

PROCESO LUNTAYAO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is an appeal via a Petition for Review under Rule 42 of the Rules of Court, in relation to Section 3(b),[1] Rule 122 of the Rules on Criminal Procedure on the Orders of the Regional Trial Court (RTC), Branch 44, Bacolod City in Criminal Case No. 10-33547 dated May 11, 2012[2] and January 7, 2013[3] dismissing petitioner's appeal from his conviction of grave coercion by the Municipal Trial Court in Cities, Branch 5, Bacolod City (MTCC), and denying his motion for reconsideration, respectively.

The Antecedents

Petitioner Proceso Luntayao (Proceso) and his wife Felicidad Luntayao (Felicidad) [collectively referred to as Spouses Luntayao], and Eduardo Obstaculo (Eduardo) were charged with committing grave coercion under Article 286 of the Revised Penal Code under the following Information,[4] viz.:

That on or about the 9[th] of day of March 2000, in the City of Bacolod, Philippines and within the jurisdiction of this Honorable Court, the herein accused, Eduardo J. Obstaculo, a public officer, being then the Barangay Secretary of Barangay Bata, Bacolod City, and Spouses Proceso Luntayao and Felicidad Luntayao, both private persons, conspiring, confederating and acting in concert, without authority of law, and by means of force, threats, violence and intimidation, did, then and there, willfully, unlawfully and feloniously compel the herein offended party, Herminia A. Alojado, to do something against her will, that is, to leave her leased store owned by lessor-Spouses Luntayao; herein accused prevent her to enter therein and after the latter was prevented to enter her leased premises, herein accused forcibly remove and haul the goods, commodities and fixtures of said complainant out of her leased premises (store) which thereafter accused padlocked and closed, thus preventing her from doing something not prohibited by law to wit: to enter and occupy the said leased premises and continue her usual retail store business thereat.

Act contrary to law.

Before the trial could be completed, the case against Eduardo was dismissed upon his motion for insufficiency of evidence. Meanwhile, the MTCC acquitted Felicidad on the ground of reasonable doubt. Hence, it is only Proceso who brought this petition to assail his conviction which was affirmed in toto by the RTC.

The facts, as culled from the records are as follows.

Private offended party Herminia Alojado (Herminia) occupied a store that forms part of the house of Spouses Luntayao. Since her stay thereon was without a contract, Proceso complained to the barangay authorities when he wanted to eject her from the premises. They met before the Lupong Tagapamayapa but did not arrive at any settlement. Subsequently, Proceso urged the barangay captain to order Herminia to vacate the store. In response thereto, the barangay captain directed Eduardo, who was then the barangay secretary, to issue a memorandum of ejectment.

The memorandum of ejectment[5] dated March 9, 2009, which was signed by Eduardo and the barangay captain, was served on Herminia at her store. Herminia, however, refused to heed it. Consequently, her goods and supplies, as well as her fixtures and other personal belongings inside the store were forcibly taken out by the members of the Civilian Volunteers Organization (CVO) or barangay tanods, and some trisikad drivers. During the incident, Eduardo and Felicidad were not present. Only Proceso was there standing at about 20 to 25 steps away[6] from the store and holding a copy of the memorandum of ejectment. Herminia took pictures and made a listing of the items taken out from the store.

Upon the above stated facts, the MTCC found Proceso guilty of the crime charged. The court based its Decision on the findings that: he was the one who urged the barangay captain to issue the memorandum of ejectment; his presence during the incident and his act of holding of the Memorandum of Ejectment show that the criminal design came from him; and he lent moral support to encourage the actors to materialize the plan to evict Herminia from the store. The dispositive portion of the MTCC's Decision[7] reads, viz:

WHEREFORE, premises considered, all elements of the crime having been established, the court finds Proceso Luntayao guilty beyond reasonable doubt of the crime of Grave Coercion under Article 286 of the Revised Penal Code, as amended, and hereby sentences him for imprisonment of 6 months and 1 day to 2 year and four months prision correccional minimum in view of the mitigating circumstance of old age (over 70 years old) and a fine of Six thousand Pesos (P6,000.00) with subsidiary imprisonment in case of insolvency.

Felicidad Luntayao is AQUITTED on the ground of reasonable doubt.

Spouses Proceso and Felicidad Luntayao are ordered to pay solidarily Herminia Alojado, the following:

- <1> Actual damages of P10,000.00.
- <2> Moral damages in the amount of P30,000.00.
- <3> Exemplary damages in the sum of P20,000.00.

SO ORDERED.[8]

Proceso sought for reconsideration[9] but the MTCC denied his motion.[10] Aggrieved, he appealed[11] the matter to the RTC but his appeal was also dismissed.[12] He moved for reconsideration[13] but the RTC also denied his motion.[14]

Undaunted, Proceso brought the matter to us raising the following errors,[15] thus:

A. THE COURT A QUO ERRED IN AFFIRMING THE DECISION OF THE MUNICIPAL TRIAL COURT IN CITIES BRANCH 5 FINDING PETITIONER (ACCUSED THEREIN) GUILTY BEYOND REASONABLE DOUBT FOR GRAVE COERCION DESPITE OF [SIC] CLEAR SHOWING THAT PETITIONER WAS SHOWN TO HAVE NOT ACTED WITH FORCE AND INTIMIDATION, EITHER DIRECTLY OR INDIRECTLY AGAINST THE PERSON OF THE PRIVATE OFFENDED PARTY; and

B. THE COURT A QUO ERRED IN RULING THAT THERE [SIC] ELEMENTS FOR THE CRIME OF GRAVE COERCION EXISTS IN THE INSTANT CASE.

This Court's Ruling

The petition is impressed with merit.

Grave coercion is committed when a person prevents another from doing something not prohibited by law or compelling him to do something against his will, whether it be right or wrong, and without any authority of law, by means of violence, threats or intimidation.[16] The crime has the following elements, to wit:

- that any person is prevented by another from doing something not prohibited by law, or compelled to do

something against his or her will, be it right or wrong;

- that the prevention or compulsion is effected by violence, either by material force or such a display of it as would produce intimidation and, consequently, control over the will of the offended party; and
- that the person who restrains the will and liberty of another has no right to do so; in other words, that the restraint is not made under authority of law or in the exercise of any lawful right.

A circumspect evaluation of the record shows that none of the foregoing elements existed in the case. Proceso did not, by means of force, intimidation, threats or violence, and without authority of law, prevented Herminia from doing something not prohibited by law, or compelled her to do something against her will. It was an undisputed fact that Proceso did not take part in the ejectment of Herminia from the store. All he did was merely stand at a distance and hold a copy of the memorandum. Nothing from such acts of Proceso constituted the elements of the crime of grave coercion.

It must be emphasized that Herminia's goods and fixtures were hauled out from the store by the barangay tanods who implemented the memorandum issued by the barangay captain. Obviously, it was the acts of the barangay captain and the tanods that compelled Herminia to vacate the store. The liability for such acts should not be attributed to Proceso for he did not participate therein.

The MTCC's decision, which the RTC concurred in toto, gave the following reasons for finding Proceso guilty, thus:

As for the accused Proceso Luntayao, his statement urging the Brgy. Captain of Brgy. Bata, Bacolod City, to cause the issuance of the Memorandum of Ejectment xxx signifies his clear intent to evict the offended party from the store. xxx

xxx xxx xxx

Although the prosecution did not show with particularity the conspiracy and confederation between the spouses Luntayao and Obstaculo on the actual date of enforcement of the memorandum of Ejectment, such conspiracy is made manifest in the creation of the Memorandum of Ejectment in order to forcefully evict the offended party from the leased store.

xxx. While it may be true that the spouses Luntayao were not in actual control of the entire hauling operations, the mere presence of Proceso Luntayao speaks so much of the grand plan to evict the offended party.

xxx Proceso Luntayao's holding of the Memorandum of Ejectment means he was, in so many ways than one, involved in the pursuance of the ejectment order. Though he was not at helm in directing the trisikad drivers and the CVO members to pull out the goods and supplies from the store or he actively joined in the actual hauling, his attendance was nevertheless commanding. If he did not have any participation in the hauling operations, why was he holding the Memorandum of Ejectment? Who gave it to him? Should it not be with the CVO commander who was deployed to enforce the order? These questions perplex the court.

xxx it would be logical and reasonable to hold Proceso Luntayao criminally liable because he lent his moral support to the ones carrying the goods and supplies out of the store to bring them to the barangay outpost.

xxx xxx xxx

xxx lending of moral support is criminally actionable if there is proof that such is a product of a concerted plan of the actors to carry out a criminal act. It is enough that the one lending his moral support gave the actors the courage to materialize their corrupt ploy. The moral supporter then becomes a principal by indispensable cooperation while the morally supported becomes principal by direct participation.

xxx xxx xxx

The mere presence of accused Proceso Luntayao at the crime scene and his subsequent acts form part of the whole circumstantial evidence which highlights his motive to cause the ejectment of the offended party. Such overt act gave flesh to the allegations contained in the criminal information.[17]

The MTCC's findings, however, cannot nail down Proceso for these did not, at all, touch on the elements of the crime or discussed how such elements were committed by the accused. Instead, the decision contained only a hodge-podge use of criminal law terms in order to rationalize Proceso's conviction. Specifically, the trial court alluded to the concepts of conspiracy, principal by indispensable cooperation, circumstantial evidence and motive. Unfortunately, however, all of such terms actually have no bearing in deciding the case against Proceso.

First, the MTCC acknowledged that the prosecution failed to show conspiracy with particularity, yet it still considered the same to have existed. This disposition of the MTCC could not be sanctioned. It is well-settled that the existence of conspiracy cannot be presumed. Similar to the physical act constituting the crime itself, the elements of conspiracy must be proven beyond reasonable doubt.[18]

Second, the MTCC held that Proceso was a principal by indispensable cooperation. Such pronouncement contradicts the facts of the case. For a person to become a principal by indispensable cooperation, he must cooperate in the commission of the offense by another act without which it would not have been accomplished.[19] The only thing that Proceso did when the incident happened was to stand at a distance and hold a copy of the memorandum issued by the barangay captain. Nothing in his acts was necessary or indispensable in carrying out Herminia's ejectment. The barangay tanods, even without Proceso at the scene, would still do what they did considering that they did not take orders from Proceso, but from the barangay captain.

Third, the MTCC also had no basis to consider motive and circumstantial evidence as factors in pronouncing Proceso's guilt. Motive is not an element of the crime. It becomes material only when the evidence is circumstantial or inconclusive, and there is some doubt on whether a crime has been committed or whether the accused has committed it. Motive is totally irrelevant when ample direct evidence sustains the culpability of the accused beyond reasonable doubt. [20] In this case, the barangay captain and tanods were categorically identified as the persons responsible for ordering and effecting, respectively, the ejectment of Herminia from the store. Proceso was not part of the process, hence, discussing his motive was unnecessary. The same reasons could be said on why the MTCC's reference to circumstantial evidence was unnecessary. Circumstantial evidence is used as basis for conviction only when direct proof of the commission of the crime or its author is not available.

Finally, the MTCC declared that it would be logical and reasonable to hold Proceso criminally liable because he lent his moral support to the ones carrying out the memorandum of ejectment issued by the barangay captain. The MTCC's analysis is obviously flawed since logic and reason have never been the bases for conviction. The pronouncement of a guilty verdict on an accused must always rest on proof of the elements of the crime beyond reasonable doubt, and not on what the court believes to be reasonable or logical. If the proof fails to establish any of the essential elements necessary to constitute a crime, the accused is entitled to an acquittal.[21]

Although it was not disputed that Proceso was the one who urged the barangay captain to order Herminia to vacate the store, such act did not amount to the crime of grave coercion. Proceso may have made an imprudent request to the barangay captain who, unfortunately, acquiesced thereto. Yet, the liabilities for the barangay captain's response and the consequent illegal ejectment of Herminia by the tanods should not be attributed to Proceso.

The Court acknowledges that there are persons who must be held answerable for the incident, possibly the barangay personnel for administrative liability and/or damages. Yet, even with such recognition that someone must be held liable, We are, however, certain that it is not Proceso for the crime of grave coercion. We, therefore,

rule that his guilt had not been proven beyond reasonable doubt and consequently, We are impelled to reverse his conviction.

WHEREFORE, the petition is GRANTED. The Orders of the Regional Trial Court (RTC), Branch 44, Bacolod City in Criminal Case No. 10-33547 dated May 11, 2012 and January 7, 2013 are hereby REVERSED and SET ASIDE.

PROCESO LUNTAYAO is ACQUITTED of the charge against him on the ground of reasonable doubt.

SO ORDERED.

Hernando, Chairperson and Azcarraga-Jacob, JJ., concur.

[1] Section 3. How appeal taken. —

xxx xxx xxx

(b) The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review under Rule 42.

[2] Rollo, pp. 36-39.

[3] Rollo, pp. 28-29.

[4] Rollo, p. 81.

[5] Rollo, p. 83.

[6] As testified to by Gregorio Umadhay, see p. 4 of MTCC Decision, rollo, p. 62.

[7] Rollo, pp. 239-241.

[8] Rollo, pp. 79-80.

[9] Rollo, pp. 242-246.

[10] See Order dated June 8, 2012.

[11] See Memorandum on Appeal of petitioner before the RTC, rollo, pp. 40-50.

[12] Order dated May 11, 2012, rollo, pp. 36-39.

[13] Rollo, pp. 30-35.

[14] Rollo, pp. 28-29.

[15] Rollo, pp. 17-18.

[16] See *People of the Philippines v. Santos*, G.R. No. 140074. February 27, 2002.

[17] Rollo, pp. 73-74, and 76.

[18] See *People of the Philippines v. Samudio*, [G.R. No. 126168. March 7, 2001.

[19] Article 17(3) of the Revised Penal Code.

[20] See *People of the Philippines v. Astorga*, G.R. No. 110097. December 22, 1997.

[21] See *Darvin v. Court of Appeals*, G.R. No. 125044. July 13, 1998.

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