

CORNELIO GODOY, PETITIONER, VS. HON. COURT OF APPEALS AND JUANITO PARAISO, RESPONDENTS.

G.R. No. 80814. August 30, 1988

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

This Petition for Review on Certiorari seeks to annul the Decision, dated 13 November 1987, of respondent Court of Appeals in CA-G.R. SP No. 12521[*] entitled "Juanito Paraiso vs. Hon. Pablo S. Villanueva and Cornelio Godoy," reversing the Orders of the Trial Court, thus:

“WHEREFORE, the verbal order of the respondent judge dated April 8, 1987 and the order dated June 1, 1987 allowing private respondent (petitioner herein) to present evidence and otherwise participate in the trial of the case, is hereby revoked for being null and void and issued with grave abuse of discretion tantamount to want of jurisdiction. Private respondent is further enjoined from presenting evidence or otherwise participating in said case. Costs de officio.” (pp. 2-3, Rollo).

Following are the background facts:

Petitioner, Cornelio Godoy, is one of the six (6) persons accused of Homicide in Criminal Case No. 8753-M of the Regional Trial Court, Branch 6, Malolos, Bulacan.

Upon arraignment, all six (6) accused pleaded "not guilty." Trial proceeded until the prosecution concluded the presentation of its evidence after which, the prosecution formally offered its documentary exhibits.

Before the defense submitted its objections to said formal offer, petitioner-accused filed a "Motion to Acquit," dated 19 March 1987 (Annex "B", Petition, p. 15, Rollo), on the ground of lack of evidence proving his guilt beyond reasonable doubt, to which the prosecution filed an Opposition.

Thereafter, petitioner, as well as the other accused, submitted their objections to the prosecution's formal offer of exhibits.

On 27 March 1987, the Trial Court issued an Order denying petitioner-accused's Motion to Acquit "for lack of merit" and admitting the "Formal Offer of Documentary Exhibits for the Prosecution subject to the opposition/comments thereto." (Annex "D", Petitioner, p. 23, Rollo).

Premised on the aforesaid denial, at the hearing of 8 April 1987, the prosecution moved in open Court for the disqualification of petitioner-accused from presenting evidence as well as his exclusion from further participating in the proceedings, either personally or through counsel, on the ground that the Motion to Acquit is equivalent to a demurrer to the evidence so that petitioner-accused had already waived his right to present evidence. This was orally opposed by petitioner-accused.

On the same date, 8 April 1987, the Trial Court denied in open Court the disqualification prayed for and, instead, allowed petitioner-accused to present his evidence and to continue participating in the proceedings. The trial set

for that date, however, was cancelled "in order to give the parties a chance to submit their position papers" on the issue (Annex "E", Petition, p. 24, Rollo).

The prosecution filed a Motion for reconsideration of the oral Order denying the exclusion of petitioner-accused from further participating in the proceedings, which Motion was rejected by the Trial Court in a written Order on 1 June 1987. Inter alia, the Trial Judge ruled:

"In the interest of justice, since accused Cornelio (Noli) Godoy is being charged in this case as a conspirator, the Court believes that it would be better to afford him a chance to present evidence and there is no cogent and/or compelling reason for it to change and/or modify its ruling to that effect given in open court on April 8, 1987.

"WHEREFORE, the private prosecutor's aforesaid motion is hereby DENIED.

"SO ORDERED." (Annex "I", Petition, p. 35, Rollo)

On 6 July 1987, Juanito Paraiso, father of the deceased victim, filed a Petition for Certiorari before respondent Court of Appeals in CA-G.R. SP No. 12521, questioning the legality of the verbal Order of 8 April 1987 allowing petitioner to participate further in the proceedings in the criminal case, and the Order of 1 June 1987 denying the prosecution's Motion for Reconsideration.

