

FELICITO BASBACIO, PETITIONER, VS. OFFICE OF THE SECRETARY DEPARTMENT OF JUSTICE, FRANKLIN DRILON IN HIS CAPACITY AS SECRETARY OF JUSTICE, RESPONDENT.

G.R. No. 109445. November 07, 1994

Ponente: MENDOZA, J.

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MENDOZA, J.:

This case presents for determination the scope of the State's liability under Rep. Act No. 7309, which among other things provides compensation for persons who are unjustly accused, convicted and imprisoned but on appeal are acquitted and ordered released.

Petitioner Felicito Basbacio and his son-in-law, Wilfredo Balderrama, were convicted of frustrated murder and of two counts of frustrated murder for the killing of Federico Boyon and the wounding of the latter's wife Florida and his son Tirso at Palo, Calanuga, Rapu-Rapu, Albay, on the night of June 26, 1988. The motive for the killing was apparently a land dispute between the Boyons and petitioner. Petitioner and his son-in-law were sentenced to imprisonment and ordered immediately detained after their bonds had been cancelled.

Petitioner and his son-in-law appealed. Only petitioner's appeal proceeded to judgment, however, as the appeal of the other accused was dismissed for failure to file his brief.

On June 22, 1992 the Court of Appeals rendered a decision acquitting petitioner on the ground that the prosecution failed to prove conspiracy between him and his son-in-law. He had been pointed to by a daughter of Federico Boyon as the companion of Balderrama when the latter barged into their hut and without warning started shooting, but the appellate court ruled that because petitioner did nothing more, petitioner's presence at the scene of the crime was insufficient to show conspiracy.

Based on his acquittal, petitioner filed a claim under Rep. Act No. 7309, sec. 3(a), which provides for the payment of compensation to "any person who was unjustly accused, convicted, imprisoned but subsequently released by virtue of a judgment of acquittal." [1] The claim was filed with the Board of Claims of the Department of Justice, but the claim was denied on the ground that while petitioner's presence at the scene of the killing was not sufficient to find him guilty beyond reasonable doubt, yet, considering that there was bad blood between him and the deceased as a result of a land dispute and the fact that the convicted murderer is his son-in-law, there was basis for finding that he was "probably guilty."

On appeal, respondent Secretary of Justice affirmed the Board's ruling. Said the Secretary of Justice in his resolution dated March 11, 1993:

It is believed therefore that the phrase "any person . . . unjustly accused, convicted and imprisoned" in Section 3(a) of R.A. No. 7309 refers to an individual who was wrongly accused and imprisoned for a crime he did not commit, thereby making him "a victim of unjust imprisonment." In the instant case, however, Claimant/Appellant cannot be deemed such a victim since a reading of the decision of his acquittal shows that

his exculpation is not based on his innocence, but upon, in effect a finding of reasonable doubt.

Petitioner brought this petition for review on certiorari. Neither Rule 45 nor Rep. Act No. 7309, however, provides for review by certiorari of the decisions of the Secretary of Justice. Nonetheless, in view of the importance of the question tendered, the Court resolved to treat the petition as a special civil action for certiorari under Rule 65.

Petitioner questions the basis of the respondent's ruling that to be able to recover under sec. 3(a) of the law the claimant must on appeal be found to be innocent of the crimes of which he was convicted in the trial court. Through counsel he contends that the language of sec. 3(a) is clear and does not call for interpretation. The "mere fact that the claimant was imprisoned for a crime which he was subsequently acquitted of is already unjust in itself," he contends. To deny his claim because he was not declared innocent would be to say that his imprisonment for two years while his appeal was pending was justified. Petitioner argues that there is only one requirement for conviction in criminal cases and that is proof beyond reasonable doubt. If the prosecution fails to present such proof, the presumption that the accused is innocent stands and, therefore, there is no reason for requiring that he be declared innocent of the crime before he can recover compensation for his imprisonment.

Petitioner's contention has no merit. It would require that every time an accused is acquitted on appeal he must be given compensation on the theory that he was "unjustly convicted" by the trial court. Such a reading of sec. 3(a) is contrary to petitioner's professed canon of construction that when the language of the statute is clear it should be given its natural meaning. It leaves out of the provision in question the qualifying word "unjustly" so that the provision would simply read: "The following may file claims for compensation before the Board: (a) any person who was accused, convicted, imprisoned but subsequently released by virtue of a judgment of acquittal."

