



SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

RECEIVED
JUL 13 2022
BY: P. SANTAGO
TIME: 2:12

Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SUPREME COURT OF THE PHILS.
OFFICE OF THE CHIEF JUSTICE
ALEXANDER G. BESMUNDO
RECEIVED
JUL 12 2022
BY: [Signature]
TIME: 3:44

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. Nos. 250100-02

Present:

- versus -

ROMMEL C. ARNADO,
Accused-Appellant.

PERLAS-BERNABE, S.A.J.,*
HERNANDO, Acting Chairperson**
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

Promulgated:

MAR 21 2022

X ----- X

DECISION

ZALAMEDA, J.:

The existence of conspiracy must be proven with the same standard of proof required to establish the crime itself, that is, proof beyond reasonable doubt.¹ Mere surmises and speculations may not be used as basis to conclude that there is conspiracy, and cannot legally sustain a conviction.² If there is doubt, the accused must be exonerated, and the presumption of innocence must be upheld.³

* On official leave.

** Per Special Order No. 2882 dated 17 March 2022.

¹ *People v. Patalinghug*, 376 Phil. 226 (1999).

² *People v. Sujetado*, G.R. No. 103967, 07 April 1993 [Per J. Campos, Jr.].

³ *People v. Cantila, Jr.*, 442 Phil. 641, 654. (2002), citing *People v. Amogis*, 420 Phil. 278 (2001).

The Case

The instant appeal seeks to reverse and set aside the Decision⁴ dated 26 April 2019 and Resolution⁵ dated 14 October 2019 of the *Sandiganbayan* in Criminal Case No. SB-17-CRM-0677 to 0679. The *Sandiganbayan* found Rommel C. Arnado (accused-appellant), guilty beyond reasonable doubt of three counts of the crime of Grave Coercion, and sentenced him to an indeterminate penalty of imprisonment of six (6) months of *arresto mayor*, as minimum, to three (3) years and six (6) months of *prision correccional* medium, as maximum for each count.

Antecedents

Accused-appellant, then Mayor of the Municipality of Kauswagan, together with Rey A. Camanian (Camanian) and Lauro R. Diputado (Diputado), were charged with three counts of the crime of Grave Coercion punishable under Article 286 of the Revised Penal Code (RPC). The three Informations are identically worded except for the dates when the offenses were allegedly committed:⁶

SB-17-CRM-0677

That on 21 October 2013 or sometime prior or subsequent thereto, in Brgy. Tacub, Municipality of Kauswagan, Province of Lanao del Norte, Philippines, and within the jurisdiction of the Honorable Court, accused **ROMMEL C. ARNADO** (Arnado), being then the Mayor of the Municipality of Kauswagan, **REY A. CAMANIAN** (Camanian), **LAURO R. DIPUTADO** (Diputado), and **SEVEN (7) "JOHN DOES"**, being then members of the Civil Service Unit (CSU) of the Municipality of Kauswagan PNP, all public officers, taking undue advantage of their respective official positions, conspiring and confederating with one another, did then and there willfully, unlawfully, criminally prevent **IBRA C. SAMBUAT**, **OSAMA C. SAMBUAT**, **FARHANA C. SAMBUAT** and their relatives (the Sambuats) from having shelter and peaceful living and forcing them by means of violence, threats, and intimidation to leave against their will the land over which they claim ownership and where their houses and shelters were built, when accused Camanian, Diputado and Seven (7) John Does, upon the command of accused Arnado, without lawful authority, entered and took control of the land where the houses and shelters of the Sambuats were located, and demolished said shelters and took their

⁴ *Rollo*, pp. 3-36. Penned by Sandiganbayan Associate Justice Edgardo M. Caldonga, with Associate Justices Efren N. De La Cruz and Geraldine Faith A. Econg, concurring.

⁵ *Id.* at 142-158.

⁶ *Id.* at 279-287.

materials.

