

## THIRD DIVISION

[ G.R. No. 240475, July 24, 2019 ]

**JONATHAN DE GUZMAN Y AGUILAR, PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**LEONEN, J.:**

Proof beyond reasonable doubt demands moral certainty. The prosecution's reliance on nothing more than the lone testimony of a witness, who is faulted with a vendetta and illegal activities allegedly committed against the accused, hardly establishes moral certainty.

This Court resolves a Petition for Review on Certiorari<sup>[1]</sup> under Rule 45 of the 1997 Rules of Civil Procedure, praying that the Court of Appeals' March 21, 2018 Decision<sup>[2]</sup> and July 5, 2018 Resolution<sup>[3]</sup> in CA-G.R. CR No. 40017 be reversed and set aside, and that a new Decision be rendered acquitting Jonathan De Guzman y Aguilar (De Guzman) of the charge of illegal possession of a firearm.

In its assailed Decision, the Court of Appeals affirmed with modification the March 1, 2017 Decision<sup>[4]</sup> of the Regional Trial Court, Branch 114, Pasay City convicting De Guzman. It subsequently denied his Motion for Reconsideration in its assailed July 5, 2018 Resolution.

In an Information, De Guzman was charged with illegal possession of a firearm, or of violating Republic Act No. 10591, otherwise known as the Comprehensive Firearms and Ammunition Regulation Act.<sup>[5]</sup> The Information read:

That on or about the 22<sup>nd</sup> day of October 2014, in Pasay City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to possess, did then and there willfully, unlawfully and feloniously have in his possession, custody and control One (1) Smith and Wesson Caliber .38 Revolver (Marked "JAD-1") loaded with Four live [ammunition] (Marked "JAM-2" to ["JAM-5"]) (*sic*) without the necessary license and/or authority to possess the same.

Contrary to law.<sup>[6]</sup> (Citation omitted)

On arraignment, De Guzman pleaded not guilty to the crime charged Trial followed.<sup>[7]</sup>

The prosecution presented its lone witness, Senior Police Officer 1 Ador Estera (SPO1 Estera),<sup>[8]</sup> who testified as follows:

At around 4:00 p.m. on October 22, 2014, he and nine (9) other police officers were on patrol along Taft Avenue, Libertad, Pasay City. As they were approaching the

White House Market, they noticed that people were running away from it. They went to investigate and saw a revolver-wielding man, whom they later identified as De Guzman, shouting as though quarreling with someone. They rushed to De Guzman and introduced themselves as police officers. SPO1 Estera told De Guzman to put down the gun, to which he complied. After picking up the gun, SPO1 Estera asked De Guzman if he had a license to possess it, but De Guzman kept mum. SPO1 Estera then handcuffed and frisked De Guzman, discovering in his possession a sachet of suspected shabu.<sup>[9]</sup>

SPO1 Estera then brought De Guzman to the Pasay City Police Station and referred him to SPO3 Allan V. Valdez (SPO3 Valdez) for further investigation. In SPO3 Valdez's presence, SPO1 Estera marked the revolver with De Guzman's initials, "JAD-1." It was then that the officer found four (4) live ammunition rounds, which he marked as "JAD-2" to "JAD-5." He also marked the sachet of suspected shabu as "JAD." SPO1 Estera then turned the seized items over to SPO3 Valdez.<sup>[10]</sup>

De Guzman was separately charged with illegal possession of a firearm and illegal possession of dangerous drugs. The case for illegal possession of a firearm was raffled to the Regional Trial Court, Branch 114, Pasay City, while the case for illegal possession of dangerous drugs was raffled to the Regional Trial Court, Branch 110, Pasay City.<sup>[11]</sup>

The defense alleged an entirely different version of events. It emphasized, first, that De Guzman was arrested on October 21, 2014, not on October 22, 2014. It then explained that on October 21, 2014, De Guzman and his sister, Jessica, were dressing chicken to sell at the public market. While they were taking a break at around 4:00 p.m., 10 men in civilian clothes arrived, as though looking for something. Among them, SPO1 Estera, as De Guzman later identified, approached De Guzman and asked him why he had knives. De Guzman replied that he used them for dressing chickens to be sold at the public market. SPO1 Estera then asked De Guzman if they had a mayor's permit, to which De Guzman replied that since they merely operated a small business, they did not obtain such a permit.<sup>[12]</sup>

Calling De Guzman's reply "bastos," an angry SPO1 Estera pulled out his gun and pointed it at him. At gunpoint, De Guzman begged SPO1 Estera for forgiveness. However, SPO1 Estera took De Guzman's knives and ordered him to lie on his stomach. He then frisked De Guzman, but he found nothing. As SPO1 Estera's companions arrived, SPO1 Estera told them that he was arresting De Guzman for having the knives in his possession. De Guzman was then brought to the Pasay City Police Station.<sup>[13]</sup>

