

FILIPINAS PIMENTEL Y QUILLAO, ACCUSED-APPELLANT, VS. PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE.

G.R. No. 239772. January 29, 2020

Ponente: LEONEN, J.

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LEONEN, J.:

Courts should meticulously consider the factual intricacies of each buy-bust case covered by the Comprehensive Dangerous Drugs Act. This is especially so when only a minuscule amount of illicit drugs was seized from the accused. The absence of the required third-party witnesses during the actual arrest and seizure creates a gap in the chain of custody, producing doubt on the legitimacy of the buy-bust operation and the identity of the seized illicit drug.

This Court resolves a Petition for Review on Certiorari[1] assailing the Decision[2] and Resolution[3] of the Court of Appeals, which affirmed the Regional Trial Court's conviction of Filipinas Pimentel y Quillao (Pimentel) for the crimes of illegal sale and illegal possession of dangerous drugs.

On November 6, 2014, Pimentel was charged in two (2) separate Informations for violating Sections 5 and 11 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act.[4] The accusatory portions of the Informations against her read:

Criminal Case No. 10744:

"That on or about the 20[th] day of October, 2014, in the City of San Juan, La Union, Philippines and within the jurisdiction of the Honorable Court, the above[-]named accused, without first securing the necessary permit, license or authority from the proper government agency, did then and there, willfully, unlawfully and feloniously, deliver and sell one (1) heat-sealed transparent plastic sachet containing zero point zero forty-five (0.045) gram to PO1 Yvonne Garcia who posed as poseur buyer, and in consideration of said shabu used genuine five hundred (P500.00) Philippine Currency bill[.]

Contrary to law."

Criminal Case No. 10745:

"That on or about the 20[th] day of October, 2014, in the City of San Fernando, La Union, Philippines and within the jurisdiction of this Honorable Court, the above[-]named accused, without first securing the necessary permit, license or authority from the proper government agency, did then and there, willfully, unlawfully and feloniously, have in her possession, control, and custody, four (4) heat[-]sealed plastic sachets containing methamphetamine hydrochloride, a dangerous drug, with a total weight of zero point one hundred fifty three (0.153) gram.

Contrary to law."[5] (Citation omitted)

Pimentel pleaded not guilty to both charges. Upon her motion, the criminal cases were consolidated. Trial on the merits soon followed.[6]

The prosecution presented Police Officer 3 Gilbert Andulay (PO3 Andulay), Police Officer 1 Yvonne Garcia (PO1 Garcia), and Police Senior Inspector Maria Theresa Amor Manuel (PSI Manuel) as its witnesses.[7] The prosecution dispensed with the testimonies of Sheryll Nisperos and Alma Onido after the parties had stipulated that the two (2) women signed the Certificate of Inventory at the site of arrest.[8]

The prosecution alleged that at around 6:50 p.m. on October 20, 2014, a confidential informant went to the San Fernando City Police Station in La Union to report a certain Filipinas, also known as "Inas," who was selling illicit drugs. The police officers verified the information in the Order of Battle and found that Inas was included in the Philippine Drug Enforcement Agency's watch list of illegal drug personalities.[9]

Consequently, the police officers organized a buy-bust operation. PO1 Garcia was assigned as the poseur-buyer, while PO3 Andulay acted as her immediate back-up and the rest of the team as perimeter security. PO1 Garcia received a P500.00 bill with serial number UK211439 as buy-bust money, which she marked with her initials, YCG. The police officers also decided that PO1 Garcia would ring PO3 Andulay's cellphone to signal that the transaction had pushed through.[10]

Per PO1 Garcia's instruction, the confidential informant called Inas to arrange a meeting at around 7:20 p.m. that day at a waiting shed in Monumento, Barangay Madayegdeg in San Fernando City.[11]

By 7:30 p.m., the buy-bust team and the informant went to the target site. PO1 Garcia and the informant stood inside the waiting shed while the others positioned themselves strategically around the site.[12]