CONTRARY TO LAW.⁷

Initially, accused-appellant, Camanian, and Diputado were also charged with three counts of Malicious Mischief. However, these charges were dropped after the filing of a Motion to Quash by the accused.⁸ The *Sandiganbayan* granted such Motion on the basis that the presence of intent in one crime necessarily negates the existence thereof in the other.⁹ Any damages which may have been caused due to the alleged commission of malicious mischief are considered as incidental, and should be absorbed in the crime of Grave Coercion.

Upon being arraigned for the charges of Grave Coercion, accused-appellant pleaded not guilty thereto.¹⁰ On 18 April 2017, accused-appellant posted his cash bail bond in the amount of Php 60,000.00.¹¹ This was approved by the *Sandiganbayan* through its Resolution issued on the same date.¹²

Meanwhile, Camanian and Diputado remained at large. Hence, the cases against them were ordered archived in the meantime.¹³

In support of the charges, the prosecution presented the testimonies of complainants, siblings Ibra C. Sambuat (Ibra), Osama C. Sambuat (Osama), and Farhana C. Sambuat (Farhana) (collectively, "the Sambuats"). They claimed ownership over a parcel of land located at Tacub, Kauswagan, Lanao del Norte, allegedly covered by Original Certificate of Title (OCT) No. P-3033 under their grandparents' names (Subject Property).¹⁴

The Sambuats explained that their family was originally residing in the property, but left Kauswagan when a feud broke out therein. In the meantime, they stayed in Marawi City, Lanao del Sur.¹⁵

They alleged that the acts of coercion happened during three incidents, on 21 October 2013, 30 October 2013, and 18 November 2013.¹⁶

For the first incident, several members of the Citizen Security Unit (CSU) of the Office of the Mayor of Kauswagan, among whom were

⁷ *Id.* at 279-280.

⁸ *Id.* at 288-295.

⁹ *Id.* at 306-314.

¹⁰ *Sandiganbayan rollo*, p. 183.

¹¹ *Id.* at 121.

¹² *Id.* at 127.

¹³ *Id.* at 109.

¹⁴ *Id.* at 111-116.

¹⁵ *Id.* at 111-112.

¹⁶ *Id.*



Camarian and Diputado, entered their property and threatened to kill anyone if they will not be allowed to enter. The CSU members allegedly shouted at the Sambuats demanding them to leave at once and destroyed their shanties in the presence of the Kauswagan Philippine National Police (PNP). They did this despite explanation by the Sambuats that they are the owners of the property.¹⁷

According to the Sambuats, they asked Camarian why they were being forced to leave, and he only answered "*utos sa taas.*" Hence, they concluded that the incident happened upon the instruction of accused-appellant. Thereafter, the Sambuats put up their houses and caused the incident to be recorded in the police blotter.¹⁸

Similar incidents occurred for the second and third time. The Sambuats also caused both incidents to be recorded in the police blotter.¹⁹

The Sambuats also alleged that they were invited to dialogues by accused-appellant through the PNP, which occurred on 21 October 2013 and 30 October 2013.²⁰

For the first dialogue, Farhana and Osama attended as Ibra was not available. When they arrived, they saw accused-appellant together with then Provincial Director of Lanao del Norte PNP, PS/Insp. Madrid Paitao (Paitao), and a certain lawyer. They claimed that accused-appellant asked them if they had documents to prove that they are owners of the property, to which they replied that they have the original title. Accused-appellant however showed them a document stating that the true owners are the group of then Vice Mayor of Iligan City, Henry Dy (Dy), with Atty. Voltaire Rovira (Atty. Rovira) and Sotero Trinidad (Trinidad). As they were not able to agree, the Sambuats left the office.²¹

For the second dialogue, Ibra was able to attend. He claimed that accused-appellant instructed him to leave the property as they are not the owners. He, however, refused to comply and showed his title. He informed accused-appellant that the property is subject of a case for quieting of title before the Regional Trial Court (RTC) against Dy, et al.²²

On the other hand, the defense presented the testimonies of Atty. Rovira, Chief of Police PS/Insp. Mark Ian E. Quieta (Quieta), and accused-appellant.²³

¹⁷ *Id.*

¹⁸ *Id.* at 112.

