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Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 238453
Plaintiff-Appellee,

Present:

-versus-

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

JAIME SISON, LEONARDO
YANSON, AND ROSALIE
BAUTISTA,
Accused;

LEONARDO YANSON,
Accused-Appellant.

Promulgated:
July 31, 2019

Misael DDC Batt

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DECISION

LEONEN, J.:

To be valid, searches must proceed from a warrant issued by a judge.¹ While there are exceptions to this rule, warrantless searches can only be carried out when founded on probable cause, or “a reasonable ground of suspicion supported by circumstances sufficiently strong in themselves to warrant a cautious man to believe that the person accused is guilty of the offense with which he is charged.”² There must be a confluence of several suspicious circumstances. A solitary tip hardly suffices as probable cause;

* On wellness leave.

¹ CONST., art. III, sec. 2.

² *People v. Aruta*, 351 Phil. 868, 880 (1998) [Per J. Romero, Third Division].

items seized during warrantless searches based on solitary tips are inadmissible as evidence.

In offenses involving illegal drugs, narcotics or related items establish the commission of the crime charged. They are the *corpus delicti* of the offense.³ The inadmissibility of illegally seized evidence that forms the *corpus delicti* dooms the prosecution's cause. Without proof of *corpus delicti*, no conviction can ensue, and acquittal is inexorable.

This Court resolves an appeal from the assailed Decision⁴ of the Court of Appeals, which affirmed the Regional Trial Court's Joint Judgment⁵ convicting accused-appellant Leonardo Yanson (Yanson) and his co-accused, Jaime Sison (Sison) and Rosalie Bautista (Bautista), for violation of Section 4⁶ of Republic Act No. 6425, as amended, otherwise known as the Dangerous Drugs Act of 1972.

An Information was filed against Sison, Yanson, and Bautista before the Regional Trial Court, Branch 16, Kabacan, Cotabato City, charging them with violation of Section 4 of the Dangerous Drugs Act of 1972:

That on May 31, 1996, in the Municipality of Mlang (*sic*), Province of Cotabato, Philippines, the above-named accused, conspiring, confederating, and mutually helping one another, did then and there willfully, unlawfully, feloniously and knowingly, without any permit from the authorities, transport, shipped (*sic*) and carry along with them, in a vehicle with trademark ISUZU, colored Silver gray, with Plate No. SDC 619, Six (6) kilos of dried marijuana leaves/Indian Hemp, placed inside two (2) separate sacks, which is prohibited drugs.

CONTRARY TO LAW.⁷

³ *People v. Tomawis*, G.R. No. 228890, April 18, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64241>> [Per J. Caguioa, Second Division] citing *People v. Suan*, 627 Phil. 174, 188 (2010) [Per J. Del Castillo, Second Division].

⁴ *Rollo*, pp. 4–34. The Decision dated January 23, 2018 in CA G.R. CR-HC No. 01374-MIN was penned by Associate Justice Perpetua T. Atal-Paño, and concurred in by Associate Justices Edgardo A. Camello and Walter S. Ong of the Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

⁵ *CA rollo*, pp. 92–111. The Joint Judgment in Crim. Case No. 96-121, which was promulgated on March 11, 2013, was penned by Presiding Judge Alandrex M. Betoya of Branch XVI, Regional Trial Court, Kabacan, Cotabato.

⁶ Republic Act No. 6425 (1972), sec. 4 provides:

SECTION 4. Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs. — The penalty of imprisonment ranging from twelve years and one day to twenty years and a fine ranging from twelve thousand to twenty thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, administer, deliver, give away to another, distribute, dispatch in transit or transport any prohibited drug, or shall act as a broker in any such transactions. In case of a practitioner, the additional penalty of the revocation of his license to practice his profession shall be imposed. If the victim of the offense is a minor, the maximum of the penalty shall be imposed.

Should a prohibited drug involved in any offense under this Section, be the proximate cause of the death of a victim thereof, the penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon the pusher.

⁷ *CA rollo*, p. 93.

