



Presiding Judge of Branch 138 of the Regional Trial Court of Makati City ("Makati RTC").<sup>[5]</sup> Private Respondent Rita M. Dela Cruz ("Dela Cruz") is the registered owner and operator of DCRM Transport<sup>[6]</sup> and the private complainant in the criminal case against Petitioners.

On July 13, 2009, at around two o'clock in the morning, a Toyota Corolla DCRM Taxi bearing plate number TYG-912 driven by Ronnie C. Mahinay ("Mahinay") was allegedly carnapped along Vito Cruz and Primo Rivera Streets in La Paz, Makati City by three (3) unidentified men.<sup>[7]</sup>

At around three o'clock in the afternoon of July 14, 2009, operatives of the Philippine National Police ("PNP") San Carlos City, Pangasinan received an information that a white taxi is being cut into pieces in Sitio Caapangan, San Carlos City, Pangasinan. The policemen proceeded to the place to verify the same. As they were nearing the place, they saw several persons scampering away, while Petitioners Castro and Torres were nabbed cutting the taxi using an acetylene torch.<sup>[8]</sup> Accused Jing Parayaoan ("Parayaoan") was later identified as one of those who fled and hid in the open field covered with grass.<sup>[9]</sup> The policemen informed Dela Cruz that they found her missing taxi which was carnapped almost two days ago.<sup>[10]</sup>

To make it easier to transport the taxi from where it was discovered, Petitioners Castro and Torres were ordered to continue cutting the same and load it to the van for transport to the police station. Thereafter, they were brought to the precinct and were subjected to custodial investigation.<sup>[11]</sup>

On July 15, 2009, Dela Cruz, accompanied by the Anti-Carnapping Unit of Makati City PNP ("ANCAR Makati") arrived at the San Carlos Police Station and coordinated with PNP San Carlos to see and inspect the area where the taxi was discovered and cut into pieces. On the same day, Castro and Torres were ordered released by the Chief of Police of PNP San Carlos City without being criminally charged.<sup>[12]</sup>

On July 20, 2009, ANCAR Makati, together with Mahinay, conducted a follow-up operation. While the group was driving along Macardo St., corner Pasong Tirad St., Makati City, Mahinay spotted and positively identified two of the three men who forcibly took the taxi he was driving, namely, Jing Parayaoan ("Parayaoan") and Edison Gonzales ("Gonzales"). The two were arrested by the ANCAR operatives<sup>[13]</sup> and an Information<sup>[14]</sup> for carnapping was subsequently filed against them<sup>[15]</sup>, to wit:

### **INFORMATION**

The undersigned prosecutor accuses JING PARAYAOAN y PAGSOLINGAN and EDISON GONZALES y LIZARTE of the crime of carnapping committed as follows:

On the 13<sup>th</sup> day of July 2009, in the City of Makati, the (sic) Philippines, the accused, conspiring and confederating with Ruben Galisim y Abang, Julius Castro y Rufo, Romeo Torres y Carino and Arnel Arenas, who are at large and all of them mutually helping and aiding one another, with intent to gain, did then and there willfully, unlawfully and feloniously take, steal

and carnap (sic) a Toyota Corolla (DCRM Transport) taxi bearing Plate No. TYG-912, Motor No. 2E-3287866, Chasis No. EE110-5501915, color white, model 2002 belonging to Rita Dela Cruz y Mendoza, without the consent, knowledge, and to the damage and prejudice of the owner thereof.

CONTRARY TO LAW.

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Petitioners Castro, Torres, and Arenas were subsequently arrested. A preliminary investigation<sup>[16]</sup> was held, and the information was thereafter amended to implead them.<sup>[17]</sup> The Amended Information<sup>[18]</sup> reads:

AMENDED  
INFORMATION

The undersigned prosecutor accuses JING PARAYAOAN y PAGSOLINGAN, EDISON GONZALES y LIZARTE, RUBEN CALISIM y ABANG, JULIUS CASTRO y RUFO, ROMEO TORRES y CARIÑO and ARNEL ARENAS of the crime of carnapping committed as follows:

On the 13<sup>th</sup> day of July 2009, in the City of Makati, the (sic) Philippines, the accused, conspiring and confederating together and all of them mutually helping and aiding one another, with intent to gain, did then and there willfully, unlawfully and feloniously take, steal and carnap (sic) a Toyota Corolla (DCRM Transport) taxi bearing Plate No. TYG-912, Motor No. 2E-3287866, Chasis No. EE110-5501915, color white, model 2002 belonging to Rita Dela Cruz y Mendoza, without the consent, knowledge, and to the damage and prejudice of the owner thereof.

CONTRARY TO LAW.

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To support the indictment of the Petitioners, the prosecution presented Mahinay, SPO4 Resultan, PO3 Glen Ramos Mangalindan, a member of the Makati City ANCAR Division, and Domingo Buenconsejo, the official photographer of Makati City PNP. The prosecution thereafter rested its case and filed its formal offer of evidence.<sup>[19]</sup>

Petitioners, instead of presenting their evidence, opted to file a Joint Demurrer to Evidence<sup>[20]</sup> arguing that "after the prosecution formally offered its evidence and rested its case, the quantum of proof beyond reasonable doubt in criminal cases was not satisfied to convict the accused, less even require them to present evidence in order to prove their innocence."<sup>[21]</sup>

The prosecution filed its Opposition to the Demurrer to Evidence<sup>[22]</sup> contending that "during trial, the prosecution was not only able to establish that Castro, Torres, and Arenas were cutting up the subject vehicle when the police apprehended them but more importantly, it was proven that the three were in the company of Parayaoan, who appears to be well known in the area. If uncontroverted, the facts established

by the evidence presented by the prosecution are sufficient to establish the liability of Castro, Torres, and Arenas as conspirators.”<sup>[23]</sup>

In his assailed October 18, 2011 Order,<sup>[24]</sup> Judge Villarosa denied Petitioners' Demurrer to Evidence. He ruled that the prosecution was able to establish the elements of the crime charged against the accused and that a *prima facie* case has been established against them. It was likewise held that there is a necessity for Petitioners to adduce evidence in support of their defenses.<sup>[25]</sup>

Petitioners filed their respective Motions for Reconsideration<sup>[26]</sup> which were all denied by Judge Villarosa in his January 20, 2012 Order.<sup>[27]</sup> Hence, this Petition for Certiorari under Rule 65 of the Rules of Court.

## **THE ISSUES**

Petitioners submit the following issues<sup>[28]</sup> for Our consideration, to wit:

### **I.**

WITH ALL DUE RESPECT, PUBLIC RESPONDENT ACTED WITH GRAVE ABUSE OF DISCRETION WHEN IT ISSUED THE ASSAILED ORDERS THUS VIOLATING THE CONSTITUTIONAL RIGHTS OF HEREIN PETITIONERS AS ACCUSED TO BE PRESUMED INNOCENT UNTIL PROVEN OTHERWISE AND THE BURDEN OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT;

### **II.**

WITH UTMOST DUE RESPECT, PUBLIC RESPONDENT PEOPLE THRU THE PUBLIC PROSECUTOR FAILED TO CONSIDER THE FACT AND WERE ACTUALLY MISLED BY PRIVATE RESPONDENT ACTING IN CAHOOTS WITH THE INVESTIGATING TEAM OF THE MAKATI CITY PNP ANCAR DIVISION IN PERJURING THEIR STATEMENTS TO IMPLICATE PETITIONERS IN A CRIME THEY NEVER COMMITTED;

### **III.**

THERE BEING NO DIRECT INVOLVEMENT OF ACCUSED-PETITIONERS CASTRO, TORRES, AND ARENAS PROSECUTION (sic) TRIED TO PROVE ITS CASE BASE (sic) ON CIRCUMSTANTIAL EVIDENCE BY ALLEGING THAT THEY CONSPIRED WITH ACCUSED PARAYAOAN AND GONZALES;

### **IV.**

THE EVIDENCE OF THE PROSECUTION LIKEWISE FAILED TO SUPPORT ITS ALLEGATION OF CONSPIRACY;

### **V.**

WITH ALL DUE RESPECT, PUBLIC RESPONDENT GRAVELY ERRED IN

APPLYING THE GUIDELINES SET FORTH BY THE HONORABLE SUPREME COURT ON DEMURRER TO EVIDENCE INVOLVING CIVIL CASES.

**OUR RULING**

Distilled to its juice, the sole issue which confronts Us is whether Public Respondent Judge Joselito Villarosa gravely abused his discretion thereby amounting to a lack or excess of jurisdiction in denying Petitioners' Demurrer to Evidence.

Petitioners argue that Judge Villarosa's Order denying the demurrer to evidence violated their constitutional right to be presumed innocent until proven otherwise.

[29] Petitioners also argue that the demurrer to evidence should have been granted because "no evidence whatsoever was presented by the prosecution to prove their guilt beyond reasonable doubt, much less their involvement or participation in the crime charged, whether directly or indirectly." [30]

Petitioners' arguments are quaint.

Case law provides that the grant or denial of a Demurrer to Evidence is left to the sound discretion of the trial court, and its ruling on the matter shall not be disturbed in the absence of a grave abuse of such discretion. [31]

To Our minds, the trial judge did not commit grave abuse of discretion when he denied Petitioners' Demurrer to Evidence based on his conclusion that the prosecution was able to establish the elements of the crime charged against the Petitioners and that a *prima facie* case has been established against them. [32]

A Demurrer to Evidence is "an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue." [33] The party demurring challenges the sufficiency of the whole evidence to sustain a verdict. [34] In passing upon the sufficiency of the evidence raised in a demurrer, the court is merely required to ascertain whether there is competent or sufficient proof to sustain the indictment or to support a verdict of guilt. [35]

In *Gutib v. Court of Appeals*, it was held that sufficient evidence which would warrant a denial of a Demurrer to Evidence is "such evidence in character, weight or amount as will legally justify the judicial or official action demanded according to the circumstances. To be considered sufficient therefore, the evidence must prove: (a) the commission of the crime, and (b) the precise degree of participation therein by the accused." [36]

In the case before Us, the RTC found sufficient evidence to sustain the indictment and to support a verdict of guilt for the violation of Republic Act No. 6539, otherwise known as "Anti-Carnapping Act of 1972". [37] This law defines carnapping as "the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons, or by using force upon things." [38] The elements of the crime are as follows:

1. That there is an actual taking of the vehicle;