



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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THIRD DIVISION

PEDRITO GARMA y MIGUEL **G.R. No. 248317**
alias "Willy",

Petitioner, **Present:**

- versus -

LEONEN, *Chairperson,*
LAZARO-JAVIER,
LOPEZ, M.
ROSARIO,* and
KHO, JR., *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

March 16, 2022

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DECISION

LAZARO-JAVIER, J.:

The Case

This Petition for Review on Certiorari¹ seeks to set aside the Court of Appeals' Amended Decision² dated June 18, 2019 in CA-G.R. CR No. 39545 entitled, *Pedrito Garma y Miguel alias "Willy" v. People of the Philippines*, affirming the conviction of petitioner Pedrito Garma for grave threats.

* Designated as additional member in lieu of Associate Justice Jhosep Y. Lopez per raffle dated March 9, 2022.

¹ Petition for Review on Certiorari dated August 14, 2019; *rollo*, pp. 14-24.

² Penned by Associate Justice Jhosep Y. Lopez (now a member of the Court) with the concurrence of Associate Justices Romeo F. Barza and Franchito N. Diamante, *id.* at 94-96.

The Proceedings Before the Municipal Trial Court

On February 15, 2010, a criminal complaint was filed against petitioner Pedrito Garma y Miguel alias “Willy” together with his twin brother Reynaldo Garma, (hereafter the “Garma twins”) for Grave Threats defined and penalized under Article 282³ of *The Revised Penal Code*,⁴ viz.:

That on or about 9:30 in the morning of February 11, 2010 in Barangay Mabuno, Municipality of Gattaran, Province of Cagayan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by confederating and helping one another, moved by personal re[s]entment which they entertained against Barangay Captain Roseller Ballon and with the infliction upon the latter of a wrong amounting to a crime, did then and there, willfully, unlawfully and feloniously inform the farm helpers of the said Barangay Official that they shall kill him by telling the following, to wit: “PATAYEN MI KOMAN”⁵ if he was with them, as consequence of which, it caused great fear to the offended party.⁶

The case was raffled to the Municipal Trial Court (MTC) - Gattaran, Cagayan. On arraignment, petitioner and Reynaldo both pleaded not guilty.⁷

On June 20, 2010, just two (2) days after the preliminary conference, Reynaldo died.

On May 13, 2016, the counsel for the defense informed the Court of Reynaldo’s death. On even date, the MTC directed the dismissal of the complaint as against Reynaldo in view of his intervening death pending trial.⁸

During the trial proper,⁹ complainant Barangay Captain Roseller Ballon (Barangay Captain Ballon) and Marlon P. Timple, Jr. (Timple, Jr.)¹⁰ testified for the prosecution, while petitioner alone testified for the defense.¹¹

The Prosecution’s Version

³ ARTICLE 282. Grave Threats. — Any person who shall threaten another with the infliction upon the person, honor or property of the latter or of his family of any wrong amounting to a crime, shall suffer:
1. The penalty next lower in degree than that prescribed by law for the crime he threatened to commit, if the offender shall have made the threat demanding money or imposing any other condition, even though not unlawful, and said offender shall have attained his purpose. If the offender shall not have attained his purpose, the penalty lower by two degrees shall be imposed.

If the threat be made in writing or through a middleman, the penalty shall be imposed in its maximum period.

2. The penalty of *arresto mayor* and a fine not exceeding 500 pesos, if the threat shall not have been made subject to a condition. (*Revised Penal Code, Act No. 3815, December 8, 1930.*)

⁴ *Rollo*, p. 67.

⁵ “WE SHOULD HAVE KILLED HIM.”

⁶ *Rollo*, pp. 67–68.

⁷ *Id.* at 68.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 70.