On 13 November 1987, respondent Appellate Court promulgated a Decision nullifying the assailed Orders of the Trial Court dated 8 April 1987 and 1 June 1987. It held that petitioner's Motion to Acquit was, in reality, a demurrer to evidence as defined in Section 15, Rule 119 of the 1985 Rules on Criminal Procedure, all the elements thereof being present; and that the filing thereof and the denial by the Trial Court resulted in an automatic waiver by petitioner of his right to present evidence on his behalf.

Before us, petitioner-accused raises the following issues:

"I.

Whether or not the motion to acquit (Annex 'B') filed by petitioner Cornelio Godoy is the same/identical/equivalent to the motion to dismiss on demurrer to evidence.

"II.

Whether or not the constitutional rights of the petitioner are automatically waived upon filing his motion to acquit despite his insistence to the contrary.

"III.

Whether or not the trial Judge has discretion to apply or not to apply section 15, Rule 119 of the 1985 Criminal Procedure in the incident at bar.

"IV.

Whether or not section 15, Rule 119 of the 1985 Criminal Procedure is constitutional.

"V.

Whether or not the questioned decision of the respondent Court of Appeals has been rendered in excess of its jurisdiction and/or in grave abuse of its discretion.” (p. 4, Rollo)

Section 15, Rule 119 of the 1985 Rules on Criminal Procedure provides:

“SEC. 15. Demurrer to evidence. - When after the prosecution has rested its case, the accused files a motion to dismiss the case on the ground of insufficiency of evidence, he waives the right to present evidence and submits the case for judgment on the basis of the evidence for the prosecution.”

Indeed, the rule is explicit that in filing a Motion to Dismiss on the ground of insufficiency of evidence, an accused waives the right to present evidence. There is no material difference between the Motion to Acquit filed by petitioner-accused before the Trial Court and a demurrer to evidence. The Motion to Acquit was based on alleged lack of evidence proving his guilt beyond reasonable doubt. That ground is identical to insufficiency of evidence inasmuch as proof of guilt beyond reasonable doubt is the criterion required for conviction in any criminal prosecution. A different label does not change the true nature of the pleading which has been presented.

The rationale for the rule is that when the accused moves for dismissal on the ground of insufficiency of the prosecution evidence, he does so in the belief that said evidence is insufficient to convict and, therefore, any need for him to present any evidence is negated. It is said that an accused cannot be allowed to wager on the outcome of judicial proceedings by espousing inconsistent viewpoints whenever dictated by convenience. The purpose behind the rule is also to avoid the dilatory practice of some counsel of filing Motions for dismissal as demurrer to the evidence of the prosecution and, after denial thereof, the defense is still allowed to present its evidence.

In this case, however, we find the rule on demurrer to evidence inapplicable. For one, technically speaking, the prosecution had not yet rested its case at the time the Motion to Acquit was presented. The prosecution's formal offer of documentary exhibits had not yet been acted on by the Court, nor had the defense submitted its objections thereto. For another, the Trial Court lost no time in denying the Motion to Acquit and petitioner-accused was ready to present his evidence but the prosecution moved to disqualify him. There was no intended delay in the proceedings, therefore, and the practice sought to be avoided by the rule is inexistent. Consequently, no grave abuse of discretion can be attributed to the Trial Court for having allowed the defense to present its evidence and to participate further in the proceedings “in the interest of justice.”

The foregoing conclusion having been arrived at, we find no need to discuss the other issues raised.

ACCORDINGLY, Certiorari is GRANTED. The Decision of the Court of Appeals under review is SET ASIDE. The Regional Trial Court, Branch 6, in Malolos, Bulacan, is directed to allow petitioner-accused, Cornelio Godoy, to present his evidence and to participate further in the proceedings in Criminal Case No. 8753-M of his Court.

SO ORDERED.

Melencio-Herrera, Chairperson), Paras, Padilla, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Justice Rodolfo A. Nocon and concurred in by Justices Ricardo P. Tensuan and Felipe B. Kalalo.

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