

MANUEL SOLIMAN, PETITIONER, VS. HON. SANDIGANBAYAN, 3RD DIVISION; AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 71305. November 24, 1986

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-71305/>

CRUZ, J.:

Once before we cautioned against improvident prosecutions and rash convictions, suggesting deliberate care and judicious study "before the finger is pointed and the stone is cast." [1] Once again we have to express the same admonition as we face yet another case in which an innocent man has been denied the sleep of the just because of an unseemingly haste to condemn him.

The petitioner in this case was accused of qualified theft for having allegedly conspired with his co-workers in the Malacañang garage to steal 1,000 liters of premium gasoline on July 20, 1981. [2] All his co-accused were acquitted with the exception of Bernardo Cube, the driver of the truck where the stolen fuel was carried, who had escaped and could not be tried. [3] The petitioner alone, of the five charged, was held guilty and sentenced by the Sandiganbayan to a penalty of 4 months and 21 days of arresto mayor to 2 years, 4 months and 1 day of prision correccional, plus civil indemnity and costs. [4]

According to the prosecution, a requisition was made on that day by the Malacañang garage for 9,000 liters of premium gasoline which was filled by the Pandacan depot of Petrophil. At Malacañang, however, the entire amount was not transferred to the underground tanks as there were retained in the delivery truck 1,000 liters which the accused were intending to sell to a private gasoline station at a discounted price. However, the plan was foiled. A team which had placed the accused under surveillance because of previous reports of gasoline pilferage in the Malacañang garage prevented the sale. The driver was arrested and, upon questioning, implicated his other co-accused, including the petitioner herein, in a sworn statement. [5]

What was the basis of the lone conviction of petitioner Soliman?

In finding the petitioner guilty, the Sandiganbayan relied heavily on the supposed confession of Cube, who was at large and never tried. [6] What is strange is that Cube's statement was considered at all by the respondent court even if, to begin with, it had not been formally and specifically offered in evidence by the prosecution. [7] Rule 132 of the Rules of Court clearly states:

"Sec. 35. Offer of Evidence. - The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified."

At that, even if so offered, its admissibility would have been questionable in view of its non-compliance with Article IV, Section 20, of the 1973 Constitution as interpreted by this Court in *Morales v. Enrile*, [8] affirmed later in *People v. Galit* [9] and only recently in *People v. Sison* [10] and *People v. Poyos*. [11] Furthermore, insofar as it implicated Soliman, the statement should have been barred altogether as pure hearsay since the petitioner did not have the chance to confront and cross-examine his accuser. [12]

As for the petitioner's own supposed confession, the record shows that during his interrogation on July 21, 1981, he was manhandled by his investigators, Sgt. Solito Alicunan and Sgt. Pambid, the latter being drunk at that time. Soliman thereafter went to the Philippine General Hospital where he obtained a medical certificate of his injuries and was later confined at the Singian Memorial Hospital.[13] The testimonial and documentary evidence presented by the petitioner on this matter, which was not rebutted, clearly invalidates the said confession for violation of the Bill of Rights and the consistent jurisprudence of this Court on the rights of a suspect undergoing custodial investigation.[14]

On the strength of these considerations alone, we could write *finis* to this case and set the petitioner free. Nevertheless, it may be worthwhile to devote a little more time to the decision on appeal, to stress the need for more thoughtfulness before an accused may be convicted.

The respondent court, relying on the said defective statements, has indulged in certain conjectures that in its view have established the petitioner's guilt. Noting that the petitioner had gone to the Pandacan depot on the day in question and that he later rode with Cube in the delivery truck that brought the gasoline to Malacañang, the Sandiganbayan makes a sinister conclusion. It determines from these facts (which were not denied by the petitioner) that he really conspired with Cube and was actually the one who induced the latter to commit the theft.[15]

The conclusion, it seems to us, is far-fetched. In effect, the petitioner is held guilty because of his presence in the Pandacan depot and later in the delivery truck that carried the pilfered gasoline.

The Sandiganbayan asks why the petitioner was in the Pandacan depot on the day in question, as if such presence were a crime. The petitioner explained that he was there because he was actually ordered by his superior, Vicente Miciano, to follow up the requisition their office had made.[16] If so, asks the Sandiganbayan, why was this person not presented as a defense witness?

We do not see how the non-presentation of Mr. Miciano to corroborate the petitioner could point to his guilt, considering that the accused enjoyed the constitutional presumption of innocence.[17] If at all, it was the prosecution that had to introduce evidence to disprove the petitioner's testimony and not the other way around. It did not.

The Sandiganbayan also wonders why the petitioner rode with Cube in the delivery truck on the way to Malacañang, implying that he did so to persuade the driver to steal the 1,000 liters of gasoline. Why, it asks, did he not take a taxi or some other transportation, considering especially the danger in riding in a truck loaded with gasoline?[18] These questions are unworthy of the respondent court.

Obviously, the petitioner took the ride in the truck because it was going back anyway to Malacañang where he was also bound. Unlike the Sandiganbayan, he did not apprehend any danger in riding in the truck because, as the Solicitor General put it, "we have yet to see gasoline tankers explode on the road." [19] Moreover, the petitioner is a mere clerk and could not be expected to splurge in the luxury of a taxi ride, more so since, anyway, the truck ride was available for free, and immediately.[20] After all, he had to go back to his office as soon as he could, to report to his superior the result of his follow-up.

As for the circumstance that the truck driver Cube called the petitioner Maning when they were not supposed to know each other,[21] we feel that this is hardly proof of conspiracy between the two, especially if it is considered that the nickname is a likely and common derivative of Manuel.

The above defects in the decision of the Sandiganbayan were stressed by the Solicitor General, who has asked for the petitioner's acquittal.[22] While his office ordinarily sustains the respondent court as a matter of policy, he has

seen fit to deviate from this policy because he is convinced that the petitioner is innocent. So is this Court.

For adhering to the ethical canon that the primary duty of a public prosecutor is not to convict but to see that justice is done, the Solicitor General deserves the commendation of the Court. It is truly to his credit that while a conviction could have been another feather in his cap, he did not seek it at the expense of the petitioner's honor and liberty.

We repeat our counsel against ill-considered convictions based only, as in this case, on unfounded surmises or, in other cases, prejudgments and prejudices. Although these errors may at times be corrected and undone on appeal, the stigma of a criminal conviction, even if ultimately reversed, is never quite washed away and remains to soil the innocent man's name to his dying day.

WHEREFORE, the appealed decision is reversed and the petitioner is ACQUITTED, without any pronouncement as to costs.

SO ORDERED.

Teehankee, C.J., Feria, Yap, Fernan, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Paras, and Feliciano, JJ., concur.

[1] *Salvacion vs. Sandiganbayan*, G.R. No. 68633, July 11, 1986.

[2] *Rollo*, p. 32.

[3] *Ibid.*, pp. 55-56.

[4] *Id.*, p. 55.

[5] *id.*, p. 46.

[6] *id.*, p. 8.

[7] *id.*, p. 50.

[8] 121 SCRA 538.

[9] 135 SCRA 465.

[10] G.R. No. 70906, May 30, 1986.

[11] G.R. No. 63861, August 19, 1986.

[12] *Rollo*, pp. 8-10; Art. IV, Sec. 19, Constitution; *People v. Ramos*, 122 SCRA 312; *People v. Pagkaliwagan*, 76 Phil. 457; *People v. Marinquiera*, 84 Phil. 39; *People v. Obedoza*, 105 SCRA 694.

[13] Solicitor-General's Manifestation for Acquittal, p. 9; Exhs. 2 & 2-A, Soliman.

[14] *Morales v. Enrile*, 121 SCRA 538; *People v. Galit*, 135 SCRA 465; *People v. Sison*, G.R. No. 70906, May 30, 1986; *People v. Poyos*, G.R. No. 63861, August 19, 1986.

[15] *Rollo*, pp. 50-52.

[16] *Ibid.*, p. 51.

[17] Id., p. 49.

[18] id., p. 50.

[19] Solicitor-General's Manifestation for Acquittal, p. 11.

[20] Ibid., p. 11.

[21] Id., p. 12.

[22] id., p. 15.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.