

LIWANAG AGUIRRE, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND THE HONORABLE SANDIGANBAYAN (FIRST DIVISION). RESPONDENTS

G.R. No. 56013. October 30, 1987

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Petitioner Liwanag Aguirre seeks areview of a Sandiganbayan decision finding him guilty of the crime of direct bribery which is punishable under Article 210 of the Revised Penal Code. The Information filed against him reads:

THAT on or about November 24, 1978, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then an Acting Deputy Sheriff of the National Labor Relations Commission (NLRC), did then and there wilfully, unlawfully and feloniously demand and obtain from one Hermogenes Hanginon, an employee of the business firm Guardsman Security Agency, the sum of FIFTY (P50.00) PESOS, Philippine Currency, as a consideration for the said accused refraining, as he did refrain, from immediately implementing a Writ of Execution of a final judgment of the National Labor Relations Commission (NLRC) Regional Branch XI against said security agency in NLRC Case No. 905-MC-XI-78; that the accused, in the performance of his office as such Deputy Sheriff, should have immediately implemented the said writ of execution by then and there immediately seizing personal property of the judgment-debtor Guardsman Security Agency, to satisfy the judgment. (Rollo, pp. 33-34)

After petitioner had pleaded not guilty to the charge, the case proceeded to trial. Thereafter, on the basis of the aforequoted Information and the evidence adduced during the trial the Sandiganbayan convicted the petitioner as principal of the crime charged. The lower court appreciated the presence of the mitigating circumstance of voluntary surrender, without any aggravating circumstance, in favor of the petitioner and sentenced him to:

. . . Two (2) Months and One (1) Day of Arresto mayor; with the accessories provided by law: to suffer special temporary disqualification for Six (6) Years and One (1) Day; to pay a fine of Fifty Pesos (P50.00), with subsidiary imprisonment in case of insolvency in accordance with Article 39 of the Revised Penal Code, as amended by Republic Act No. 5465; to indemnify Hermogenes Hanginon in the same amount of Fifty Pesos (P-50.00); and, to pay the costs. (Rollo, p. 50)

Petitioner in this case assails the judgment of conviction upon the ground that the evidence presented failed to prove his guilt of the crime charged beyond reasonable doubt. The main thrust of the Petition is that the Sandiganbayan erred in giving weight to the uncorroborated testimony of the lone prosecution witness.

In Certiorari proceedings under Rule 45, the findings of fact of the lower court as well as its conclusions on credibility of witnesses are generally not disturbed, the question before the Court being limited to questions of law (Rule 45, Sec. 2). Specifically, the conclusions of the trial court on the credibility of witnesses are given considerable weight, since said court is in the best position to observe the demeanor, conduct and attitude of the witnesses at the trial [*People v. Refuerzo*, 82 Phil. 576 (1949); *People v. Gumahin*, 128 Phil. 728 (1967), 21 SCRA 729; *People v. Mercado*, L-39511, April 28, 1980, 97 SCRA 232]. However, this court may choose to pass upon the credibility of a witness if it appears from the decision under review that the trial court has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case [*People v.*

Alban, L-15203, March 29, 1961, 1 SCRA 931; *People v. Espejo*, L-27708, December 19, 1970, 36 SCRA 400, *People v. Garcia*, L-44364, April 27, 1979; *People vs. Mercado*, supra; *People v. Dagangon*, G.R. No. 62654-58, November 13, 1986, 145 SCRA 464].

In the instant case, the conviction is anchored upon the uncorroborated testimony of a single prosecution witness. The Sandiganbayan justifies its reliance upon said testimony, thus:

. . . (E)ven as witness Hanginon's version stands sans corroboration, the same is sufficiently impeccable and carries the ring of truth. He could not have been mistaken as to the time and circumstances of the visit of the accused to the office of the Agency and nothing in his demeanor and reactions during his sojourn on the witness stand tends to suggest that the story he threshed out in open Court was a fabrication . . . The forthright and spontaneous manner with which the version of the prosecution witness, as advanced by Hanginon, was disclosed and recorded speaks well of the veracity thereof. More importantly, no sufficient and compelling motive had been pointed to which could have impelled witness Hanginon to deliberately perjure himself and consciously impute the commission of a nefarious offense to an innocent man and thus railroad him to a stretch in jail. . . (Rollo, pp. 40-41).

The constitutional presumption of innocence imposes upon this Court the duty to ascertain in every case that no person is made to answer for a crime without proof of his guilt beyond reasonable doubt [Constitution, Article III, Sec. 14 (2)]. To overcome this constitutional presumption and to justify a criminal conviction, there must exist in the record, "that degree of proof which produces conviction in an unprejudiced mind" [Rule 133, Sec. 2; Rule 131, Sec. 2].

That the prosecution evidence consists of the testimony of a single witness does not necessarily indicate insufficiency of evidence to convict. It is settled that the testimony of only one witness may be sufficient to support a conviction if it convinces the court beyond reasonable doubt that the accused committed the crime charged [*U.S. v. Dacotan*, 1 Phil. 669 (1903); *U.S. v. Olais*, 36 Phil. 828 (1917); *People v. Argana*, 119 Phil. 573 (1964), 10 SCRA 311; *People v. Salazar*, G.R. No. L-32858, Aug. 19, 1974, 58 SCRA 467; *People v. Tan, Jr.*, G.R. No. 53834, November 24, 1986, 145 SCRA 614].

However, there are aspects of the testimony of the sole witness in this case that do not inspire belief. It appears unnatural for the petitioner to have demanded a bribe from him, a mere employee of the security agency, without authority to accept any writ or legal paper and without money. It is also doubtful if said employee could have voluntarily parted with his personal funds without any expectation of refund. Furthermore, no entrapment was employed in this situation where it could have been quite easy to catch the petitioner red-handed with the bribe money. As testified to by Hanginon, petitioner allegedly told him that the balance of the P200 Pesos bribe money was to be delivered at the Davao Famous Restaurant upon the arrival of the owner of the agency (Rollo, pp. 206-207). If, according to this witness the owner had decided to press charges and had gone to his legal counsel the day after his (the owner's) arrival (Rollo, p. 207), why was the police not called in to entrap the petitioner at the place indicated by him? That would have been a more logical and usual procedure in preparing for the prosecution of a bribery case which almost always suffers from a dearth of witnesses.

The petitioner, in his defense, asserts that there is serious dispute as to the fact of the commission of the offense; that the uncorroborated testimony of Hermogenes Hanginon fails to prove its commission and the petitioner's guilt beyond reasonable doubt; and that notice of garnishment had been served upon the bank for satisfaction of the NLRC's judgment against the Guardsman Security Agency before the alleged bribery took place.

After careful examination of the decision under review, the pleadings filed and the evidence relied on, the nagging doubt remains as to whether the testimony of Hanginon, the sole witness for the prosecution, proves the petitioner's guilt. As aptly observed in *People v. Opida*, "The scales of justice must hang equal and, in fact should

be tipped in favor of the accused because of the constitutional presumption of innocence." [G.R. No. L-46272, June 13, 1986, 142 SCRA295, 303].

This Court finds that in the absence of evidence establishing the guilt of the petitioner beyond reasonable doubt, the judgment of conviction under review must yield to the constitutional presumption of innocence.

WHEREFORE, the judgment of conviction of the respondent Sandiganbayan (First Division) is REVERSED. Liwanag Aguirre is ACQUITTED of the crime charged.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, and Sarmiento, JJ., concur.

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