

GUILLERMO ARCE, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES AND THE HON. COURT OF APPEALS, RESPONDENTS.

G.R. No. 125857. March 20, 2002

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Petitioner was charged before the Regional Trial Court of Cavite City, Branch 17, with the crime of Robbery, committed as follows:

That on or about September 1, 1990, in the City of Cavite, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with 20 others whose identities have not been established, with intent to gain, conspiring, confederating together and mutually helping each other, there, willfully, unlawfully and feloniously rob, take and carry away 153,338 lineal meters of rattan poles valued at P597,650.10 belonging to the Princesa Rattan Gatherers Cooperative, Inc. which have been impounded by the government for having been shipped without the legal documents required under existing forest laws and regulations, without the consent of the latter and to its damage and prejudice in the total amount of P597,650.10, Philippine currency.

Contrary to law.[1]

Petitioner was arraigned on October 29, 1991. The other accused who remained unidentified were at large; hence, trial proceeded against petitioner only.

It appears that on July 27, 1990, the Coast Guard apprehended the motor launch M/L Blessed at Cañacao Bay and found rattan poles on board. While the vessel was docked, foresters of the Department of Environment and Natural Resources arrived and saw the rattan poles being unloaded on the shore and loaded on a truck. Petitioner, who is the owner of the M/L Blessed and the truck on which the rattan poles were being loaded, was present with his wife, so with Mrs. Velasco, the owner of the Princesa Rattan Gatherers Cooperative, Inc. The foresters conducted an inventory of the rattan poles and discovered that there was an excess of the allowable volume of rattan poles that may be shipped. Hence, the DENR officials issued a temporary seizure order against the shipment.

The rattan poles remained at Cañacao Bay, under the watch of DENR personnel and employees of petitioner. On August 31, 1990, the DENR foresters decided that it was dangerous to stay in the premises overnight because a heavy storm was approaching. They looked for a volunteer to watch over the rattan poles. Olimpio Apileña, a nearby resident, offered to help.

The following day, the DENR foresters were unable to return to Cañacao Bay due to the floods. When they returned to the place on September 2, 1990, they found that the rattan poles were gone. According to Apileña, men arrived at midnight of August 31, 1990 and forcibly took the rattan poles.

In the course of the police investigation, it was found that on September 1, 1990, petitioner's Pajero entered the

Nazareno Rattan Furniture. Deliveries of rattan poles were made on said date. This was purportedly evidenced by the logbook of the said company. However, the prosecution was unable to present portions of the logbook because the guard of Nazareno refused to furnish them copies thereof.

Further, forest protection officers found petitioner's truck, bearing license plate PFV-540, parked at the Blessed Rattan Sales Compound owned by petitioner, located in Sangandaan, Novaliches. The said truck was allegedly the same truck on which rattan poles were loaded at Cañacao Bay.

Based on these circumstances, petitioner was implicated in the loss of the rattan poles. After the prosecution rested its case against petitioner, he filed a demurrer to evidence which was denied in an Order dated October 30, 1992. Petitioner refused to present evidence, maintaining that the evidence presented by the prosecution against him was insufficient to prove his guilt.

On February 26, 1993, the trial court rendered judgment as follows:

WHEREFORE, in view of the foregoing, the Court finds the accused Guillermo Arce guilty beyond reasonable doubt of robbery in an uninhabited place as defined and penalized under paragraph 5, Art. 294 in relation to Art. 295 and he is hereby sentenced to undergo imprisonment of from Six (6) months of *arresto mayor*, as minimum to Eight (8) years of *prision mayor*, as maximum, to indemnify the National Government in the amount of P597,650.10 corresponding to the rattan poles taken and to pay the costs.

SO ORDERED.[2]

Petitioner appealed to the Court of Appeals, where the same was docketed as CA-G.R. CR Case No. 15233. On February 29, 1996, the Court of Appeals rendered the assailed decision affirming the judgment of conviction, the dispositive portion of which reads:

WHEREFORE, the Decision of the lower court convicting accused-appellant Guillermo Arce of the crime of Robbery is hereby AFFIRMED, with the modification that the minimum penalty, applying the Indeterminate Sentence Law, shall be six (6) months and one (1) day of *prision correccional* minimum, and the maximum penalty remains at eight (8) years of *prision mayor* minimum as maximum. The rest of the appealed Decision stands. Costs de officio.

SO ORDERED.[3]

Hence, the instant petition for review.

We find merit in the petition.

While the general rule is that factual findings of the trial court when affirmed by the Court of Appeals, are not to be disturbed by this Court, however, "when the findings are grounded entirely on speculation, surmises or conjectures; when an inference made by the appellate court from its factual findings is manifestly mistaken, absurd or impossible; when there is grave abuse of discretion in the appreciation of facts; when the findings of the appellate court go beyond the issues of the case, run contrary to the admissions of the parties to the case or fail to notice certain relevant facts which, if properly considered, will justify a different conclusion; when there is a misappreciation of facts; when the findings of fact are conclusions without mention of the specific evidence on which they are based, are premised on the absence of evidence or are contradicted by evidence on record,"[4] the said findings may be disregarded by this Court.

Petitioner's conviction was based mainly on the information that his Pajero was seen entering the premises of Nazareno Rattan Furniture on September 1, 1990, at which time deliveries of rattan was also allegedly made. It should be noted, however, that petitioner also owns a rattan shop, the Blessed Rattan Sales. Hence, there was

nothing out of the ordinary in petitioner's delivery of rattan items to Nazareno, assuming that he did. Likewise, petitioner's involvement in the crime was based on the alleged discovery of his truck at his company's compound. This, according to the prosecution witnesses, was the same truck on which the missing rattan poles were being loaded on July 27, 1990. Be that as it may, there was no direct evidence that it was this same truck belonging to petitioner that arrived at Cañacao Bay at midnight of August 31, 1990 and forcibly took away the rattan poles. On the contrary, Olimpio Apileña stated that trucks arrived with men who forcibly took away the rattan poles. He could not have referred to petitioner's truck which was there all along. When the men took the rattan poles, they must have also taken petitioner's truck with them, on which the rattan poles were then laden. This explains the disappearance of petitioner's truck together with the poles.

An accused may be convicted based on circumstantial evidence only where factual circumstances which are duly proven by the prosecution constitute an unbroken chain which lead to a fair and reasonable conclusion that the accused is guilty. To support a conviction based on circumstantial evidence, the concurrence of the following requisites is essential: (a) there must be more than one circumstance; (b) the facts from which the inference of guilt is based must be proved; and (c) the combination of all the circumstances is such as to produce conviction beyond reasonable doubt.[5] In the case at bar, we find the required link among the circumstances wanting. To be sure, the isolated transactions cited by the trial court and the Court of Appeals do not form an unbroken chain that point to petitioner as the author of the crime. The connection perceived by the lower court was merely conjectural.

Conviction based merely on speculation and conjecture cannot satisfy the question of evidence required for a pronouncement of guilt, i.e. proof beyond reasonable doubt of his complicity in the crime.[6] It is incumbent upon the prosecution to establish its case with that degree of proof which produces conviction in an unprejudiced mind, with evidence which stands or falls on its merits, and which cannot be allowed to draw strength from the weakness of the evidence for the defense. Unless it discharges the burden of proving the guilt of the accused beyond reasonable doubt, the latter need not even offer evidence in his behalf. Thus, when the guilt of the accused has not been proven with moral certainty, such as the case at bar, it is a policy of long standing that the presumption of innocence of the accused must be favored and his exoneration be granted as a matter of right.[7]

The presumption of innocence of an accused is a substantial part of the law founded upon a great principle of justice that cannot be balanced out merely by conjecture or by probability. The heavy burden of overcoming this presumption rests on the prosecution, and unless it succeeds in proving by satisfactory evidence the guilt of the accused, the constitutional mandate of innocence prevails.[8]

WHEREFORE, in view of the foregoing, the petition is GRANTED. The decision of the Court of Appeals in CA-G.R. CR No. 15233, convicting petitioner of the crime of Robbery, is REVERSED and SET ASIDE. Petitioner is ACQUITTED of the crime charged.

SO ORDERED.

Davide, Jr., C.J., (Chairman), and Kapunan, JJ., concur.
Puno, J., on official leave.

[1] Criminal Case No. 215-91; Rollo, p. 89.

[2] Rollo, pp. 106-107; penned by Judge Rolando D. Diaz.

[3] Rollo, p. 122; Associate Justice Jesus M. Elbinas, ponente, Associate Justices Ramon U. Mabutas, Jr. and Salvador J. Valdez, Jr., concurring.

- [4] Lim v. Chan, G.R. No. 127227, February 28, 2001.
- [5] People v. Icalla, G.R. No. 136173, March 7, 2001.
- [6] People v. Manalo, G.R. Nos. 135964-71, February 21, 2001.
- [7] People v. Dindo, G.R. No. 129305, January 18, 2001.
- [8] People v. Painitan, G.R. No. 137665, January 16, 2001.

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