

THIRD DIVISION

[G.R. No. 227951, June 28, 2021]

CARLOS PAULO BARTOLOME Y ILAGAN AND JOEL BANDALAN Y ABORDO, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

INTING, J.:

Assailed in the present Petition^[1] for Review on *Certiorari* under Rule 45 of the Rules of Court is the Decision^[2] dated August 30, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07930 which affirmed the Decision^[3] of Branch 20, Regional Trial Court (RTC), Imus, Cavite convicting Carlos Paulo Bartolome y Ilagan (Bartolome) and Joel Bandalan y Abordo (Bandalan) (collectively, petitioners) for violation of Section 4(i) of Republic Act No. (RA) 8049^[4] (Anti-Hazing Law). Likewise assailed is the CA Resolution^[5] dated October 26, 2016 denying petitioners' Most Respectful Motion for Reconsideration^[6] of the assailed CA Decision.

The Antecedents

In an Information^[7] filed by the Office of the City Prosecutor of Imus, Cavite before the RTC, petitioners were accused as follows:

That sometime on October 22, 2009 or thereabouts at Area C, Dasmariñas, Cavite, and within the jurisdiction of this Honorable Court, the above-named accused, being members of the TAU GAMMA PHI FRATERNITY, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully, and feloniously conduct initiation rites and practice and subjected neophyte JOHN DANIEL SAMPARADA y Llamera to physical suffering while undergoing said initiation rites or practice, which is a prerequisite for admission into the said fraternity, that led to the untimely death of JOHN DANIEL SAMPARADA y Llamera, to the damage and prejudice of his legal and lawful heirs.

CONTRARY TO LAW.^[8]

Upon arraignment, petitioners pleaded not guilty to the charge.^[9]

Pre-trial and trial ensued.

Version of the Prosecution

On October 22, 2009, Police Officer I Mark Nova, the desk officer of Silang Municipal Police Station, received a call from Estrella Hospital informing them that a victim of hazing was brought to their hospital. Three police officers, namely: Senior Police

Officer II Jo Norman A. Patambang (SPO2 Patambang), Police Officer III Elmer A. Mendoza (PO3 Mendoza), and Police Officer III Arwin M. Torres (PO3 Torres), went to Estrella Hospital to investigate. The hospital staff told them that the deceased was a victim of hazing as shown by the bruises he sustained on his thighs.^[10]

During the investigation, SPO2 Patambang learned that the victim was brought to the hospital by three male individuals. However, only two of the three males, the petitioners herein, were identified. SPO2 Patambang learned from petitioners that the victim was John Daniel Samparada (Samparada), an 18-year-old college student from Lyceum of the Philippines, Cavite.^[11]

SPO2 Patambang recovered from petitioners a document which bore the name of Tau Gamma Phi Fraternity, markings connected with the organization, and the handwritten name of Bartolome. From this, SPO2 Patambang deduced that petitioners were members of Tau Gamma Phi Fraternity.^[12]

Also, in the course of the investigation, petitioners told SPO2 Patambang that the hazing happened around 10:00 a.m. on October 22, 2009, in a farm at Area C, Dasmariñas, Cavite. After the hazing, petitioners and Samparada went to Silang, Cavite for an outing where the latter lost consciousness. Thus, petitioners brought him to Estrella Hospital.^[13]

Version of the Defense

Petitioners averred that on October 22, 2009, they went to the house of a certain Ivan Marquez (Ivan) for a night swimming. There, Ivan introduced Samparada to them. Petitioners left the group and bought provisions for their night swimming. When they came back, all of a sudden, Samparada fell on the floor, hit his head on the pavement, and complained of difficulty in breathing. They immediately brought Samparada to Estrella Hospital. Later on, police officers arrived at the hospital and interrogated them about what happened to Samparada. The police officers brought them to the police station and forced them to admit their participation in the infliction of injuries upon Samparada that resulted in his death.^[14]