On arraignment, all accused pleaded not guilty to the crime charged. Trial then followed.⁸

The prosecution presented six (6) witnesses:⁹ (1) Superintendent/Colonel Eriel Mallorca (Superintendent Mallorca); (2) Senior Police Officer 4 Dionisio Arsenio (SPO4 Arsenio); (3) PO3 Rafael Biton; (4) SPO3 Isaac Prado (SPO3 Prado); (5) SPO4 Vivencio Jaurigue; and (6) SPO4 Albert Claudio. The defense presented the three (3) accused as its witnesses.¹⁰

According to the prosecution, at 8:30 a.m. on May 31, 1996, the Municipal Police Station of M'lang, North Cotabato received a radio message about a silver gray Isuzu pickup—with plate number 619¹¹ and carrying three (3) people—that was transporting marijuana from Pikit. The Chief of Police instructed the alert team to set up a checkpoint on the riverside police outpost along the road from Matalam to M'lang.¹²

At around 9:30 a.m., the tipped vehicle reached the checkpoint and was stopped by the team of police officers on standby. The team leader asked the driver about inspecting the vehicle. The driver alighted and, at an officer's prodding, opened the pickup's hood. Two (2) sacks of marijuana were discovered beside the engine.¹³

The vehicle, its driver, and its passengers were brought to the local police station.¹⁴ The Chief of Police kept the seized sacks. The following day, he and SPO4 Arsenio brought the seized items to the Davao City Crime Laboratory for examination. The seized sacks were personally received by Superintendent Mallorca, who then examined the items and later reported that their contents tested positive for marijuana, weighing a total of 5,637 grams.¹⁵

The driver and the two (2) passengers were later identified as Sison, Bautista, and Yanson, respectively.¹⁶

For the defense, Yanson testified that at around 5:30 a.m. on the day of the incident, Bautista and Sison fetched him from his house in Poblacion, Surallah, South Cotabato. They all drove to Midsayap to get something

⁸ Id. at 94.

⁹ Id. at 95.

¹⁰ Id. at 98 and 99. Colonel Mallorca was referred to in the narration of the prosecution's facts as Superintendent Mallorca.

¹¹ Id. at 99.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id. at 99–100.

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from the house of the Surallah Mayor, who was Sison's uncle. He claimed, however, that he did not know what that something was.¹⁷ While he stayed in the pickup, Sison and Bautista entered the Mayor's house, came out 30 minutes later, then returned to their vehicle. They drove off, but stopped in Kabacan, North Cotabato to eat at a terminal before going home.¹⁸

As they reached M'lang on their way home, they were stopped by police officers who inspected the vehicle and told them that they were looking for something. After the inspection, they were brought to the police station where they were detained and compelled to admit that marijuana was seized from them.¹⁹

Sison testified on substantially the same sequence of events as Yanson, though he notably recalled that they took the trip to Midsayap at 5:30 p.m.²⁰

Bautista testified that at around 5:30 to 6:00 a.m. on the day of their arrest, she was waiting by the roadside for a ride to Marbel (also called Koronadal, South Cotabato) to purchase goods for resale in her ready-to-wear or "RTW" business. While she was waiting, Sison and Yanson, who were aboard a silver gray Isuzu pickup, saw her and stopped. Yanson asked about her destination and offered her a ride, which she accepted. En route to Cotabato City, they passed by Yanson's house where Yanson's male friend joined them. After passing a long steel bridge, Yanson told Sison to park. Yanson and his friend alighted and, on foot, crossed the highway and walked ahead together.²¹

After 30 minutes, Yanson and his friend returned and told Bautista that they were all going to return to the place they had just come from. Bautista, however, stayed behind by the highway. After some 15 to 20 minutes, Sison, Yanson, and his companion returned. When they were about to leave, Yanson's companion disembarked, leaving her, Yanson, and Sison to take the return trip at around 9:00 a.m. or 10:00 a.m. They stopped to eat at a carinderia before resuming their trip.²²

Bautista further alleged that when they reached M'lang, they were stopped by police officers who inspected their vehicle. Sison alighted and opened the vehicle's hood, exposing the marijuana under it. Upon

¹⁷ Id. at 100-101.

¹⁸ Id. at 101-102.

¹⁹ Id. at 101.

²⁰ Id.

²¹ Id. at 102.

²² Id. at 102-103.

discovery, they were taken to the police station along with their vehicle, and there they were detained.²³

In a Joint Judgment²⁴ promulgated on March 11, 2013, the Regional Trial Court convicted Yanson, Sison, and Bautista of the crime charged. The dispositive portion of the Joint Judgment read:

WHEREFORE, this Court hereby finds all accused GUILTY beyond reasonable doubt for VIOLATION OF SECTION 4, REPUBLIC ACT NO. 6425 (Dangerous Drug Act of 1972[).]

