

JOEBERT SANTIAGO, PETITIONER, VS. THE COURT OF APPEALS AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 128517. September 10, 1998

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-128517/>

PANGANIBAN, J.:

The prosecution has the burden of proof. It must rely on the strength of its own evidence, not upon the weakness of the evidence submitted by the defense. Failure of the prosecution to discharge this obligation will result in the mandatory acquittal of the accused.

The Case

Before us is a petition for review on certiorari seeking to reverse and set aside the September 27, 1996 Decision and the March 11, 1997 Resolution of the Court of Appeals in CA-GR No. 17646, affirming petitioner's conviction for cattle rustling.

Petitioner Joebert Santiago -- together with Nonilon Waquez, Roger Lozada and John Dagohoy[1] - was charged with violating Presidential Decree 533, the Anti-Cattle Rustling Law of 1974. On June 24, 1991, Provincial Prosecutor Romeo S. Fernandez filed before the Regional Trial Court of Mambusao, Capiz the Information, the accusatory portion of which reads:

"That in or about the evening of March 17 and early morning of March 18, 1991 in Brgy. Maninang, Sapiang, Capiz, Philippines, in the jurisdiction of this Court, the above named accused conspiring, confederating and helping one another, with intent to gain, willfully and [feloniously] [stole] and [carried] away one male carabao valued at [t]en [t]housand [p]esos (P10,000.00) belonging to and without the knowledge and consent of Rodrigo Belorio[2] to the damage and prejudice of the said owner in the amount aforementioned." [3]

The petitioner, together with Waquez and Lozada, entered a plea of not guilty when arraigned[4] on August 6, 1991.[5] After trial on the merits, the trial court rendered its April 25, 1994 Decision which disposed:

"WHEREFORE, in the light of the foregoing and finding the evidence of the prosecution to have sufficiently established the guilt of the accused beyond reasonable doubt, the court hereby imposes upon the accused Joebert Santiago, Nonilon Waquez and Roger Lozada an indeterminate sentence of TEN (10) YEARS and ONE (1) DAY of prision mayor in its maximum as the minimum to FOURTEEN (14) YEARS, TEN (10) MONTHS and TWENTY-ONE (21) DAYS of reclusion temporal in its medium as the maximum, and to pay the private offended party Rodrigo Beloria the sum of P10,000.00 by way of moral damages and P5,000.00 as exemplary damages, and to pay the costs of the proceedings, with subsidiary imprisonment in case of insolvency.

"The case of accused John Dogohoy is hereby ordered archived and can be revived only upon proper motion." [6]

On appeal, Respondent Court[7] affirmed the Decision of the lower court thus:

"WHEREFORE, the appealed decision of the trial court in Criminal Case No. 1862 is hereby AFFIRMED by

this Court, with costs against accused-appellants." [8]

In its March 11, 1997 Resolution, the appellate court denied, for lack of merit, the separate Motions for Reconsideration [9] filed by the petitioner and his co-accused. [10]

Undaunted, Joebert Santiago filed this petition before us.

Through Counsel Luis C. A. Sillano, Nonilon Waquez and Roger Lozada belatedly filed their Petition for Review on October 1, 1997. [11] On October 15, 1997, this Court issued a Resolution denying their petition for the following reasons: (1) the prescribed legal fees were not paid within the reglementary period; (2) the certification against forum-shopping was signed by counsel instead of Waquez or Lozada; (3) Section 11, Rule 13 of the Rules of Court was not complied with; (4) the petition was filed late on October 1, 1997 the due date being August 27, 1997; and (5) said petition was improperly verified in violation of Section 4, Rule 7 in relation to Section 1, Rule 45 of the said Rules. [12]

Noting that the clerk of court erroneously accepted the deposit for costs paid on February 11, 1998 by Atty. Sillano, the Court in a Resolution dated April 11, 1998 directed the refund of such amount, "considering that the petition was denied on October 15, 1997."

In its July 1, 1998 Resolution, the Court denied with finality the Motion for Reconsideration of Waquez and Lozada. Hence, only Joebert Santiago's Petition remains to be resolved.