¹⁹ *Id.*

²⁰ *Id.* at 111.

²¹ *Id.* at 113-114.

²² *Id.* at 113.

²³ *Id.* at 116.



Atty. Rovira testified that Dy, Trinidad, and himself are the owners of certain parcels of land in *Brgy. Tacub, Kauswagan, Lanao del Norte*, including the 12-hectare property currently claimed by the Sambuats. He claimed that originally, the Sambuats sold the property to Guimba Shipping and Development Corporation (Guimba Shipping) through a Deed of Extrajudicial Settlement with Deed of Absolute Sale. Hence, OCT No. O-17 was cancelled and Transfer Certificate of Title (TCT) No. T-4406 was issued on 04 October 1972 in the name of Guimba Shipping.²⁴

The parcels of land, including the property claimed by the Sambuats, were purchased by Dy as the highest bidder in a tax delinquency sale held on 01 September 1989 by the Province of Lanao del Norte. Since 1989, Dy, et al. have been in lawful possession of the parcels of land. As they have not received the final deed of sale even after the one-year redemption period, they filed a case for mandamus with RTC Iligan against the Provincial Treasurer of Lanao del Norte (mandamus case). The RTC ruled in their favor through its Decision dated 19 June 2014,²⁵ which was also affirmed by the Court of Appeals on 29 June 2017.²⁶

Sometime in October 2013, they received reports from their tenants that the Sambuats were trying to enter the southern portion of the property covered by TCT No. T-4406. It was subject of a case filed by the Sambuats on 05 September 2013 for quieting of title, which was held in abeyance while the mandamus case was pending. Hence, Atty. Rovira sent letters to accused-appellant and Quieta to request for assistance in maintaining peace and order.²⁷

As to the testimony of accused-appellant, he confirmed that there was a dispute as to the ownership of the Subject Property between the Sambuats and Dy, et al. In response to the letter of Atty. Rovira, he invited the Sambuats, the group of Atty. Rovira, Paitao, and Quieta for a dialogue. He was concerned with the previous hostilities between Muslims and Christians in their municipality, which may happen again due to the ownership dispute. However, the group of Atty. Rovira was not able to attend.²⁸

During the dialogue, accused-appellant informed the Sambuats that the group of Atty. Rovira sent him a letter asking for assistance as they purportedly entered the property. Accused-appellant claimed that he encouraged the parties to settle the issue during the dialogue. Therefore, they agreed that the Sambuats cannot occupy the Subject Property without any court order. Accused-appellant suggested that pending the quieting of title case, the Sambuats should leave the area to avoid any heated confrontation.

²⁴ *Id.* at 116-117.

²⁵ *Id.* at 712-718.

²⁶ *Id.* at 22.

²⁷ *Id.* at 23.

²⁸ *Id.* at 13.



Although he referred the same to the municipal police, who was already informed by Atty. Rovira through Quieta, it was only to maintain peace and order. On the same day, he called the municipal assessor to investigate on the matter, and was shown a Certificate of Sale and Tax Declaration in favor of Dy, et al.²⁹

Accused-appellant further mentioned that no demolition took place. Instead, the Sambuats agreed to dismantle their tents with the CSU's help. He recalled asking someone from the CSU how it went, and he was assured that it was done peacefully. Therefore, he was surprised that cases were filed against him and he confronted the CSU regarding the incidents. Accused-appellant also averred that the cases may have been politically motivated as in one occasion, he saw Boy Agawen, a political opponent, come out of the tent of the Sambuats.³⁰

With regard to Quieta, he confirmed receipt of the letter from Atty. Rovira requesting for their assistance. The following day, he visited Atty. Rovira to clarify the matter and to validate documents on the Subject Property. On 21 October 2013, he sent police officers to the Subject Property with the assistance of Camanian. The police officers reported that the Sambuats had tents and shelters, which were what they dismantled with CSU's help.³¹