This Court hereby sentences each of them to suffer LIFE IMPRISONMENT. In addition, this Court imposes upon each of them a fine of TWENTY THOUSAND PESOS (Php 20,000.00).

In the service of their sentences, let the period of their respective preventive detention be credited in accordance with Article 29 of the Revised Penal Code.

The marijuana involved in this case is hereby confiscated in favor of the Government and shall be properly disposed of in accordance with the law.

Considering that the use of the vehicle in the commission of the offense is not authorized by its owner, it is hereby ordered that the said vehicle be returned to its owner.

The bail bond for accused-convict Rosalie Bautista is hereby cancelled. Pending the finality of this Judgment, let convict Rosalie Bautista be committed for detention at the North Cotabato District Jail, BJMP, Amas, Kidapawan City.

SO ORDERED.²⁵

The Regional Trial Court sustained the search conducted on the tipped vehicle as a valid warrantless search because, according to it, the accused consented anyway.²⁶

Moreover, the trial court made much of apparent inconsistencies in the accused's testimonies. It noted that Sison and Yanson testified that there were just three (3) of them in the trip, while Bautista recalled Yanson having a male companion. It also noted that Yanson and Bautista recalled leaving for Surallah at around 5:30 in the morning, while Sison recalled leaving at 5:30 in the afternoon. Also noteworthy to the trial court, Yanson and Sison

²³ Id. at 103.

²⁴ Id. at 92-111.

²⁵ Id. at 110-111.

²⁶ Id. at 108-109.

claimed that they were heading to Midsayap while Bautista maintained that they were headed to Cotabato City.²⁷

The trial court further concluded that all three (3) accused engaged in a conspiracy. It noted their acts of leaving Surallah together on board the same vehicle and making their return trip together as indicative of their joint purpose and design.²⁸

Only Yanson appealed before the Court of Appeals.²⁹

Yanson contended that the two (2) sacks of marijuana supposedly seized from him, Bautista, and Sison are inadmissible evidence since the police officers did not have probable cause to conduct a search on their vehicle.³⁰ He noted that the radio message supposedly received by the police officers was “[t]he sole basis for their belief of the alleged transportation of marijuana[.]”³¹

Citing *People v. Vinecario*,³² Yanson asserted that searches at checkpoints, in the absence of probable cause, should be limited only to a visual search. Thus, he maintained that the further instruction for Sison to open the hood of their pickup amounted to an unreasonable intrusion and violation of privacy. Yanson added that Sison could never have freely consented to an extensive search considering how, when they were flagged down and asked about opening the hood, he was surrounded by police officers and could not feel secure in declining.³³

Yanson added that while the governing law at the time he allegedly committed the offense was Republic Act No. 6425, he was entitled to benefit from the favorable amendatory provisions of Republic Act No. 9165. He noted that Section 21 of Republic Act No. 9165 requires arresting officers to strictly comply with the chain of custody requirements.³⁴

Yanson claimed that the police officers who arrested them failed to faithfully comply with Section 21, particularly when they failed to mark and seal the two (2) sacks of marijuana allegedly found under the pickup’s hood. He also pointed out that the Chief of Police, Jose Calimutan, failed to testify on the steps he took to maintain the integrity of the items allegedly seized.³⁵

²⁷ Id. at 103–104.

²⁸ Id. at 106.

²⁹ *Rollo*, p. 12.

³⁰ Id. at 13.

³¹ Id.

³² 465 Phil. 192 (2004) [Per J. Carpio Morales, Third Division].

³³ *Rollo*, pp. 13–14.

³⁴ Id. at 14.

³⁵ Id.

