

SECOND DIVISION

[G.R. No. 212942, June 17, 2020]

**BENITO ESTRELLA Y GILI, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*^[1] assailing the Decision^[2] dated November 20, 2013 and the Resolution^[3] dated June 3, 2014 of the Court of Appeals (CA) in CA-G.R. CR No. 33958 which affirmed the Decision^[4] dated February 15, 2010 of Branch 119, Regional Trial Court (RTC), Pasay City convicting Benito Estrella y Gili (petitioner) for violating Presidential Decree No. (PD) 1612, otherwise known as the "Anti-Fencing Law."

The facts are as follows:

An Information^[5] dated June 29, 1999 charged petitioner with the following:

"That on or about June 22, 1999 at Pasay City, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain, did then and there willfully, unlawfully and feloniously acquire, possess, sell and dispose of three (3) pails of Skydrol LD 4 hydraulic fluid bearing manufacturer lot number IAI/Y2.4/300/98USA/M-4122, valued at approximately P27,000.00 knowing or should have known to him that said Skydrol LD 4 hydraulic fluid was stolen or otherwise derived from the proceeds of the crime of robbery or theft in violation of Section 2 of Presidential Decree No. 1612, to the damage and prejudice of the owner, Philippine Airlines.

CONTRARY TO LAW."^[6]

Upon arraignment, petitioner pleaded not guilty. Trial on the merits ensued.

The prosecution presented two witnesses, namely: (1) Elvis Yao (Yao), Vice President for Fuel Management of Philippine Airlines (PAL); and (2) Police Officer III Raul Bolido (PO3 Bolido).

Records show that PAL is an importer of the fast fluid system, Skydrol Hydraulic Fluid (Skydrol), from its manufacturer Solutia, Inc. (Solutia) based in the United States.^[7] According to PAL, Skydrol is not available in the local market per Solutia's letter/certification^[8] dated June 17, 1999.

In 1998, PAL's Maintenance and Engineering Management Information noticed that

its acquisition and use of Skydrol remained unusually high notwithstanding the downsizing of its operations. PAL had downsized its fleet from 52-21 because of financial crisis; still, there was a noted high usage of Skydrol. Upon investigation, Yao found that Aerojam Supply and Trading (Aerojam), a sole proprietorship owned by petitioner and his wife, Melinda, was selling five gallons of Skydrol to Air Philippines at a low price. He initially doubted the information since PAL was the sole proprietor of Skydrol in five-gallon pail. Nonetheless, he requested the police to conduct surveillance operation on Aerojam.^[9]

On June 19 and 22, 1999, the Philippine National Police Criminal Investigation and Detection Group (PNP-CIDG) conducted a surveillance operation.^[10] Prior thereto, PAL gave the police operatives a sample of Skydrol, the manufacturer's lot number, and a report of its delivery to Air Philippines.^[11] They received an information that the subject item was to be delivered in the premises of the Air Philippines on board a jeep. On June 19, 1999, the team spotted an owner type jeep at Villamor Airbase. PO3 Bolido took photographs^[12] of the jeep and its driver, who turned out to be petitioner.^[13] The photographs showed petitioner stopping at Air Philippines and alighting from the jeep.^[14] On June 22, 1999, the police operatives apprehended petitioner, who was about to deliver three pails^[15] of Skydrol to Air Philippines. When asked to present documents for the merchandise he was carrying, petitioner could not produce any. He pointed to a certain Jupel as having custody of the documents, but the latter did not appear.^[16] Later, Yao confirmed that the pails of Skydrol found in petitioner 's possession were part of PAL's stock.

Petitioner, on the other hand, testified that he is a salesman who sell s aircraft spare parts, lubricants, accessories, and chemicals related to aviation. He has been running Aerojam for almost 23 years and he transacted with several private aircraft owners and airline companies including Cebu Pacific, Air Philippines, Grand Air, and Asian Spirit. On June 22, 1999, at around 9:00 a.m., a certain Janet asked him to visit Air Philippines because they needed aircraft spare parts and accessories. However, because of prior commitment, he was unable to go there. After two hours, at about 11:00 a.m., Janet called again and informed him that they needed the requested items immediately. Before going to the hangar, at 4:00 p.m., he had to go through the security guards of Air Philippines and the soldiers of the Air Force. He told them that he was going to pick up a list of requirements from Air Philippines office and that he was not bringing any supplies. As he walked towards the hangar, he was accosted by three PNP-CIDG personnel. He then learned that PAL had a complaint against him involving the three pails of Skydrol he allegedly stole from PAL.^[17]

Later, the police officers brought him to Camp Crame where he was photographed and processed for fingerprinting. Contrary to Yao's allegation, he asserted that PAL was not the only airline using Skydrol in the country considering that other airlines are also using the same hydraulic fluid.^[18] Accordingly, he got his supply of Skydrol from International Business Aviation, Inc. (IBAI) but the company had already closed.^[19] He bought 20 pails of Skydrol from IBAI from P8,000.00 to P9,000.00 and sold them for P10,000.00 each.^[20]

Alvin Ygon, Sales and Marketing Manager of Global Air Tech, likewise testified for

petitioner. He narrated that he used to work as the Philippine representative of Avial, Inc. from 1997 to 1999 and was assigned in its Singapore branch up to 2004. Avial, Inc. is a global distributor of chemical raw materials of aircraft parts, including Skydrol. According to him, the lot numbers on the pails were not specifically assigned to or owned by a particular airline since several customers received the same lot number. As to the manufacturer's lot number, it was the same except for the date or year when it was manufactured. He affirmed that Solutia had many branches in the Asia Pacific region, and many local companies acted as its brokers to distribute or sell their aircraft products like Skydrol.^[21]

The RTC found petitioner guilty beyond reasonable doubt of the crime of Fencing under PD 1612, to wit:

WHEREFORE, finding accused BENITO ESTRELLA y GILT guilty beyond reasonable doubt of violation of Presidential Decree No. 1612, he is hereby sentenced to suffer a prison term of ten (10) years and one (1) day of prision mayor in its maximum period as minimum to ten (10) years and eight (8) months of prision mayor in its maximum period as maximum.

SO ORDERED.^[22]

Aggrieved, petitioner appealed the case to the CA.

On November 20, 2013, the CA rendered the assailed Decision up holding the findings of the RTC. It held that petitioner knew or should have known that the three Skydrol pails were from an illegal source.^[23] Moreover his inexplicable possession of the valuable items can only be interpreted to mean that he intended to profit from them.^[24]

Petitioner filed a Motion for Reconsideration,^[25] but the CA denied it in the assailed Resolution and ruled that the arguments raised had already been considered and thoroughly discussed in the assailed Decision.

Hence, the petition.

Petitioner raised the following grounds:

I

IT FAILED TO FIND AND CONCLUDE THAT THE PRIVATE COMPLAINANT CONCOCTED DOCUMENTARY EVIDENCE, ON SEVERAL OCCASIONS, TO ESTABLISH ITS CASE AGAINST PETITIONER;

II

IT DID NOT RULE IN ACCORDANCE WITH PREVAILING LAWS AND JURISPRUDENCE WHEN IT RULED THAT THE PROSECUTION WAS ABLE TO PROVE PETITIONER'S GUILT BEYOND REASONABLE DOUBT[.]^[26]

In its Comment,^[27] public respondent raised the following arguments:

I.

EVIDENCE PRESENTED PROVES PETITIONER'S VIOLATION OF P.D. NO. 1612.

II.

PETITIONER'S DEFENSES OF DENIAL AND FRAME-UP ARE BASELESS.

III.

ONLY QUESTIONS OF LAW MAY BE RAISED IN A PETITION FOR REVIEW ON CERTIORARI.^[28]

The Court's Ruling

The petition is without merit.

The basic issue for the Court's consideration is whether the CA erred in sustaining the conviction of petitioner. The principal issue to resolve is whether the elements of the crime of Fencing were established by the prosecution.

At the outset, it must be emphasized that the Rules of Court require that only questions of law should be raised in petitions filed under Rule 45.^[29] Petitions for review on *certiorari* under Rule 45 should cover only questions of law as the Court is not a trier of facts.^[30] The Court accords finality the factual findings of trial courts, especially when, as in the case at bench, such findings are affirmed by the appellate court. This factual determination of the trial court deserves great weight and shall not be disturbed on appeal.^[31] Although the rules do admit exceptions,^[32] not one of them is applicable in the instant case. Thus, the Court is not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings before the RTC.

A cursory reading of the petition reveals that petitioner presents factual issues, such as: (1) whether PAL merely concocted or falsified documentary evidence against him;^[33] (2) whether he was forced to sign documents at Camp Crame;^[34] and (3) whether he and his wife were harassed during investigation defeating the authenticity of documents he signed at Camp Crame.^[35] The factual matters are not within the province of the Court to look into, save only in exceptional circumstances which are not present here. The Court gives credence to the factual evaluation made by the RTC and affirmed by the CA.

The well-settled rule in this jurisdiction is that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect. Findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.^[36] The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their

deportment and mode of testifying during the trial.^[37] The task of taking on the issue of credibility is a function properly lodged with the trial court. Thus, generally, the Court will not recalibrate evidence that had been analyzed and ruled upon by the trial court. After a judicious perusal of the records of the instant appeal, the Court finds no compelling reason to depart from the RTC's and CA's factual findings. Nevertheless, to clear any cloud of doubt on the correctness of the assailed ruling, the Court shall examine the records of the case and find out if petitioner failed to show that the lower courts committed error in appreciating the pieces of evidence presented by the parties.

After a judicious perusal of the records of the instant petition, the Court finds no compelling reason to depart from the RTC's and CA's factual findings as there is no indication that the lower courts overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case. In fact, the RTC was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to them. The Court affirms the conviction of the petitioner.

Here, the RTC and the CA ruled that the prosecution was able to discharge the burden of proving beyond reasonable doubt all the elements of Fencing.

Under Section 2 of PD 1612, Fencing is defined as the *act of any person who, with intent to gain for himself or for another, shall buy, receive, possess, keep, acquire, conceal, sell or dispose of or shall buy and sell, or in any manner deal in any article, item, object or anything of value which he knows, or should be known to him, to have been derived from the proceeds of the crime of robbery or theft.*^[38]

The law on Fencing does not require the accused to have participated in the criminal design to commit, or to have been in any wise involved in the commission of, the crime of robbery or theft.^[39] The essential elements of the offense are:

1. A crime of robbery or theft has been committed;
2. The accused, who is not a principal or accomplice in the commission of the crime of robbery or theft, buys, receives, possesses, keeps, acquires, conceals, sells or disposes, or buys and sells, or in any manner deals in any article, item, object or anything of value, which has been derived from the proceeds of the said crime;
3. The accused knows or should have known that the said article, item, object or anything of value has been derived from the proceeds of the crime of robbery or theft; and
4. There is on the part of the accused intent to gain for himself or for another.

The RTC and CA correctly found that the prosecution was able to establish beyond reasonable doubt all the elements of the offense of Fencing considering the following:

First, the occurrence of theft was duly established by the prosecution. Yao categorically testified that despite the downsizing of PAL's operation in 1998 or