There, SPO1 Estera allegedly demanded P300,000.00 from De Guzman lest he be charged with illegal possession of a firearm and illegal possession of dangerous drugs. Unable to produce the amount demanded by SPO1 Estera, De Guzman was formally charged with the threatened offenses.<sup>[14]</sup>

In testifying for his defense, De Guzman noted that he did not personally know SPO1 Estera. He recalled, however, that about a month prior to his arrest, he won a P50,000.00 cockfight bet against SPO1 Estera. He added that, after collecting his winnings, a "kristo" at the cockfighting arena told him that SPO1 Estera had asked for De Guzman's name and where he worked. The kristo admitted to telling SPO1 Estera that De Guzman had a stall at the White House Market.<sup>[15]</sup>

De Guzman also expressed perplexity at his supposedly carrying a .38 caliber revolver. He admitted to owning a firearm, a .45 caliber Amcor, which was covered by Firearm License No. 1222309512278865 and Permit to Carry Control No. JAD-1210006530. He presented as evidence both his Firearm License and Permit to Carry, along with a March 16, 2016 Certification showing that he was indeed a licensed firearm holder. He emphasized that there was no point in him carrying around an unlicensed firearm when he had a licensed gun.<sup>[16]</sup>

De Guzman's sister, Jessica, testified to corroborate De Guzman's version of events.<sup>[17]</sup>

In a March 1, 2017 Decision,<sup>[18]</sup> the Regional Trial Court, Branch 114, Pasay City convicted De Guzman. According to it, the presentation during trial of a .38 caliber revolver and ammunition, coupled with SPO1 Estera's identification of them as the same items obtained from De Guzman, established the elements for conviction of the charge of illegal possession of a firearm. It added that, in any case, De Guzman himself admitted to not having a license to own, possess, or carry a .38 caliber revolver or ammunition.<sup>[19]</sup>

The dispositive portion of the Regional Trial Court Decision read:

WHEREFORE, in view of the foregoing, the Court finds accused JONATHAN DE GUZMAN y AGUILAR a.k.a. "Jojo" GUILTY beyond reasonable doubt of Violation of R.A. No. 10591 (Comprehensive Firearms and Ammunition Regulation Act) and hereby sentences him to suffer the minimum penalty of imprisonment of eight (8) years and one (1) day to eight (8) years and eight (8) months of *prision mayor* in its medium period.

The firearm and [ammunition] subject matter of this case is declared forfeited in favor of the government and ordered to be turned over to the Firearms and Explosive Unit, [Philippine] National Police, Camp Crame, Quezon City for its appropriate disposition.

SO ORDERED.<sup>[20]</sup>

Aggrieved, De Guzman appealed before the Court of Appeals. He maintained that the gun and ammunition presented against him were merely "planted evidence."<sup>[21]</sup>

In its assailed March 21, 2018 Decision,<sup>[22]</sup> the Court of Appeals affirmed De Guzman's conviction with modification. As with the Regional Trial Court, the Court of Appeals lent credence to the prosecution's evidence, particularly to SPO1 Estera's recollection of events.<sup>[23]</sup>

The dispositive portion of the assailed Court of Appeals Decision read:

WHEREFORE, premises considered, the appeal is hereby DENIED. The Decision dated September 2, 2016 (*sic*) of the Regional Trial Court, Branch 13, Laoag City (*sic*) is AFFIRMED with MODIFICATION in that accused-appellant Jonathan De Guzman y Aguilar a.k.a. "Jojo" is sentenced to suffer imprisonment of eight (8) years and one (1) day of *prision mayor*, as minimum, to ten (10) years, eight (8) months, and one (1) day of *prision mayor*, as maximum.

SO ORDERED.<sup>[24]</sup> (Citation omitted)

In the interim, the Regional Trial Court, Branch 110, Pasay City rendered a Decision on April 3, 2018,<sup>[25]</sup> acquitting De Guzman of the charge of illegal possession of dangerous drugs. It reasoned that the subsequent search on De Guzman, which supposedly yielded a sachet of shabu, was not founded on a prior lawful arrest for illegal possession of a firearm.<sup>[26]</sup> It noted that De Guzman was not proven to have carried a firearm—which would have justified his initial arrest—but merely had "knives which he used in his occupation in selling dressed chicken."<sup>[27]</sup> Without a prior lawful arrest, the trial court ruled that the subsequent frisking that allegedly yielded the sachet of shabu was an invalid search. The allegedly seized sachet was, thus, a proverbial "fruit of the poisonous tree"<sup>[28]</sup> that is inadmissible in evidence. Without proof of the actual narcotics allegedly obtained from De Guzman, his acquittal followed.<sup>[29]</sup>

Aggrieved by the Court of Appeals' March 21, 2018 Decision convicting him of illegal possession of a firearm, De Guzman filed a Motion for Reconsideration, but the Court of Appeals denied this in its July 5, 2018 Resolution.<sup>[30]</sup>

Thus, De Guzman filed this Petition.<sup>[31]</sup>

For this Court's resolution is the issue of whether or not petitioner Jonathan De Guzman y Aguilar is guilty beyond reasonable doubt of violating Republic Act No. 10591, or the Comprehensive Firearms and Ammunition Regulation Act.

It was a serious error for the Court of Appeals to affirm petitioner's conviction.

Proof beyond reasonable doubt is imperative to sustain a conviction in criminal cases. Rule 133, Section 2 of the Revised Rules on Evidence provides:

SECTION 2. Proof beyond reasonable doubt. — In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.

This requisite quantum of proof is borne by the constitutional imperative of due process. It is also in keeping with the presumption of innocence of an accused until the contrary is proved.<sup>[32]</sup> While proof beyond reasonable doubt does not demand absolute, impeccable, and infallible certainty, it still requires moral certainty.<sup>[33]</sup> In *People v. Que*:<sup>[34]</sup>

Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind. The conscience must be satisfied that the accused is responsible for the offense charged.<sup>[35]</sup>

Proof beyond reasonable doubt imposes upon the prosecution the burden of proving an accused's guilt through the strength of its own evidence. The prosecution cannot merely capitalize on the defense's supposed weaknesses.<sup>[36]</sup> "[U]nless it discharges [its] burden[,] the accused need not even offer evidence in his [or her] behalf, and he [or she] would be entitled to an acquittal."<sup>[37]</sup>

To sustain convictions for illegal possession of firearms, the prosecution must show two (2) essential elements: (1) that the firearm subject of the offense exists; and (2) that the accused who possessed or owned that firearm had no corresponding license for it.<sup>[38]</sup>

The Regional Trial Court was quick to conclude that the first element was shown merely when the prosecution presented a .38 caliber revolver and ammunition, and had them identified by SPO1 Estera. Offering nothing but a singular paragraph as reasoning, it stated:

In the instant case, the prosecution proved beyond reasonable doubt the elements of the crime. The subject firearm and ammunitions recovered from the accused were duly presented to the Court and identified by SPO1 Estera, the one who arrested the accused. The same were marked as Exhibits "C" and "D" to "D-4".<sup>[39]</sup>

On the second element, the Regional Trial Court noted not only a Certification issued by the Firearms and Explosive Division of the Philippine National Police belying petitioner's license or registration to possess, but also petitioner's own declaration that he had no such license to possess a .38 caliber revolver:

[A]ccused even admitted in his testimony that he has no license to own, possess or carry any caliber .38 or ammunition which are the subject matter of this case.<sup>[40]</sup>

For its part, when it sustained petitioner's conviction, the Court of Appeals faulted the defense for failing to present witnesses other than petitioner's sister to support its version of events, pointing out that her testimony was bound to be biased.<sup>[41]</sup> In the same vein, it condoned the prosecution's reliance on nothing more than SPO1 Estera's testimony, explaining that corroborating testimonies may be dispensed with since there was no basis to suspect that SPO1 Estera "twisted the truth, or that his . . . observation was inaccurate."<sup>[42]</sup>

The Regional Trial Court's reasoning and the Court of Appeals' sustaining it place far too much faith in the lone prosecution witness' flimsy, self-serving posturing. They come from a misplaced emphasis on the defense's supposed weakness and, ultimately, fail to appreciate what proof beyond reasonable doubt demands.

Proving its version of events beyond reasonable doubt made it necessary for the prosecution to present evidence that not only trumped that of the defense, but even addressed all the glaring loopholes in its own claims. It was, therefore, inadequate for it to have relied on the single testimony of the police officer whose credibility had been put into question not only with respect to the veracity and accuracy of his version of events leading to petitioner's arrest, but even with respect to a supposed prior vendetta against petitioner, and an attempt to extort from him. It was the prosecution's duty to show that its version of events deserves credence, the inadequacies of SPO1 Estera notwithstanding. It abandoned the chance to discharge this duty when it declined to present other witnesses to buttress the claims of its single, grossly flawed witness.

This is not to say that petitioner's own allegations against SPO1 Estera are all true. Still, the requisite of moral certainty demanded that petitioner's reservations against SPO1 Estera be addressed. In what amounted to a contest between two (2) vastly