Yanson faulted the Regional Trial Court for maintaining that he engaged in a conspiracy with his co-accused. He asserted that he was simply a passenger who had no knowledge of whatever materials lay under the pickup's hood.³⁶

The Office of the Solicitor General countered that probable cause was properly established since there was verified information that the pickup was being used to transport illegal drugs. It maintained that an extensive search in checkpoints is allowed if the officers conducting the search have probable cause to believe, prior to the search, "that either the motorist was a law offender or that they would find evidence pertaining to the commission of a crime in the vehicle to be searched."³⁷

The Office of the Solicitor General added that the provisions of Section 21 of Republic Act No. 9165 could not be applied as the crime was committed on May 31, 1996, long before Republic Act No. 9165 came into effect. It added that, in any case, the police officers were shown to have adhered to the four (4) critical links concerning chain of custody.³⁸

The Office of the Solicitor General maintained that Yanson conspired with his co-accused to transport marijuana. It contended "that conspiracy need not be shown by direct proof of an agreement of the parties to commit the crime as long as the acts of the accused collectively and individually demonstrate the existence of a common design towards the accomplishment of [the] same unlawful purpose."³⁹

In its January 23, 2018 Decision,⁴⁰ the Court of Appeals affirmed the Regional Trial Court's Joint Judgment.

It ruled that there was probable cause to conduct an extensive search since the information received by the police officers was sufficiently accurate, given how the pickup "was spotted in the place where it was said to be coming from and was actually loaded with marijuana."⁴¹

Moreover, the Court of Appeals found no reason to apply Section 21 of Republic Act No. 9165, considering that Republic Act No. 9165 was not in effect when the crime was committed.⁴²

³⁶ Id.

³⁷ Id. at 14-15.

³⁸ Id. at 15.

³⁹ Id.

⁴⁰ Id. at 4-34.

⁴¹ Id. at 20.

⁴² Id. at 25.

The Court of Appeals also maintained the finding of conspiracy in Yanson's act of travelling with Sison and Bautista from Pikit to M'lang with the contraband.⁴³

The dispositive portion of the assailed Court of Appeals Decision read:

WHEREFORE, the appeal is DENIED. The Joint Judgment dated February 11, 2012 of the Regional Trial Court, 12th Judicial Region, Branch 16, Kabacan, Cotabato in Criminal Case No. 96-121 is AFFIRMED WITH MODIFICATION with respect to the penalty to be imposed as *Reclusion Perpetua* instead of Life Imprisonment and payment of fine of TWENTY THOUSAND PESOS (Php 20,000.00).

SO ORDERED.⁴⁴

Yanson filed his Notice of Appeal,⁴⁵ which was given due course by the Court of Appeals in its March 7, 2018 Resolution.⁴⁶

Acting on the records transmitted by the Court of Appeals, this Court issued a June 4, 2018 Resolution⁴⁷ informing the parties that they may file their respective supplemental briefs. Through separate manifestations, however, the parties opted to not file supplemental briefs and merely adopted the arguments and issues they had raised before the Court of Appeals.⁴⁸

For this Court's resolution is the issue of whether or not accused-appellant Leonardo Yanson's guilt for illegally transporting marijuana was established beyond reasonable doubt. Subsumed under this issue are the issues previously raised before the Court of Appeals:

First, whether or not a valid search and seizure was conducted on the pickup boarded by accused-appellant and his co-accused, Jaime Sison and Rosalie Bautista;

Second, whether or not Section 21 of Republic Act No. 9165 may retroactively apply; and

Finally, whether or not accused-appellant acted in conspiracy with his co-accused.

⁴³ Id. at 31.

⁴⁴ Id. at 33.

⁴⁵ Id. at 35-37.

⁴⁶ Id. at 38.

⁴⁷ Id. at 40-41.

⁴⁸ Id. at 42-46, plaintiff-appellee People of the Philippines' Manifestation, and 52-55, accused-appellant's Manifestation.

The Court grants the appeal. Accused-appellant and his co-accused are acquitted.

I

Article III, Section 2 of the 1987 Constitution requires a warrant to be issued by a judge before a search can be validly effected:

SECTION 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and *no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.* (Emphasis supplied)

The issuance of a search warrant must be premised on a finding of probable cause; that is, “the existence of such facts and circumstances which would lead a reasonably discreet and prudent man to believe that an offense has been committed and that the objects sought in connection with the offense are in the place to be searched.”⁴⁹

The rule requiring warrants is, however, not absolute. Jurisprudence recognizes exceptional instances when warrantless searches and seizures are considered permissible:

1. Warrantless search incidental to a lawful arrest . . . ;
2. Seizure of evidence in “plain view,” . . . ;
3. *Search of a moving vehicle. Highly regulated by the government, the vehicle’s inherent mobility reduces expectation of privacy especially when its transit in public thoroughfares furnishes a highly reasonable suspicion amounting to probable cause that the occupant committed a criminal activity;*
4. Consented warrantless search;
5. Customs search;
6. Stop and frisk; and
7. Exigent and emergency circumstances.⁵⁰ (Emphasis supplied)

⁴⁹ *Century Chinese Medicine Company v. People*, 720 Phil. 795, 810 (2013) [Per J. Peralta, Third Division] citing *Sony Music Entertainment (Philippines), Inc. v. Hon. Español*, 493 Phil. 507, 517 (2005) [Per J. Garcia, Third Division].