On February 11, 2010, around 9:30 in the morning, three (3) farmers working for Barangay Captain Ballon, namely: Timple, Jr., Ricky Duca (Duca), and Jovanis Gammuac (Gammuac), went to Sitio Rissik, Barangay Mabuno, Gattaran, Cagayan to pick up the water pump of Barangay Captain Ballon from a rice field. While they were loading the water pump into the hand tractor (*kuliglig*), they saw the Garma twins, herein petitioner, and the now deceased Reynaldo, chasing a group of people illegally fishing from their fishpond. Curiously, for some inexplicable reason, the Garma twins stopped chasing after the alleged thieves when they saw the three (3) farmers. They inquired from the farmers if Barangay Captain Ballon was with them. Gammuac replied that Barangay Captain Ballon was in his residence. To this, again for some unknown reason, petitioner supposedly uttered: "*Patayen mi koman*" (*We should have killed him*). The Garma twins then went back to chasing the group that went fishing in their fishpond, but the Garma twins failed to catch up with them. When the Garma twins went back to the three (3) farmers, this time, they asked for the whereabouts of *barangay tanod* Carmelo Dela Cruz (Dela Cruz). The farmers replied that they did not know where Dela Cruz was.¹²

Thereafter, the three (3) farmers went straight to the house of Barangay Captain Ballon and told him about their encounter with the Garma twins. Upon hearing their narrative, for inexplicable reasons, Barangay Captain Ballon allegedly got so terrified he instantly called the police for assistance and protection. He speculated that the Garma twins were mad at him purportedly because of the proposed construction of a water impounding project in Barangay Mabuno that would affect the Garma twins' fishpond. As Barangay Captain of Mabuno, Ballon was in charge of the implementation and facilitation of this project.¹³ The Garma twins allegedly strongly opposed the project.

The Defense's Version

Petitioner testified that on February 9, 2010, a group led by Dela Cruz barged into his fenced property in Barangay Mabuno, Gattaran, Cagayan, and demanded that he show proof of the boundaries of their property. He readily complied by presenting the survey document of their property to the group. But the group sharply retorted that the document was "*useless*". He consequently commented, "*if this is useless, then let's just see each other in court.*" Dela Cruz violently reacted by suddenly hitting him in the face. A few minutes later, a police officer arrived and asked the group to leave. Meanwhile, he was brought to the hospital for treatment.¹⁴

On February 10, 2010, following their release from the hospital, he and his twin brother Reynaldo visited their fishpond in Barangay Mabuno. There,

¹² TSN, May 18, 2012; *id.* at 25–38; TSN, April 19, 2013, *id.* at 39–55.

¹³ TSN, May 18, 2012; *id.*

¹⁴ *Id.* at 70–71.

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they caught a group of persons illegally fishing. Upon seeing them, the group scampered away. They later on discovered that the gate valve and shafting of the water impounding project got destroyed. A portion of the fence was also cut and two (2) of the posts got damaged.¹⁵

He and Reynaldo then planned to seek the assistance of Barangay Captain Ballon regarding the problems they just encountered. On their way to see the barangay captain, they chanced upon Timple, Jr., Duca, and Gammuac then loading a water pump nearby. They asked them if they knew where they could find the barangay captain so they could report to him their problems. The farmers replied that Barangay Captain Ballon was in his residence.¹⁶

But instead of going to Ballon's house, petitioner and his brother decided to go straight to the Philippine National Police (hereafter the "PNP")-Gattaran where they reported the incidents.¹⁷ The PNP-Gattaran, however, did not respond at all to their report.¹⁸

Petitioner claimed that the present case was nothing but a harassment suit since Barangay Captain Ballon wanted them evicted from their land so the construction of the water impounding project could smoothly proceed.¹⁹

The Ruling of the MTC

By Decision²⁰ dated June 28, 2016, the MTC found petitioner guilty of Grave Threats under Article 282, paragraph 2 of the Revised Penal Code, *viz.*:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Pedrito Garma y Miguel GUILTY BEYOND REASONABLE DOUBT of the offense of grave threat, defined and penalized under paragraph no. 2 of Article 282, RPC, and there being no mitigating or aggravating circumstance, the Court hereby imposes upon him the penalty of medium period of *arresto mayor* or two (2) months and one (1) day imprisonment and fine in the amount of five hundred (P500.00) pesos and to pay the costs of suit.