However, the Sambuats again reassembled their tents as they needed shelter, which the PNP allowed. On 30 October 2013, the group of Atty. Rovira requested the dismantling of the tents, which he asked his police officers to supervise. Thereafter, some of the Sambuats left for Lanao del Sur, while the rest were allowed to stay in the Subject Property for lack of funds to go home.³²

On rebuttal, the Sambuats stated that they tried to pay real property taxes but they were refused to be issued a tax declaration as the existing one is already under the name of Guimba Shipping. They raised doubt as to the authenticity of the OCT No. O-17. In support of this, they presented a Certification issued by the Provincial Treasurer of Lanao del Norte, stating that there are no records or documents pertaining to the alleged tax delinquency sale.³³

The prosecution argued in its Memorandum³⁴ with the *Sandiganbayan* that there was no court order nor demolition order when the shelters of the Sambuats were destroyed. Hence, it was maintained that the elements for

²⁹ *Id.* at 14.

³⁰ *Id.*

³¹ *Id.* at 15.

³² *Id.* at 16.

³³ *Id.* at 16-17.

³⁴ *Id.* at 348-347.



grave coercion are present.³⁵

On the other hand, accused-appellant asserted in his Memorandum³⁶ that he was merely complying with his duty to protect the welfare of his constituents by calling the parties to the dialogues, after receiving reports on the intrusion of the Sambuats. He asserted that his only participation was to amicably resolve the issue of ownership, and he had no participation in the demolition of the houses. The Sambuats merely assumed that he was the one who ordered the demolition, due to his invitations to have the dialogues.³⁷

Finally, accused-appellant mentioned that the Sambuats admitted that their family was not in possession of the Subject Property from 1971 until October 2013. Hence, they cannot claim that they were prevented from having shelter and peaceful living. In any case, title over the Subject Property was not awarded to them by the courts, thus, no right was restrained without authority of law.³⁸

Ruling of the Sandiganbayan

The *Sandiganbayan* issued its assailed Decision dated 26 April 2019 convicting accused-appellant of three counts of Grave Coercion, *viz.*:

WHEREFORE, in light of the foregoing, judgment is hereby rendered finding the accused, Rommel Cagoco Arnado, GUILTY beyond reasonable doubt of three (3) counts of the crime of grave coercion. There being no aggravating nor mitigating circumstance the accused is hereby sentenced to suffer the indeterminate penalty of imprisonment of six (6) months of *arresto mayor* as minimum to three (3) years and six (6) months of *prision correccional* medium as maximum for each count.

SO ORDERED.³⁹

The *Sandiganbayan* found that all the elements of Grave Coercion are present. It did not give credence to the assertion that the Sambuats voluntarily dismantled their properties, as this is contrary to human experience. Further, it emphasized that since the Subject Property is a private land, proper directive from the courts should have been obtained first before forcing the Sambuats to leave and removing the structures.⁴⁰

It was noted that accused-appellant was not present during the

³⁵ *Id.* at 18.

³⁶ *Id.* at 334-364.

³⁷ *Id.* at 19-20.

³⁸ *Id.* at 20.

³⁹ *Id.* at 35.

⁴⁰ *Id.* at 24-28.



incidents. However, the *Sandiganbayan* considered accused-appellant's arrangement of the dialogues with the Sambuats. It also observed that the CSU is under the Office of the Mayor, and it can be inferred from Camanian's statement "*utos sa taas*" that accused-appellant instructed the personnel. Lastly, the *Sandiganbayan* took into account that some of the vehicles used during the incidents bore government plates and a Toyota Hilux Pickup allegedly belonged to accused-appellant.⁴¹

In response, accused-appellant filed a Motion for Reconsideration.⁴² However, the same was denied by the *Sandiganbayan* through its Resolution⁴³ dated 14 October 2019. Hence, the instant appeal.

Issue

The essential issue for resolution in this case is whether accused-appellant is guilty beyond reasonable doubt of the crime charged.

Ruling of the Court

We GRANT the appeal.

