operation. Thus, in this

regard, the Court finds no reason to reverse the ruling of the appellate court.

Another mandatory requirement set forth in Section 21 is the presence of three witnesses during the physical inventory of the seized items, i.e., (1) an elected public official, (2) a representative from the DOJ and (3) a representative from the media. The Court, in *People v. Mendoza*,^[24] 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.:

[W]ithout 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.^[25]

According to the CA, there were representatives from the media and the DOJ as evidenced by their signatures in the Certificate of Inventory and as such, there was compliance with Section 21(a), Article II of the Implementing Rules and Regulations (IRR) of R.A. No. 9165.

The Court disagrees.

There is no question that the said witnesses affixed their signatures in the Certificate of Inventory. However, the fact that they were not able to witness the actual inventory and were only made to sign the certificate after the same had already been conducted defeats the purpose of Section 21. In addition, these witnesses were not in the presence of each other when they affixed their signatures. The pertinent portion of the assailed CA decision reads:

Contrary to [Bombio's] claim, there were representatives from the media and the DOJ, as evidenced by their signatures in the Certificate of Inventory. Granting that they were not present during the actual preparation of the Certificate of Inventory, it would not ipso facto result in the unlawful arrest of [Bombio] or render inadmissible in evidence the items seized.^[26] (Underscoring Ours)

Citing *People v. Sanchez*^[27] and *People v. Salvador, et al.*,^[28] the CA ratiocinated that what is crucial is that the integrity and evidentiary value of the seized items are preserved for they will be used in the determination of the guilt or innocence of the accused.^[29]

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 non-compliance is proven as a fact. 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 their 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*^[30] is instructive on the matter:

Minor deviations from the procedures under R.A. 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 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. 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. 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.[31] (Citations omitted)

In the present case, the prosecution failed to justify their non-compliance with the requirements found in Section 21, specifically, the presence of the three required witnesses during the actual inventory of the seized items. The unjustified absence of these witnesses during the inventory constitutes a substantial gap in the chain of custody. Such absence cannot be cured by the simple expedient of having them sign the certificate of inventory. There being a substantial gap or break in the chain, it casts serious doubts on the integrity and evidentiary value of the corpus delicti. As such, Bombio must be acquitted.

Finally, it cannot be gainsaid that it is mandated by no less than the Constitution[32] that an accused in a criminal case shall be presumed innocent until the contrary is proved. In *People of the Philippines v. Marilou Hilario y Diana and Laline Guadayo y Royo*,[33] 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.

WHEREFORE, the appeal is GRANTED. The Decision dated June 30, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 08167 is hereby REVERSED and SET ASIDE. Accordingly, accused-appellant Jayson Bombio y De Villa is ACQUITTED of the crimes charged. The Director of the Bureau of Corrections is ordered to cause his immediate release, unless he is being lawfully held in custody for any other reason.

SO ORDERED.

Carpio (Chairperson), Perlas-Bernabe, and J. Reyes, Jr.,[*] JJ., concur.
Caguioa, J., on official business.

[*] Designated as Acting Member per Special Order No. 2587 dated August 28, 2018.

[1] CA rollo, pp. 133-135.

[2] Penned by Associate Justice Samuel H. Gaerlan, with Associate Justices Normandie B. Pizarro and Jhosep Y. Lopez, concurring; rollo, pp. 2-16.

[3] Rendered by Presiding Judge Agripino G. Morga; CA rollo, pp. 35-45.

[4] Id. at 36.

[5] Id. at 37.

[6] Id.

[7] Id. at 38.

[8] Id.

[9] Id. at 39.

[10] Id.

[11] Id.

[12] Id. at 40.

[13] Id. at 35-45

[14] Id. at 44-45.

[15] Id. at 111-125.

[16] Id. at 125.

[17] *People of the Philippines v. Salim Ismael y Radang*, G.R. No. 208093, February 20, 2017; *Reyes v. CA*, 686 Phil. 137, 148 (2012), citing *People v. Sembrano*, 642 Phil. 476, 490-491 (2010).

[18] *People of the Philippines v. Salim Ismael y Radang*, id.

[19] *People of the Philippines v. Ronaldo Paz y Dionisio*, G.R. No. 229512, January 31, 2018, citing *People v. Viterbo, et al.*, 739 Phil. 593, 601 (2014); *People v. Alivio, et al.* 664 Phil. 565, 580 (2011); *People v. Denoman*, 612 Phil. 1165, 1175 (2009).

[20] Section 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.

[21] 679 Phil. 268 (2012).

[22] Id. at 277-278.

[23] 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.

[24] 736 Phil. 749 (2014).

[25] Id. at 764.

[26] Rollo, pp. 10-11.

[27] 590 Phil. 214 (2008).

[28] 726 Phil. 389 (2014).

[29] Rollo, p. 11.

[30] 686 Phil. 1024 (2012).

[31] Id. at 1054.

[32] Article III, Section 14(2) of the Constitution mandates:

Sec. 14. x x x

(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.

[33] G.R. No. 210610, January 11, 2018.

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