SO ORDERED.²¹

The MTC gave more credence to the testimonies of the prosecution witnesses than the testimony of petitioner. It noted that there had been a long standing dispute between the parties; petitioner and his brother opposed the construction of the water impounding project because their fishpond would be

¹⁵ *Id.*

¹⁶ *Joint Counter-affidavit* dated February 26, 2010.

¹⁷ See paragraphs 6.4 and 6.5; *id.* at 58.

¹⁸ See paragraph 9; *id.* at 60.

¹⁹ *Supra* at note 16.

²⁰ Penned by Acting Presiding Judge Blaise G. Sambolledo-Barcena, *rollo*, pp. 61-66.

²¹ *Id.* at 66.

affected; and they were mad at Barangay Captain Ballon because he was in charge of the implementation of the said project; these circumstances, taken together, rendered credible the charge of grave threat against petitioner.²²

The Ruling of the Regional Trial Court

On appeal, the Regional Trial Court - Branch 6, Aparri, Cagayan affirmed under Decision²³ dated January 3, 2017.

The Ruling of the Court of Appeals

On petitioner's further appeal by certiorari, the Court of Appeals, by Decision²⁴ dated December 11, 2018, affirmed in the main, but modified the imposed penalty, *viz.*:

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated January 3, 2017 that was issued by the Regional Trial Court of Aparri, Cagayan Branch 6 in Criminal Case No. II-13288 is **MODIFIED**. Petitioner Pedrito Garma y Miguel alias "Willy" is hereby sentenced to suffer the penalty of imprisonment of four (4) months and [one] (1) day as minimum to six (6) months as maximum, pay a fine of five hundred (P500.00) pesos and to pay costs of suit.

SO ORDERED.²⁵

Petitioner's Motion for Reconsideration was subsequently denied under its Amended Decision²⁶ dated June 18, 2019, albeit the penalty was **modified** anew, this time, adopting the recommendation of the Office of the Solicitor General (OSG) to not apply the Indeterminate Sentence Law in this case since the imposable maximum penalty did not exceed one (1) year, thus:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated January 3, 2017 that was issued by the Regional Trial Court of Aparri, Cagayan Branch 6 in Criminal Case No. II-13288 is MODIFIED. Petitioner Pedrito Garma y Miguel alias "Willy" is hereby sentenced to suffer the penalty of imprisonment of four (4) months and one (1) day, pay a fine of five hundred (P500.00) pesos and to pay the costs of suit. (Emphasis supplied)²⁷

The Present Petition

²² *Id.*

²³ Penned by Presiding Judge Neljoe A. Cortes, *id.* at 67-77.

²⁴ *Id.* at 78-87.

²⁵ *Id.* at 86.

²⁶ *Id.* at 94-96.

²⁷ *Id.* at 95-96.

Petitioner now prays anew for his acquittal. He argues that the evidence adduced by the prosecution seriously falls short of the quantum of evidence required to convict him. He thus reiterates that his guilt was not proven beyond reasonable doubt.²⁸

On the other hand, the People through the OSG, ripostes that petitioner's guilt was established beyond reasonable doubt. Prosecution witness Timple, Jr. positively testified that petitioner uttered serious and threatening remarks against Ballon.²⁹

Issue

Did the Court of Appeals decide a question of substance in a way probably not in accord with law or the applicable decisions of the Court?

Ruling

We acquit.

As a rule, only questions of law, not of facts, may be raised in a petition under Rule 45 of the Rules of Court. This rule, however, admits of exceptions, among them, when the lower court had ignored, overlooked, or misconstrued relevant facts, which if taken into consideration will change the outcome of the case,³⁰ as in this case.

Grave threats is defined and penalized under Article 282 of The Revised Penal Code:

Article 282. Grave Threats. — Any person who shall threaten another with the infliction upon the person, honor or property of the latter or of his family of any wrong amounting to a crime, shall suffer:

1. The penalty next lower in degree than that prescribed by law for the crime be threatened to commit, if the offender shall have made the threat demanding money or imposing any other condition, even though not unlawful, and said offender shall have attained his purpose. If the offender shall not have attained his purpose, the penalty lower by two degrees shall be imposed.

²⁸ *Id.* at 14–24.

²⁹ Comment dated January 21, 2020, *id.* at 111–124.

³⁰ *Cruz v. People*, 821 Phil. 372, 384 (2017).

If the threat be made in writing or through a middleman, the penalty shall be imposed in its maximum period.

2. The penalty of *arresto mayor* and a fine not exceeding 500 pesos, if the threat shall not have been made subject to a condition.

Like any other crime defined by *The Revised Penal Code*, grave threats must have an *actus reus* and *mens rea*. The *actus reus* is the actual speaking or uttering of the threats of, say, death or serious bodily harm. The *mens rea* is that the accused intends that the recipient of their³¹ words to feel intimidated by their words or that the accused intended the words to be taken seriously. The words must be meant by the accused to convey a threat; in other words, the utterance is meant to intimidate or to be taken seriously. It is not necessary that the recipient themselves actually feels intimidated or actually takes the words seriously. To repeat, all that needs to be proven is that they were *intended by the accused to have that effect*.

The test of *mens rea* is whether a reasonable person would consider the utterance as threats by regarding the utterance objectively and reviewing it in light of the circumstances in which they were uttered, the manner in which they were spoken, the person to whom they were addressed, the relationship between the accused and the complainant, and the recipient's reaction to the accused's words. All these and other factual details form part of the context and circumstances surrounding the crime. But whether the recipient of a threat takes the threat seriously is not, in and of itself, an element of the *mens rea* of the accused, though it is relevant to the extent that it assists in understanding the accused's intention in speaking the words at issue.

*Caluag v. People*³² ruled that in grave threats, the wrong threatened which amounts to a crime may or may not be accompanied by a condition. Hence, under Article 282, there are two (2) forms of committing grave threats: **first**, when the infliction of the threat upon the person, honor or property, or the family of a person is coupled with condition; and **second**, when the alleged threatening act or remark is not subject to a condition.

Here, petitioner was charged with grave threats **without a condition**, thus, falling under paragraph 2, Article 282 of *The Revised Penal Code*. To sustain a conviction therefor, the following elements must be present, *viz.*:

- *actus reus*

³¹ This Court uses their to indicate gender neutrality and sensitivity.

³² 599 Phil. 717, 727 (2009).

(1) the offender threatened another person with the infliction upon their person, honor or property, or upon that of the latter's family, of any wrong; (2) such wrong amounted to a crime; and (3) the threat was not subject to a condition.³³

• *mens rea*

The accused intended the utterance to intimidate the complainant or be taken seriously by the latter; whether the complainant was actually intimidated or took the threat seriously is not part of the *mens rea*.

We find the evidence of the *actus reus* here to be reasonably doubtful.

To recall, the alleged threat coming from petitioner was directed upon the person of Barangay Captain Ballon, *viz.*: "*Patayen mi koman*".

The prosecution sought to establish that on February 11, 2010, the three (3) farmers Timple, Jr., Duca, and Gammuac, who were all working for Barangay Captain Ballon went to Sitio Rissik, Barangay Mabuno, Gattaran, Cagayan to pick up the water pump of the barangay captain from the ricefield. While they were loading the water pump on the hand tractor (*kuliglig*), they saw petitioner and his twin brother Reynaldo chasing a group of people who were illegally fishing in their fishpond. The twins stopped when they saw the farmers and asked the latter if Barangay Captain Ballon was with them. When Gammuac informed them that Barangay Captain Ballon was in his house, petitioner uttered: "*Patayen mi koman*". The twins then went back to chasing the group who stole fish from their fishpond. Thus, Timple, Jr., testified:

x x x x

Q: You said that Pedrito Garma and Reynaldo Garma were chasing persons at Sitio (Rissik), who were these persons who were chased by Pedrito Garma and Reynaldo Garma if you know them?

A: Those persons who went fishing at the water impounding, sir.

Q: How many persons who [sic] went on fishing?

A: They were so many, sir. We did not count them.

Q: And do you know those persons chased by Pedrito Garma and Reynaldo Garma?

A: I know the others, sir.

Q: Will you please name those persons whom you know?

A: Carmelo Dela Cruz, sir.

Q: And what happened after you saw Pedrito Garma and Reynaldo Garma chasing persons?

³³ *Reyes v. People*, 137 Phil. 112, 118 (1969).

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A: They came close to us and he (asked) if the Barangay Captain Roseller Ballon was with us.

Q: Who between them ask [sic] you if the Barangay Captain Roseller Ballon [was with you]?

A: It was Pedrito Garma, sir.

Q: And what did you tell to [sic] Pedrito Garma?

A: We told him that he is not our companion (sic), sir.

Q: And after telling to [sic] Pedrito Garma that Barangay Captain Roseller Ballon is not your companion (sic), how did Pedrito Garma respond?

A: He told us that, "We should be killing him", sir.

Q: After that what happened next?

A: They continued to chase persons, sir.³⁴

x x x x

For perspective, Timple, Jr. would have this Court believe that while petitioner and his brother were running after the trespassers in their fishpond, they **suddenly stopped** when they saw Timple, Jr. and his two (2) companions to ask if Ballon was with them --- who, obviously, **was not**. When Gammucac said that Ballon was in his house, petitioner, out of the blue, just uttered: "***Patayen mi koman***". Then, petitioner and Reynaldo resumed chasing the group who stole fish from their fishpond.

The Court cannot accept a story that defies reason and leaves much to the imagination.³⁵ Timple, Jr.'s testimony makes no sense against the natural course of things and ordinary human experience. This is because when someone is pursuing another who committed a wrong against him or his property, time is of the essence. The common sensical goal of the pursuer is to capture the subject and not waste a minute, much less a second, on incidental matters. In short, it was incredible for petitioner and his brother who were in the act of chasing the trespassers whom they caught stealing fish from their fishpond to suddenly stop and ask the whereabouts of another person who was not even present at that very moment, more so, threaten to kill that person in the midst of their pursuit of the people who did them wrong.

The Court cannot simply accede to Timple, Jr.'s testimony at face value and ignore the basic rule that criminal conviction must rest upon the strength of the prosecution's evidence, and not on the weakness of the defense.³⁶ Contrary to the findings of the lower courts and the Court of Appeals, we find Timple, Jr.'s testimony on the *actus reus* dubious and unreliable. His

³⁴ TSN, April 13, 2013; *rollo*, pp. 43-44.

³⁵ *People v. De Guzman*, 690 Phil. 701, 712 (2012).

³⁶ *Cruz v. People*, 821 Phil. 372, 390 (2017).

testimony does not satisfy the quantum of evidence required to sustain a conviction.³⁷

The prosecution could have addressed the deficiency in Timple, Jr.'s testimony by presenting as witnesses the other persons who were supposedly present when petitioner threatened Ballon – Duca and Gammuc. But it did not. The prosecution could have also asked its sole witness to explain this important but curious part of his testimony.

Corroborative testimony is not indispensable – if a single witness' testimony is credible.³⁸ In *People v. Cleopas*,³⁹ the Court decreed that the testimony of a lone witness “may suffice for conviction if found trustworthy and reliable.” This could not be said of Timple, Jr.'s testimony. It is settled that evidence to be believed “*must not only proceed from the mouth of a credible witness, but must be credible itself as the common experience and observation of mankind can approve as probable under the circumstances.*”⁴⁰

In *People v. Mission*,⁴¹ the Court acquitted accused Mission for grave threats after the Court found that the defense's version was more believable and credible than the prosecution's version of the story. The Court ruled in this wise:

The trial court reached the conclusion that the narration made by the witnesses for the defense is more logical and natural, giving several cogent reasons, which it would be too long to reproduce here. The court below remarks that Julian, being of a nervous temperament and quite aggressive in character, it is not surprised that he behaved in the manner and form described by the witnesses for the defense, and that he uttered to the defendant the threatening phrases which the witnesses attribute to him. The trial judge was in an adequate position to observe these circumstances.

x x x x

We believe that when the defendant grasped the handle of his pistol, his purpose was to dissuade the furious and nervous Julian from attacking him with the scythe, a deadly weapon, but not to shoot him nor even to threaten him wantonly, only to protect himself. He, therefore, acted in perfect self-defense.