The Facts According to the Prosecution

The prosecution presented the following witnesses: (1) Pfc. Efren Felizardo, a member of the Philippine National Police stationed in Sapan; [13] (2) Police Sergeant Sergio Urdelas, who intercepted the jeep driven by Lozada and thereupon arrested him; [14] and November 17, 1992, pp. 2-4; records, pp. 341-344 and 400-402, respectively. [14] (3) Pat. Gualberto Salomeo, administrative officer and police blotter clerk; [15] and (4) Rodrigo Veloria, the owner of the stolen carabao. [16]

Adopted by the Court of Appeals in its Decision and by the Office of Solicitor General in its Comment was the trial court's summary of the above witnesses' testimonies, which we quote:

"The evidence of the prosecution has established the fact that on the evening of March 17, 1991, until the early morning of March 18, 1991, at around 2:30 in the morning, Pfc. Efren Felizardo, Pfc. McArthur dela Cruz and Patrolman Victoriano were on foot patrol inside the town proper of Sapan, Capiz, because of the rampant cattle rustling in the area when they tried to flag down a suspected passenger jeepney with Plate No. UVH-PFH-406, owned b[y] Elizane Waquez, but instead of stopping, the driver stepped on the gas pedal where Pfc. McArthur dela Cruz was almost hit by the accelerating jeepney; that they radioed the Ivisan Police Station where the latter intercepted the passenger jeepney and apprehended inside the driver Roger Lozada, one of the herein accused, who, when investigated, told the police that his companions were Nonilon Waquez, John Dagohoy and Joebert Santiago; Waquez and Santiago admitted that they were with their co-accused when they were flagged down by the Sapan PNP; and when their jeepney was intercepted by the Ivisan PNP, they escaped.

"The prosecution further solidified its position when it presented Rodrigo Veloria who reported to the Sapan Police Station in the morning of March 18, 1991, that his male carabao was stolen and [that] when they proceeded to the Ivisan Police Station, he identified his male carabao and showed his Credent[ial] No. 836465-A, Exhibit 'B' signed by Sapan Mayor Rodel Obordo, Exhibit 'B-1'." [17]

According to the Defense

Consistent with his avowal of innocence, Petitioner Santiago in his Petition for Review [18] offered a different story: [19]

"In the early morning of March 18, 1991 at [about] 2:30 o'clock in the morning some members of the Sapien, Capiz Police Force were on foot patrol inside the poblacion of the said town because of the rampant cattle rustling in the area. While patrolling the said area the police officers composed of Pfc. Efren Felizardo, Pfc. McArthur dela Cruz and Patrolman Victoriano tried to flag down or stop a passenger jeepney, suspected of transporting stolen carabaos, with Plate No. UVH-PFH-406 owned by a certain Lizanie Waquez. But instead of stopping, the driver of the said jeepney accelerated going to the direction of Ivisan, Capiz. (pp. 4-5, 9, t.s.n., September 23, 1991).

"Thereafter, the police officers immediately informed the Ivisan Police Force thru two way radio about the incident with the request to intercept the said jeepney. At around 3:30 [a].m. of the said morning, the Ivisan Police Force radioed back the Sapien Police Force informing them that they ha[d] intercepted the subject jeepney and apprehended its driver, one of the herein accused-appellant, Roger Lozada. During that time, the jeepney was transporting one (1) male carabao which was found out later to be stolen. (p. 12, t.s.n., Ibid.).

"During that same morning of [March] 18, 1991, Pfc. Efren Felizardo of the Sapien Police Department, together with Rodrigo Veloria, the owner of the stolen carabao, proceeded to the Ivisan Police Station. Rodrigo Veloria after identifying the carabao, showed his proof of ownership of the same. Roger Lozada, the jeepney and the carabao were thereafter brought to the Sapien Police Station. Later, on the same morning, the other occupants of the jeepney, herein other co-accused, Nonilon Waquez and John Dagohoy surrendered to the Sapien Police Force. (p. 5, t.s.n., Ibid; pp. 6-7, t.s.n., September 24, 1991).

"During their investigation, accused-appellants Roger Lozada and Nonilon Waquez both claimed that on the early morning of March 18, 1991, while on board the subject jeepney going to Bilao, Sapien, Capiz, they were stopped by petitioner Joebert Santiago who together with a certain Ledonio offered P1,500.00 for them to transport a carabao to Roxas City. (pp. 3-5, t.s.n., May 20, 1991).

