

### Title:

**\*\*Mario Valeroso vs. People of the Philippines\*\***

### Facts:

Mario Valeroso, former barangay captain of Balon Anito, Balanga, Bataan, was employed by the Philippine National Bank (PNB) as caretaker of its lot in Porto del Sol Subdivision on August 21, 1996. To prevent squatting, Valeroso erected a sign that read “No Trespassing, PNB Property.” Despite the warning, Mrs. Julita Castillo, believing the lot belonged to her grandparents, built a nipa hut in April 1997, spending P12,350.

On June 5, 1997, Valeroso, along with Jorge Valeroso, Fernando Operario, Peter Morales, and Rolando de Guzman, demolished Mrs. Castillo’s hut. Castillo filed a criminal complaint for malicious mischief against them in the Municipal Trial Court (MTC) of Bataan.

The MTC required the accused to submit their counter-affidavits. They all pleaded not guilty at arraignment. After trial, the MTC found Valeroso guilty. Valeroso admitted to demolishing the structure as PNB’s caretaker but without lawful authority. The court emphasized that taking the law into one’s own hands could lead to societal chaos.

The MTC found Valeroso guilty of malicious mischief and sentenced him to three months of arresto mayor, while acquitting his co-accused due to insufficient evidence. Valeroso appealed to the Regional Trial Court (RTC) of Balanga, which affirmed the MTC decision but modified it to include civil liability of P2,000 as actual damages.

Valeroso further appealed to the Court of Appeals (CA), which affirmed the RTC’s decision, finding him criminally and civilly liable. Valeroso then petitioned the Supreme Court to review the CA’s decision.

### Issues:

1. Whether the elements of malicious mischief were sufficiently proven.
2. Whether Valeroso’s actions were justified under paragraph 5, Article 11 of the Revised Penal Code.

### Court’s Decision:

The Supreme Court denied the petition for lack of merit and affirmed the CA’s decision.

1. **\*\*Elements of Malicious Mischief:\*\***

- **\*\*First Element:\*\*** The petitioner admitted to deliberately demolishing Mrs. Castillo’s

property.

- **Second Element:** The act of demolition did not constitute arson or other crimes involving destruction.
- **Third Element:** The court found that Valeroso acted not to protect PNB's interests but out of anger and disgust over the disregard for the "No Trespassing" sign, which indicated malice.

## 2. **Invocation of Justifying Circumstance:**

- **First Requirement:** Valeroso acted in the exercise of his duty as a caretaker.
- **Second Requirement:** The injury caused must be a necessary consequence of the due performance of duty. The courts found Valeroso was not justified in taking the law into his own hands without legal authority to demolish the hut. Therefore, the second requirement was not met.

Consequently, the Supreme Court ruled that all elements of the crime were present and that Valeroso's actions were not justified under any legal provisions.

### ### Doctrine:

In cases of malicious mischief under Article 327 of the Revised Penal Code, all three elements must be present: deliberate damage to another's property, the act does not constitute arson or other crimes involving destruction, and the act must be committed merely for the sake of damaging it.

Actions purportedly done in fulfillment of a duty or lawful exercise of a right are not justified if there is no lawful authority to perform such acts, and any injury or damage caused must be a necessary consequence of the due performance of duty.

### ### Class Notes:

- **Malicious Mischief Elements:** (1) Deliberate damage to another's property, (2) Act not constituting arson or crimes of destruction, (3) Act committed purely for damage.
- **Justifying Circumstances (Art. 11 RPC):** (1) Act in performance of a duty or lawful exercise of a right, (2) Injury as a necessary consequence of duty or right.
- **Statutory Provision:**
- **Article 11 of the Revised Penal Code:** Justifying circumstances not incurring criminal liability.
- **Article 327 of the Revised Penal Code:** Elements defining malicious mischief.

### ### Historical Background:

The case reflects judicial scrutiny over actions taken beyond legal bounds under purported authority. Vital in the historical context of property rights, especially with frequent land disputes and squatting issues in the Philippines, this case underscores the judiciary's role in maintaining legal procedures' integrity and discouraging extrajudicial actions.