It is established that in any criminal case, an accused enjoys the constitutionally protected right of presumption of innocence until the contrary is proved.⁴⁴ His guilt must be proven beyond reasonable doubt, meaning, such degree of proof which produces a moral certainty, or that which produces conviction in an unprejudiced mind.⁴⁵

The elements of Grave Coercion are as follows: "(1) that a person is prevented by another from doing something not prohibited by law, or compelled to do something against his will, be it right or wrong; (2) that the prevention or compulsion is effected by violence, threats, or intimidation; and (3) that the person who restrains the will and liberty of another has no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right."⁴⁶

In this case, the Sambuats narrate that it was the CSU personnel, including Camanian and Diputado, who allegedly entered their property,

⁴¹ *Id.* at 28-29.

⁴² *Id.* at 365-378.

⁴³ *Id.* at 142-158.

⁴⁴ *Macayan, Jr. v. People*, 756 Phil. 202, 214 (2015).

⁴⁵ *People v. Ganguso*, 320 Phil. 324, 335 (1995).

⁴⁶ *Navarra v. Office of the Ombudsman*, 622 Phil. 376, 385 (2009), citing *Sy v. Hon. Secretary of Justice*, 540 Phil. 111 (2006).

forced them to leave with threats, and destroyed their houses/shanties. **As noted by the *Sandiganbayan*, it is undisputed that accused-appellant was not present during the three incidents when the acts of coercion supposedly occurred.** However, the Sambuats allege that there is conspiracy, as they contend that the incidents happened upon accused-appellant's instruction.

Article 8 of the RPC states that "conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. It has been consistently held that conspiracy must also be proven by proof beyond reasonable doubt, the same degree of proof required to establish the crime itself."⁴⁷

The Sambuats assert that the following circumstances purportedly confirm accused-appellant's involvement: (1) accused-appellant's arrangement of dialogues with them to discuss the ownership dispute; (2) Camanian's statement "*utos sa itaas*"; and (2) the vehicles used during the incidents bore government plates and a Toyota Hilux Pickup allegedly owned by accused-appellant. We deem it proper to tackle each if sufficient to establish the existence of conspiracy.

First, accused-appellant's act of inviting the complainants to his office for dialogues to discuss the ownership dispute is not sufficient to prove conspiracy. This was done upon reports of intrusion on the property of Dy, et al., as Atty. Rovira testified that he sent letters to accused-appellant and Quieta to request for assistance after learning that the Sambuats were trying to enter their property.

The Sambuats admit that in these dialogues, they were given the chance by accused-appellant to show documents to prove their ownership over the Subject Property. Also, accused-appellant explained to them the title held by Dy, et al. Hence, it is more likely that these were arranged to resolve the dispute between the claimants. It cannot be automatically assumed from accused-appellant's act of arranging these dialogues that he ordered the alleged acts of coercion.

Second, Camanian's statement "*utos sa itaas*," is likewise insufficient to clearly establish accused-appellant's involvement with the alleged acts of coercion. It is unclear whether he was referring to accused-appellant, as he may have referred to any of those in the higher ranks when he uttered this statement.

⁴⁷ *People v. Pilpa*, G.R. No. 225336, 05 September 2018 [Per J. Caguioa], citing *People v. Degoma*, 284-A Phil. 736 (1992).

In fact, Camanian clarified in his Judicial Affidavit⁴⁸ that it was the Chief of Police, Quieta, who gave him the instruction:

10. **Question:** *Pwede ba nimo masaysay ang mga pangitabo atong adlaw sa October 21, 2013?*

(Can you please state the incidents that happened on October 21, 2013?)

Answer: *Oo Atty. Atong adlaw sa October 21, 2013, samtang ako anaa sa opisina sa CSU dapit Munisipyo sa Kauswagan, gitawag kami sa Hepe sa Pulis ug gipahibalo kami nga adunay responde nga paga himoon didto sa yuta sa Barangy [sic] Tacub nga gipanag iyahan ni Henry Dy. Nakadawat man kami ug reklamo nga ang grupo ni Ibrahim Simbuat nagtukod na ug mga tents ug payag-payag didto.*

(Yes atty, on October 21, 2013, while I was at the office of the CSU near the Municipal Hall of Kauswagan, the Chief of Police called us and informed us to respond in Barangay Tacub over the land owned by Henry Dy. We received a complaint that the group of Ibrahim Sambuat built tents and improvised quarters in the area.)

11. **Question:** *Ngano kamo man ang gitawag ug naghangyo sa pulis ug tabang?*

(Why did the police ask and request your assistance?)

Answer: *Tungod kay isip usa ka CSU atty, usa kami sa ginatawag nga force multipliers sa lungsud sa Kauswagan. Tungod sa kakulangan sa mga pulis sa among lungsod ug kami ang mas nakaila sa mga tao ug haniti sa lugar.*

(It was because as a Civil Security Unit, we are also considered as force multiplier to the police force in the Municipality of Kauswagan. Also, there was a shortage of police officers in our locality. Moreover, we are lumad in the Municipality, hence we know the people as well as every nook and cranny of the place.)

xxxx

13. **Question:** *Unsa man ang gibuhat sa imo labaw kabahin sa tabang nga gipangayo sa mga police officers?*

(What did your superior do with respect to the assistance requested by the police officer?)

Answer: *Wala siya nakabalo sa amo lakaw. Gani, wala na pod naka pananghid or nakapangayo ug otoridad gikan kang Mayor Rommel Arnado kay kana nga higayon wala siya sa opisina.*

(He was not aware of our mission. In fact, I was also not able to ask permission or authority from Mayor Rommel Arnado because he was not at his office at that time.)

⁴⁸ Rollo, pp. 845-858.

14. **Question:** *Ngano man nga nitabang mo diretso sa police bisan wala permission sa mayor?*

(Why is it that you outrightly render assistance to the police despite absence of permission from the mayor?)

Answer: *Tungod kay gitahasan kami nga force multiplier sa police sa Kauswagan, amo na naandan nga mutabang diretso sa police basta ila kinahanglanon ang pwera ug kadaghan sa tao.*

(Because we are considered as the force multiplier of the police in Kauswagan, we are used to render help outright in case the police needs the force and numbers of men.)⁴⁹

This was also admitted by Atty. Rovira in his Judicial Affidavit⁵⁰ dated 05 July 2018. Likewise, Quieta confirmed this in his Judicial Affidavit⁵¹ dated 12 July 2018.

Relevantly, Ibra admitted that it was Atty. Rovira who contacted Quieta, as stated in his Judicial Affidavit⁵² dated 17 October 2018 which he confirmed during his cross-examination:

ATTY. BARRIOS:

Q: In Question No. 27, you claim that you filed a complaint against Mayor Arnado because Rey Cominiano told you that the order to demolish *galing sa taas*? Can you confirm that in your answer to Question No. 27.

A: Yes, sir.

Q: And you talked to Mayor Arnado about this matter when you had conference in his office where you and your siblings attended together with then Provincial Director of the Philippine National Police in Lanao del Norte?

A: Pakiulit po, sir?

Q: You only talked to Mayor Arnado about this matter personally when you had a conference in his office where you and your siblings attended together with the Provincial Director of Lanao del Norte at that time?

A: At that time I was not there.

CHAIRPERSON DELA CRUZ:

He was not there.

⁴⁹ *Id.* at 849-851.

⁵⁰ *Sandiganbayan rollo*, pp. 110-117.

⁵¹ *Id.* at 125-130.

⁵² *Id.* at 212-221.

WITNESS:

A: *Wala ako doon sa pangyari noong pag-invite ni ano October 21, 2013. Yong kapatid ko lang at saka yung Mrs. ng kapatid ko.*

ATTY. BARRIOS:

Q: But were you able to attend to the succeeding conferences called by Mayor Arnado?

xxx xxx

ATTY. BARRIOS:

Q: Mr. Witness, would you confirm that you were able to talk to Mayor Arnado about this matter?

A: He called my siblings and invited a police on October 20 they went there and on October 21 I was not there but I have spoken previously with Mayor Arnado.

ATTY. BARRIOS:

Q: Let me go back to your answer to Question No. 13, to the question why do you say that the ones who dismantled your structures were the CSU? You answered: *Unang-una po nakita po mismo namin ang mga CSU and nag-dismantle ng aming mga bahay sa tatlong pagkakataon. Hindi po kami mag-dismantle nyan at kinabukasan ay gagawin na naming yan at magpa-blotter sa police ng tatlong beses at base sa judicial affidavit ni Police Inspector Quieta na tinawagan siya ni Atty. Voltaire Rovira and company na i-dismantle ang mga bahay naming. Ito po ay matatagpuan sa No. 18, 19, 20 hanggang 24 ng kanyang judicial affidavit. Could you validate this statement?*

A: Yes, sir.

Q: So, do you confirm that it was Voltaire Rovira who called Police Inspector Quieta to dismantle your houses?

PROSECUTOR FERRER-MENDOZA:

Your Honors, the testimony of the witness in his answer No. 13 pertains to the answer of Police Inspector Quieta in his Judicial Affidavit, particular answers No. 18, 19, 20 up to 24. So, the witness is incompetent to testify as regards the actual calling of Atty. Rovira to Inspector Quieta. He just referred, Your Honors, based on the judicial affidavit.

CHAIRPERSON DE LA CRUZ:

If the witness knows, may answer. If he doesn't know then he may say so.

WITNESS:

A: Yes, it was in the Judicial Affidavit of Inspector Quieta. It is in question No. 18, 19, 20, up to 24. He was called by Atty. Rovira to dismantle our houses.⁵³

It was asserted that the statement of Camanian is not admissible for being hearsay, as he was not presented for cross-examination. However, even if it is admitted as part of the *res gestae* for being a spontaneous statement,⁵⁴ still, there is doubt that it was accused-appellant who was alluded to by Camanian. Moreover, the testimonies of Camanian, Atty. Rovira, and Quieta, together with the admission of Ibra, all clarified that it was Atty. Rovira who gave the instruction.

Lastly, the Sambuats assert that during the incidents, vehicles bearing government plates and a Toyota Hilux Pick-up allegedly owned by accused-appellant were used. However, other than unclear pictures of these vehicles, no other proof was offered to establish that accused-appellant authorized the use of the vehicles, or that he owns the Toyota Hilux. The Sambuats, therefore failed to support this allegation.

In proving the existence of conspiracy, it has been held that direct proof is not required, as the existence of conspiracy may be inferred from the conduct of the accused “before, during and after the commission of the crime, where such conduct reasonably shows community of criminal purpose or design.”⁵⁵ However, conspiracy may not be presumed, as it must be certain that there is a conscious design to commit the offense.⁵⁶ The Court discussed this in the case of *People v. Acquiatan*⁵⁷ in this wise:

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Where all the accused acted in concert at the time of the commission of the offense, and it is shown by such acts that they had the same purpose or common design and were united in its execution, conspiracy is sufficiently established. It must be shown that all participants performed specific acts with such closeness and coordination as to indicate a common purpose or design to commit a felony. Conspiracy transcends mere companionship. Mere presence at the scene of the crime does not in itself amount to conspiracy. Even knowledge or acquiescence in or agreement to cooperate is not enough to constitute one a party to a conspiracy, absent any showing of his active participation in the commission of the crime with a view to the furtherance of the common design and purpose. In this regard, we stress that conspiracy must be established, not by conjecture, but by positive and conclusive evidence. In other words, conspiracy requires the same degree of proof required to establish the elements of the crime itself — the proof beyond reasonable doubt.

⁵³ *Id.* at 526-527. Emphasis supplied.

⁵⁴ *People v. Estibal*, 748 Phil. 850, 872 (2014), citing *People v. Ner*, 139 Phil. 390 (1969).

⁵⁵ *Id.*

⁵⁶ *Bahilidad v. People*, 629 Phil. 567, 575 (2010).

