



Republic of the Philippines  
Supreme Court  
Manila

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MISAEL DOMINGO C. BATTUNG III  
Division Clerk of Court  
Third Division

THIRD DIVISION

JAN 20 2020

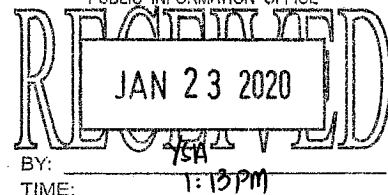
JAKE MESA y SAN JUAN,  
Petitioner,

G.R. No. 241135

Present:

PERALTA, J.,  
Chairperson,  
LEONEN,\*  
REYES, A., JR.,  
HERNANDO, and  
INTING, JJ.

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



- versus -

PEOPLE OF THE PHILIPPINES,  
Respondent.

Promulgated:

October 14, 2019

Misael D C Battung

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DECISION

REYES, A., JR., J.:

Before the Court is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court assailing the Decision<sup>2</sup> dated March 23, 2018 and Resolution<sup>3</sup> dated July 11, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 39978, which affirmed the conviction of Jake Mesa y San Juan (petitioner) for violation of Section 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. In a Decision<sup>4</sup> dated February 28, 2007, the Regional Trial Court (RTC) of Binangonan, Rizal, Branch 67, in Criminal Case No. 12-0647, found the petitioner guilty beyond reasonable doubt of Illegal Possession of Dangerous Drugs. He was sentenced to suffer an indeterminate penalty of twelve (12) years and one (1) day imprisonment, as minimum, to thirteen (13) years, as maximum, and to pay a fine of ₱300,000.00.

\* On wellness leave.

<sup>1</sup> Rollo, pp. 12-28.

<sup>2</sup> Penned by Associate Justice Jhosep Y. Lopez, with Associate Justices Japar B. Dimaampao and Manuel M. Barrios concurring; id. at 34-42.

<sup>3</sup> Id. at 44-45.

<sup>4</sup> Penned by Judge Dennis Patrick Z. Perez; id. at 81-82.

reyes

### The Facts

The petitioner was charged with violation of Section 11, Article II of R.A. No. 9165. The accusatory portion of the Information against him reads as follows:

That on or about the 25<sup>th</sup> day of November 2012, in the Municipality of Binangonan, Province of Rizal, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, not being lawfully authorized to possess any drug, did then and there willfully, unlawfully and knowingly possess and have in his custody and control 0.05 gram of white crystalline substance contained in one (1) heat-sealed transparent plastic sachet which substance was found positive to the tests for Methamphetamine Hydrochloride, also known as "shabu," a dangerous drug, in violation of the above cited law.

Contrary to law.<sup>5</sup>

On arraignment, the petitioner pleaded "not guilty" to the charge. Thereafter, pre-trial and trial on the merits ensued.<sup>6</sup>

### Version of the Prosecution

That on November 25, 2012, at around 8:30 a.m., while Police Officer 1 Rommel Bilog (PO1 Bilog) was on duty at the Binangonan Police Station, a confidential informant arrived and relayed to the police officers that a certain alias "*Sapyot*" was selling illegal drugs in Barangay Mahabang Parang, Binangonan, Rizal.<sup>7</sup>

When the Chief of Police received the information, he immediately instructed PO1 Bilog and PO1 Raul Paran (PO1 Paran) to verify the report. The police officers, along with the confidential informant, went to the scene. Thereat, they were able to observe *Sapyot* who came from a house and was then approached by another man to whom the former gave a small plastic sachet.<sup>8</sup>

When the police officers advanced to investigate further, firecrackers suddenly exploded alerting *Sapyot* and his companion. At that instance, *Sapyot* and his male companion ran away. The police officers got hold of the male companion who was later identified as Jake Mesa, the petitioner, while *Sapyot* was able to evade arrest. Right then and there, the police officers ordered the petitioner to empty his pockets revealing a plastic sachet

<sup>5</sup> Id. at 35.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id. at 36.

*meyer*

containing white crystalline substance. Upon confiscation, PO1 Bilog marked the plastic sachet with "JAK," made an inventory of the evidence seized as witnessed by Cesar Barquilla (Barquilla), a media representative, and brought the petitioner to the police station.<sup>9</sup>

The seized item was sent to the Philippine National Police Crime Laboratory in Taytay, Rizal for the conduct of a qualitative examination. The examination of the plastic sachet yielded positive for the presence of methamphetamine hydrochloride, otherwise known as "*shabu*," as contained in Chemistry Report No. D-549-12.<sup>10</sup>

### Version of the Defense

At around noon of November 25, 2012, the petitioner was in the house of Eric Mesa when he heard an explosion and thought that an accident occurred. When he looked around, he saw four armed men running towards the house of Sapyot, Eric's neighbor. Startled, he hid at the back of Eric's house and thereafter saw Sapyot being chased by two police officers. When the police officers failed to catch Sapyot, they turned towards him and accosted him instead. The police officers told him that if they cannot catch Sapyot, they will charge him instead. According to the petitioner, he had nothing to do with Sapyot's business and was only there to feed and take care of the fighting cocks. The police officers ignored his plea and brought him to the police station where he was handcuffed to a steel bar for three days and was forced to hold a gun allegedly recovered from Sapyot.<sup>11</sup>

In its Decision<sup>12</sup> dated February 28, 2017, the trial court found the petitioner guilty beyond reasonable doubt of the crime charged. The dispositive portion of the decision reads:

In light of the above, we find [the petitioner] GUILTY beyond reasonable doubt of violating Section 11, Article II, [R.A.] No. 9165 and illegally possessing a total of 0.05 gram of Methamphetamine Hydrochloride or shabu and accordingly sentence him to suffer an indeterminate penalty of 12 years and 1 day as minimum to 13 years as maximum and to pay a fine of P300,000.00. Bail posted for his provisional liberty is hereby REVOKED and we ORDER his immediate arrest.

Let the drug samples in this case be forwarded to the Philippine Drug Enforcement Agency (PDEA) for proper disposition. Furnish PDEA with a copy of this Decision per OCA Circular No. 70-2007.

SO ORDERED.<sup>13</sup> (Underscoring in the original)

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<sup>9</sup> Id.  
<sup>10</sup> Id.  
<sup>11</sup> Id.  
<sup>12</sup> Id. at 81-82.  
<sup>13</sup> Id. at 59.

*Meyer*

Undeterred, the petitioner interposed an appeal asseverating that his warrantless arrest was illegal and that the required procedure as regards the chain of custody was not complied with. In a Decision<sup>14</sup> dated March 23, 2018, the CA affirmed the ruling of the trial court and held that the prosecution convincingly proved that there was substantial compliance with the rule on chain of custody. The decretal portion of the CA decision reads:

**WHEREFORE**, in view of the foregoing, the appeal is hereby **DISMISSED**. The Decision dated February 28, 2017 of the [RTC] of Binangonan, Rizal, Branch 67, in Criminal Case No. 12-0647 is **AFFIRMED**.

**SO ORDERED**.<sup>15</sup> (Emphases in the original)

Petitioner moved for reconsideration of the aforementioned decision, but the same was denied by the CA in a Resolution<sup>16</sup> dated July 11, 2018.

Hence, the present petition.

### The Issues

Whether or not the CA committed grave error in affirming the petitioner's conviction for violation of Section 11 of R.A. No. 9165 notwithstanding the following:

- I. Inadmissibility of the allegedly confiscated drugs for being fruit of the poisonous tree;
- II. Irregularities in marking and conduct of inventory of the allegedly confiscated item; and
- III. Failure of the prosecution to overcome the presumption of innocence afforded to the petitioner by the Philippine Constitution.

### Ruling of the Court

The petition is impressed with merit.

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

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<sup>14</sup> Id. at 34-42.

<sup>15</sup> Id. at 42.

<sup>16</sup> Id. at 44-45.

*Reyes*

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.<sup>17</sup>

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.<sup>18</sup>

Here, the petitioner was charged with Illegal Possession of Dangerous Drugs, defined and penalized under Section 11,<sup>19</sup> Article II of R.A. No. 9165. As to the legality of his arrest, the Court agrees with the CA that since the petitioner's objections were belatedly raised, he is deemed to have waived the inadmissibility of the evidence obtained.

Petitioner maintains 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 its failure to comply with the procedure outlined in Section 21 of R.A. No. 9165.

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 1 not only provides the manner by which the seized drugs must be handled, but likewise enumerates the persons who are required to be present during the inventory and taking of photographs, *viz.*:

<sup>17</sup> *People v. Ismael*, 806 Phil. 21, 29 (2017); *Reyes v. Court of Appeals*, 686 Phil. 137, 148 (2012), citing *People v. Sembrano*, 642 Phil. 476, 490-491 (2010).

<sup>18</sup> *People of the Philippines v. Ronaldo Paz y Dionisio*, G.R. No. 229512, January 31, 2018, citing *People v. Viterbo*, 739 Phil. 593, 601 (2014); *People v. Alivio, et al.*, 664 Phil. 565, 580 (2011); *People v. Denoman*, 612 Phil. 1165, 1175 (2009).

<sup>19</sup> **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.

*Meyer*

**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<sup>20</sup> partly 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/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 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

<sup>20</sup> 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.

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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. Failure of the arresting officers to justify the absence of any of the required witnesses, *i.e.*, the representative from the media or the DOJ and any elected official shall constitute 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. No. 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.

The use of the word "shall" means that compliance with the foregoing requirements is mandatory. Section 21(a) expressly provides that physical inventory and the taking of photographs must be made in the presence of the accused or his/her representative or counsel and the following **indispensable** witnesses: **(1) an elected public official, (2) a representative from the DOJ and (3) a representative from the media.** The Court, in *People v. Mendoza*,<sup>21</sup> 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.*:

<sup>21</sup> 736 Phil. 749 (2014).

*Mejia*

[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.<sup>22</sup>

In the present case, only one out of three of the required witnesses was present during the inventory stage - media representative Barquilla. There was no elected barangay official or representative from the DOJ. Neither was it shown nor alleged by the police officers that earnest efforts were made to secure the attendance of the other witnesses. 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.

In the recent case of *People of the Philippines v. Romy Lim y Miranda*,<sup>23</sup> the Court, speaking through now Chief Justice Diosdado M. Peralta, reiterated the rule that apprehending/seizing officers, in their sworn affidavits, must state their compliance with the requirements of Section 21(1) of R.A. No. 9165, as amended and its IRR. The prosecution witnesses must establish in detail that earnest efforts to coordinate with and secure the presence of the required witnesses were made. In addition, it pointed out that, given the increasing number of poorly built up drug-related cases in the courts' docket, Section 1 (A.1.10) of the Chain of Custody IRR should be enforced as a mandatory policy. The pertinent portions of the Decision<sup>24</sup> read:

To conclude, judicial notice is taken of the fact that arrests and seizures related to illegal drugs are typically made without a warrant; hence, subject to inquest proceedings. Relative thereto, Sections 1 (A.1.10) of the Chain of Custody [IRR] directs:

A.1.10. Any justification or explanation in cases of noncompliance with the requirements of Section 21 (1) of R.A. No. 9165, as amended, shall be clearly stated in the sworn statements/ affidavits of the apprehending/ seizing officers, as well as the steps taken to preserve the integrity and evidentiary value of the seized/ confiscated items. Certification or record of coordination for operating units other than the PDEA pursuant to Section 86(a) and (b), Article IX of the IRR of R.A. No. 9165 shall be presented.

<sup>22</sup> Id. at 764.

<sup>23</sup> G.R. No. 231989, September 4, 2018.

<sup>24</sup> Id.

*Keyser*



While the above-quoted provision has been the rule, it appears that it has not been practiced in most cases elevated before Us. Thus, in order to weed out early on from the courts' already congested docket any orchestrated or poorly built-up drug-related cases, the following should henceforth be enforced as a mandatory policy:

1. In the sworn statements/ affidavits, the apprehending/seizing officers must state their compliance with the requirements of Section 21 (1) of R.A. No. 9165, as amended and its IRR.

2. In case of non-observance of the provision, the apprehending/seizing officers must state the justification or explanation therefor as well as the steps they have taken in order to preserve the integrity and evidentiary value of the seized/confiscated items.

3. If there is no justification or explanation expressly declared in the sworn statements or affidavits, the investigating fiscal must not immediately file the case before the court. Instead, he or she must refer the case for further preliminary investigation in order to determine the (non) existence of probable cause.

4. If the investigating fiscal filed the case despite such absence, the court may exercise its discretion to either refuse to issue a commitment order (or warrant of arrest) or dismiss the case outright for lack of probable cause in accordance with Section 5, Rule 112, rules of Court.<sup>25</sup>

Simply put, 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*<sup>26</sup> is instructive on the matter:

Minor deviations from the procedures under R.A. [No.] 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. [No.] 9165), serious uncertainty is generated about the identity of

<sup>25</sup> Id.

<sup>26</sup> 686 Phil. 1024 (2012).

*Meyer*

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. [No.] 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.<sup>27</sup> (Citations omitted)

The unjustified absence of two witnesses during the inventory stage is not a mere minor lapse which courts can simply brush aside without consequence. Failure to adduce justifiable grounds for these absences constitutes a substantial gap in the chain of custody which in turn, casts serious doubts on the integrity and evidentiary value of the *corpus delicti*. As such, the petitioner must be acquitted.

At a time when there is very little distinction when it comes to the imposition of penalties in drug-related cases, courts are tasked to review cases with a more stringent level of scrutiny and to diligently follow the procedural safeguards set forth in our laws to ensure that no innocent man is unjustly punished or deprived of liberty. A miniscule amount of prohibited drugs can imprison a person for nearly a quarter of his life and in severe or aggravated cases, can imprison him for life without the benefit of parole.

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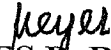
Id. at 1053-1054.

Finally, it cannot be gainsaid that it is mandated by no less than the Constitution<sup>28</sup> 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*,<sup>29</sup> 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.

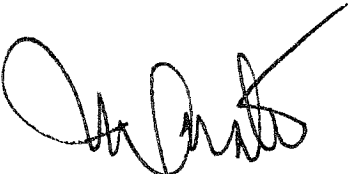
**WHEREFORE**, premises considered, the petition is **GRANTED**. The Decision dated March 23, 2018 and Resolution dated July 11, 2018 of the Court of Appeals in CA-G.R. CR No. 39978, affirming the conviction of petitioner Jake Mesa y San Juan for violation of Section 11, Article II of Republic Act No. 9165, are hereby **REVERSED** and **SET ASIDE**. Accordingly, petitioner Jake Mesa y San Juan is **ACQUITTED** of the crime 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. Let entry of final judgment be issued immediately.

**SO ORDERED.**

  
**ANDRES H. REYES, JR.**  
Associate Justice

**WE CONCUR:**

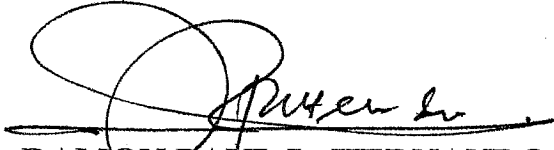
  
**DIOSDADO M. PERALTA**  
Associate Justice  
Chairperson

<sup>28</sup> 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.

<sup>29</sup> G.R. No. 210610, January 11, 2018.


(On wellness leave)  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**RAMON PAUL L. HERNANDO**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

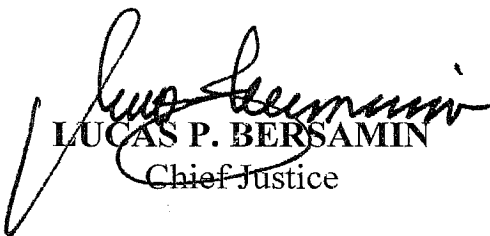
**ATTESTATION**

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.

  
**DIOSDADO M. PERALTA**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify 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

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*Mis DC Bell*  
**MISAEAL DOMINGO C. BATTUNG III**  
Division Clerk of Court  
Third Division

JAN 20 2020