

JULIUS AMANQUITON, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 186080. August 14, 2009

Ponente: CORONA, J.

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CORONA, J.:

Petitioner Julius Amanquiton was a purok leader of Barangay Western Bicutan, Taguig, Metro Manila. As a purok leader and barangay tanod, he was responsible for the maintenance of cleanliness, peace and order of the community.

At 10:45 p.m. on October 30, 2001, petitioner heard an explosion. He, together with two auxiliary tanod, Dominador Amante[1] and a certain Cabisudo, proceeded to Sambong Street where the explosion took place. Thereafter, they saw complainant Leoselie John Bañaga being chased by a certain Gil Gepulane. Upon learning that Bañaga was the one who threw the pillbox[2] that caused the explosion, petitioner and his companions also went after him.

On reaching Bañaga's house, petitioner, Cabisudo and Amante knocked on the door. When no one answered, they decided to hide some distance away. After five minutes, Bañaga came out of the house. At this juncture, petitioner and his companions immediately apprehended him. Bañaga's aunt, Marilyn Alimpuyo, followed them to the barangay hall.

Bañaga was later brought to the police station. On the way to the police station, Gepulane suddenly appeared from nowhere and boxed Bañaga in the face. This caused petitioner to order Gepulane's apprehension along with Bañaga. An incident report was made.[3]

During the investigation, petitioner learned Bañaga had been previously mauled by a group made up of a certain Raul, Boyet and Cris but failed to identify two others. The mauling was the result of gang trouble in a certain residential compound in Taguig City. Bañaga's mauling was recorded in a barangay blotter which read:

10-30-201

Time: 10-15 p.m.

RECORD purposes

Dumating dito sa Barangay Head Quarters si Dossen[4] Bañaga is Alimpuyo 16 years old student nakatira sa 10 B Kalachuchi St. M.B.T. M.M.

Upang ireklamo yong sumapak sa akin sina Raul[,] Boyet [at] Cris at yong dalawang sumapak ay hindi ko kilala. Nang yari ito kaninang 10:p.m. araw ng [M]artes taong kasalukuyan at yong labi ko pumutok at yong kabilang mata ko ay namaga sa bandang kanan. Ang iyong kaliwang mukha at pati yong likod ko ay may tama sa sapak.

Patunay dito ang aking lagda.

Dossen Banaga (sgd.)

Thereafter, an Information for violation of Section 10 (a), Article VI, RA[5] 7160[6] in relation to Section 5 (j) of R.A. 8369 was filed against petitioner, Amante and Gepulane. The Information read:

The undersigned 2[nd] Assistant Provincial Prosecutor accuses Julius Amanquiton, Dominador Amante and Gil Gepulane of the crime of Violations of Section 10 (a) Article VI, Republic Act No. 7610 in relation to Section 5 (j) of R.A. No. 8369 committed as follows:

That on the 30[th] day of October, 2001, in the Municipality of Taguig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused in conspiracy with one another, armed with nightstick, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence, a form of physical abuse, upon the person of Leoselie John A. [Bañaga], seventeen (17) years old, a minor, by then and there manhandling him and hitting him with their nightsticks, thus, constituting other acts of child abuse, which is inimical or prejudicial to child's development, in violation of the above-mentioned law.

CONTRARY TO LAW.

On arraignment, petitioner and Amante both pleaded not guilty. Gepulane remains at-large.

During the trial, the prosecution presented the following witnesses: Dr. Paulito Cruz, medico-legal officer of the Taguig-Pateros District Hospital who attended to Bañaga on October 30, 2001, Bañaga himself, Alimpuyo and Rachelle Bañaga (complainant's mother).

The defense presented the testimonies of petitioner, Amante and Briccio Cuyos, then deputy chief barangay tanod of the same barangay. Cuyos testified that the blotter notation entered by Gepulane and Bañaga was signed in his presence and that they read the contents thereof before affixing their signatures.

On May 10, 2005, the RTC found petitioner and Amante guilty beyond reasonable doubt of the crime charged.[7] The dispositive portion of the RTC decision read:

WHEREFORE, in view of the foregoing, this Court finds the accused JULIUS AMANQUITON and DOMINADOR AMANTE "GUILTY" beyond reasonable doubt for violation of Article VI Sec. 10 (a) of Republic Act 7610 in relation to Section 3 (j) of Republic Act 8369, hereby sentences accused JULIUS AMANQUITON and DOMINADOR AMANTE a straight penalty of thirty (30) days of Arresto Menor.