"Petitioner Joebert Santiago testified that at around 8:00 o'clock in the morning of March 17, 1991 while he was at Poblacion, Sapien, Capiz, Rolando Ledonio approached him and asked him, if he was going to Roxas City. After he answered in the affirmative, Ledonio requested him to tell Roger Lozada that he (Ledonio) [would] load something in the latter's jeepney. He further testified that at about 10:00 o'clock of the same morning, he saw Roger Lozada and Nonilon Waquez in Roxas City and therefore told them of the request of Ledonio. (pp. 3-4, t.s.n., July 23, 1992). Thereafter, he and his employer went home to Sapien from Roxas City[;] after washing the car of his employer they had an accounting because he had earlier told his employer that he was going to Mindanao to work as a driver for a certain Roblito Cenica. (p. 4, t.s.n., Ibid). After their accounting at about 3:00 o'clock p.m., petitioner proceeded to his house at Barangay Dapdapan, Sapien, Capiz. From the time he arrived at this house up to 3:30 p.m. he packed his clothes and other things to be brought to Mindanao. (p. 5, t.s.n., Ibid). At about 6:30 p.m. to 10:00 p.m., he played domino in his house with Santiago Andaya, Romarico Dalmacio and Ramon Bonales. (p. 5, t.s.n., Ibid). After playing domino, petitioner went to sleep. However, the above-mentioned co-players of the petitioner continued playing domino. The wife of petitioner woke him up at about 4:00 a.m. the following morning of March 18, 1991. Thereafter, at about 4:30 p.m., petitioner and his cousin were able to ride a vehicle going to Sitio Talaba, Sapien, Capiz, and eventually were able to ride a bus from Talaba to Iloilo City. They arrived [in] Iloilo City at about 7:30 a.m. of March 18, 1991 [from where] they proceeded to Marbel, (Koronadal) South Cotabato (pp. 3-6, t.s.n., Ibid.).

"Romarico Dalmacio, a co-player of petitioner in the game of domino, attested that at about 10:00 p.m. of March 17, 1991, he saw petitioner Santiago [go] upstairs to the second floor of their house (his father-in-law's) to sleep and did not leave the said house until 4:00 a.m. of March 18, 1991 whe[n] appellant and his cousin left the house and rode a bus to the direction of Talaba, Sapien (pp. 3-4 and 9-10, t.s.n., September 17, 1992). In fact, he further stated that before petitioner left, he served them coffee while they continued playing domino. (p. 4, t.s.n., Ibid.)."

The Rulings of the Trial

and the Appellate Courts

Giving credence to the testimonies of the prosecution witnesses, the trial court convicted petitioner, together with his co-accused, of cattle rustling. It disbelieved his defense of alibi, as (1) he was "positively identified," and (2) he failed to prove that it was physically impossible for him to have been at the crime scene while the offense was being committed. The trial court concluded:

"Accused Joebert Santiago was one of the persons inside the jeepney with the carabao and his other co-accused when the jeep they were riding [in] was flagged down by the Sapien PNP[;] they continued at high speed proceeding to the Municipality of Ivisan, Capiz, where they were intercepted by the Ivisan PNP in the early morning of March 18, 1991." [20]

Further, in ruling that petitioner acted in concert with Lozada and Waquez, the RTC held:

"'Conspiracy need not be established by direct proof as it can be inferred from the acts of the appellants. It is enough that at the time the offense was committed participants had the same purpose and were united in its execution as maybe [sic] inferred from the attendant circumstances.' (People vs. Montealegre, G.R. 67948, 31 May 1988)" [21]

In affirming the trial court, the Court of Appeals held that: first, Santiago failed to prove with convincing evidence his defense of alibi; second, he was positively identified by his cohorts; and last, he fled after the incident took place.

Assignment of Errors

In his Memorandum, Santiago sets forth the following issues:

"I. Whether or not the Honorable Court of Appeals as well as the trial court erred in declaring that Petitioner Joebert Santiago conspired with the other accused in committing the crime charged.

"II. Whether or not the Honorable Court of Appeals as well as the trial court erred in outrightly disregarding Petitioner Joebert Santiago's defense of alibi and denial.

"III. Whether or not the Honorable Court of Appeals as well as the trial court erred in considering Petitioner Joebert Santiago's departure [for] Mindanao an indication of petitioner's guilt.

"IV. Whether or not the prosecution's evidence against Petitioner Joebert Santiago failed to stand the crucible test of reasonable doubt to overthrow the constitutionally guaranteed presumption of innocence petitioner has in his favor." [22]

Briefly stated, the issue in this case is whether there is sufficient evidence to prove the guilt of the petitioner beyond reasonable doubt.

This Court's Ruling

The petition is impressed with merit.

Main Issue:

Sufficiency of the Prosecution Evidence

Presidential Decree 533 penalizes [23] cattle rustling, which it defines as "the taking away by any means, method or scheme, without the consent of the owner/raiser, of any of the abovementioned animals [24] whether or not for profit or gain, or whether committed with or without violence against or intimidation of any person or force upon things. It includes the killing of large cattle, or taking its meat or hide without the consent of the owner/raiser." [25]

Section 7 of the said law creates a prima facie presumption of cattle rustling upon failure to exhibit documents of

ownership, viz.:

"Every person having in his possession, control or custody of large cattle shall, upon demand by competent authorities, exhibit the documents prescribed in the preceding sections. Failure to exhibit the required documents shall be prima facie evidence that the large cattle in his possession, control and custody are the fruits of the crime of cattle rustling."

Petitioner Santiago was not caught stealing the carabao. He was not seen by the Sapien PNP inside the jeep used in transporting the carabao subject of the offense. He was not even seen having possession, custody or control of the carabao. He was not in the company of Lozada when the latter was caught by the members of the Ivisan PNP. However, he was identified and indicted by virtue of the declarations of Lozada and Waquez during the investigation. On the basis of the evidence adduced, can Santiago be held guilty of cattle rustling?

We have consistently ruled that the prosecution has the obligation of proving beyond reasonable doubt the identity of the malefactor and his participation in the commission of the crime or offense charged.[26] In its discharge of such duty, the prosecution presented the policemen as witnesses. Relying on the testimonies of the policemen as well as those of petitioner's co-accused, the trial court convicted Santiago.

Testimonies of the Policemen

It is elementary that a witness may testify only on facts of which he has personal knowledge; that is, those derived from his perception, except in certain circumstances allowed by the Rules.[27] Otherwise, such testimony is considered hearsay and, hence, inadmissible in evidence.[28]

In this connection, Pfc. Efren Felizardo testified:

"Q

Mr. Witness, would you please tell us where you were on March 17, 1991?

Q

Why were you on patrol on that evening of March 17, 1991?

A

We were on preventive patrol and to monitor persons like robbers and suspected vehicle[s] wherein stolen carab[a]os were loaded because at that time cattle rustling was rampant

Q

And in the early morning of March 18, 1991 where were you then?

A

We were at Poblacion, Sapien, Capiz at around 2:30 in the morning, March 18, 1991 [when] we spotted [the] suspected jeep.

Q

And what did you do when you spotted [the] spotted suspected vehicle?

A

We flagged down the suspected vehicle [but] it did not stop. [T]he driver even made it r[u]n faster and Pfc. de la Cruz [was] nearly hit.

COURT:

Q

Were you then [in] uniform when you [stopped] the jeep?

A

Pfc. McArthur de la Cruz and Pat. Victoriano were [i]n police uniform and I was [i]n civilian because I am the head of the Intelligence and Investigation Section.

Q

You said that you saw [the] suspected jeep to be used in gathering the lost carabao. Why did you suspect?

A

It was because we ha[d] received reports that [the] jeep was being used as a vehicle [for] transporting stolen carabao. [S]o for several months that jeep was on surveillance.

Q

How many reports did you receive before March 17, 1991 about carabao[s] that [were] being stolen?

A

In my personnel report, I ha[d] already received [reported] ten (10) lost carabaos.

Q

And the report include[d] the jeep which [was] being used?

A

It [was] included but we [did] not officially enter the jeep in the blotter book.

COURT:

Proceed.

PROSECUTOR VARON

Q

What was the Plate Number of the jeep that you tried to flag in the morning of March 18, 1991?

A

UVH-PFH-406.

COURT

Q

When you flagged down the jeep and [it] did not stop, did you not fire [a shot] ?

A

We did not do it because we were afraid that there [would] be a commotion or when somebody [would] hear [he or she] might have [a] heart attack since we were in the Poblacion and it [would] cause anxiety to the people.

COURT:

Proceed.

PROSECUTOR VARON

Q

So, what did you do instead?

A

We ran towards the Sapian Police Station and radioed the Ivisan Police Station telling them to intercept the said vehicle.

Q

And what happened after that?

A

At around 3:30 in the morning, [the] Ivisan Police Station radioed us telling [us] that they had intercepted said vehicle carrying [a] male carabao.

Q

What did you do after that?

A

The following morning, we went to the Ivisan Police Station and we saw Roger Lozada who was the driver of the jeep and during that time Rodrigo Veloria was with us and [he reported] to us that the night before, he had lost a carabao.

Q

And what did you do next?

A

We investigated Roger Lozada and he told us that his companions [who escaped] were Nonilon Waquez, Joebert Santiago and Jhon Daguhoy and according to him, it was Joebert Santiago who rented said jeep and they were planning to bring the carabao to Roxas City but unfortunately, they were caught.

COURT

Q

[Were] these accuseds [sic] Nonilon Waquez, Joebert Santiago and Jhon Daguhoy xxx also apprehended during that evening?

A

No, [we] were not able to apprehend these three (3) persons but the following morning, Nonilon Waquez and Joebert Santiago, surrendered to the Sapian Police Station and told me that it was Joebert Santiago who rented the jeep.

Q

Why did you not ask, why did they rent?

A

I have asked them that, your Honor, and [they] told me that it was not Roger Lozada who [drove] the jeep but it was Joebert Santiago.

Q

The Court wanted to know why they ran when they were intercepted by the Police[, w]hy Roger Lozada was caught and the other was not.

ATTY. POTATO:

The jeep was taken by Joebert Santiago so, only Roger Lozada was left in Ivisan.

A

During the time when we flagged down the jeep at Sapián, it was Jobert Santiago who was the driver and along the way these Nonilon Waquez and Jhon Daguhoy escaped.

Q

And when the vehicle was intercepted in Ivisan it was Roger Lozada who remained in the jeep[;] did you ask Jhon Daguhoy and Nonilon Waquez why did they leave the jeep?

A

During the course of my investigation with Nonilon Waquez and Jhon Daguhoy, they told me that they escaped because [of] the fact that the carabao which was loaded in the jeep was a stolen carabao. I was not able to investigate Joebert Santiago because he did not surrender in the Police Station.

Q

You said that you were able to meet Roger Lozada at Ivisan because he was being apprehended by the Police of Ivisan[;] if this Roger Lozada is inside the courtroom could you point to him?

(Witness pointed to a person and when asked his name answered that he is Roger Lozada.)

x x x x x x x x

Q

When it passed by the three of you, you said that it did not stop. Did you see who was driving?

A

No.

Q

Why not[?]

A

Because it was running so fast.

Q

When you say it was running fast [do you mean] that you did not see who was driving?

A

Yes, Sir. I did not recognize the driver.

Q

It was running so fast that you did not even see the Plate No.?

A

The Plate No. could not be seen.

Q

Why not?

A

The Plate No. was scraped off.

Q

But can you recognize the jeep?

A

Yes.

Q

Because almost everyday you saw that jeep? Yes.

Did you recognize the persons on board the jeep when it passed by you?

A

On that night, I only recognize[d] Nonilon Waquez who was hanging at the back of the jeep.

Q

And why only Nonilon Waquez?

A

Because the rest were inside.

Q

You also stated that when you investigated Nonilon Waquez and John Daguhoy after they surrendered, they informed you that they escaped because they did not want to be involved in the matter of [the] stolen carabao.

Q

They did not want to be implicated?

A

They did not say that, they only told me that the carabao which was inside the jeep was a stolen carabao.

Q

They informed you that it was Joebert Santiago who rented the jeep for the purpose of loading the carabao?

A

Yes.

Q

Did they inform you where Joebert Santiago, in what place he rented the jeep of Lizanie Waquez?

A

They did not say that, they only told me that Joebert Santiago rented the jeep.

Q

Did they tell you how much Joebert Santiago rented the jeep?

A

What was necessary on my part was to apprehend the robber.

Q

Yes, but you were conducting [an] investigation and you were ascertaining the fact[;] why did you not ask them how much did they rent the jeep?

A

That I did not think necessary, what [was] important was to apprehend criminals and to put them in prison.

x x x x x x x x

Q

Did you not call for Joebert Santiago to find out from him x x x if it [was] really true that it was he who hired the jeep?

A

Joebert Santiago could no longer be found, in fact, he was apprehended in Mindanao.

Q

So, the moment you were investigating the case, this Joebert Santiago was not given a chance to explain if it [was] true that he was the one who hired the jeep?

A

He was not given a chance because he could not be found anymore.

Q

But notwithstanding that fact that his name was only mentioned by two suspects, you filed a case including him?

A

Yes, Sir.

Q

You also stated here that during their trip from the place where they came from down to Sapián where you flagged them to stop, it was Joebert Santiago who was driving the jeep?

A

According to Roger Lozada it was Joebert Santiago who was driving the jeep.

Q

Roger Lozada is another suspect in this case am I right?

A

Yes, Sir.

Q

And you included accused, Roger Lozada (Joebert Santiago) on the basis of the declaration of his co-accused and one of the suspects in this case?

A

Yes.

Q

You don't have personal knowledge of the fact regarding [the] accused, Joebert Santiago?

A

Yes, Sir.

Q

And when you reached there you inquired who was driving the people at that time?

A

Yes, Sir.

Q

What did they tell you?

A

The jeep was apprehended in Ivisan, it was Roger Lozada who was the driver of that jeep.

Q

As a matter of fact, Roger Lozada was alone in the jeep when he was apprehended?

A

Yes, Sir.

Q

You also stated that you have received reports of cattle rustling and that you were suspected that the rustlers are one of them, Joebert Santiago? [sic]

A

The reports stated that the jeep owned by Lizanie Waquez was being hired to transport stolen cattle.

Q

But you do not as yet received from any particular persons who was pinpointed to you as cattle rustlers, Am I correct? [sic]

A

In my own personal knowledge, it was Pepito Flores whom I suspected and I was even surprised why this Joebert Santiago was involved.

Q

You were surprised [when] this incident happened that this Joebert Santiago was not reported as involved in cattle rustling, am I right?

A

Yes."[29]

Police Sergeant Sergio Urdelas likewise narrated in court:

"Q

And you said you apprehended the jeep[;] who was there in that jeep you apprehended?

A

I apprehended Roger Lozada who was the driver.

Q

And what was inside that jeep then?

A

There was one carabao inside the jeep.

COURT

Q

How did you apprehend the jeep?

A

We [had] a checkpoint and we spotted an approaching vehicle which was about 200 meters away from us and xxx later we saw that the jeepney moved backward and we ran after [it] with our patrol car.

Q

When you saw that the jeep was turned about what did you do?

A

The jeep did not turn back but it just moved backward.

Q

So, what did you see when the jeep moved backward?

A

When the jeep made a final stop we saw that there was a carabao inside.

Q

You said that you were able to apprehend this Roger Lozada[;] what happened?

A

We introduced ourselves as policemen and asked for the person inside the jeep to come down and it was Roger Lozada who alighted.

Q

And who was with him at that time?

A

I do not know.

Q

But he ha[d a] companion?

A

According to him he had a companion.

Q

Did you not inquire where was his companion?

A

I asked him who were his companion[s] but he told us that they had already escaped.

Q

They have escaped right and when you apprehended the jeep? [sic]

A

When we apprehended the jeep they were no longer there.

x x x x x x x x

Q

When this Roger Lozada informed you, [what] were the names of his companions who escaped?

A

They only informed me, Nonilon Waquez, Godo Santiago and alias Jojo Waquez.

Q

Did he not inform you that Jojo Santiago was with him?

A

He only mentioned Godo Santiago."[30]

He further admitted that he did not see the petitioner during the encounter, as this portion of his testimony shows:

"Q

Did you recognize those persons who were running away?

A

No sir.

Q

You could not recognize those persons who were running away because it was dark?

A

Yes.

Q

Did you see how many persons were running?

A

No.

Q

You could not say whether there were five persons who were running because it was dark?

A

Yes."[31]

Clearly, the testimonies of Pfc. Felizardo and Police Sergeant Urdelas, linking Santiago to the crime, are inadmissible in evidence for being unabashedly hearsay. Neither one of them saw Santiago having possession, custody or control of the carabao. They had no personal knowledge that Santiago participated in the commission of the crime. Petitioner was implicated solely and purely on the policemen's recollection of statements given by Lozada and Waquez while under interrogation.

We also agree with petitioner that the entries in the police blotter[32] should not be given significance or probative value, as they do not constitute conclusive proof of the truth thereof.[33] These entries are usually incomplete and inaccurate, as "[s]ometimes they are taken from either partial suggestion or inaccurate reporting and are hearsay, untested in the crucible of a trial on the merits." [34]

Testimonies of Co-Accused

During their custodial investigation, Lozada and Waquez both implicated Santiago as the person who allegedly rented the jeep. They said he was with them when they transported the carabao. However, such declarations, being extrajudicial, are inadmissible in evidence against Santiago. The rights of a party cannot be prejudiced by an act, declaration, or omission of another, except as may be allowed by the Rules of Court.[35] Verily, the admission of such declarations will violate the right of the petitioner to due process, specifically his right to confront and cross-examine his co-accused.[36]

A different rule applies with respect to testimonies given during the trial. In a number of instances, we have held that the testimonies of particeps criminis may be admissible against the person incriminated.[37] But such rule is not without qualification. We always advise caution in according probative value to the testimony of an alleged co-conspirator, as the latter is deemed a polluted source. His or her declaration must be scrutinized with care and

subjected to grave suspicion.[38] True, such testimony, even if uncorroborated, may be sufficient to convict a co-accused, provided it is shown to be sincere, unhesitating, straightforward and detailed that it could not have been the result of deliberate afterthought.[39] Otherwise, his testimony would require corroborative evidence[40] which, if strong and convincing, may be given its due weight and force.[41]

After a careful and meticulous review of the records, we find the testimonies of Lozada and Waquez insufficient to convict Santiago of cattle rustling.

First, the trial court did not find the testimonies of said witnesses "frank, candid and straightforward," or their testimonies worthy of any credit. And our own reading of the transcripts does not lead us to conclude otherwise. In fact, the solicitor general himself submits that "the testimonies of co-accused Lozada and Waquez are insufficient to justify petitioner's conviction." [42]

Second, both Lozada and Waquez deny any participation in cattle rustling. In fact, they claim to have no knowledge that the carabao was indeed stolen. Being of human nature, culprits are likely to pin the blame on others rather than on themselves.[43] There is therefore no guarantee that petitioner's co-accused had testified truthfully.[44]

Third, the identification of the petitioner as the malefactor was not sufficiently established. Lozada did not identify the petitioner in open court, but merely mentioned his name. True, Waquez pointed to Santiago, but the probative weight of his identification of the latter as the culprit is attenuated by his admission that, on the night of the incident, he "could not really determine that he is Joebert" and that he "did not recognize him." [45]

Lastly, the testimonies of Waquez and Lozada were not corroborated. There are no other pieces of evidence that support their testimonies and that tend to show or establish the guilt of the petitioner.[46] Of the four original accused, only Waquez was positively identified by Prosecution Witness Felizardo as the one who was "hanging at the back of the jeep." Urdelas, who apprehended Lozada, did not see anybody except the latter. Only Lozada and Waquez testified that Santiago rented the jeep they were plying and was with them while they were transporting the carabao.

We agree with the solicitor general's recommendation to acquit Santiago:

"x x x the facts obtaining in the case engender reasonable doubt on petitioner's complicity which, should, therefore, tilt the scale of justice in his favor. x x x 'where the people's evidence fails to meet the quantum required to overcome the constitutional presumption of innocence, the accused is entitled to acquittal regardless of the weakness of his defense of denial and uncorroborated alibi.'" [47]

For insufficiency of the evidence adduced by the prosecution, this Court is constrained to acquit the petitioner. It is axiomatic that the accused is entitled to acquittal, unless his guilt is proven beyond reasonable doubt.[48] The prosecution evidence must stand or fall on its own merit; it cannot draw strength from the weakness of the defense.[49]

To summarize, the prosecution's evidence is insufficient to convict Santiago. First, the testimonies of the policemen, being hearsay, are inadmissible in evidence. Second, the declarations of Lozada and Waquez during the investigation are inadmissible under Section 28, Rule 130 of the Rules of Court and for being violative of petitioner's right to due process. Third, the testimonies of Lozada and Waquez, as borne out by the stenographic notes, are not worthy of credence. Lastly, there is no other clear, convincing and corroborative evidence that shows the complicity of the petitioner in the commission of the offense.

WHEREFORE, the petition is hereby GRANTED. Petitioner Joebert Santiago is ACQUITTED on reasonable doubt. No costs.

SO ORDERED.

Davide Jr., (Chairman), Bellosillo, Vitug, and Quisumbing, JJ., concur.

[1] Sometimes spelled as "Jhon Daguhoy," "John Daguhoy" or "John Dogohoy."

[2] Sometimes spelled as "Beloria" or "Veloria."

[3] CA rollo, p. 34.

[4] They were assisted by Atty. Rito A. Biñas. (See Certificate of Arraignment and Order of the Court dated August 6, 1991; records, pp. 155 and 160, respectively.)

[5] Accused Dagohoy was at large.

[6] RTC Decision, p. 15; CA rollo, p. 50. This was penned by Judge Ramon B. Benjamin.

[7] Eighth Division composed of JJ. Lourdes Tayao-Jaguros, ponente; with the concurrence of both Jaime M. Lantin, chairman, and B.A. Adefuin-de la Cruz, member.

[8] CA Decision, p. 7; rollo, p. 14 .

[9] Motion for Reconsideration for Petitioner Santiago, filed by Counsel Maria Editha A. Go-Biñas; Motion for Reconsideration for Waquez and Lozada, submitted by Atty. Rogelio F. Vista.

[10] Rollo, p. 16.

[11] See rollo, p. 185.0

[12] Rollo, pp. 195-196.

[13] TSN, September 23, 1991, pp. 3-11; records, pp. 333-341.

[14] Ibid., pp. 11-

[15] TSN, September 24, 1991, pp. 2-4; records, pp. 346-348.

[16] Ibid., pp. 5-7; records, pp. 349-351.

[17] RTC Decision, pp. 11-12; CA rollo, pp. 46-47.

[18] Through his counsel, Maria Editha A. Go-Biñas.

[19] Petition for Review, pp. 4-5; rollo, pp. 37-38.

[20] RTC Decision, p. 13; CA rollo, p. 48.

[21] Ibid., p. 15; CA rollo, p. 50.

[22] Memorandum for the Petitioner, pp. 4-5; rollo, pp. 257-258. The same grounds were raised in his Petition for Review (p. 6; rollo, p. 40).

[23] § 8 of PD 533 states:

"SEC. 8. Penal Provisions. -- Any person convicted of cattle rustling as herein defined shall, irrespective of the value of the large cattle involved, be punished by prision mayor in its maximum period to reclusion temporal in its medium period if the offense is committed without violence against or intimidation of persons or force upon

things. If the offense is committed with violence against or intimidation of persons or force upon things, the penalty of reclusion temporal in its maximum period to reclusion perpetua shall be imposed. If a person is seriously injured or killed as a result or on the occasion of the commission of cattle rustling, the penalty of reclusion perpetua to death shall be imposed.

"When the offender is a government official or employee, he shall, in addition to the foregoing penalty, be disqualified from voting or being voted upon in any election/referendum and from holding any public office or employment.

"When the offender is an alien, he shall be deported immediately upon the completion of the service of his sentence without further proceedings."

[24] § 2 (a) of PD 533 states that "[l]arge cattle as herein used shall include the cow, carabao, horse, mule, ass or other domesticated member of the bovine family."

[25] §2 (c), PD 533.

[26] *People v. Galera*, GR No. 115938, October 10, 1997; *People v. Abellanos*, 264 SCRA 722, 735, November 27, 1996; and *People v. Esmale* 243 SCRA 578, 592, April 21, 1995, citing *Alvin Tuason y Ochoa v. Court of Appeals and People of the Philippines*, 241 SCRA 695, February 23, 1995.

[27] § 36, Rule 130 of the Rules of Court.

[28] *People v. Parungao*, 265 SCRA 140, 147-148, November 28, 1996.

[29] TSN, September 23, 1991, pp. 4-11; records, pp. 334-341.

[30] *Ibid.*, pp. 12-13; records, pp. 342-343.

[31] TSN, November 17, 1992, p. 4; records, p. 402.

[32] Evidence for the Prosecution marked as Exhibits "A" to "A3." (Records, pp. 204-209).

[33] *People v. Ledesma*, 250 SCRA 166, 170-171, November 20, 1995 and *People v. Cabuang*, 217 SCRA 675, 683, January 27, 1993.

[34] *People v. Paragua*, 257 SCRA 118, 124, May 24, 1996, per *Hermosisima, J.*

[35] § 28, Rule 130 of the Rules of Court.

[36] *Taer v. Court of Appeals*, 186 SCRA 598, 605, June 18, 1990.

[37] *US v. Macamay*, 36 Phil. 893, 897, September 25, 1917; *People v. Borromeo*, 60 Phil. 691, 695, October 1, 1934; *People v. Gumaling*, 61 Phil. 165, February 2, 1935; and *People v. Encipido*, 146 SCRA 478, 494, December 29, 1986.

[38] *People v. Canete*, 43 SCRA 14, 26, January 21, 1972; *People v. Aquino*, 27 SCRA 43, 48, May 21, 1974.

[39] *People v. Ponce*, 197 SCRA 746, 755, May 31, 1991 and *People v. Cuya, Jr.*, 141 SCRA 351, 354, February 18, 1986.

[40] *People v. Victor*, 181 SCRA 818, 830, February 6, 1990; *People v. Tabayoyong*, 104 SCRA 724, 740, May 29, 1981; and *US v. Shoup*, 35 Phil. 56, 60, October 14, 1916.

[41] *US v. Remigio, et al.*, 37 Phil. 599, 610-611, February 11, 1918.

[42] Comment of the solicitor general, p. 9; rollo, p. 206.

[43] *People v. Sarmiento*, 69 Phil. 740, 742, June 17, 1940 and *People v. Madangan*, 52 Phil. 62, September 12, 1928.

[44] *People v. Ponce*, 197 SCRA 746, 755, May 31, 1991 and *Lugtu v. Court of Appeals*, 183 SCRA 388, 395, March 21, 1990.

[45] TSN, May 20, 1992, pp. 369 and 371.

[46] *People v. Riparip*, 86 Phil. 526, 531, May 31, 1950 and *People v. Asinas*, 53 Phil. 59, 67, March 25, 1929.

[47] Comment of the solicitor general, p. 17; rollo, p. 214.

[48] *People v. Abellanos*, 264 SCRA 722, 747, November 27, 1996.

[49] *People v. Obar, Jr.*, 253 SCRA 288, 302, February 7, 1996.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.