

FIRST DIVISION

[G.R. NO. 152398, April 14, 2005]

**EDGAR CRISOSTOMO, PETITIONER, VS. SANDIGANBAYAN,
RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

This is an appeal by *certiorari* under Rule 65 of the Revised Rules on Civil Procedure of the *Sandiganbayan* Resolutions promulgated on 17 September 2001 and 14 January 2002, denying the Motion for Reconsideration filed by petitioner SPO1 Edgar Crisostomo ("Crisostomo") assailing the court's Decision^[1] promulgated on 28 November 2000. The Decision found Crisostomo guilty of the crime of murder and sentenced him to suffer the indeterminate penalty of twelve (12) years, five (5) months and eleven (11) days of *prision mayor* as minimum, to eighteen (18) years, eight (8) months and one (1) day of *reclusion temporal* as maximum.

The Charge

On 19 October 1993, Crisostomo, a member of the Philippine National Police and a jail guard at the Solano Municipal Jail was charged with the murder of Renato Suba ("Renato"), a detention prisoner at the Solano Municipal Jail. The Information alleged that Crisostomo conspired with his co-accused, Dominador C. dela Cruz ("dela Cruz"), Efren M. Perez ("Perez"), Raki T. Anggo ("Anggo"), Randy A. Lumabo ("Lumabo"), Rolando M. Norberte ("Norberte") and Mario Calingayan ("Calingayan"), all inmates at the Solano Municipal Jail, in murdering Renato. The Information reads in full:

That on or about the 14th day of February 1989, in Solano, Nueva Vizcaya, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Pat. Edgar T. Crisostomo, a public officer, being then a member of the Philippine National Police (PNP) stationed at Solano Police Station and a jailer thereat, taking advantage of his public position and thus committing the offense in relation to his office, conspiring, confederating and conniving with his co-accused who are inmates of the Solano Municipal Jail, namely: Dominador C. dela Cruz, Efren M. Perez, Raki T. Anggo, Randy A. Lumabo, Rolando M. Norberte and Mario B. Calingayan, with intent to kill and with treachery, taking advantage of superior strength and with the aid of armed men or employing means to weaken the defense or of means or persons to insure or afford impunity, did then and there wil[l]fully, unlawfully and feloniously attack and assault one Renato Suba, a detention prisoner, with the use of rough-surfaced instruments, including fist blows, inflicting

upon him serious injuries causing his internal organs to be badly damaged such as his liver, messentery and stomach resulting to the death of said Renato Suba to the damage and prejudice of the heirs of the latter.

CONTRARY TO LAW.^[2]

Arraignment and Plea

On 15 December 1993, Crisostomo assisted by counsel, pleaded not guilty to the crime charged.^[3] Thereafter, trial ensued.

Version of the Prosecution

On 13 February 1989, Renato was detained at the municipal jail in Solano, Nueva Vizcaya for allegedly hitting the head of one Diosdado Lacangan. The following day, 14 February 1989, at 5:00 p.m., Renato's brother Rizalino Suba ("Rizalino") visited him at the municipal jail. Renato asked Rizalino to bring him blanket, toothbrush, clothes and food. Rizalino left the municipal jail that day at 5:20 p.m. At that time, Renato was in good physical condition and did not complain of any bodily pain. Renato was 26 years old, single, and was employed in a logging concession.

At 9:00 p.m., a *barangay* councilman informed Rizalino that policemen assigned at the Solano municipal jail wanted Rizalino to go to the municipal building. Rizalino arrived at the municipal jail at 9:10 p.m. and saw his brother Renato already dead on the floor outside his cell.

Renato was detained alone in the third cell, one of the four cells at the municipal jail. Although each of the four cells had an iron grill door equipped with a padlock, the doors were usually left open. The keys to the padlocks were with the jail guard. There was a common front door, which no one could enter but the jail guard. Only one jail guard at a time was assigned at the municipal jail. Crisostomo was the one on duty at the time of the death of Renato. At no time was Renato brought out of the cell during his detention on 13 February 1989 until his death in the evening of the following day. Crisostomo's position in relation to the cell where the victim was killed was such that Crisostomo as jail guard could have heard if not seen what was going on inside the cell at the time that Renato was killed.

There are unexplained discrepancies in the list of detainees/prisoners and police blotter. The list of detainees/prisoners dated 20 February 1989 shows that there were eight prisoners on 14 February 1989, including Renato, but after Renato's death, only six were turned over by Crisostomo to the incoming jail guard. On 15 February 1989, nine "prisoners/detainees" were on the list, including Renato who was already dead. However, the police blotter shows that only six prisoners were under custody. The persons who were detained with Renato at the time of his death were released without being investigated by the Solano police.

Renato did not commit suicide. His body bore extensive injuries that could have been inflicted by several persons. The exhumation and autopsy reports ruled out suicide as the cause of Renato's death. The deafening silence of the inmates and the jail guard, Crisostomo, point to a conspiracy. Crisostomo's guilt is made apparent

when he jumped bail during trial.

Version of the Defense

The presentation of evidence for Crisostomo's defense was deemed waived for his failure to appear at the scheduled hearings despite notice.

Calingayan, Crisostomo's co-accused, was the sole witness for the defense. Calingayan was only 16 years old at the time that he was charged with the murder of Renato. Calingayan denied killing Renato.

Calingayan was detained at the Solano Municipal Jail on 12 February 1989 because his brother-in-law, Patrolman Feliciano Leal ("Leal"), also a jail guard, had him arrested for pawning some of the belongings of Leal. Leal told Calingayan that he had him detained for safekeeping to teach him a lesson.

Renato was detained on 13 February 1989. Calingayan learned that Renato was detained for hitting somebody's head.

There were four cells at the municipal jail. Calingayan was detained with five other inmates in the second cell. Renato was detained alone in the third cell. The four cells had their own separate doors with padlocks but each door was always open. It was up to the inmates to close the doors. A common door leading to the four cells was always padlocked and no one could enter the door without the jail guard's permission. The jail guard had the keys to the cells and the common door. Only one jail guard was assigned to guard the cells. Crisostomo was the jail guard on duty at the time that Renato died.

Calingayan was in jail for three days or until 15 February 1989. Calingayan last saw Renato alive between 5 to 6 p.m. of 14 February 1989. Just as Calingayan was about to take a bath after 6 p.m., he saw Renato lying down. One of the inmates asked for Renato's food because he did not like to eat his food. After taking a bath, Calingayan went back to his cell and played cards with his three cellmates whose names he could not recall. Calingayan did not leave his cell during the four hours that he played cards but one of his cellmates went out.

Calingayan discovered Renato's body on 14 February 1989 between 9:00 p.m. to 10:00 p.m. Calingayan went to the fourth cell, where the comfort room was located, to urinate. While urinating, Calingayan saw at the corner of the cell a shadow beside him. A bulb at the alley lighted the cell. Calingayan ran away and called the other inmates, telling them that the person in cell number four was in the dark place. The other inmates ran towards the place and shouted "*si kuwan, si kuwan.*" Crisostomo was in the room at the left side from where Calingayan was detained, about fifteen meters away. Upon hearing the shouts, Crisostomo opened the main door. Once inside the cell, Crisostomo instructed the inmates to bring down Renato's body that was hanging from the iron bars of the window of the cell. At that time, Calingayan did not notice what was used in hanging Renato but when the body was brought outside, Calingayan saw that Renato had hanged himself with a thin blanket.

The four cells are not similar in area and size. The cell where Renato stayed is the smallest. The cells are separated by a partition made of hollow blocks as high as the ceiling. The four cells are in one line so that if you are in one cell you cannot see

what is happening in the other cells. The inmates could go to any of the four cells in the prison but they could not get out of the main door without the permission of the jail guard. The comfort room is in the fourth cell, which is also open so that the inmates would not anymore ask for the key from the office of the jail guard.

The blanket that Renato used to hang himself was tied to the iron grills of the window of the cell. The window is small, only about two feet by one and one-half feet with eight iron bars. The window is nine feet from the floor.

No other person was admitted on 14 February 1989. Calingayan does not have a grudge against Renato. He could not recall if there was any untoward incident between Renato and the other inmates. The Solano police investigated Calingayan the next morning.

The Ruling of the Sandiganbayan

Only Crisostomo and Calingayan stood trial. The other accused, dela Cruz, Perez, Anggo, Lumabo and Norberte were at large. The *Sandiganbayan* found sufficient circumstantial evidence to convict Crisostomo and Calingayan of murder. The *Sandiganbayan* relied on the autopsy and exhumation reports in disregarding the defense theory that Renato committed suicide by hanging himself with a blanket. The *Sandiganbayan* thus held:

Premises considered, accused Edgar Crisostomo and Mario Calingayan are hereby found guilty of the crime of murder.

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There being no attending mitigating or aggravating circumstance in the case of accused Edgar Crisostomo, and taking into consideration the Indeterminate Sentence Law, he is hereby sentenced to suffer the penalty of imprisonment for the period from twelve (12) years, five (5) months and eleven (11) days of *prision mayor*, minimum, to eighteen (18) years, eight (8) months and one (1) day of *reclusion temporal*, maximum.

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As to the other accused, Dominador C. Dela Cruz, Efren M. Perez, Raki T. Anggo, Randy A. Lumabo and Rolando M. Norberte, considering they are still at-large up to the present time, let an alias warrant of arrest be issued against them. In the meantime, the cases against them are hereby ordered archived.

SO ORDERED. ^[4]

The Issues

Crisostomo continues to assail the Sandiganbayan's jurisdiction. He raises the following issues:

WHETHER THE SANDIGANBAYAN HAS JURISDICTION OVER THE CRIME OF MURDER CHARGED AGAINST CRISOSTOMO WHO IS A SENIOR POLICE OFFICER 1 (SPO1) AT THE TIME OF THE FILING OF THE INFORMATION AGAINST HIM.

EVEN ASSUMING *ARGUENDO* THAT THE RESPONDENT COURT HAS JURISDICTION, WHETHER THE SANDIGANBAYAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT RULED THAT CRISOSTOMO IS GUILTY OF HAVING CONSPIRED IN THE MURDER OF RENATO DESPITE THE SANDIGANBAYAN'S ADMISSION IN ITS DECISION THAT THERE IS NO DIRECT EVIDENCE THAT WILL SHOW THE PARTICIPATION OF CRISOSTOMO IN THE DEATH OF THE VICTIM.^[5]

The Court's Ruling

The Sandiganbayan had jurisdiction to try the case. However, the prosecution failed to prove Crisostomo and Calingayan's guilt beyond reasonable doubt. Thus, we acquit Crisostomo and Calingayan.

The Sandiganbayan had Jurisdiction to Try the Case

Crisostomo argues that the Sandiganbayan was without jurisdiction to try the case. Crisostomo points out that the crime of murder is not listed in Section 4 of Presidential Decree No. 1606 ("PD 1606") as one of the crimes that the Sandiganbayan can try. Crisostomo faults the Sandiganbayan for not applying the ruling in *Sanchez v. Demetriou*^[6] to this case. In *Sanchez v. Demetriou*, the Court ruled that public office must be a constituent element of the crime as defined in the statute before the Sandiganbayan could acquire jurisdiction over a case. Crisostomo insists that there is no direct relation between the commission of murder and Crisostomo's public office. Crisostomo further contends that the mere allegation in the Information that the offense was committed in relation to Crisostomo's office is not sufficient to confer jurisdiction on the Sandiganbayan. Such allegation without the specific factual averments is merely a conclusion of law, not a factual averment that would show the close intimacy between the offense charged and the discharge of Crisostomo's official duties.

We are not convinced.

Since the crime was committed on 14 February 1989, the applicable provision of law is Section 4 of PD 1606, as amended by Presidential Decree No. 1861 ("PD 1861"), which took effect on 23 March 1983. The amended provision reads:

Sec. 4. Jurisdiction. The Sandiganbayan shall exercise:

(a) Exclusive original jurisdiction in all cases involving:

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(2) Other offenses or felonies committed by public officers and employees in relation to their office, including those employed in government-owned or controlled corporations, whether simple or