Both accused Julius Amanquiton and Dominador Amante are hereby directed to pay Leoselie John A. Banaga the following:

- Actual damages in the amount of P5,000.00;
- Moral Damages in the amount of P 30,000.00; and
- Exemplary damages in the amount of P 20,000.00.

The case against the accused Gil Gepulane is hereby sent to the ARCHIVES to be revived upon the arrest of the accused. Let [a] warrant of arrest be issued against him.

SO ORDERED.

Amanquiton's motion for reconsideration was denied.[8]

Petitioner filed a notice of appeal which was given due course. On August 28, 2008, the CA rendered a decision[9] which affirmed the conviction but increased the penalty. The dispositive portion of the assailed CA decision read:

WHEREFORE, in view of the foregoing the Decision appealed from is AFFIRMED with MODIFICATION. The accused-appellant is sentenced to suffer the penalty of four (4) years, two (2) months and one (1) day of

prision correccional maximum up to eight (8) years of prision mayor minimum as maximum. In addition to the damages already awarded, a fine of thirty thousand pesos (P30,000.00) is hereby solidarily imposed the proceeds of which shall be administered as a cash fund by the DSWD.

IT IS SO ORDERED.

Petitioner's motion for reconsideration was denied.[10]

Hence, this petition. Petitioner principally argues that the facts of the case as established did not constitute a violation of Section 10 (a), Article VI of RA 7160 and definitely did not prove the guilt of petitioner beyond reasonable doubt.

The Constitution itself provides that in all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved.[11] An accused is entitled to an acquittal unless his guilt is shown beyond reasonable doubt.[12] It is the primordial duty of the prosecution to present its side with clarity and persuasion, so that conviction becomes the only logical and inevitable conclusion, with moral certainty.[13]

The necessity for proof beyond reasonable doubt was discussed in *People v. Berroya*: [14]

[Proof beyond reasonable doubt] lies in the fact that in a criminal prosecution, the State is arrayed against the subject; it enters the contest with a prior inculpatory finding in its hands; with unlimited means of command; with counsel usually of authority and capacity, who are regarded as public officers, as therefore as speaking semi-judicially, and with an attitude of tranquil majesty often in striking contrast to that of defendant engaged in a perturbed and distracting struggle for liberty if not for life. These inequalities of position, the law strives to meet by the rule that there is to be no conviction where there is reasonable doubt of guilt. However, proof beyond reasonable doubt requires only moral certainty or that degree of proof which produces conviction in an unprejudiced mind.

The RTC and CA hinged their finding of petitioner's guilt beyond reasonable doubt (of the crime of child abuse) solely on the supposed positive identification by the complainant and his witness (Alimpuyo) of petitioner and his co-accused as the perpetrators of the crime.

We note Bañaga's statement that, when he was apprehended by petitioner and Amante, there were many people around.[15] Yet, the prosecution presented only Bañaga and his aunt, Alimpuyo, as witnesses to the mauling incident itself. Where were the other people who could have testified, in an unbiased manner, on the alleged mauling of Bañaga by petitioner and Amante, as supposedly witnessed by Alimpuyo?[16] The testimonies of the two other prosecution witnesses, Dr. Paulito Cruz and Rachelle Bañaga, did not fortify Bañaga's claim that petitioner mauled him, for the following reasons: Dr. Cruz merely attended to Bañaga's injuries, while Rachelle testified that she saw Bañaga only after the injuries have been inflicted on him.

We note furthermore that, Bañaga failed to controvert the validity of the barangay blotter he signed regarding the mauling incident which happened prior to his apprehension by petitioner. Neither did he ever deny the allegation that he figured in a prior battery by gang members.

All this raises serious doubt on whether Bañaga's injuries were really inflicted by petitioner, et al., to the exclusion of other people. In fact, petitioner testified clearly that Gepulane, who had been harboring a grudge against Bañaga, came out of nowhere and punched Bañaga while the latter was being brought to the police station. Gepulane, not petitioner, could very well have caused Bañaga's injuries.

Alimpuyo admitted that she did not see who actually caused the bloodied condition of Bañaga's face because she had to first put down the baby she was then carrying when the melee started.[17] More importantly, Alimpuyo stated that she was told by Bañaga that, while he was allegedly being held by the neck by petitioner, others were

hitting him. Alimpuyo was obviously testifying not on what she personally saw but on what Bañaga told her.

While we ordinarily do not interfere with the findings of the lower courts on the trustworthiness of witnesses, when there appear in the records facts and circumstances of real weight which might have been overlooked or misapprehended, this Court cannot shirk from its duty to sift fact from fiction.

We apply the pro reo principle and the equipoise rule in this case. Where the evidence on an issue of fact is in question or there is doubt on which side the evidence weighs, the doubt should be resolved in favor of the accused.[18] If inculpatory facts and circumstances are capable of two or more explanations, one consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and will not justify a conviction.[19]

Time and again, we have held that:

Republic Act No. 7610 is a measure geared towards the implementation of a national comprehensive program for the survival of the most vulnerable members of the population, the Filipino children, in keeping with the Constitutional mandate under Article XV, Section 3, paragraph 2, that "The State shall defend the right of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development." This piece of legislation supplies the inadequacies of existing laws treating crimes committed against children, namely, the Revised Penal Code and Presidential Decree No. 603 or the Child and Youth Welfare Code. As a statute that provides for a mechanism for strong deterrence against the commission of child abuse and exploitation, the law has stiffer penalties for their commission, and a means by which child traffickers could easily be prosecuted and penalized. Also, the definition of child abuse is expanded to encompass not only those specific acts of child abuse under existing laws but includes also "other acts of neglect, abuse, cruelty or exploitation and other conditions prejudicial to the child's development." [20]

However, this noble statute should not be used as a sharp sword, ready to be brandished against an accused even if there is a patent lack of proof to convict him of the crime. The right of an accused to liberty is as important as a minor's right not to be subjected to any form of abuse. Both are enshrined in the Constitution. One need not be sacrificed for the other.

There is no dearth of law, rules and regulations protecting a child from any and all forms of abuse. While unfortunately, incidents of maltreatment of children abound amidst social ills, care has to be likewise taken that wayward youths should not be cuddled by a misapplication of the law. Society, through its laws, should correct the deviant conduct of the youth rather than take the cudgels for them. Lest we regress to a culture of juvenile delinquency and errant behavior, laws for the protection of children against abuse should be applied only and strictly to actual abusers.

The objective of this seemingly catch-all provision on abuses against children will be best achieved if parameters are set in the law itself, if only to prevent baseless accusations against innocent individuals. Perhaps the time has come for Congress to review this matter and institute the safeguards necessary for the attainment of its laudable ends.

We reiterate our ruling in *People v. Mamalias*: [21]

We emphasize that the great goal of our criminal law and procedure is not to send people to the gaol but to do justice. The prosecution's job is to prove that the accused is guilty beyond reasonable doubt. Conviction must be based on the strength of the prosecution and not on the weakness of the defense. Thus, when the evidence of the prosecution is not enough to sustain a conviction, it must be rejected and the accused absolved and released at once.

WHEREFORE, the petition is hereby GRANTED. The August 28, 2008 decision and January 15, 2009 resolution of Court of Appeals are reversed and SET ASIDE. Petitioner Julius Amanquiton is hereby ACQUITTED of violation of Section 10 (a), Article VI of RA 7160.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, De Castro, and Bersamin, JJ., concur.

[1] Co-accused of petitioner in Criminal Case No. 122996. Amante opted to apply for probation. Rollo, p. 34.

[2] An improvised explosive device.

[3] "10-30-201

Time: 10-06 p.m.

RECORD purposes

Nagsadya si Gel Pulane Y Castello 25 yrs. Old Binata may trabaho Tubong Bacolod nakatira sa no.03 Sambong St., M.B.T. Mla.

Upang ireklamo si Neosen (sic) Banaga 14 yrs old Dahil siya ang nakita-naming na naghagis ng pillbox sa harap ng tricycle na nakaparada sa kahabaan ng sambong.

Patunay dito ang kanyang lagda."

Gel pulanes (sgd)." Rollo, p. 8.

[4] Dossen Bañaga is the same person as Leoselie John A. Bañaga.

[5] Republic Act.

[6] An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and for Other Purposes.

[7] Rollo, pp. 52-67.

[8] Resolution dated June 29, 2006. Id., pp. 76-77.

[9] Id., pp. 34-50.

[10] Resolution dated January 15, 2009. Id., p. 51.

[11] CONSTITUTION, Article III, Section 14 (2).

[12] RULES OF COURT, Rule 133, Section 2.

[13] People v. Fernandez, 434 Phil. 435, 445 (2002).

[14] 347 Phil. 410, 423 (1997).

[15] Rollo, p. 90.

[16] Id.

[17] Id., p. 16.

[18] People v. Abarquez, G.R. No. 150762, 20 January 2006, 479 SCRA 225, 239.

[19] People v. Lagmay, 365 Phil. 606, 633 (1999).

[20] Gonzalo Araneta v. People, G.R. No. 174205, 27 June 2008, 556 SCRA 323, 332.

[21] People v. Mamalias, 385 Phil. 499, 513-514 (2000).

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