But sec. 3(a) requires that the claimant be "unjustly accused, convicted [and] imprisoned." The fact that his conviction is reversed and the accused is acquitted is not itself proof that the previous conviction was "unjust." An accused may be acquitted for a number of reasons and his conviction by the trial court may, for any of these reasons be set aside. For example, he may be acquitted not because he is innocent of the crime charged but because of reasonable doubt, in which case he may be found civilly liable to the complainant because while the evidence against him does not satisfy the quantum of proof required for conviction, it may nonetheless be sufficient to sustain a civil action for damages.[2] In one case the accused, an alien, was acquitted of statutory rape with homicide because of doubt as to the ages of the offended parties who consented to have sex with him. Nonetheless the accused was ordered to pay moral and exemplary damages and ordered deported.[3] In such a case to pay the accused compensation for having been "unjustly convicted" by the trial court would be utterly inconsistent with his liability to the complainant. Yet to follow petitioner's theory such an accused would be entitled to compensation under sec. 3(a).

The truth is that the presumption of innocence has never been intended as evidence of innocence of the accused but only to shift the burden of proof that he is guilty to the prosecution. If "accusation is not synonymous with guilt,"[4] so is the presumption of innocence not a proof thereof. It is one thing to say that the accused is presumed to be innocent in order to place on the prosecution the burden of proving beyond reasonable doubt that the accused is guilty. It is quite another thing to say that he is innocent and if he is convicted that he has been "unjustly convicted." As this Court held in a case:

Though we are acquitting the appellant for the crime of rape with homicide, we emphasize that we are not ruling that he is innocent or blameless. It is only the constitutional presumption of innocence and the failure of the prosecution to build an airtight case for conviction which saved him, not that the facts of unlawful conduct do not exist.[5]

To say then that an accused has been “unjustly convicted” has to do with the manner of his conviction rather than with his innocence. An accused may on appeal be acquitted because he did not commit the crime, but that does not necessarily mean that he is entitled to compensation for having been the victim of an “unjust conviction.” If his conviction was due to an error in the appreciation of the evidence the conviction while erroneous is not unjust. That is why it is not, on the other hand, correct to say as does respondent, that under the law liability for compensation depends entirely on the innocence of the accused.

The phrase “unjustly convicted” has the same meaning as “knowingly rendering an unjust judgment” in art. 204 of the Revised Penal Code. What this Court held in *In re Rafael C. Climaco*[6] applies:

In order that a judge may be held liable for knowingly rendering an unjust judgment, it must be shown beyond doubt that the judgment is unjust as it is contrary to law or is not supported by the evidence, and the same was made with conscious and deliberate intent to do an injustice. . . .

To hold a judge liable for the rendition of manifestly unjust judgment by reason of inexcusable negligence or ignorance, it must be shown, according to Groizard, that although he has acted without malice, he failed to observe in the performance of his duty, that diligence prudence and care which the law is entitled to exact in the rendering of any public service. Negligence and ignorance are inexcusable if they imply a manifest injustice which cannot be explained by a reasonable interpretation. Inexcusable mistake only exists in the legal concept when it implies a manifest injustice, that is to say, such injustice which cannot be explained by a reasonable interpretation even though there is a misunderstanding or error of the law applied, yet in the contrary it results, logically and reasonably, and in a very clear and indisputable manner, in the notorious violation of the legal precept.

Indeed, sec. 3(a) does not refer solely to an unjust conviction as a result of which the accused is unjustly imprisoned, but, in addition, to an unjust accusation. The accused must have been “unjustly accused, in consequence of which he is unjustly convicted and then imprisoned. It is important to note this because if from its inception the prosecution of the accused has been wrongful, his conviction by the court is, in all probability, also wrongful. Conversely, if the prosecution is not malicious any conviction even though based on less than the required quantum of proof in criminal cases may be erroneous but not necessarily unjust.

The reason is that under Rule 112, sec. 4, the question for the prosecutor in filing a case in court is not whether the accused is guilty beyond reasonable doubt but only whether “there is reasonable ground to believe that a crime has been committed and the accused is probably guilty thereof.” Hence, an accusation which is based on “probable guilt” is not an unjust accusation and a conviction based on such degree of proof is not necessarily an unjust judgment but only an erroneous one. The remedy for such error is appeal.

In the case at bar there is absolutely no evidence to show that petitioner’s conviction by the trial court was wrongful or that it was the product of malice or gross ignorance or gross negligence. To the contrary, the court had reason to believe that petitioner and his coaccused were in league, because petitioner is the father-in-law of Wilfredo Balderrama and it was petitioner who bore the victim a grudge because of a land dispute. Not only that. Petitioner and his coaccused arrived together in the hut of the victims and forced their way into it.

The Court of Appeals ruled there was no conspiracy only because there was no proof that he did or say anything on the occasion. Said the appellate court.

Both eyewitness testimonies fail to show the appellant Felicito Basbacio to have committed any act at all. Both fail to show Felicito Basbacio as having said anything at all. Both fail to show Felicito Basbacio as having committed anything in furtherance of a conspiracy to commit the crimes charged against the defendants. It seems to be a frail and flimsy basis on which to conclude that conspiracy existed between actual killer Wilfredo Balderrama and Felicito Basbacio to commit murder and two frustrated murders on that night of June

26, 1988. It may be asked where was the coming together of the two defendants to an agreement to commit the crimes of murder and frustrated murder on two counts? Where was Basbacio's contribution to the commission of the said crimes? Basbacio was -- as the record shows -- nothing but part of the dark shadows of that night. . .

One may take issue with this ruling because precisely conspiracy may be shown by concert of action and other circumstances. Why was petitioner with his son-in-law? Why did they apparently flee together? And what about the fact that there was bad blood between petitioner and the victim Federico Boyon? These questions may no longer be passed upon in view of the acquittal of petitioner but they are relevant in evaluating his claim that he had been unjustly accused, convicted and imprisoned before he was released because of his acquittal on appeal. We hold that in view of these circumstances respondent Secretary of Justice and the Board of Claims did not commit a grave abuse of its discretion in disallowing petitioner's claim for compensation under Rep. Act No. 7309.

WHEREFORE, the petition is DISMISSED.

SO ORDERED.

Narvasa, C.J., Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, and Kapunan, JJ., concur.
Feliciano, J., on leave.

[1] The statute in pertinent parts provide:

SEC. 3 Who may File Claims. - The following may file claims for compensation before the Board:

- a) any person who was unjustly accused, convicted, imprisoned but subsequently released by virtue of a judgment of acquittal;
- b) any person who was unjustly detained and released without being charged;
- c) any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; and
- d) any person who is a victim of violent crimes. For purposes of this Act, violent crimes shall include rape and shall likewise refer to offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.

SEC. 4. Award Ceiling. - For victims of unjust imprisonment or detention, the compensation shall be based on the number of months of imprisonment or detention and every fraction thereof shall be considered one month: Provided, however, That in no case shall such compensation exceed One thousand pesos (P1,000.00) per month.

In all other cases, the maximum amount for which the Board may approve a claim shall not exceed Ten thousand pesos (P10,000.00) or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the injury, whichever is lower. This is without prejudice to the right of the claimant to seek other remedies under existing laws.

[2] The Civil Code provides in art. 29: "When the accused in a criminal prosecution is acquitted on the ground that his guilt has not been proved beyond reasonable doubt, a civil action for damages for the same act or omission may be instituted. Such action requires only a preponderance of evidence. Upon motion of the

defendant, the court may require the plaintiff to file a bond to answer for damages in case the complaint should be found to be malicious.

“If in a criminal case the judgment of acquittal is based upon reasonable doubt, the court shall so declare. In the absence of any declaration to that effect, it may be inferred from the text of the decision whether or not the acquittal is due to that ground.”

[3] *People v. Ritter*, 194 SCRA 690 (1991).

[4] *People v. Dramayo*, 42 SCRA 59, 64 (1971).

[5] *Supra* note 3 at 722.

[6] 55 SCRA 107, 119 (1974).

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