After a few minutes, a woman approached the informant and PO1 Garcia and introduced herself as "Tita Inas." This woman would later be identified as Pimentel. Upon PO1 Garcia's request, Pimentel showed her one (1) transparent heat-sealed plastic sachet containing white crystalline substance. PO1 Garcia then handed over the buy-bust money to Pimentel and, upon the sale, rang PO3 Andulay. At this, the team rushed to the waiting shed and helped PO1 Garcia arrest Pimentel.[13]

After apprising Pimentel of her constitutional rights, PO1 Garcia frisked her, and recovered four (4) more heat-sealed transparent plastic sachets with white crystalline substance. She also recovered the buy-bust money and a cellphone from Pimentel's left pocket.[14]

About 20 minutes[15] after arresting Pimentel, barangay officials and a member of the media came to the target site to witness PO1 Garcia mark and inventory the seized items. They also later signed the Certificate of Inventory. Photographs of the marking and inventory were also taken. Afterward, the police officers brought Pimentel to the police station and later to the City Health Office.[16]

PO1 Garcia claimed that Pimentel was not in any of the photographs because she refused to have her picture taken. She further claimed that Pimentel also refused to sign the Certificate of Inventory.[17]

The seized items were brought together with a Request for Laboratory Examination to the Philippine National Police Regional Crime Laboratory Office. There, they were turned over to one Police Officer 2 Langit, who then handed them to the forensic, chemist, Police Senior Inspector Manuel. Upon examination, the seized items tested positive for methamphetamine hydrochloride.[18]

For its part, the defense presented Pimentel and Genalyn Ordoño (Ordoño) as its witnesses.

Pimentel testified that at around 4:00 p.m. on October 20, 2014, she and one Mika were on board a tricycle, passing by Catbangan Elementary School, when three (3) armed persons in civilian clothes blocked their path and boarded the tricycle, bringing them to the Canaoay Police Sub-station.[19]

The strangers turned out to be police officers. They forced Pimentel and Mika into the police station, where they

frisked the women and searched their bags. About 30 minutes later, one (1) of the officers told Pimentel that they found things in the tricycle that they claimed belonged to her.[20]

A few hours later, aboard a white car with four (4) police officers, Pimentel was brought somewhere near her house in Barangay Catbangan. Three (3) police officers got off the car and went into the alley where Pimentel's house was. Moments later, they came back to the car with a certain Bobot. They instructed him to call one Vilma Ducusin (Ducusin).[21]

After a few minutes, Ducusin arrived and boarded the vehicle, while Bobot got down and walked away. Pimentel and Ducusin were brought back to the Canaoay Police Sub-station, where Pimentel was placed inside a cell while Ducusin was frisked.[22]

The police officers later brought Pimentel to the waiting shed in Monumento and directed her to sit and wait.[23] While in the shed, one (1) of the officers supposedly told her that had it not been for their superiors, Pimentel would have been set free because they had nothing on her.[24]

Pimentel later saw some barangay officials and a member of the media arrive. She heard them talking with the police about an inventory. One (1) of the police officers then approached her and asked her for the buy-bust money. Pimentel was then brought to the police station in Tanqui, San Fernando City.[25]

Ordoño, the second defense witness and Pimentel's daughter-in-law, testified that on October 20, 2014, she was sitting outside Pimentel's house when two (2) strangers came and asked her where Pimentel's house was. However, before Ordoño could respond, they made their way inside the house, with three (3) other persons behind them. Among these people was PO1 Garcia, whom Ordoño knew as she would sell shells to the officer. Ordoño, Pimentel's son, and his partner were barred from getting in.[26]

Ordoño rushed to the highway to wait for her husband, and when he arrived, they both went to the Lighthouse Baptist Church near Pimentel's house. There, Ordoño saw a white car and when someone opened its door, she saw Pimentel seated inside.[27]

On December 7, 2016, the Regional Trial Court found Pimentel guilty beyond reasonable doubt of illegal sale and possession of dangerous drugs.[28]

The Regional Trial Court held that the prosecution was able to account for all the links in the chain of custody. It gave credence to PO3 Garcia's testimony that Pimentel actually witnessed the marking and inventory, despite her not being in any of the photos presented as evidence and her signature not appearing on the Certificate of Inventory.[29]

The trial court also brushed aside Pimentel's defense of frame-up, pointing out flaws in her story. It noted, among others, that no other person could have boarded the tricycle with Pimentel and another passenger already inside. It also claimed that it was impossible for another person to stand on the outside platform of the sidecar.[30] Similarly, it also found inconsistencies in Ordoño's testimony, which raised doubts on her credibility.[31]

The dispositive portion of the Regional Trial Court Decision read:

WHEREFORE, in light of the foregoing, judgment is hereby rendered finding the accused FILIPINAS PIMENTEL y QUILLAO:

(1) GUILTY beyond reasonable doubt in Criminal Case No. 10744 for Violation of Section 5 Article II of Republic Act No. 9165 and is sentenced to suffer the penalty of Life Imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00); and

(2) GUILTY beyond reasonable doubt in Criminal Case No. 10745 for Violation of Section 11 Article II of Republic Act No. 9165 and is sentenced to suffer the indeterminate penalty of imprisonment for a period of Twelve (12) Years and One Day to Fourteen (14) Years and Eight (8) Months and to pay a Fine in the amount of Three Hundred Thousand Pesos (P300,000.00).

The subject items are declared forfeited in favor of the government and to be disposed of in accordance with R.A. No. 9165 and related rules and regulations.

SO ORDERED.[32] (Citation omitted)

Pimentel moved for reconsideration, but the Regional Trial Court denied her motion.[33] Hence, she appealed before the Court of Appeals.[34]

On January 23, 2018, the Court of Appeals, in its January 23, 2018 Decision,[35] upheld Pimentel's conviction.

The Court of Appeals dismissed Pimentel's claim that her absence in the photos resulted in the arresting officers' failure to comply with Section 21 of Republic Act No. 9165. It emphasized that what Section 21 required was the photographing of seized items in the accused's presence and not the photographing of the accused during inventory.[36]

The Court of Appeals likewise ruled that the apprehending officers' failure to indicate the buy-bust money's serial number in the Certificate of Inventory was not fatal to the prosecution's case, as the integrity of the seized items was duly preserved.[37]

The dispositive portion of the Court of Appeals Decision read:

WHEREFORE, the appeal is DISMISSED. The Decision dated December 7, 2016 by the Regional Trial Court, Branch 26, of San Fernando City, La Union in Criminal Case Nos. 10744 and 10745 is hereby AFFIRMED.

SO ORDERED.[38] (Emphasis in the original)

Pimentel filed a Motion for Reconsideration,[39] which the Court of Appeals denied in its April 26, 2018 Resolution.[40]

In her Petition for Review on Certiorari,[41] accused-appellant Pimentel questions whether the buy-bust operation actually happened, pointing out flaws in the prosecution's story. Contrary to its tale that the sale was made with the use of phone calls, Pimentel asserts that the cellphone she allegedly used had no SIM card when it was presented in court, which meant that she could not have used it.[42]

Accused-appellant also argues that PO1 Garcia's testimony that she transacted with the police officer in a place with no light, checked the sachet only by pricking the substance with her nails, and placed the seized items on the cement prior to marking and inventory was unbelievable as her acts were contrary to human behavior.[43]

Even if the conduct of the buy-bust operation were true, accused-appellant maintains that the arresting officers failed to comply with Section 21 of the Comprehensive Dangerous Drugs Act. She insists on her absence in the photographs and her signature not appearing in the Certificate of Inventory. She claims that there was no evidence that the barangay officials and media representative who witnessed the marking and inventory were given copies of the Certificate of Inventory.[44] She also asserts that the prosecution failed to account for how PO1 Garcia preserved the seized items for more than three (3) hours from their confiscation up to their submission to the laboratory, creating a large gap in the chain of custody.[45]

Accused-appellant likewise avers that the Court of Appeals erred in not allowing her to adduce the tricycle driver's testimony. She claims that it would have corroborated her testimony that she was brought to the Canaoay

Police Sub-station as early as 4:00 p.m. of October 20, 2014, while also refuting PO1 Garcia's testimony that she was arrested in a buy-bust operation at around 7:30 p.m. that same day.[46]

Finally, accused-appellant claims that the admission of Ducusin's testimony, who was acquitted[47] of illegal sale and possession of dangerous drugs, would have corroborated her testimony that there was no buy-bust sale and that she was in the same car with Ducusin before she was brought to the Canaoy Police Station.[48]

On the other hand, in its Brief,[49] respondent People of the Philippines maintains that nothing was illogical with PO1 Garcia's testimony. It reasons that it was accused-appellant herself who wanted to meet in a dark place; besides, the waiting shed itself was not totally dark, enabling PO1 Garcia to see the sachet's contents. It was also not unusual for PO1 Garcia to place the seized items on the waiting shed floor, so as to prevent the seized sachets from commingling with the sachet Pimentel sold her.[50]

Respondent also highlights that in testifying that she was eight (8) meters from where the police marked and inventoried the seized items, accused-appellant contradicted her claim that she was absent during the marking and inventory.[51]

Finally, respondent emphasizes that the police officers were able to establish all the links constituting, the chain of custody.[52]

The sole issue for this Court's resolution is whether or not the prosecution proved beyond reasonable doubt the guilt of accused-appellant Filipinas Pimentel y Quillao for the crimes of illegal sale and illegal possession of dangerous drugs.

The appeal must be granted.

Rule 133, Section 2 of the Revised Rules on Evidence requires proof beyond reasonable doubt for the conviction of an accused:

SECTION 2. Proof beyond reasonable doubt. — In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.

In *People v. Ganguso*,[53] this Court explained that the requirement of proof beyond reasonable doubt in a criminal case is anchored on the constitutional guarantees of due process[54] and of an accused's right to be presumed innocent.[55] It held:

An accused has in his favor the presumption of innocence which the Bill of Rights guarantees. Unless his guilt is shown beyond reasonable doubt, he must be acquitted. This reasonable doubt standard is demanded by the due process clause of the Constitution which protects the accused from conviction except upon proof beyond reasonable doubt of every fact necessary to constitute the crime with which he is charged. The burden of proof is on the prosecution, and unless it discharges that burden the accused need not even offer evidence in his behalf, and he would be entitled to an acquittal. Proof beyond reasonable doubt does not, of course, mean such degree of proof as excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind. The conscience must be satisfied that the accused is responsible for the offense charged.[56] (Citations omitted)

Thus, the prosecution is saddled with the burden of proving the accused's guilt beyond reasonable doubt. Conviction results from the strength of the prosecution's evidence and not from the weakness of the accused's defense.[57]

The illegal sale of dangerous drugs is punished under Section 5[58] of Republic Act No. 9165. Its elements are

the following: "(1) proof that the transaction or sale took place and (2) the presentation in court of the corpus delicti or the illicit drug as evidence." [59]

On the other hand, the elements for illegal possession of dangerous drugs, as penalized in Section 11 [60] of Republic Act No. 9165, are: "(1) the accused was in possession of an item or an object identified to be a prohibited or regulated drug, (2) such possession is not authorized by law, and (3) the accused was freely and consciously aware of being in possession of the drug." [61]

In both the illegal sale and illegal possession of dangerous drugs, the corpus delicti is the seized drug itself. The prosecution must satisfy the court that the drug confiscated from the accused is the same drug presented in court as evidence. It can establish this by maintaining an unbroken chain of custody of the seized illegal drug.

Section 21(1) of Republic Act No. 9165, as amended by Republic Act No. 10640, lays the specific requirements for the custody and disposition of seized illegal drugs:

SECTION 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 persons from whom such items were confiscated and/or seized, or his/her representatives 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. [62] (Emphasis supplied)

Based on Section 21(1), the procedure to safeguard the integrity of the confiscated items used as evidence can be summarized as follows:

(1) the seized items must be inventoried and photographed immediately after seizure or confiscation; (2) 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 DOJ, all of whom shall be required to sign the copies of the inventory and be given a copy thereof. [63]

Compliance with the chain of custody requirements ensures the integrity of the seized illicit drug in four (4) respects:

[F]irst, the nature of the substances or items seized; second, the quantity (e.g., weight) of the substances or items seized; third, the relation of the substances or items seized to the incident allegedly causing their seizure; and fourth, the relation of the substances or items seized to the person/s alleged to have been in possession of or peddling them. Compliance with this requirement forecloses opportunities for planting, contaminating, or tampering of evidence in any manner. [64]

Conversely, noncompliance results in "a concomitant failure on the part of the prosecution to establish the identity of the corpus delicti[.]"[65] leading to the prosecution's failure to prove the accused's guilt beyond reasonable doubt. In *People v. Lorenzo*,[66] this Court emphasized that moral certainty is not only required in proving the elements of illegal sale and dangerous drugs, but also in proving the identity of the seized drug.[67]

However, while strict compliance with Section 21 is the expected standard, the law recognizes that this may not be possible at all times. Thus, Section 21(1) of Republic Act No. 10640 provides a saving clause: "[T]hat 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."

The statutory requirements that accused-appellant in this case claims the arresting officers failed to account for—photographing her during the physical inventory and requiring her signature in the Certificate of Inventory—must be balanced with every accused's right to remain silent and right against self-incrimination. These rights are enshrined in Article III, Sections 12(1) and 17 of the Constitution's Bill of Rights:

SECTION 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

....

SECTION 17. No person shall be compelled to be a witness against himself.

The right to remain silent is not limited to protecting the accused from uncounseled statements made while in custody, but also includes his or her positive acts, such as signing an inventory. After all, both the accused's statements and acts may be used against him or her later on in a criminal proceeding.

As such, the failure to comply with the mentioned statutory requirements may be excused if the prosecution can show that the accused was not only informed of his or her Miranda rights, but that he or she availed of such rights.

Here, accused-appellant's defense is of frame-up, insisting that no buy-bust operation had taken place, as evidenced by her missing signature in the Certificate of Inventory and her absence in the photographs taken during the physical inventory.

The prosecution, through PO1 Garcia's testimony, countered that accused-appellant not only refused to sign the Certificate of Inventory, but also "refused to have her picture taken and evaded whenever police officers tried to take a photo with her." [68] It added that PO1 Garcia apprised accused-appellant of her constitutional right to remain silent.[69]

What the prosecution failed to do, however, was to show that accused-appellant had indeed chosen to avail of her constitutional rights when she refused to be photographed and sign the Certificate of Inventory.

Had there been third-party witnesses present during the actual buy-bust operation, their testimonies could have easily cured this defect. However, here, the barangay official and media representative were only shown to have signed the Certificate of Inventory[70] and did not witness the actual arrest and seizure. They were only called in to the place of inventory 20 minutes after the purported buy-bust operation was over.[71]

In *People v. Tomawis*,[72] this Court emphasized that in planned buy-bust operations, because the seized items must be physically inventoried and photographed immediately upon seizure, the third-party witnesses must be present as early as during the actual transaction. Their insulating presence serves the two-fold purpose of

guaranteeing the legitimacy of the buy-bust operation and the integrity of the seized illicit drug:

The presence of the three witnesses must be secured not only during the inventory but more importantly at the time of the warrantless arrest. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able to testify that the buy-bust operation and inventory of the seized drugs were done in their presence in accordance with Section 21 of RA 9165.

The practice of police operatives of not bringing to the intended place of arrest the three witnesses, when they could easily do so — and "calling them in" to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished — does not achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs.

To restate, the presence of the three witnesses at the time of seizure and confiscation of the drugs must be secured and complied with at the time of the warrantless arrest; such that they are required to be at or near the intended place of the arrest so that they can be ready to witness the inventory and photographing of the seized and confiscated drugs "immediately after seizure and confiscation." [73]

Securing the third-party witnesses' presence in this case is all the more needed since the arresting officers confiscated five (5) sachets of shabu with a total weight of 0.198 gram. In *People v. Holgado*, [74] this Court stressed the importance of proving strict compliance with Section 21, particularly if the dangerous drugs seized were only minuscule. It also enjoined trial courts to employ heightened scrutiny in dealing with them, as their nature makes them susceptible to evidence tampering and planting:

Trial courts should meticulously consider the factual intricacies of cases involving violations of Republic Act No. 9165. All details that factor into an ostensibly uncomplicated and barefaced narrative must be scrupulously considered. Courts must employ heightened scrutiny, consistent with the requirements of proof beyond reasonable doubt, in evaluating case involving minuscule amounts of drugs. These can readily be planted and tampered. [75]

The minuscule amount seized in this case, coupled with the absence of the required witnesses during the arrest, should have prompted the trial court to closely scrutinize the prosecution's evidence. It should not have allowed the arresting officers to seek refuge under the presumption of regularity in the performance of official duties, since noncompliance with Section 21 negates the presumption of regularity.

In *People v. Kamad*, [76] this Court explained:

Given the flagrant procedural lapses the police committed in handling the seized shabu and the obvious evidentiary gaps in the chain of its custody, a presumption of regularity in the performance of duties cannot be made in this case. A presumption of regularity in the performance of official duty is made in the context of an existing rule of law or statute authorizing the performance of an act or duty or prescribing a procedure in the performance thereof. The presumption applies when nothing in the record suggests that the law enforcers deviated from the standard conduct of official duty required by law; where the official act is irregular on its face, the presumption cannot arise. In light of the flagrant lapses we noted, the lower courts were obviously wrong when they relied on the presumption of regularity in the performance of official duty. [77] (Citation omitted)

The prosecution failed to comply with the requirements of the Comprehensive Dangerous Drugs Act, and to provide justifiable grounds for such noncompliance. This creates reasonable doubt on the identity of the illegal drugs seized, ultimately warranting accused-appellant's acquittal.

Finally, this Court cautions trial courts from determining questions of fact based not on the prevailing realities, but based on their hermeneutically sealed assumptions.

In its ruling, the trial court here discredited accused-appellant's defense of frame-up, claiming that it was physically impossible for another person to enter a tricycle when two (2) people were already inside it, or for another person to stand on the sidecar's platform.[78]

The trial court is grossly mistaken.

In *Dumayag v. People*,[79] the accused was charged with reckless imprudence after the tricycle with eight (8) passengers he had been driving collided with a passenger bus. There, the tricycle was already considered overloaded with eight (8) passengers. Yet, this Court takes judicial notice that tricycles are widely known to carry much more than eight (8) passengers, especially in areas where transportation is scarce and people have to be creative in bending the laws of physics and set aside personal safety just to get to where they need to be.

Trial courts should always be mindful of their implicit status in society and the privilege this affords them. With such privilege as their norm, they might unconsciously adopt a standpoint so far removed from the realities of the cases brought before them. Hence, in rendering judgment, trial courts must deliberately look beyond their privileged assumptions to resolve the issues set before them with probity and justice.

WHEREFORE, the January 23, 2018 Decision and April 26, 2018 Resolution of the Court of Appeals in CA-G.R. CR-HC No. 09194 are REVERSED and SET ASIDE. Accused-appellant Filipinas Pimentel y Quillao is ACQUITTED of the charges against her. She is ordered immediately RELEASED from detention, unless she is confined for any other lawful cause.

Let a copy of this Decision be furnished to the Correctional Institution for Women, Mandaluyong City for immediate implementation. The Superintendent is directed to report to this Court the action taken within five (5) days from receipt of this Decision.

The Regional Trial Court is directed to turn over the seized sachets of shabu to the Dangerous Drugs Board for destruction in accordance with law.

SO ORDERED.

Gesmundo, Carandang, Zalameda, and Gaerlan, JJ., concur.

[1] Rollo, pp. 11-53. Filed under Rule 45 of the Revised Rules of Court.

[2] Id. at 55-79. The January 23, 2018 Decision in CA-G.R. CR-HC No. 09194 was penned by Associate Justice Magdangal M. De Leon and concurred in by Associate Justices Amy C. Lazaro-Javier (now a member of this Court) and Ma. Luisa C. Quijano-Padilla of the Sixth Division, Court of Appeals, Manila.