⁵⁷ G.R. No. 225640, 30 July 2019 [Per J. Bersamin], citing *Ladonga v. People*, 492 Phil. 60 (2005), , *San Juan v. People*, 664 Phil. 547 (2011), and *Macapagal-Arroyo v. People*, 790 Phil. 367 (2016).

Here, the involvement of accused-appellant is certain only as regards the dialogues he arranged with them. Other than that, his participation in the alleged acts of coercion is merely presumed from the statement of Camanian “*utos sa taas*” and from the vehicles used, which did not even establish that they have been used with his authority nor proven to be owned by him.

It is settled that proof beyond reasonable doubt is demanded by the due process clause enshrined in the Constitution.⁵⁸ It is the prosecution which has the burden of proof, and mere speculations and conjectures are not sufficient.⁵⁹ In all criminal cases, the conscience must be satisfied that the accused is responsible for the crime charged.⁶⁰ If there is doubt, the accused must be favored.

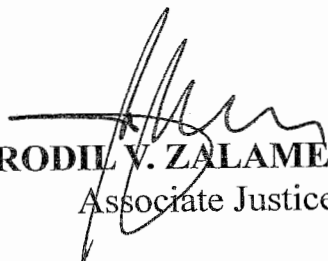
From the foregoing, it is clear that the prosecution failed to discharge its burden to prove accused-appellant’s guilt beyond reasonable doubt. Hence, he must be acquitted.

WHEREFORE, the appeal is hereby **GRANTED**. The assailed Decision⁶¹ dated 26 April 2019 and Resolution⁶² dated 14 October 2019 of the Sandiganbayan in Criminal Case No. SB-17-CRM-0677 to 0679 are **REVERSED AND SET ASIDE**.

Accordingly, accused-appellant Rommel C. Arnado is **ACQUITTED** of the crime of three counts of Grave Coercion under Article 286 of the Revised Penal Code, for the prosecution’s failure to prove his guilt beyond reasonable doubt. The bail bond posted for the provisional liberty of accused-appellant is hereby **CANCELLED**.

Let entry of judgment be immediately released.

SO ORDERED.


RODIL V. ZALAMEDA
Associate Justice

⁵⁸ *People v. Rodriguez*, 818 Phil. 626, 634 (2017).

⁵⁹ *People v. Tajada*, 442 Phil. 369, 380 (2002).

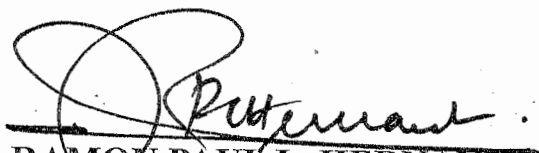
⁶⁰ *Boac v. People*, 591 Phil. 508, 522 (2008), citing *People v. Ganguso*, 320 Phil. 324 (1995).

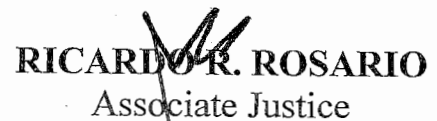
⁶¹ *Rollo*, pp. 3-36. Penned by Sandiganbayan Associate Justice Edgardo M. Caldon, with Associate Justices Efrén N. De La Cruz and Geraldine Faith A. Econg, concurring.

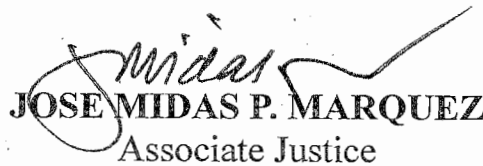
⁶² *Rollo*, pp 142-158.

WE CONCUR:

(On official leave)
ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

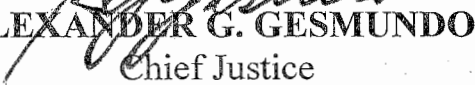
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion in the Court's Division.


RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson-Second Division

CERTIFICATION

Pursuant to the Section 13, Article VIII of the Constitution, and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice