



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated May 14, 2021 which reads as follows:*

**“G.R. No. 239898 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus IRENE HALILI y DAM, accused-appellant.**

After a careful review of the records of the case, the Court **REVERSES** the Decision<sup>1</sup> dated January 19, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08905, which affirmed the Decision<sup>2</sup> dated June 27, 2016 rendered by the Regional Trial Court of Parañaque City, Branch 259, in Criminal Case Nos. 11-0270 and 11-0271 finding accused-appellant Irene Halili y Dam guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165, otherwise known as “The Comprehensive Dangerous Drugs Act of 2002.” The Court acquits accused-appellant for failure of the prosecution to prove her guilt beyond reasonable doubt.

In cases involving dangerous drugs, the burden of the prosecution weighs heavily on the proof of the identity and integrity of the *corpus delicti*, which is the dangerous drugs itself.<sup>3</sup> To discharge this burden, the prosecution must establish an unbroken chain of custody of the seized items and prove compliance with the

- over – two (2) pages ...

209-B

<sup>1</sup> *Rollo*, pp. 2-12. Penned by Associate Justice Ricardo R. Rosario (now a member of this Court) with Associate Justices Marie Christine Azcarraga-Jacob and Ronaldo B. Martin, concurring.

<sup>2</sup> *CA rollo*, pp. 38-44. Penned by Presiding Judge Danilo V. Suarez.

<sup>3</sup> *People v. Labsan*, G.R. No. 227184, February 6, 2019, 892 SCRA 112, 128.

A small, handwritten signature or mark in the bottom right corner of the page.

requirements of Section 21,<sup>4</sup> Article II of RA 9165.<sup>5</sup> Strict compliance with these requirements is mandatory, and any deviation therefrom must be acknowledged and explained or justified by the prosecution; otherwise, the integrity and credibility of the *corpus delicti* are tarnished and the claim that a violation of RA 9165 was committed by the accused becomes questionable.<sup>6</sup>

Following a catena of cases,<sup>7</sup> where the Court acquitted the accused due to the police officers' unjustified failure to comply with Section 21, particularly on the presence of all the mandatory witnesses during the inventory and photographing of the seized items, accused-appellant should perforce be acquitted because only a barangay kagawad witnessed the conduct of the inventory.<sup>8</sup> Worse, the prosecution failed to prove any justifiable reason for the police officers' non-compliance with the three-witness rule. Neither was there any showing that earnest efforts were made to contact the other required witnesses. Indeed, the Court cannot emphasize enough that the presence of all the enumerated witnesses during the seizure and inventory of the seized items is mandatory to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence.<sup>9</sup>

- over -

209-B

<sup>4</sup> The said section reads as follows:

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[.]

<sup>5</sup> *People v. Supat*, G.R. No. 217027, June 6, 2018, 865 SCRA 45, 82.

<sup>6</sup> See *People v. Que*, G.R. No. 212994, January 31, 2018, 853 SCRA 487.

<sup>7</sup> *People v. Mendoza*, G.R. No. 192432, June 23, 2014, 727 SCRA 113; *People v. Reyes*, G.R. No. 199271, October 19, 2016, 806 SCRA 513; *People v. Sagana*, G.R. No. 208471, August 2, 2017, 834 SCRA 225; *People v. Guieb*, G.R. No. 233100, February 14, 2018, 855 SCRA 620; *People v. Tomawis*, G.R. No. 228890, April 18, 2018, 862 SCRA 131; *People v. Lim*, G.R. No. 231989, September 4, 2018, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64400>>; *People v. Miranda*, G.R. No. 218126, July 10, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65602>>; *People v. Dayon*, G.R. No. 229669, November 27, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65994>>; *Tañamor v. People*, G.R. No. 228132, March 11, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66109>>; *People v. Arellaga*, G.R. No. 231796, August 24, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66340>>; and *People v. Casilang*, G.R. No. 242159, February 5, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66075>>.

<sup>8</sup> CA rollo, pp. 29-30, 41.

<sup>9</sup> *People v. Guieb*, supra note 7, at 637.

All told, the prosecution in this case failed to discharge its burden of proving the *corpus delicti* of the offense. The presumption of accused-appellant's innocence must therefore be upheld.

**WHEREFORE**, the instant appeal<sup>10</sup> is hereby **GRANTED**. The Decision dated January 19, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08905 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Irene Halili y Dam is hereby **ACQUITTED** for failure of the prosecution to establish her guilt beyond reasonable doubt, and is **ORDERED IMMEDIATELY RELEASED** from detention, unless she is being lawfully held for another cause. Let an entry of final judgment be issued immediately.

Let a copy of this Resolution be furnished the Superintendent of the Correctional Institution for Women, Mandaluyong City, for immediate implementation. The said Superintendent is **ORDERED** to **REPORT** to this Court within five (5) days from receipt of this Resolution the action she has taken.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *off 112*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**209-B**

The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 08905)

The Hon. Presiding Judge  
Regional Trial Court, Branch 259  
1700 Parañaque City  
(Crim. Case Nos. 11-0270 & 11-0271)

- over -

<sup>10</sup> *Rollo*, pp. 13-14.



PUBLIC ATTORNEY'S OFFICE  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
DOJ Agencies Building  
Diliman, 1101 Quezon City

Ms. Irene D. Halili (x)  
Accused-Appellant  
c/o The Superintendent  
Correctional Institution for Women  
1550 Mandaluyong City

The Superintendent (x)  
Correctional Institution for Women  
1550 Mandaluyong City

The Director General (x)  
Bureau of Corrections  
1770 Muntinlupa City

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Philippine Judicial Academy (x)  
Supreme Court

Judgment Division (x)  
Supreme Court



**209-B**

UR

*Handwritten initials*