MELBAROSE R. SASOT, PETITIONER, VS. AMADO YUSON, ROMEO SUANINO, AND MELODY DE GUZMAN, RESPONDENTS.

G.R. No. 141888. July 13, 2009

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for certiorari[1] assailing the Decision[2] dated 14 July 1999 and Resolution[3] dated 4 February 2000 of the Court of Appeals in CA-G.R. SP No. 47355.

The Facts

On 17 August 1994, petitioner Melbarose R. Sasot (Melbarose) filed a complaint for serious physical injuries against respondents Amado Yuson (Yuson), Romeo Suanino (Suanino) and Melody de Guzman (de Guzman) with the National Bureau of Investigation (NBI).[4] In her Complaint-Affidavit,[5] Melbarose alleged that her daughter, Aileenrose R. Sasot (Aileen), suffered contusions and bruises all over her body inflicted by Yuson, the alleged leader of the religious group Nuestra Señora del Gumamela Celis (Gumamela Celis) or Our Lady of the Heavenly Gumamela Flower, and some members of his cult, Suanino and de Guzman.

On 23 August 1994, two senior agents of the NBI went to Yuson's residence at 2004 Blumentritt Street, Sampaloc, Manila to conduct an inquiry. During the course of the inquiry, the NBI agents allegedly illegally conducted a search on Yuson's house and seized an unlicensed Colt cal. 45 pistol. Thus, the NBI arrested Yuson for violation of Presidential Decree No. 1866 (PD 1866) or the illegal possession of firearms and ammunition for possessing an unlicensed pistol. Yuson's arrest had been widely publicized in newspapers and television.[6]

On 26 August 1994, the Firearms and Explosives Division of the Philippine National Police (PNP-FED) at Camp Crame, Quezon City issued a certification:[7]

> CERTIFICATION
>
> TO WHOM IT MAY CONCERN:
>
> This is to certify that Amado Yuson, no middle name and of 2000 Blumentritt St., Dimasalang, Metro Manila has no available info with this Office as of this date.
>
> Further certify that one (1) Romeo Suanino, no middle name and of 188 Miguelin St., Sampaloc, Manila has no available info with this Office as of this date.
>
> This certification is issued per request of Federico M. Opinion, Jr., Chief, Special Task Force, MATATAG, PACC.

This certification, together with the complaint filed by Melbarose, served as the NBI's basis for filing, on 13 September 1994, a complaint for violation of PD 1866 and for serious physical injuries[8] with the Prosecution

Office of the Department of Justice.

On 6 December 1994, Yuson and his wife, Lulu, filed their Counter-Affidavit.[9] They stated that the NBI agents, without an arrest or search warrant, searched their house for firearms and seized Yuson's Colt cal. 45 pistol with serial no. 1420087 under license no. TL 00827 RL, even after an application to own and a permit to carry said firearm had been presented. Yuson denied the physical injuries charged against him by Melbarose, the mother of the alleged victim, Aileen. Yuson added that the averments in the complaint were hearsay in character and inadmissible in evidence against him.

On 13 December 1994, Yuson, Suanino, and de Guzman filed a Motion to Dismiss with the NBI.[10] They alleged that Melbarose was not the proper party in interest but Aileen, the supposed victim, who was then 23 years of age. They reiterated that all averments in the complaint and other corroborative affidavits were hearsay in character and based on false and groundless accusations. Further, the seized firearm was covered by a valid application to own the firearm, as well as a permit to carry.

On 24 February 1995, Melbarose filed her Reply-Affidavit,[11] together with Aileen's Affidavit.[12] On 27 February 1995, Aileen's Supplemental Affidavit followed.[13] Aileen recounted that she was introduced by Suanino to Yuson and the religious group Gumamela Celis. She narrated her experiences with the group and how this affected her relationship with her friends and family. In her sworn statement, Aileen talked about in detail how she developed violent emotional and psychological problems after immersing herself in the activities of the so-called cult. She also mentioned Yuson and his sexual exploits with the other women in the group.

On 27 February 1995, Melbarose wrote to then NBI director Epimaco Velasco requesting that an additional charge of falsification of public documents be meted against Yuson. Melbarose stated that Yuson presented a falsified firearm license during the preliminary investigation.

In a Resolution dated 1 April 1997,[14] the Investigating Prosecutor, Senior State Prosecutor Theodore M. Villanueva (Investigating Prosecutor), dismissed the complaints for serious physical injuries, violation of PD 1866, and falsification of public documents. The relevant portions of the resolution state:

> The undersigned after an assiduous evaluation of the facts of the case and the evidence presented finds the non-existence of probable cause to hold respondents for trial of the crime of physical injuries.
>
> The witness Aileen Sasot in her sworn statement failed to name the persons responsible for the injuries she sustained on July 3, 1994. Witness Aileen did not even mention where and when she was physically abused nor as to how were the injuries inflicted upon her. True to say that Aileen narrated the sex filled stories told by Amado Yuson but there is no showing that she was actually molested sexually nor were direct overt acts of sexual advances made on her person. The testimonies of the other witnesses in this case as to how Aileen suffered the bodily injuries are hearsay, they not being based on their own personal account nor have they witnessed the actual incident wherein Aileen was subjected to physical harm. The allegation that the religious cult is responsible for the psychological imbalance suffered by Aileen Sasot is not based on any concrete evidence. The allegations standing merely on hearsay evidence, suspicions and conjectures. These type of evidence could not stand up in a court law wherein strong evidence must be presented to sustain a case for the prosecution.
>
> As to the charge of illegal possession of firearm, a check with the PNP-FED, the government agency in charge with the licensing of firearms and the repository of all records relative to licensed firearms reveal that respondent Amado Yuzon y Belizon is licensed to possess a firearm at the time of his arrest by the NBI therefore putting an end to the allegation that the license presented by respondent is fake and further putting an end to the allegation of Melbarose Sasot that Amado Yuzon falsified public documents considering that the latter presented falsified gun license.

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> The documents presented by the PNP-FED is presumed regular on its face and strong evidence to prove the contrary is needed to overturn such presumption which the challenge in this case miserably failed.
>
> It is therefore recommended that the criminal complaint filed against respondent Amado Yuzon; Romeo Suanico and Melody de Guzman be dismissed for lack of evidence. It is further recommended that the complaint for illegal possession of firearm and falsification of public document filed against Amado Yuzon y Belizon be dismissed for lack of merit.[15]

The motion for consideration filed by Melbarose was also dismissed in a Resolution dated 2 June 1997.[16] Melbarose appealed to then Secretary of Justice Teofisto T. Guingona, Jr. (Secretary of Justice). On 13 August 1997, the Secretary of Justice dismissed the appeal outright reasoning that there was no reversible error in the questioned resolution.[17] Likewise, the motion for reconsideration filed by Melbarose was dismissed in a letter-resolution dated 30 October 1997.[18] The letter-resolutions state:

> 13 August 1997
>
> x x x
>
> Sir:
>
> This refers to your appeal from the Resolution of the Office of the Chief State Prosecutor in I.S. No. 94-432 dismissing your complaint against Amado Yuson and others for serious physical injuries, violation of Presidential Decree No. 1866 and for falsification of public documents.
>
> Section 9 of Department Order No. 223 dated June 30, 1993 provides that the Secretary of Justice may, motu propio, dismiss outright an appeal if there is no showing of any reversible error in the questioned resolution. We considered the arguments raised and discussed in your appeal, as well as the findings in the questioned resolution, and on the basis of the evidence presented, we find no such error committed by the prosecutors that would justify a reversal of their resolution.
>
> Moreover, you failed to attach copies of all annexes to the "reply affidavit" of Melbarose R. Sasot dated February 24, 1995; all annexes to the affidavit of Aileenrose R. Sasot dated February 24, 1995; the handwritten note dated November 4, 1994 of Aileen Sasot cited in the "affidavit" of Amado Yuson and Lulu Yuson dated December 6, 1994; and Registry Receipt No. 008253 evidencing service of a copy of the appeal to the adverse parties or their counsel as required under Section 3 of the said department order.
>
> Consequently, we resolve to dismiss your appeal.
>
> 30 October 1997
>
> x x x
>
> Sir:
>
> This refers to your motion for reconsideration of our letter-resolution dated August 13, 1997 dismissing your appeal in I.S. No. 94-432 against Amado Yuson and others for serious physical injuries, violation of Presidential Decree No. 1866 and for falsification of public documents.
>
> We have carefully studied your motion and the grounds relied upon in support thereof, but found no sufficient justification to reconsider said resolution.
>
> Besides, you still failed to submit copies of all annexes to the "reply affidavit" of Melbarose R. Sasot dated February 24, 1995; all annexes to the affidavit of Aileenrose R. Sasot dated February 24, 1995; and the handwritten note dated November 4, 1994 of Aileen Sasot cited in the "affidavit" of Amado Yuson and Lulu Yuson dated December 6, 1994.

