

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. COURT OF FIRST INSTANCE OF RIZAL, BRANCH IV, QUEZON CITY PRESIDED OVER BY THE HON. RICARDO P. TENSUAN, AND VICTORINO ROBILLOS, RESPOND...

G.R. No. 57280. May 09, 1988

Ponente: GRINO-AQUINO. J.

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GRINO-AQUINO. J.

In this special civil action of certiorari the State seeks to annul the partial decision[*] dated February 4, 1981 of the Court of First Instance of Rizal (now Regional Trial Court), Quezon City, Branch IV, in Criminal Case No. Q-10161 entitled, "People of the Philippines vs. Victorino Robillos, Antonio Robillos and John Doe," acquitting one of the accused, Victorino Robillos y Mentez, of the crime of homicide, as well as the court's orders dated January 31, 1981, February 20, 1981 and March 16, 1981, denying the prosecution its day in court.

On September 25, 1978, the City Fiscal of Quezon City filed an information for frustrated homicide against the brothers Victorino and Antonio Robillos and one John Doe for the stabbing of one Loreto Mente Espano on September 21, 1978. The Robillos brothers were arrested and detained. Upon arraignment on October 10, 1978, they pleaded not guilty to the crime charged. On February 19, 1979, the prosecuting fiscal filed an amended information for homicide because the offended party died. On being re-arraigned under the amended information, the accused pleaded not guilty once more.

After twelve (12) postponements of the scheduled hearings, the case was re-assigned to Branch IV-B of the Court of First Instance of Quezon City. In the meanwhile, Victorino Robillos was transferred to Tala Leprosarium, because he was found to be suffering from leprosy.

The trial was held for the first time on October 27, 1980. when the prosecution presented its first witness, Lilia Espario. who testified that at about 9 o'clock on the evening of September 21, 1978, she was in her house at 9 Matiyaga, Barangay Central. Quezon City, when the stabbing of Loreto Mente took place. Prior thereto, she had heard Antonio Robillos challenging Loreio Mente to a fight. Mente was then with Conrado Mendoza and the latter's wife in Mendoza's house which was behind her house. She heard Mente say that he did not want to fight. Nevertheless, when he came out of Mendoza's house. Antonio and Victorino Robillos stoned him. He was bit on the forehead. stomach and other parts of his body. He tried to run away but the brothers caught up with him, whereupon the accused Antonio Robillos stabbed him many times in the back while Victorino Robillos hit him with a stone. After Loreto Mente fell on the ground, the brothers fled. She hailed a taxicab and brought Loreto to the hospital. She was investigated regarding the incident by Patrolman Wilfredo Borgonia of Precinct 5.

On cross-examination, the witness declared that she u as inside her own house with the door closed when the deceased tell on a spot behind her house. When the accused Antonio Robillos challenged Loreto Mente. the latter was alone in the house and had no companions. Neither she nor her five children went lo the window to watch the

struggle when it started. But she heard what was going on and she saw the stabbing because she peeped through a hole in the wall of her house. She admitted that the place where the incident took place was not well-illuminated. In the light from an electric post some three (3) houses away.

The continuation of the hearing was reset on November 10, 1980, then to November 17, 1980, because the subpoenas were not duly served on the prosecution witnesses. When no prosecution witness appeared on that date, the defense counsel orally moved that the prosecution be declared to have waived the right to present further evidence and to consider the case submitted for decision on the evidence already adduced. The respondent court granted the motion on the same day, giving counsel fifteen (15) days to file his memorandum.

The fiscal filed a motion for reconsideration of that order.

Relenting, the Court, on December 17, 1980, granted him a last opportunity to complete the prosecution's evidence on January 21, 1981. But before the trial court proceeded on that day, the defense counsel verbally moved for a reconsideration of the Order on the ground that the fiscal's motion for reconsideration was tardy. By now, the accused Victorino Robillos had been under detention for two (2) years and four (4) months.

On January 21, 1981, the trial court issued another order submitting the case for decision insofar as the accused Victorino Robillos was concerned but resetting the trial against Antonio Robillos to January 27 and 28, 1981.

The Fiscal filed a motion to require the defense counsel of Victorino Robillos to put in writing his verbal motion for reconsideration of the December 17, 1980 order as the case involves a capital offense and the State is entitled to a copy of the motion and to oppose it.

On February 20, 1981, the trial court denied the fiscal's motion as Section 2, Rule 15 of the Rules of Court expressly allows verbal motions made in the course of a hearing or trial. The court set aside its order of November 17, 1980 and reiterated its order of January 21, 1981 terminating the trial against the accused Victorino Robillos.

The prosecution's motion for reconsideration of that order was denied by the court on March 16, 1981.

On March 30, 1981, the trial fiscal filed a motion to suspend the orders dated January 21, 1981, February 20, 1981 and March 16, 1981 and prayed that he be given time to elevate the matter to this Court upon a petition for certiorari.

On May 19, 1981, the lower court promulgated a partial decision dated February 14, 1981, acquitting the accused Victorino Robillos on the ground that his guilt was not proven beyond a reasonable doubt. The issue before this Court is: Did respondent Judge exceed his jurisdiction and/or gravely abuse his discretion in issuing the assailed orders and decision? Was the State denied due process of law?

Petitioner argues that the State is entitled to due process in criminal cases and must be given a fair opportunity to prove its charge against the accused; however, respondent Judge prevented it from completing its evidence against the private respondent. The prosecution explained that its inability to proceed with the trial on November 17, 1980 was due to reasons beyond its control, as the prosecution witness, Patrolman Borgonia, had been suspended from the service and his whereabouts could not be determined. The other witness, Dr. Rodolfo Lezondra, attended an Interpol conference from November 9 to 23, 1980. Petitioner alleges further that the defense counsel's verbal motion for reconsideration of the court's December 17, 1980 order violated the rules requiring motions to be in writing.

The petition is not impressed with merit.

In a criminal prosecution the accused is confronted with the full might of state authority. To lighten the heavy odds against him, he is accorded the presumption of innocence. The evidence of the prosecution must be strong

per se to pierce that shield of presumptive innocence and establish the guilt of the accused beyond a reasonable doubt; otherwise, he should be acquitted.

The accused herein had been detained since September 1978. As of November 17, 1980, or after a period of two (2) years and two (2) months, the prosecution had presented only one (1) witness against them, the supposed eye witness Lilia Espaiio. The contradictions in her testimony cast a pall of doubt on the private respondent's complicity in the crime charged. His motive had not been shown. Neither was a conspiracy established to warrant his conviction for the acts of his brother and co-accused, Antonio Robillos. The degree of proof necessary to convince Us with moral certainty of his guilt is direly wanting.

We are not inclined to disturb the findings of the trial court that "the mass of the evidence adduced by the prosecution as against accused Victorino Robillos does not begin to approach the quantum of proof beyond reasonable doubt as would warrant the conviction of said accused for the offense charged." The lower court had the opportunity to assess the evidence firsthand and was therefore in the best position to determine the credibility of the witness (People vs. Bernal, 131 SCRA 1). Since respondent Judge was not impressed by the story of the lone prosecution witness with regard to the culpability of Victorino, he committed no grave abuse of discretion in promulgating the partial decision acquitting Victorino Robillos.

An accused person is guaranteed a speedy trial by the Bill of Rights. When, through the vacillation and procrastination of prosecuting officers, he is forced to wait two (2) years and eight (8) months, for the trial, he is denied this basic constitutional right (Aurelia Conde vs. Hon. Judge, Court of First Instance of Tayabas, 45 Phil. 173; Conde vs. Rivera, et al., 45 Phil. 650.)

Finally, as the judgment acquitting Victorino Robillos was immediately executory, it may no longer be amended or corrected by the court, except for clerical errors and mistakes. To amend or alter it will not only violate this basic principle but would also place the accused in double jeopardy (Nida Gaba, et al. vs. Judge Jose P. Castro, et al., 120 SCRA 505; People vs. Hon. Benjamin Relova, et al., 148 SCRA 292; People vs. Bocar, 138 SCRA 166).

WHEREFORE, the petition is DENIED.

SO ORDERED.

Narvasa, Cruz, and Gancayco, JJ., concur.

[*] Penned by then Judge Ricardo P. Tensuan. now Associate Justice of the Court of Appeals.

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