

# FIRST DIVISION

[ G.R. No. 243633, July 15, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
HELENMIE P. ABUEVA, ACCUSED-APPELLANT.**

## RESOLUTION

**REYES, J. JR., J.:**

The sacred and indelible right to due process enshrined under our Constitution, fortified under statutory law, should never be sacrificed for the sheer sake of convenience and expediency. In any law-abiding democracy, this cannot and should not be allowed, at least not while this Court sits.<sup>[1]</sup>

Before us is an appeal<sup>[2]</sup> from the May 16, 2018 Decision<sup>[3]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09188 finding accused-appellant Helenmie P. Abueva<sup>[4]</sup> (Abueva) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act (R.A.) No. 9165.<sup>[5]</sup>

### The Facts

On July 13, 2015, Abueva was charged in an Information which reads:

That on or about the 9<sup>th</sup> day of July 2015, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully 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 one (1) small heat-sealed transparent plastic sachet marked as "FE 07/09/15" containing 0.09 gram of white crystalline substance to [poseur-buyer] SPO1 Fercival S. España, which content of said sachet when tested was found positive for Methamphetamine hydrochloride (shabu), a dangerous drug.<sup>[6]</sup>

The case was docketed as Criminal Case No. 15-0854. Abueva was arraigned on July 28, 2015 and she pleaded not guilty; whence, trial ensued.<sup>[7]</sup>

The collective testimonies of the prosecution witnesses sought to prove the following occurrences:

On July 9, 2015, at around 8:00 p.m., a male informant went to the Station Anti-Illegal Drugs–Special Operation Task Group (SAID-SOTG) in Parañaque City and reported that a certain alias "Inday" – later identified as Abueva – was engaged in illegal drug activity in in *Purok 1, Silverio Compound, Barangay San Isidro, Parañaque City*. Acting on this information, Police Senior Inspector Paulo Paquito Tampol (PSI Tampol) organized a buy-bust team composed of eight members, among whom were Senior Police Inspector 2 Fercival España (SPO2 España) to act

as the *poseur*-buyer and PO3 Sherwin Somera (PO3 Somera) was his backup.<sup>[8]</sup> The team then made their way to Silverio Compound, *Barangay* San Isidro, Parañaque City and arrived there at around 8:40 p.m.<sup>[9]</sup> SPO2 España, along with the informant, then walked to an alley where they saw a young male bystander whom the informant asked: "*Si Inday nandiyan ba? Kasama ko 'yung dati kong boss.*"<sup>[10]</sup> Upon hearing this, the young man went inside a nearby house, and after a few minutes, Abueva came out.<sup>[11]</sup> The informant then introduced SPO2 España as his former employer who wanted to buy *shabu* worth P300.00.<sup>[12]</sup> SPO2 España gave the marked three pieces of P100.00 bills to Abueva and the latter said "*Sandali lang, hintayin n'yo ako d'yan.*"<sup>[13]</sup> Abueva went back inside the house and came right back, and handed to SPO2 España one small heat-sealed transparent plastic sachet containing white crystalline substance.<sup>[14]</sup> Thereafter, SPO2 España lit a cigarette to signal his backup, PO3 Somera and the rest of the buy-bust team that the transaction was already consummated. Abueva was then apprehended and informed of her Constitutional rights. SPO2 España then marked the seized drug right at the place of arrest in the presence of Abueva and the other operatives.<sup>[15]</sup> The buy-bust team initially proceeded to the *barangay* hall of San Isidro where the team leader tried calling a representative from the DOJ and the *Barangay* Chairman while the *barangay tanods* tried to locate an elected public official, but both efforts proved futile.<sup>[16]</sup> Thus, after 30 minutes of waiting in vain, the police officers brought Abueva to their office at SAID-SOTG where the inventory and photography were conducted and witnessed by Abueva herself and a media representative named Steve Tameta.<sup>[17]</sup> Afterwards, SPO2 España and PO3 Somera transported the confiscated item to the Philippine National Police (PNP) Crime Laboratory in Makati City where it was personally received by PSI Rendielyn Sahagun (PSI Sahagun).<sup>[18]</sup> Subsequently, PSI Sahagun issued a laboratory report confirming the presence of methamphetamine hydrochloride or *shabu* in the submitted specimen.<sup>[19]</sup>

On the other hand, Abueva denied the allegations. According to Abueva, she was in her home preparing the bed of her children when several male persons suddenly entered her house and searched the same, but found nothing. She was then dragged out of her house and brought to a *kubo* where she was forced to sign on a blank paper. Abueva claimed that she was merely framed.<sup>[20]</sup>

### **The Ruling of the Trial Court**

On October 18, 2016, the Regional Trial Court (RTC) of Parañaque City, Branch 259 rendered its Decision<sup>[21]</sup> finding Abueva guilty as charged. The RTC held that the prosecution was able to sufficiently establish all the elements of illegal sale of dangerous drugs and that the *corpus delicti* was properly identified and preserved. Thus, the decretal portion of the RTC Decision states:

WHEREFORE, premises considered[,] the Court finds accused [HELENMIE P. ABUEVA] @ "Inday" in Criminal Case No. 15-0854 for violation of [Section]5, Art[.] II of R.A. No. 9165 for sale of methamphetamine hydrochloride weighing 0.09 gram, GUILTY beyond reasonable doubt and is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of Php 1,000,000.00.

x x x x

SO ORDERED.<sup>[22]</sup>

### **The Ruling of the CA**

In the herein assailed Decision, the CA concurred with the RTC that the prosecution was able to substantiate with proof beyond reasonable doubt the guilt of Abueva for violation of Section 5, Article II of R.A. No. 9165. Moreover, the CA declared that the apprehending officers substantially complied with the required procedure on the custody and control of the seized drug and that the prosecution was able to show that the buy-bust team exerted effort to secure the attendance of a DOJ representative and an elected public official during the inventory and taking of photos. The CA, thus, ruled:

WHEREFORE, the appeal is DISMISSED. The *Decision* dated October 18, 2016 of the RTC of Parañaque City, Branch 259 finding accused-appellant [Helenmie P. Abueva] guilty beyond reasonable doubt of violation of Section 5, Article II of [R.A. No.] 9165, and sentencing her to suffer the penalty of life imprisonment and to pay the fine of one million pesos (P1,000,000.00) is hereby AFFIRMED.

SO ORDERED.<sup>[23]</sup>

Hence, this appeal.

In a Resolution<sup>[24]</sup> dated February 11, 2019, the Court required the parties to file their respective supplemental briefs, if they so desire. Both parties, however, manifested that they will no longer file the said pleading as they had already exhaustively discussed their position in their respective Briefs filed before the CA.<sup>[25]</sup>

### **The Court's Ruling**

The appeal is impressed with merit. Abueva is acquitted based on reasonable doubt.

While generally, the findings of the RTC, as affirmed by the CA, are binding and conclusive upon this Court, a careful examination of the records of the case reveals that the lower courts overlooked some significant facts and circumstances which, if considered in their true light, compels Abueva's exoneration.

It is axiomatic that to secure the conviction of Abueva, all the elements of the crime charged against her must be proven. And among the fundamental principles to which undivided fealty is given is that, in a criminal prosecution for violation of Section 5, Article II of R.A. No. 9165, as amended, the State is mandated to prove that the illegal transaction did in fact take place; and there is no stronger or better proof of this fact than the presentation in court of the actual and tangible seized drug itself mentioned in the inventory, and as attested to by the so-called insulating witnesses named in the law itself. Hence, it is the prosecution's burden to establish the integrity of the dangerous drug, this being the *corpus delicti* of the case.<sup>[26]</sup> This presupposes that an unbroken chain of custody over the subject illegal drug, from the time of its confiscation until its presentation in court, must be clearly and sufficiently established.<sup>[27]</sup>

Section 21(1), Article II of R.A. No. 9165 states:

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 [DOJ], and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof[.]<sup>[28]</sup>

Supplementing the above-quoted provision, Section 21(a) of the Implementing Rules and Regulations (IRR) of R.A. No. 9165 mandates:

- (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 [DOJ], and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items.<sup>[29]</sup>

On July 15, 2014, R.A. No. 10640<sup>[30]</sup> was approved to amend R.A. No. 9165. Among other modifications, it essentially incorporated the saving clause contained in the IRR, thus:

- (1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service [(NPS)] or the media who shall be required to sign the copies of the inventory and be