

CARLOS CARPIO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 64349. May 27, 1988

Ponente: NARVASA, J.

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NARVASA, J.:

Petitioner Carlos Carpio seeks reversal of the decision of the Sandiganbayan finding him guilty beyond reasonable doubt of the felony, of Violation of Domicile under Article 128 of the Revised Penal Code and accordingly sentencing him to an indeterminate penalty ranging from four (4) months and twenty-one (21) days of arresto mayor, as minimum, to one (1) year, one (1) month and eleven (11) days of prision correccional, as maximum.

The indictment upon which he was arraigned and tried stated that “on or about March 13, 1982, in the City of Manila, ** (Carpio,) being then the Barangay Chairman of Barrio Slip. Zero, Kagitingan Extension, Tondo, ** and therefore a public officer, while in the performance of, and in relation to his official duties as such, without any justifiable order, did ** enter and conduct illegal search inside the dwelling of Corazon Abalos y Masaca located at 971 Kagitingan Ext., Tondo, ** by forcing his way in purportedly looking for a certain 'Mundong' against the will and without the previous consent of Corazon Abalos y Masaca.”

The record discloses the testimony of the complaining witness, the aforesaid Corazon Abalos, to the effect that in the morning of March 13, 1982, Barangay Chairman Carpio had indeed gone to the house where she and her husband, Reynaldo Abalos (alias "Long Hair") were residing. According to her, Carpio entered her residence unannounced and without any warrant, and looked around for a certain "Mundong," staying in the house for five minutes or so. She gave no reason why Carpio was searching for Mundong.[1]

The record reveals, too, that Corazon Abalos' complaint against Carpio was not filed until after certain occurrences had taken place. These occurrences are summarized in the Solicitor General's brief as follows:

"(O)n March 14, 1982, at about 4:00 o'clock in the afternoon, ** (Carpio) was summoned in his house at 923 Kagitingan Extension ** by the residents who were playing basketball in a nearby basketball court (TSN, Dec. 21, 1982, p. 31). The latter informed him that one Reynaldo Abalos a.k.a. 'Long Hair,' husband of complainant Corazon Abalos, was brandishing his bolo in public (TSN, id., p. 32). As petitioner went out of his house, he saw Abalos in a small alley, by the makeshift basketball court, about 6 to 7 meters away from him, making a show out of his bolo **. In the performance of his duty to preserve peace in the area as barangay chairman, petitioner admonished Reynaldo Abalos of the consequences of his actions and the ** danger that the same may cause the bystanders and the public. Abalos merely responded by looking at petitioner without a word and walked towards his own house (TSN, id., p. 33).

"As petitioner pursued Abalos, he saw complainant Abalos, complainant's cousin, Victor Aglinao, and 20 other persons armed with bladed weapons, pipes and bolos, blocking his way (TSN, id., pp. 34 and 36). Compelled to save his life and limb, petitioner cried for help, and immediately some residents went to his succor and accompanied him home safely (TSN, id., p. 36).

"Unable to retaliate physically on the person of petitioner for the previous incident wherein petitioner publicly reprimanded him, Abalos and company (one Mundo, Victor Aglinao **, Boy Kulot and others), abetted by one Patrolman Enrico Cruz, proceeded to petitioner's house, destroyed his store with the use of a crowbar, and hacked his house, with petitioner trembling with fear inside". The group threatened to kill petitioner as Patrolman Cruz watched. After ten (10) minutes, and petitioner's house destroyed, the group left.

"Thereafter, residents of the Barangay Slip Zero sought the assistance of one Patrolman Rodolfo Perez, assigned as Officer-in-Charge of Desk II, Western Police District at about 5:00 o'clock in the afternoon (Exhibit "1", TSN, id., p. 4).

"Accompanied by Sgt. Rodolfo Perez and his men, petitioner went to the house of complainant to arrest her husband, Reynaldo Abalos and the others responsible for destroying the house of the former (TSN, id., p. 42).

"Complainant Corazon Abalos, who was found therein refused petitioner and the other peace officers entry to the house, and instead uttered defamatory words **.

"Unable to arrest Reynaldo Abalos and company, petitioner together with Sgt. Perez and company, proceeded to the police station to enter the same at the police blotter and at the same time sought police protection against the former (TSN, id., p. 44)."

The aforementioned Pat. Enrico Cruz is the brother-in-law of Corazon Abalos. For his part in the "raid" and the destruction of the store and house of Carpio, an administrative complaint was filed by the latter against him with the NAPOLCOM for grave misconduct.

It was after these events on the fourteenth of March had transpired, and an administrative complaint for grave misconduct had been filed with the NAPOLCOM against her brother-in-law, Pat. Cruz, that, to repeat, Corazon Abalos presented her own complaint against petitioner Carpio for violation of domicile. Parenthetically, a similar complaint was also filed against Carpio by Oscar Aglinao, brother of one of the "raiders" (Victor Aglinao), but Carpio's prosecution therefor resulted in his acquittal by the Sandiganbayan.[2]

The Sandiganbayan however found Carpio guilty of the charge preferred by Corazon Abalos. In convicting Carpio, the Sandiganbayan relied on Corazon's sole testimony; and that testimony referred to Carpio's alleged criminal intrusion into Corazon's residence on the 13th of March, a day before the occurrence of the events giving rise to the cause to look for and arrest her husband and/or his companions.

No persuasive reason is given by the Trial Court for disregarding the facts on record, established by the evidence of the defense. This is surprising specially in the light of the Lower Court's observations in its decision respecting corroboration of Carpio's evidence by Sgt. Rodolfo Perez, who has not been shown to be other than a neutral witness, having no motive to falsify his testimony.[3] According to the Sandiganbayan [4]

"Sgt. Rodolfo Perez corroborated the testimony of accused that he responded to a call for police assistance at Barrio Slip Zero ** and there, upon arrival, he found that a riot was in progress. He also saw the damage caused on the house of the accused, which the latter claimed were the handiwork of a certain Mundong and other persons. When he asked the accused where they can find said Mundong, he was led to the place of Corazon Abalos. There he saw Pat. Cruz in front of Corazon's house, who told him, in answer to his inquiry to that effect, that Mundong had already left the place. They did not enter the house of Corazon Abalos. Instead he advised the accused to lodge a complaint in Station 2."

A conviction may, to be sure, be made to rest on the testimony of a single witness, provided he appears otherwise trustworthy and, reliable.[5] Corazon Abalos cannot however be so characterized as a witness. Not only is her evidence belied by the proofs of the defense, inclusive of the testimony of impartial, objective persons, it also makes no sense, since it describes a search for a friend of her husband and an illegal entry into her house for that

precise purpose by the barangay chairman, who had no conceivable reason for doing so on that day.

Rejection of Corazon's testimony is thus called for. Indeed, it is not unreasonable to consider her accusation a concocted one, designed "to counteract the petitioner's complaint against Pat. Enrico Cruz"[6] in the NAPOLCOM considering that, as the Solicitor General points out, "she and her husband rely for subsistence and support" on said Pat. Cruz.[7]

WHEREFORE, the appealed decision is hereby REVERSED AND SET ASIDE, and another entered ACQUITTING petitioner Carlos Carpio of the offense charged.

SO ORDERED.

Yap, (C.J.,) Fernan, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, and Griño-Aquino, JJ., concur.

[1] TSN, Dec. 21, 1982, pp. 7-10

[2] Judgment in Criminal Case No. 6899, promulgated on Nov. 16, 1983

[3] SEE *Peo. v. Aleman*, 102 SCRA 785; *Peo. v. Terrobias*, 103 SCRA 321; *Peo. v. Blas*, 106 SCRA 305; *Peo. v. Aposaga*, 108 SCRA 574; *Peo. v. Clarin*, 108 SCRA 684

[4] Decision, Crim. Case No. 6487, p. 6

[5] *Peo. v. Naba-unag*, 79 SCRA 33; *Peo. v. Candado*, 84 SCRA 508

[6] Petition, p. 6

[7] Comments, p. 8

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