⁵⁰ *People v. Cogaed*, 740 Phil. 212, 228 (2014) [Per J. Leonen, Third Division] citing *People v. Aruta*, 351 Phil. 868, 879–880 (1998) [Per J. Romero, Third Division].

A search of a moving vehicle is one (1) of the few permissible exceptions where warrantless searches can be made. *People v. Mariacos*⁵¹ explains:

This exception is easy to understand. A search warrant may readily be obtained when the search is made in a store, dwelling house or other immobile structure. But it is impracticable to obtain a warrant when the search is conducted on a mobile ship, on an aircraft, or in other motor vehicles since they can quickly be moved out of the locality or jurisdiction where the warrant must be sought.⁵² (Citation omitted)

However, for a warrantless search of a moving vehicle to be valid, probable cause remains imperative.⁵³ Law enforcers do not enjoy unbridled discretion to conduct searches. In *Caballes v. Court of Appeals*:⁵⁴

The mere mobility of these vehicles, however, does not give the police officers unlimited discretion to conduct indiscriminate searches without warrants if made within the interior of the territory and in the absence of probable cause. *Still and all, the important thing is that there was probable cause to conduct the warrantless search, which must still be present in such a case.*⁵⁵ (Emphasis supplied, citation omitted)

In determining the existence of probable cause, bare suspicion is never enough. While probable cause does not demand moral certainty, or evidence sufficient to justify conviction,⁵⁶ it requires the existence of “a reasonable ground of suspicion supported by circumstances sufficiently strong in themselves to warrant a cautious man to believe that the person accused is guilty of the offense with which he is charged.”⁵⁷

II

People v. Cogaed,⁵⁸ citing Chief Justice Lucas Bersamin’s dissent in *Esquillo v. People*,⁵⁹ emphasized that in warrantless searches, law enforcers “must not rely on a single suspicious circumstance.”⁶⁰ What is required is the “presence of more than one seemingly innocent activity, which, taken

⁵¹ 635 Phil. 315 (2010) [Per J. Nachura, Second Division].

⁵² Id. at 330.

⁵³ *People v. Tuazon*, 558 Phil. 759, 775 (2007) [Per J. Chico-Nazario, Third Division] citing *Caballes v. Court of Appeals*, 424 Phil. 263, 279 (2002) [Per J. Puno, First Division].

⁵⁴ 424 Phil. 263 (2002) [Per J. Puno, First Division].

⁵⁵ Id. at 279.

⁵⁶ *Laud v. People*, 747 Phil. 503, 522 (2014) [Per Curiam, First Division] citing *Santos v. Pryce Gases, Inc.*, 563 Phil. 781, 793 (2007) [Per J. Tinga, Second Division].

⁵⁷ *People v. Aruta*, 351 Phil. 868, 880 (1998) [Per J. Romero, Third Division].

⁵⁸ 740 Phil. 212 (2014) [Per J. Leonen, Third Division].

⁵⁹ J. Bersamin, Dissenting Opinion in *Esquillo v. People*, 643 Phil. 577, 597–616 (2010) [Per J. Carpio Morales, Third Division].

⁶⁰ *People v. Cogaed*, 740 Phil. 212, 233 (2014) [Per J. Leonen, Third Division] citing J. Bersamin, Dissenting in *Esquillo v. People*, 643 Phil. 577, 597–616 (2010) [Per J. Carpio Morales, Third Division].

together, warranted a reasonable inference of criminal activity.”⁶¹ Indeed, it is unlikely that a law enforcer’s suspicion is reasonably roused at the sight of a single activity, which may very well be innocent. It is far more likely that there first be several, continuous, peculiar acts of a suspect before any law enforcer’s suspicion is roused. At every peculiar act done, a law enforcer’s suspicion is successively confirmed and strengthened.

There have been a number of cases where this Court considered warrantless searches made in moving vehicles to be valid. In these cases, probable cause was founded on more than just a solitary suspicious circumstance.

In *People v. Malmstedt*,⁶² Narcotics Command officers set up a temporary checkpoint in response to “persistent reports that vehicles coming from Sagada were transporting marijuana and other prohibited drugs.”⁶³ These included information that a Caucasian coming from Sagada had prohibited drugs in his possession. At the checkpoint, the officers intercepted a bus and inspected it, starting from the front, going towards the rear. The bus turned out to be the vehicle boarded by the accused. Upon reaching the accused, an officer noticed a bulge on his waist. This prompted the officer to ask for the accused’s passport and identification papers, which the accused failed to provide. The accused was then made to reveal what was bulging on his waist. It turned out to be hashish, a derivative of marijuana.⁶⁴

In *Malmstedt*, this Court ruled that the warrantless search was valid because there was probable cause—premised on circumstances other than the original tip concerning a Caucasian person—for the arresting officers to search the accused:

It was only when one of the officers noticed a bulge on the waist of accused, during the course of the inspection, that accused was required to present his passport. The failure of accused to present his identification papers, when ordered to do so, only managed to arouse the suspicion of the officer that accused was trying to hide his identity.⁶⁵

In *People v. Que*,⁶⁶ police officers went on patrol after receiving information that “a ten-wheeler truck bearing plate number PAD-548 loaded with illegally cut lumber will pass through Ilocos Norte.”⁶⁷ When they saw the truck resembling this description pass by, the officers flagged it down.

⁶¹ Id.

⁶² 275 Phil. 447 (1991) [Per J. Padilla, En Banc].

⁶³ Id. at 451.

⁶⁴ Id.

⁶⁵ Id. at 456–457.

⁶⁶ 333 Phil. 582 (1996) [Per J. Puno, Second Division].

⁶⁷ Id. at 585.

Q: That information was relayed to you only by your Chief Calimutan, correct?

A: Yes, sir.

Q: And, because of that you went to the check point (*sic*) and put a barricade along the National Highway?

A: Yes, sir.

Q: And then you searched every vehicle that passed on that check point (*sic*)?

A: No, because according to the information[,] it was a pick-up.

Q: So, you checked all pick-up that passed on your check point (*sic*) on that morning on May 31, 1996?

A: Not all, sir.

Q: Now, how many of you who (*sic*) conducted the check point (*sic*), Mr. Witness?

A: *There were many of us but I can no longer remember how many.*⁹²
(Emphasis supplied)

Sison's predicament calls to mind a similar situation that this Court passed upon in *Aniag, Jr. v. Commission on Elections*.⁹³ There, this Court noted:

In the face of fourteen (14) armed policemen conducting the operation, driver Arellano being alone and a mere employee of petitioner could not have marshalled the strength and the courage to protest against the extensive search conducted in the vehicle. In such scenario, the "implied acquiescence," if there was any, could not be more than a mere passive conformity on Arellano's part to the search, and "consent" given under intimidating or coercive circumstances is no consent within the purview of the constitutional guaranty.⁹⁴ (Citation omitted)

Sison did not have much of a choice when he was asked to open the hood of the vehicle. He could not have given his genuine, sincere consent.

V

Article III, Section 3(2) of the Constitution stipulates that illegal searches and seizures result in the inadmissibility in evidence of whatever items were seized:

⁹² *CA rollo*, pp. 58-59.

⁹³ 307 Phil. 437 (1994) [Per J. Bellosillo, En Banc].

⁹⁴ *Id.* at 451.

SECTION 3. . . .

(2) Any evidence obtained in violation of [the right against unreasonable searches and seizures] shall be inadmissible for any purpose in any proceeding.

This exclusionary rule is a protection against erring officers who deliberately or negligently disregard the proper procedure in effecting searches, and would so recklessly trample on one's right to privacy. By negating the admissibility in evidence of items seized in illegal searches and seizures, the Constitution declines to validate the law enforcers' illicit conduct. "Evidence obtained and confiscated on the occasion of such an unreasonable search and seizure is tainted and should be excluded for being the proverbial fruit of a poisonous tree."⁹⁵

Section 4⁹⁶ of Republic Act No. 6425⁹⁷ punished the sale, administration, delivery, distribution, and *transportation* of prohibited drugs. Republic Act No. 9165,⁹⁸ which was enacted in lieu of Republic Act No. 6425, punishes under its Section 5⁹⁹ the sale, trading, administration,

⁹⁵ *Ambre v. People*, 692 Phil. 681, 693 (2012) [Per J. Mendoza, Third Division].

⁹⁶ Republic Act No. 6425 (1972), sec. 4 provides:

SECTION 4. Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs. The penalty of imprisonment ranging from twelve years and one day to twenty years and a fine ranging from twelve thousand to twenty thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, administer, deliver, give away to another, distribute, dispatch in transit or transport any prohibited drug, or shall act as a broker in any such transactions. In case of a practitioner, the additional penalty of the revocation of his license to practice his profession shall be imposed. If the victim of the offense is a minor, the maximum of the penalty shall be imposed.

Should a prohibited drug involved in any offense under this Section, be the proximate cause of the death of a victim thereof, the penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon the pusher.

⁹⁷ The Dangerous Drugs Act of 1972.

⁹⁸ The Comprehensive Dangerous Drugs Act of 2002.

⁹⁹ 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.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) 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 controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

dispensation, delivery, distribution, and *transportation* of dangerous drugs, and/or controlled precursors and essential chemicals. Section 5 of Republic Act No. 9165 penalizes the same set of acts as Section 4 of Republic Act No. 6425, except that the amending law extends to controlled precursors and essential chemicals.

Essential elements must be proven for a successful prosecution of violations of Section 5 of Republic Act No. 9165 (or what used to be Section 4 of Republic Act No. 6425). *People v. Montevirgen*¹⁰⁰ discussed the elements for conviction for the illegal sale of illegal drugs, one (1) of the several acts penalized by Section 5:

In every prosecution for the illegal sale of *shabu*, under Section 5, Article II of RA 9165, the following elements must be proved: “(1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment therefor. . . . What is material in a prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, *coupled with the presentation in court of the corpus delicti*” or *the illicit drug in evidence*.¹⁰¹ (Emphasis supplied, citation omitted)

Corpus delicti, literally meaning the “body of the crime,” pertains “to the fact of the commission of the crime charged or to the body or substance of the crime.”¹⁰² Jurisprudence explains that, to prove *corpus delicti*, “it is sufficient for the prosecution to be able show that (1) a certain fact has been proven—say, a person has died or a building has been burned; and (2) a particular person is criminally responsible for the act.”¹⁰³

In cases involving drugs, the confiscated article constitutes the *corpus delicti* of the crime charged.¹⁰⁴ Under Section 5 of Republic Act No. 9165, the essence of the crime is the sale, trading, administration, dispensation, delivery, distribution, and transportation of prohibited drugs, and/or controlled precursors and essential chemicals. The act of transporting the drugs, as in this case, must be duly proven by the prosecution, along with

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

¹⁰⁰ 723 Phil. 534 (2013) [Per J. Del Castillo, Second Division].

¹⁰¹ *Id.* at 542.

¹⁰² *Rimorin, Sr. v. People*, 450 Phil. 465, 474 (2003) [Per J. Panganiban, Third Division] *citing* *People v. Mittu*, 388 Phil. 779 (2000) [Per J. Quisumbing, Second Division]; *People v. Oliva*, 395 Phil. 265 (2000) [Per J. Pardo, First Division]; and *Tan v. People*, 372 Phil. 93 (1999) [Per J. Pardo, First Division].

¹⁰³ *Id.* at 474–475 *citing* *People v. Boco*, 38 Phil. 341 (1999) [Per J. Panganiban, En Banc] and *People v. Cabodoc*, 331 Phil. 491 (1996) [Per J. Davide, Jr., Third Division].

¹⁰⁴ *People v. Tomawis*, G.R. No. 228890, April 18, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64241>> [Per J. Caguioa, Second Division] *citing* *People v. Suan*, 627 Phil. 174, 188 (2010). [Per J. Del Castillo, Second Division].

how a particular person is the perpetrator of that act. The seized drug, then, becomes the *corpus delicti* of the crime charged. The entire case of the prosecution revolves around that material.

In drugs cases where the allegedly confiscated drug is excluded from admissible evidence—as when it was acquired through an invalid warrantless search—the prosecution is left without proof of *corpus delicti*. Any discussion on whether a crime has been committed becomes an exercise in futility. Acquittal is then inexorable.

Thus, here, the arresting officers' search and subsequent seizure are invalid. As such, the two (2) sacks of marijuana supposedly being transported in the pickup cannot be admitted in evidence.

Even assuming that they were admissible, there remains no proof, whether direct or circumstantial, that the accused actually knew that there were drugs under the hood of their vehicle. Ultimately, their actual authorship of or conscious engagement in the illegal activity of transporting dangerous drugs could not be ascertained.

In any case, with evidence on *corpus delicti* being inadmissible and placed beyond the Regional Trial Court's contemplation, the prosecution is left with a fatal handicap: it is insisting on the commission of the crime charged, but is without evidence. Accused-appellant's acquittal must ensue.¹⁰⁵

VI

His co-accused, Sison and Bautista, must also be acquitted.

Rule 122, Section 11(a) of the Revised Rules of Criminal Procedure concerns situations where there are several accused but not all of them appeal their conviction:

SECTION 11. Effect of appeal by any of several accused. —

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.

As a rule, the effects of an appeal can only bind the accused who appealed his or her conviction. However, when an appellate court renders a

¹⁰⁵ In view of this, it has become unnecessary to delve into the other matters invoked by accused-appellant in his Brief before the Court of Appeals, such as the retroactive applicability of Republic Act No. 9165 in this case and the existence of conspiracy.

and the conduct of the parties' lawyers" to determine whether the delay is justifiable. When the case is simple and the evidence is straightforward, it is possible that delay may occur even within the given periods.¹¹⁶ (Citations omitted)

This Court fails to see what extraordinary facts and circumstances or peculiar complexity warranted taking as much as 17 years to rule on this case. The Regional Trial Court's delay is immensely distressing, even more so now that each of the accused, as this Court has found, must be acquitted. This Court endeavored to do its best to resolve this appeal with dispatch—resolving it within more than just a year of the appeal having been brought before it. But even its judgment of acquittal can only come after all of 22 years that it had taken the Regional Trial Court and the Court of Appeals to rule on this case.

In light of this occasion, this Court enjoins judges and justices at all levels to be more heedful not only of the imperative to timely render judgment, but also of the need to always be conscientious in resolving cases. The accused here could have benefitted from their acquittal much sooner had the Regional Trial Court judge or the Court of Appeals justices been more scrupulous in discharging their functions and readily appreciated the fatal flaws in the prosecution's case. This Court is constrained to grapple with the already immense delay that confronted us at the filing of accused-appellant's appeal. We can only hope that our judgment of acquittal—and the lessons it can offer—can dispense a measure of recompense to the wrongfully accused.

WHEREFORE, the January 23, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01374-MIN is **REVERSED** and **SET ASIDE**. Accused-appellant Leonardo Yanson and his co-accused, Jaime Sison and Rosalie Bautista, are **ACQUITTED** of transportation of prohibited drugs and are ordered **RELEASED** from confinement unless they are being held for some other legal cause.

Let a copy of this Decision be furnished to the Director of the Bureau of Corrections for immediate implementation. The Director of the Bureau of Corrections is directed to report the action he has taken to this Court within five (5) days from receipt of this Decision.

For their information, copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency.

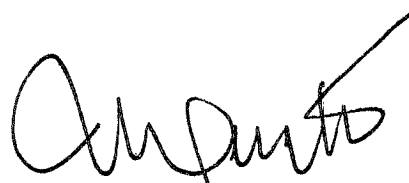
¹¹⁶ Id.

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


SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Associate Justice
Chairperson

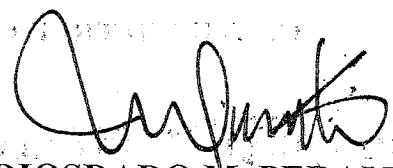
On wellness leave
ANDRES B. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

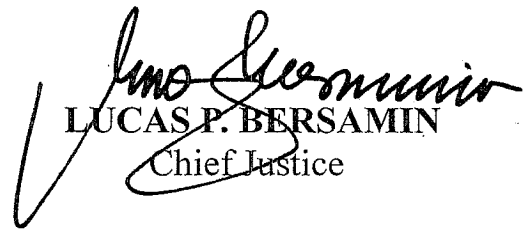
ATTESTATION

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

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

CERTIFIED TRUE COPY

MisPDCBatt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

NOV 06 2019