The evidence of the prosecution on the *mens rea* of the crime is also reasonably doubtful. Assuming that the threat was actually uttered by petitioner, which as we rule is reasonably doubtful, the prosecution evidence

³⁷ *Locsin, Jr. v. People*, 21787 & 221800–02, January 13, 2021.

³⁸ *Macayan v. People*, 756 Phil. 202, 222 (2015).

³⁹ 384 Phil. 286, 297 (2000).

⁴⁰ *Borromeo v. Court of Appeals*, 216 Phil. 291 (1984).

⁴¹ *People v. Mission*, 87 Phil. 641, 645 (1950).

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is still hard pressed to prove that petitioner intended his utterance to intimidate or be taken seriously by Barangay Captain Ballon.

Ballon claimed that he was terrified when he heard about the threat against his life due to his past dispute with the petitioner and Reynaldo over the construction of the water impounding project near their fishpond. But his testimony on cross examination shows otherwise:

x x x x

Q: So since Pedrito Garma and Reynaldo Garma are identical twins it could be possible that your farm workers were honestly mistaken in saying and reporting to you that it was Pedrito Garma who uttered the Ilocano remark is that correct?

A: No your honor.

Q: So it can no longer be, you are very sure that it was Pedrito Garma?

A: Yes, you honor.

Q: And despite the [fact] that just the Ilocano phrase (that) was reported to you, you being a barangay captain a college-graduate felt afraid.

A: That is my life already your honor.

Q: I'm asking you [,] did you feel afraid, Yes or No!

A: Yes, your honor.

Q: Was there any instance where either Pedrito or Reynaldo made or uttered remarks which would threaten your life?

A: That was the instance your honor.

Q: And no other time after?

A: No other time, your honor.⁴²

It is settled that grave threats must be serious in such a way that it is deliberate and that the offender persists in the idea involved in the threats.⁴³ It should create in the mind of the person threatened the belief that the accused will carry into effect said threatening remarks or acts.⁴⁴ In *Reyes v. People*,⁴⁵ the Court affirmed therein accused's conviction for grave threats, thus:

The demonstration led by petitioner against Agustin Hallare in front of the main gate of the naval station; the fact that placards with threatening statements were carried by the demonstrators; their persistence in trailing Hallare in a motorcade up to his residence; and the demonstration conducted in front thereof, culminating in repeated threats flung by petitioner in a loud voice, give rise to only one conclusion; that **the threats were made "with the deliberate purpose of creating in the mind of the person threatened the belief that the threat would be carried into effect."** Indeed, Hallare

⁴² TSN, May 18, 2012, *rollo*, p. 38.

⁴³ *Supra* note 33, at 119.

⁴⁴ *Id.*

⁴⁵ *Id.*

became so apprehensive of his safety that he sought the protection of Col. Monzon, who had to escort him home, wherein he stayed while the demonstration was going on. It cannot be denied that **the threats were made deliberately and not merely in a temporary fit of anger**, motivated as they were by the dismissal of petitioner one month before the incident. We, therefore, hold that the appellate court was correct in upholding petitioner's conviction for the offense of grave threats.⁴⁶ (Emphasis supplied)

Here, Barangay Captain Ballon admitted that there was no other instance when petitioner or his brother threatened his person other than the alleged incident on February 9, 2010. Thus, assuming petitioner indeed uttered such words, Ballon himself was not even sure if he was threatened at all *much less if petitioner intended, by the words he had spoken, to really intimidate him*. He was not sure and showed no circumstances that petitioner would have intended to carry into effect his words since, by his own admission, petitioner uttered these words only once. Clearly, not only is the story of the prosecution witness highly incredible, the prosecution's own version, even if believed, does not show circumstances probative of the *mens rea* of grave threats, which was to intimidate Ballon.

In this light, it became incumbent upon Barangay Captain Ballon to prove the fact that there was a past and deep-seated altercation between him and the twins. The prosecution, however, did not present any evidence other than his bare allegation that such feud had existed. If indeed there was a previous altercation, he, being the barangay captain, could have easily summoned petitioner in the barangay hall, settled the dispute, and recorded it in the barangay blotter. But there is none presented here. Bare allegations that could have easily been substantiated by independent evidence are not equivalent to proof beyond reasonable doubt.⁴⁷

The requirement of proof beyond reasonable doubt insists that every circumstance against guilt and in favor of innocence must be accounted for. Suspicion, no matter how strong, should not sway judgment. Where the evidence, as here, gives rise to two (2) probabilities, one consistent with the accused's innocence and another indicative of guilt, that which is favorable to the accused should be considered. The constitutional presumption of innocence continues until overthrown by proof of guilt beyond reasonable doubt. Proof beyond reasonable doubt, in turn, demands **moral certainty**, which convinces and satisfies the reason and conscience of those who are to act upon it.⁴⁸ Where doubt exists that hinges on the guilt or innocence of the accused, the Court is compelled to acquit and uphold the constitutional presumption of innocence in favor of the accused.

⁴⁶ *Id.*

⁴⁷ *Domingo v. Robles*, 493 Phil. 916, 921 (2005).

⁴⁸ *Supra* note 40 (Citations omitted).

The accused, being presumed innocent, carries no burden of proof on his or her shoulders; it is for the prosecution to demonstrate guilt and not for the accused to establish innocence. The prosecution here evidently failed to overcome the *onus probandi* of establishing petitioner's guilt to a moral certainty.⁴⁹ It failed to rise on its own merits just as the Court of Appeals erred in rendering its verdict of conviction based on the weakness of the defense.

In sum, since both the *actus reus* and the *mens rea* of grave threats that petitioner threatened Barangay Captain Ballon with the infliction upon his person of any wrong by uttering "*Patayen mi koman*" is wanting, **reasonable doubt persists**. It is settled that where the basis of conviction is flawed, this Court must acquit.⁵⁰ *Macayan v. People*⁵¹ is instructive:

In criminal cases, the prosecution has the *onus probandi* of establishing the guilt of the accused. *Ei incumbit probatio non qui negat*. He who asserts — not he who denies — must prove. The burden must be discharged by the prosecution on the strength of its own evidence, not on the weakness of that for the defense. x x x

It must be stressed that in our criminal justice system, the overriding consideration is not whether the court doubts the innocence of the accused, but whether it entertains a reasonable doubt as to their guilt. Where there is no moral certainty as to their guilt, they must be acquitted even though their innocence may be questionable. The constitutional right to be presumed innocent until proven guilty can be overthrown only by proof beyond reasonable doubt.⁵²

ACCORDINGLY, the Petition is **GRANTED**. The Amended Decision dated June 18, 2019 of the Court of Appeals in CA-G.R. CR No. 39545 is **REVERSED** and **SET ASIDE**. Petitioner **PEDRITO GARMA y MIGUEL** Alias "**WILLY**" is **ACQUITTED** of Grave Threats in the present case.

Let entry of judgment be issued immediately.

SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

⁴⁹ Supra note 37.

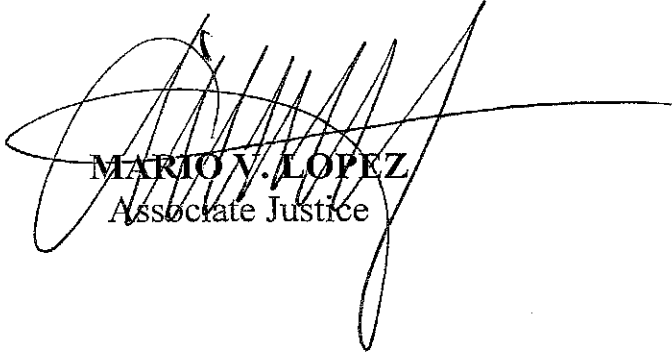
⁵⁰ Supra note 38, at 228.

⁵¹ *Id.*


⁵² Emphasis and citation omitted.

WE CONCUR:


MARVIC M.V.F. LEONEN
Associate Justice



MARIO V. LOPEZ
Associate Justice


RICARDO R. ROSARIO
Associate Justice


ANTONIO T. KHO, JR.
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 of the Court's Division.


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

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CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division 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