> Wherefore, your motion is hereby denied with finality.

Melbarose filed an appeal from the resolutions of the Secretary of Justice with the Office of the President, docketed as O.P. Case No. 98-0-8273. In an Order dated 6 March 1998,[19] the appeal was dismissed outright. The Office of the President reasoned that the offenses with which Yuson was charged were felonies not punishable by reclusion perpetua to death. Thus, the case could not be taken cognizance by the Office of the President as governed by Memorandum Circular No. 58, series of 1997.[20]

Melbarose then filed a petition for review with the Court of Appeals, docketed as CA-G.R. SP No. 47355.

The Ruling of the Court of Appeals

On 14 July 1999, the petition was dismissed by the appellate court. The relevant portions of the decision state:

> In fine, the determination of whether there exists a probable cause or not, rests primarily with the prosecutor. He cannot be compelled to file a criminal information and prosecute a case where he is convinced that he does not have the necessary evidence to do so. x x x
>
> In the case at bar, there is no clear showing of grave abuse of discretion committed by the Secretary of Justice in affirming the resolution of the Chief State Prosecutor, dismissing the criminal complaint filed by Melbarose Sasot against Amado Yuson and the other members of his cult.
>
> x x x
>
> Thus, in the more recent case of Pono vs. NLRC, 275 SCRA 611, the High Court restated the rule that "an investigating fiscal is under no obligation to file a criminal information where he is not convinced that he has the quantum of evidence at hand to support the averments."
>
> WHERFORE, the petition for review is hereby DENIED DUE COURSE, and DISMISSED.
>
> SO ORDERED.[21]

The motion for reconsideration filed by Melbarose was also denied for lack of merit in a Resolution dated 4 February 2000.

Hence, the instant petition.

The Issue

The issue is whether the Court of Appeals, in sustaining the Secretary of Justice and the Investigating Prosecutor, committed grave abuse of discretion in excess or lack of jurisdiction in dismissing Melbarose's appeal.

The Court's Ruling

The petition lacks merit.

Melbarose insists that respondent Yuzon did not produce a firearm license at the time of his arrest on 23 August 1994. Melbarose states that she was able to secure a "recovery printout" from the PNP-FED showing that there is indeed a firearm license under the name of "Yuson Amado Belizon" issued on 19 February 1996 and expiring in June 1998. However, this license is different from the one presented by Yuson which coverered the period from 14 February 1994 to June 1996. Melbarose asserts that there had been a blatant and unexplained discrepancy and irregularity on the firearm license presented by Yuson.

Yuson, on the other hand, maintains that he was able to present the required firearm license after the seizure of his pistol. The PNP-FED, the government agency charged with the licensing of firearms, affirmed the existence of the

required firearm license after a subpoena was sent by the Investigating Prosecutor. Yuson asserts that there should be no confusion as to the identity of Amado Yuson and Amado Yuson y Belizon since they are one and the same person.

The general rule is that the courts do not interfere with the discretion of the public prosecutor in determining the specificity and adequacy of the averments in a criminal complaint. The determination of probable cause for the purpose of filing an information in court is an executive function which pertains at the first instance to the public prosecutor and then to the Secretary of Justice. The duty of the Court in appropriate cases is merely to determine whether the executive determination was done without or in excess of jurisdiction or with grave abuse of discretion. Resolutions of the Secretary of Justice are not subject to review unless made with grave abuse.[22]

Grave abuse of discretion is the capricious and whimsical exercise of judgment on the part of the public officer concerned which is equivalent to an excess or lack of jurisdiction. In determining whether the Investigating Prosecutor or the Secretary of Justice committed grave abuse of discretion, it is expedient to know if the findings of fact of the prosecutor were reached in an arbitrary or despotic manner.[23]

In the present case, the Investigating Prosecutor dismissed the case for violation of PD 1866 against Yuson for possessing a validly licensed firearm as certified by the PNP-FED. The Prosecutor explained:

> Respondent Amado Yuson for his part presented a license to exonerate him from the provisions of PD 1866. The license show that he is authorized to possess a .45 caliber pistol with serial number SN-1420087 with license no. RL M76C3382704 valid from February 14, 1994 to June 1996 FORM NO. 061304 with Permit to Carry PTC FOR NR. 41613 valid from Sept. 16, 1994 to Dec. 31, 1994. Respondent submitted a certification from the Firearms and Explosives Division signed by P/Sr. Inspector Edwin C. Roque, Chief, Records Branch to the effect that he has a license to possess a .45 caliber pistol.
>
> x x x
>
> As to the charge of illegal possession of firearm, a check with the PNP-FED, the government agency in charge with the licensing of firearms and the repository of all records relative to licensed firearms reveal that respondent Amado Yuzon y Belizon is licensed to possess a firearm at the time of his arrest by the NBI therefore putting an end to the allegation that the license presented by respondent is fake and further putting an end to the allegation of Melbarose Sasot that Amado Yuzon falsified public documents considering that the latter presented falsified gun license.
>
> The documents presented by the PNP-FED is presumed regular on its face and strong evidence to prove the contrary is needed to overturn such presumption which the challenge in this case miserably failed. x x x[24]

Melbarose claims that the license presented by Yuson was falsified. However, as found by the Investigating Prosecutor:

> The undersigned as per agreement with the parties sent a subpoena to the PNP-FED for this office to present all pertinent documents/records on file with their office relative to the firearm in question. On March 14, 1997, the PNP-FED complied with the directive and submitted the requested documents. The undersigned found that the documents presented are likewise the same documents which were submitted earlier by both parties. x x x[25]

It is settled that the lack or absence of a license is an essential ingredient of the crime of illegal possession of firearm. Here, the Secretary of Justice sustained the Investigating Prosecutor's conclusion and found no sufficient justification to reconsider the case. Both were unanimous in finding no dispute as to the firearm license presented by Yuson at the time of his arrest. In fact, the same license was affirmed by the PNP-FED after direct verification by the prosecutor handling the case.

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Melbarose failed to substantiate her allegations that the prosecutor's exercise of discretion was done in an arbitrary or despotic manner by reason of passion or personal hostility. As correctly ruled by the Court of Appeals, there is no clear showing of grave abuse of discretion committed by the Secretary of Justice in affirming the resolution of the Investigating Prosecutor. Thus, the Court is precluded from interfering with the executive determination of probable cause for the purpose of filing an information in court, in the absence of grave abuse of discretion.

WHEREFORE, we DISMISS the petition. We AFFIRM the Decision dated 14 July 1999 and Resolution dated 4 February 2000 of the Court of Appeals in CA-G.R. SP No. 47355.

SO ORDERED.

Puno, C.J., (Chairperson), Quisumbing[*], Leonardo-De Castro, and Bersamin, JJ., concur.

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[*] Designated additional member per Raffle dated 6 July 2009.

[1] Under Rule 65 of the 1997 Revised Rules of Civil Procedure.

[2] Rollo, pp. 33-40. Penned by Justice Artemon D. Luna with Justices Conchita Carpio Morales (now a member of this Court) and Bernardo P. Abesamis, concurring.

[3] Id. at 31-32. Penned by Justice Bernardo P. Abesamis with Justices Conchita Carpio Morales (now a member of this Court) and Mercedes Gozo Dadole, concurring.

[4] Id. at 288. Docketed in the NBI as NBI CCN-C-94-05567.

[5] Id. at 269-272.

[6] Id. at 259-264.

[7] Records, Annex D-8.

[8] Complaint docketed as I.S. No. 94-432.

[9] Rollo, pp. 289-291.

[10] Id. at 133-134.

[11] Id. at 321-326.

[12] Id. at 327-330.

[13] Id. at 132.

[14] Id. at 406-410.

[15] Id. at 409-410.

[16] Id. at 411-412.

[17] Id. at 427-428.

[18] Id. at 429.

[19] Id. at 430-431. Signed by then Chief Presidential Legal Counsel Renato C. Corona (now a member of this Court), by authority of the President.

[20] No appeal from or petition for review of decisions/orders/resolutions of the Secretary of Justice on preliminary investigations of criminal cases shall be entertained by the Office of the President, except those involving offenses punishable by reclusion perpetua to death wherein new and material issues are raised which were not previously presented before the Department of Justice and were not ruled upon in the subject decision/order/resolution, in which case the President may order the Secretary of Justice to reopen/review the case, provided, that, the prescription of the offense is not due to lapse within six (6) months from notice of the questioned resolution/order/decision, and provided further, that, the appeal or petition for review is filed within thirty (30) days from such notice.

[21] Rollo, pp. 38-39.

[22] Insular Life Assurance Company, Limited v. Serrano, G.R. No. 163255, 22 June 2007, 525 SCRA 400.

[23] Baviera v. Paglinawan, G.R. Nos. 168380 and 170602, 8 February 2007, 515 SCRA 170.

[24] Rollo, pp. 408-410.

[25] Id. at 409.

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