[3] Id. at 81-83. The April 26, 2018 Resolution was penned by Associate Justice Magdangal M. De Leon and concurred in by Associate Justices Amy C. Lazaro-Javier and Ma. Luisa C. Quijano-Padilla of the Former Sixth Division, Court of Appeals, Manila.

[4] Id. at 56.

[5] Id. at 56-57.

[6] Id. at 57.

- [7] Id. at 57-62.
- [8] Id. at 62.
- [9] Id. at 58.
- [10] Id.
- [11] Id.
- [12] Id. at 58-59.
- [13] Id. at 59.
- [14] Id.
- [15] Id. at 61.
- [16] Id. at 59.
- [17] Id. at 61.
- [18] Id. at 59-60.
- [19] Id. at 63.
- [20] Id.
- [21] Id. at 63-64.
- [22] Id. at 64.
- [23] Id.
- [24] Id.
- [25] Id.
- [26] Id.
- [27] Id.
- [28] Id. at 55.
- [29] Id. at 66.
- [30] Id. at 67-68.
- [31] Id. at 68-69.
- [32] Id. at 55-56.
- [33] Id. at 69.
- [34] Id. at 55.
- [35] Id. at 55-79.
- [36] Id. at 75-76.
- [37] Id. at 77.

[38] Id. at 78.

[39] Id. at 84-88.

[40] Id. at 81-83.

[41] Id. at 13-53.

[42] Id. at 22-24.

[43] Id. at 24-25.

[44] Id. at 32.

[45] Id. at 36.

[46] Id. at 42-43.

[47] Id. at 102-112.

[48] Id. at 44-49.

[49] Id. at 149-188. The Office of the Solicitor General adopted (rollo, pp. 143-148) its Brief as its comment to the Petition before this Court.

[50] Id. at 162-165.

[51] Id. at 181-182.

[52] Id. at 176.

[53] 320 Phil. 324 (1995) [Per J. Davide, Jr., First Division].

[54] CONST., art. III, sec. 1 provides:

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

[55] CONST., art. III, sec. 14(2) provides:

(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.

[56] *People v. Ganguso*, 320 Phil. 324, 335 (1995) [Per J. Davide, Jr., First Division].

[57] *Macayan, Jr. v. People*, 756 Phil. 202 (2015) [Per J. Leonen, Second Division].

[58] Republic Act No. 9165 (2002), sec. 5 provides:

SECTION 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. — 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 sell, trade, administer, dispense, deliver,

give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

[59] *People v. Morales*, 630 Phil. 215, 228 (2010) [Per J. Del Castillo, Second Division], citing *People v. Darisan, et.al.*, 597 Phil. 479, 485 (2009) [Per J. Corona, First Division].

[60] Republic Act No. 9165 (2002), sec. 11 provides:

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[.]

[61] *People v. Morales*, 630 Phil. 215, 228 (2010) [Per J. Del Castillo, Second Division] citing *People v. Darisan*, 597 Phil. 479, 485 (2009) [Per J. Corona, First Division].

[62] Republic Act No. 9165 (2002), sec. 21(1) as amended by Republic Act No. 10640 (2013).

[63] *People v. Tanes*, G.R. No. 240596, April 3, 2019, [Per J. Caguioa, Second Division].

[64] *People v. Holgado*, 741 Phil. 78, 93 (2014) [Per J. Leonen, Third Division].

[65] *People v. Morales*, 630 Phil. 215, 229 (2010) [Per J. Del Castillo, Second Division].

[66] 633 Phil. 393, 403 (2010) [Per J. Perez, Second Division].

[67] *Id.*

[68] *Rollo*, p. 61.

[69] *Id.* at 59.

[70] *Id.* at 62.

[71] *Id.* at 61.

[72] G.R. No. 228890, April 18, 2018, 862 SCRA 131 [Per J. Caguioa, Second Division].

[73] *Id.* at 150.

[74] 741 Phil. 78 (2014) [Per J. Leonen, Third Division].

[75] *Id.* at 100.

[76] 624 Phil. 289 (2010) [Per J. Brion, Second Division].

[77] *Id.* at 311.

[78] *Id.* at 67-68.

[79] 699 Phil 328 (2010) [Per J. Mendoza, Third Division].

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