Ruling of the RTC

On September 4, 2014, the RTC rendered its Decision^[15] convicting petitioners for violation of Section 4(a) of RA 11049. It ruled that the circumstantial evidence proffered by the prosecution is sufficient for the conviction of petitioners. The RTC disposed as follows:

WHEREFORE, in view of the foregoing, the Court finds the accused Carlos Paulo Bartolome y Ilagan and Joel Bandalan y Abordo GUILTY BEYOND REASONABLE DOUBT of the crime of Violation of Section 4 of R.A. 8049 and are hereby sentenced to suffer the penalty of RECLUSION PERPETUA. Likewise both accused are adjudged liable to pay the heirs of the deceased John Daniel Samparada the amount of Fifty Thousand Pesos (P50,000.00) each as indemnity for the death of the victim and One Hundred Thousand Pesos (P100,000.00) as temperate damages.

SO ORDERED.^[16]

Aggrieved, petitioners brought the case to the CA. They argued that the elements of Section 4(a) RA 8049 were lacking. Further, they maintained that the material requirements of circumstantial evidence sufficient for a conviction were wanting.^[17]

Ruling of the CA

In the assailed Decision^[18] dated August 30, 2016, the CA affirmed petitioners' conviction and modified the award of damages. It held that "the prosecution presented sufficient evidence to establish the chain of circumstances incriminating beyond reasonable doubt [petitioners] for the death of [Samparada]."^[19] It also ruled that the prosecution had sufficiently established the following material facts: (1) that petitioners are members of Tau Gamma Phi Fraternity; and (2) that Samparada's injuries were brought about by hazing; thus, the inevitable conclusion is that petitioners participated in the hazing of Samparada.^[20]

The dispositive portion of the CA Decision reads:

WHEREFORE, the trial court's Decision dated September 4, 2014 and Order dated August 7, 2015 are affirmed, subject to the modification that the indemnity for the death of John Daniel Samparada is increased to P75,000.00 for each accused-appellant, who are further ordered to pay P200,000.00 each as moral damages and P100,000.00 each as exemplary damages. Interest of 6% *per annum* is imposed on the civil liability fixed and imposed herein, computed from the date of the finality of this decision until civil liability is fully paid.

SO ORDERED.^[21]

Petitioners moved for reconsideration, but the CA denied the motion in the assailed Resolution^[22] dated October 26, 2016.

Hence, this petition with the following assignment of errors:

I. WITH ALL DUE RESPECT, THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN DECIDING A QUESTION OF SUBSTANCE IN A MANNER NOT IN ACCORD WITH THE LAW AND APPLICABLE DECISIONS OF THE HONORABLE COURT IN RESOLVING THE CASE BASED ON ERRONEOUS AND INADMISSIBLE CIRCUMSTANTIAL EVIDENCE[.]

II. WITH ALL DUE RESPECT, THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN DECIDING A QUESTION OF SUBSTANCE IN A MANNER NOT IN ACCORD WITH THE LAW AND APPLICABLE DECISIONS OF THE HONORABLE COURT WHEN IT WRONGLY RELIED ON THE PRESUMPTION OF GUILT UNDER R.A. NO. 8049 INSTEAD OF THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE AS BASIS OF CONVICTION OF PETITIONERS[.]^[23]

Petitioners agreed that both the RTC and the CA resolved the case based on erroneous and inadmissible circumstantial evidence. They averred that the circumstances established during the trial were not sufficient to conclude that they were the perpetrators of the offense charged.^[24] They further argued that the application of the presumption of guilt as provided in RA 8049 violated their constitutional right to be presumed innocent.^[25]

In its Comment,^[26] the Office of the Solicitor General asserted that the offense charged may be proven by circumstantial evidence, which is sometimes referred to as indirect or presumptive evidence.^[27] It contended that "the prosecution's evidence, including the testimonies of its witnesses, collectively formed a chain of circumstances that absolutely incriminated petitioners in the killing of [Samparada]."^[28] Thus, it maintained that the CA rightfully sustained the RTC's finding that the prosecution's evidence sufficed for the conviction of petitioners.^[29]

The Court's Ruling

The petition is impressed with merit.

At the outset, petitioners are seeking relief from the Court through petition for review on *certiorari* under Rule 45 of the Rules of Court. It is basic that Rule 45 petitions may only raise pure questions of law.^[30]

However, consistent with the constitutional right of the accused to be presumed innocent until the contrary is proven,^[31] an appeal in a criminal case throws the whole case wide open for review and it becomes the duty of the Court to correct such errors as may be found in the judgment appealed from, whether they are assigned as errors or not.^[32] Especially in criminal cases, the Court will recalibrate and evaluate the factual findings of the courts below when the trial court overlooked material and relevant matters.^[33]

The finding of guilt is essentially a question of fact and requires the courts to evaluate the evidence presented in relation to the elements of the crime charged.^[34] Thus, the Court is constrained to entertain questions of fact in appeals of criminal cases.

After a careful review of the case and the body of evidence adduced before the RTC, the Court is not convinced that petitioners are guilty beyond reasonable doubt of the offense of hazing. Thus, the Court resolves to reverse the appealed decision and acquit petitioners.

It must be emphasized that in this jurisdiction, no less than proof beyond reasonable doubt is required to support a judgment of conviction.^[35] While the law does not require absolute certainty, the prosecution's evidence must produce in the mind of the Court a moral certainty of the accused's guilt.^[36] Where there is even a scintilla of doubt, the Court must acquit.^[37]

In *People v. San Jose*,^[38] the Court declared:

The successful prosecution of a criminal case must rest on proof beyond reasonable doubt. The State must establish all the elements of the offense charged by sufficient evidence of culpability that produces a moral certainty of guilt in the neutral and objective mind. Any proof less than this should cause the acquittal of the accused.^[39]

In the present case, it is undisputed that no direct evidence was presented to link petitioners to Samparada's death. In fact, the RTC, as affirmed by the CA, convicted petitioners through circumstantial evidence.

Direct evidence and circumstantial evidence are classifications of evidence that produce legal consequences.^[40] The difference between the two involves the relationship of the fact inferred to the facts that constitute the offense.^[41] Their difference does not relate to the probative value of the evidence.^[42]

Direct evidence proves a challenged fact without having to draw any inference.^[43] On the other hand, circumstantial evidence indirectly proves a fact in issue, such that the fact-finder must draw an inference or reason from circumstantial evidence.^[44]

Direct evidence is not always necessary as it has become a settled rule that circumstantial evidence is sufficient to support a conviction.^[45] This is but a recognition of the reality that it is not always possible to obtain direct evidence in certain instances due to the inherent attempt to conceal a crime.^[46]

The case of *Zabala v. People*^[47] enlightens:

The lack or absence of direct evidence does not necessarily mean that the guilt of the accused cannot be proved by evidence other than direct evidence. Direct evidence is not the sole means of establishing guilt beyond reasonable doubt, because circumstantial evidence, if sufficient can supplant the absence of direct evidence. The crime charged may also be proved by circumstantial evidence, sometimes referred to as indirect or presumptive evidence. Circumstantial evidence has been defined as that which "goes to prove a fact or series of facts other than the facts in issue, which, if proved, may tend by inference to establish a fact in issue."^[48]

Evidence is always a matter of reasonable inference from any fact that may be proven by the prosecution provided the inference is logical and beyond reasonable doubt.^[49] Section 4, Rule 133 of the Rules of Court provides three requisites in order to sustain a conviction based on circumstantial evidence, to wit:

SEC. 4. *Circumstantial evidence, when sufficient.* – Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce conviction beyond reasonable doubt.

Jurisprudence instructs that "for circumstantial evidence to be sufficient to support conviction, all circumstances must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent."^[50] Thus, conviction based on circumstantial evidence can be upheld only if the circumstances proven constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of all others, as the guilty person.^[51]

In the present case, the RTC convicted petitioners of hazing under Section 4(a)^[52] of RA 8049 based on the following circumstances adopted during the trial: