



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

CAPISTRANO DAAYATA, G.R. No.205745
DEXTER SALISI, and BREGIDO
MALACAT, JR.,

Petitioners,

Present:

CARPIO, *J.*, Chairperson,
 VELASCO, JR.,*
 PERALTA,
 MENDOZA, and
 LEONEN, *JJ.*

-versus-

PEOPLE OF THE PHILIPPINES,
 Respondent.

Promulgated:
 08 MAR 2017

[Handwritten Signature]

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DECISION

LEONEN, J.:

Pride, when unchecked, can waste our youth and cause the forfeiture of all meaning in life, even in the most inconsequential things: in this case, a basketball game.

Proof beyond reasonable doubt charges the prosecution with the immense responsibility of establishing moral certainty. The prosecution's case must rise on its own merits, not merely on relative strength as against that of the defense. Should the prosecution fail to discharge its burden, acquittal must follow as a matter of course.

This resolves a Petition for Review on Certiorari¹ under Rule 45,²

* Designated as Fifth Member per S.O. No. 2416-U dated January 4, 2017.

¹ Rollo, pp. 4-23.

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praying that the assailed May 31, 2012 Decision³ and January 14, 2013 Resolution⁴ of the Court of Appeals in CA-G.R. CR. No. 27951 be reversed and set aside, and that petitioners be acquitted of the offense of which they are charged.

The Court of Appeals' assailed Decision affirmed the April 24, 2003 Decision⁵ of the Regional Trial Court of Cagayan de Oro City, Branch 37, which found petitioners guilty beyond reasonable doubt of frustrated murder. The Court of Appeals' assailed January 14, 2013 Resolution denied petitioners' motion for reconsideration.

In an Information, petitioners Capistrano Daayata (Daayata), Dexter Salisi (Salisi), and Bregido Malacat, Jr. (Malacat) were charged with frustrated murder, as follows:

That on December 17, 1995, at about 6:00 [o]'clock in the morning at Zone 3, San Simon, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with evident premeditation and taking advantage of their superior strength, conspiring, confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously and with intent to kill, attack, assault[,] box and struck one Rolando O. Bahian with a stone and hitting the latter's head and several parts of his body, thereby inflicting injuries[,] to wit: "Depressed Fracture, Open frontal bone, left, and advised for surgery,["] thus performing all the acts of execution which would produce the crime of Murder, but nevertheless did not produce it by reason of some cause independent of the will of the accused, that is, by the timely and able medical attendance rendered to the said offended party which prevented his death.⁶

Upon arraignment, all three accused, now petitioners, pleaded not guilty.⁷ Trial then ensued.⁸

Five (5) witnesses testified for the prosecution: the offended party, Rolando Bahian (Bahian); Kagawad Leonardo Abalde (Kagawad Abalde) of Barangay San Simon, Cagayan de Oro City; Barangay Captain Reynaldo Yañez (Barangay Captain Yañez); Dr. Percy H. Arreza (Dr. Arreza) of the Cagayan de Oro City Hospital; and Dr. John Mata (Dr. Mata), the surgeon

² 1997 Rules of Court

³ *Rollo*, pp. 100–116. The Decision was penned by Associate Justice Carmelita Salandanan Manahan and concurred in by Associate Justices Romulo V. Borja and Pedro B. Corales of the Twenty-First Division, Court of Appeals, Cagayan de Oro City.

⁴ *Id.* at 125–129. The Resolution was penned by Associate Justice Romulo V. Borja and concurred in by Associate Justices Ma. Luisa C. Quijano-Padilla and Marie Christine Azcarraga-Jacob of the Twenty-First Division, Court of Appeals, Cagayan de Oro City.

⁵ *Id.* at 24–42. The Decision was penned by Judge Jose L. Escobido of Branch 37, Regional Trial Court, Misamis Oriental, Cagayan de Oro City.

⁶ *Rollo*, p. 24.

⁷ *Id.* at 102.

⁸ *Id.*

who tended to Bahian.⁹

According to the prosecution, on December 16, 1995, at about 6:00 p.m., Bahian went to the house of Kagawad Abalde.¹⁰ Bahian recounted to Kagawad Abalde a violent altercation between him and the petitioners in the course of a basketball game earlier that afternoon.¹¹ Bahian claimed that Salisi had committed a foul against him, making him fall to the ground.¹² He complained to the referee and this infuriated Salisi. In response, he threatened Salisi, telling him that “he would just get even with him.”¹³ Malacat heard his threat and positioned himself to punch Bahian. Bahian, however, dodged the blow.¹⁴ Daayata then came, pointing a gun at Bahian.¹⁵ Bahian then backed off and pleaded that they should not fight as they were friends.¹⁶

Kagawad Abalde advised Bahian to bring the matter to the attention of Barangay Captain Yañez.¹⁷

Accordingly, the following morning, Bahian and Kagawad Abalde made their way to Barangay Captain Yañez’ house.¹⁸ While on their way, they were blocked by petitioners.¹⁹ Daayata hit Bahian on the left part of his chest.²⁰ Bahian staggered and fell onto a parked jeep.²¹ Salisi then hit Bahian with a stone on the left side of his forehead, causing Bahian to fall to the ground.²² While Bahian was lying prostrate on the ground, petitioners boxed and kicked Bahian.²³ Kagawad Abalde tried his best to get Bahian away but to no avail.²⁴ All he could do was to shout for help.²⁵ Daayata then poked a gun at Bahian, Malacat unsheathed a bolo, and Salisi wielded an iron bar.²⁶

Barangay Captain Yañez rushed to the scene.²⁷ There, Bahian lay on the ground as Kagawad Abalde tried to ward off his attackers.²⁸ Barangay

⁹ Id.
¹⁰ Id.
¹¹ Id. at 102–103.
¹² Id. at 103.
¹³ Id.
¹⁴ Id.
¹⁵ Id.
¹⁶ Id.
¹⁷ Id.
¹⁸ Id.
¹⁹ Id.
²⁰ Id.
²¹ Id.
²² Id.
²³ Id.
²⁴ Id.
²⁵ Id. at 104.
²⁶ Id.
²⁷ Id.
²⁸ Id.

Captain Yañez shouted to petitioners to stop.²⁹ Shortly after, they retreated.³⁰ Barangay Captain Yañez and Kagawad Abalde then brought Bahian to Barangay Captain Yañez' house, and later to Cagayan de Oro City Hospital.³¹

Upon examination, Dr. Arreza made the following findings on Bahian: "depressed fracture, open frontal bone, left."³²

Bahian was noted to have possibly died, if not for the timely medical intervention.³³ Dr. Mata subsequently performed surgery on Bahian.³⁴

The defense offered a different version of events. Apart from the three petitioners, it offered the testimonies of Delfin Yañez (Delfin),³⁵ Rodolfo Yañez (Rodolfo), Danzon Daayata (Danzon) and Rosemarie Daayata (Rosemarie).³⁶

Petitioners Salisi and Malacat claimed that they were having coffee at the house of Vicente Daayata (Vicente), brother of petitioner Daayata, in the morning of December 17, 1995.³⁷ Bahian arrived, together with Kagawad Abalde, and called for Salisi to come out.³⁸ When Salisi acceded, Bahian challenged him to a fight and threw the first punch that started a scuffle.³⁹ In the course of the melee, Bahian took a swing for Salisi, who ducked, causing Bahian to lose his balance. Bahian then fell on the pavement and hit his head.⁴⁰ Kagawad Abalde then drew a gun, poked it at Salisi, and threatened to kill him.⁴¹

For his part, petitioner Daayata claimed that he was in his house, some 50 meters away from Vicente's house when the incident recalled by petitioners Salisi and Malacat transpired.⁴² He rushed to Vicente's house upon hearing a commotion.⁴³ There, he saw Bahian and Kagawad Abalde, who was pointing a gun at Malacat.⁴⁴

All three (3) petitioners claimed that it was not until an hour after the

²⁹ Id.
³⁰ Id.
³¹ Id.
³² Id.
³³ Id.
³⁴ Id.
³⁵ Id. at 12.
³⁶ Id. at 105.
³⁷ Id.
³⁸ Id.
³⁹ Id.
⁴⁰ Id.
⁴¹ Id. at 106.
⁴² Id.
⁴³ Id.
⁴⁴ Id.

incident that Barangay Captain Yañez arrived.⁴⁵ They also acknowledged that an altercation did take place during a basketball game the day before, or on December 16, 1995.⁴⁶ They added however, that in the evening of December 16, while they were on their way home, Bahian waited for them to pass by his house, where he challenged them to a fight.⁴⁷ Defense witness Rodolfo allegedly pacified Bahian.⁴⁸

In its Decision⁴⁹ dated April 24, 2003, the Regional Trial Court, Branch 37, Cagayan de Oro City found petitioners guilty beyond reasonable doubt of frustrated murder. The dispositive portion of its Decision read:

WHEREFORE, premises considered, this Court finds accused Capistrano Daayata, Dexter Salisi, and Br[e]gido Malacat, Jr., guilty beyond reasonable doubt of the crime of frustrated murder committed against Rolando Bahian, and they conspired in committing the crime, and, accordingly, each of the said accused is sentenced to suffer the penalty of imprisonment of nine (9) years of prision mayor medium as the minimum term to sixteen (16) years of reclusion temporal medium as the maximum term.

Moreover, all the three accused are sentenced and ordered (1) to pay Rolando Bahian jointly and severally the sum of Fifty Seven Thousand Pesos (P57,000.00) by way of reimbursement for the expenses he incurred for medicines; (2) to pay Rolando Bahian jointly and severally the sum of Eighty Thousand Pesos (P80,000.00) for the income that Rolando Bahian could have earned for two (2) years as a farmer; (3) to pay Rolando Bahian jointly and severally the sum of Thirty Thousand Pesos (P30,000.00) by way of moral damages; and (4) to pay the costs of suit.

SO ORDERED.⁵⁰

On appeal, the Court of Appeals sustained the Regional Trial Court's conclusions. It affirmed the penalty imposed by the Regional Trial Court, but replaced the award of actual damages to temperate damages amounting to ₱25,000. The Court of Appeals also deleted the award for loss of earning capacity, there being no proof in support of it. It also awarded ₱20,000 as civil indemnity. The dispositive portion of its assailed May 31, 2012 Decision⁵¹ read:

WHEREFORE, premises considered, the appealed Decision dated April 24, 2003 of the Regional Trial Court, Branch 37 of Cagayan de Oro City in Criminal Case No. 96-266 is hereby **AFFIRMED** as to the penalty

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id. at 24-42.

⁵⁰ Id. at 41-42.

⁵¹ Id. at 100-116.

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imposed **with MODIFICATION** as to the award of damages.

All three (3) accused-appellants, CAPISTRANO DAAYATA, DEXTER SALIS[I] and BREGIDO MALACAT, JR., are ordered to pay jointly and severally Rolando Bahian the following amounts:

1. Php20,000.00 as civil indemnity;
2. Php30,000.00 as moral damages; and
3. Php25,000.00 as temperate damages.

SO ORDERED.⁵² (Emphasis in the original)

Following the denial of their Motion for Reconsideration, petitioners filed the present Petition,⁵³ where they insist on their version of events. They emphasize several factual details and maintain that they did not initiate an assault on Bahian. They assert that Bahian sustained the injury on his forehead through his own fault; thus, they could not be held liable for acting with intent to kill Bahian.

On July 24, 2013, respondent People of the Philippines, through the Office of the Solicitor General, filed its Comment.⁵⁴ It insisted that it was supposedly improper for this Court to re-evaluate the factual findings of the Regional Trial Court and the Court of Appeals in the context of the present Rule 45 Petition.⁵⁵ Apart from pleading the nature of a Rule 45 Petition, the five (5)-page Comment devoted a singular paragraph to arguing that the positive identification of the petitioners as Bahian's supposed attackers must prevail.⁵⁶

On May 12, 2014, petitioners filed their Reply,⁵⁷ noting that respondent failed to directly confront the factual issues they had raised.

For resolution is the sole issue of whether petitioners are guilty beyond reasonable doubt of frustrated murder.

I

Petitioners seek relief from this Court through a Petition for Review on Certiorari under Rule 45 of the Rules of Court. It is basic that Rule 45 petitions may only raise pure questions of law,⁵⁸ and that the factual findings

⁵² Id. at 115.

⁵³ Id. at 4–23.

⁵⁴ Id. at 145–149.

⁵⁵ Id.

⁵⁶ Id. at 149.

⁵⁷ Id. at 161–163.

⁵⁸ RULES OF COURT, Rule 45, sec. 1:

Section 1. Filing of petition with Supreme Court. — A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial

of lower courts are generally binding and conclusive on this Court. Still, there are recognized exceptions permitting this Court to overturn the factual findings with which it is confronted. These exceptions are:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises and conjectures;
- (2) When the inference made is manifestly mistaken, absurd or impossible;
- (3) Where there is a grave abuse of discretion;
- (4) When the judgment is based on a misapprehension of facts;
- (5) When the findings of fact are conflicting;
- (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee;
- (7) When the findings are contrary to those of the trial court;
- (8) When the findings of fact are conclusions without citation of specific evidence on which they are based;
- (9) When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and
- (10) When the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.⁵⁹

Specifically concerning criminal cases, this Court has stated that “in exceptional circumstances, such as when the trial court overlooked material and relevant matters . . . this Court will re-calibrate and evaluate the factual findings of the [lower courts].”⁶⁰

A careful review of this case and of the body of evidence that was available for the Regional Trial Court's perusal reveals that there has been a gross misapprehension of facts on the part of the Regional Trial Court and the Court of Appeals. Thus, we reverse and acquit petitioners Capistrano Daayata, Dexter Salisi, and Bregido Malacat, Jr.

II

The defense points out several facts, which lend greater plausibility to its claim that the possibly fatal injury sustained by Bahian on his forehead was not inflicted by any of the petitioners, and that petitioners did not

Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

⁵⁹ *Marasigan y De Guzman v. Fuentes*, G.R. No. 201310, January 11, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/january2016/201310.pdf>> 5–6 [Per J. Leonen, Second Division], citing *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, 665 Phil. 784, 789–790 (2011) [Per J. Carpio-Morales, Third Division].

⁶⁰ *People of the Philippines v. Esteban*, G.R. No. 200290, June 9, 2014 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2014/june2014/200920.pdf>> 6 [Per J. Reyes, First Division].

initiate an assault against Bahian. Negating the fact of the alleged perpetrators' assault and infliction of a potentially fatal injury negates the *corpus delicti* of the offense charged.

First, it appears that the location where the altercation occurred between Bahian and Kagawad Abalde, on the one hand, and petitioners, on the other, is not as plain and austere as the prosecution made it seem. The prosecution merely claimed that Bahian and Kagawad Abalde were on their way to Barangay Captain Yañez's house when they were suddenly blocked and assaulted by petitioners.⁶¹ However, it was actually settled during trial – consistent with the defense's contention – that the confrontation took place in the vicinity of the house of Vicente.⁶²

This detail does not intrinsically weigh in favor of either the prosecution or the defense. For indeed, it may simply have been necessary to pass by Vicente's house en route to Barangay Captain Yañez's house and, consistent with what the prosecution claimed, that it may have merely been the spot where Bahian's attackers chose to launch their assault. But while specificity of location may ultimately be inconsequential to the prosecution's case, it is the genesis of the defense's case. As the defense asserts, the altercation was precipitated by Bahian and Kagawad Abalde's arrival outside Vicente's residence, where Bahian then called out and challenged Salisi.⁶³

Second, while the prosecution painted a picture of a relentless assault that lasted for as much as 30 minutes⁶⁴ – with petitioners supposedly not content with Bahian falling onto a parked jeep, but even attacking him until he lay on the pavement, and thereafter still continuing to punch and kick him⁶⁵ - Bahian's "medical certificate showed no injury other than that on [his] forehead."⁶⁶

"Physical evidence is evidence of the highest order. It speaks more eloquently than a hundred witnesses."⁶⁷ They have been characterized as "that mute but eloquent manifestations of truth which rate high in our hierarchy of trustworthy evidence."⁶⁸ Thus, in *People v. Vasquez*,⁶⁹ this Court refused to undiscerningly lend credence to the incriminating assertions of prosecution witnesses as to an alleged mauling, and stated that "[t]his Court cannot be persuaded by the prosecution's claim of perpetration

⁶¹ *Rollo*, p. 103.

⁶² *Id.* at 6.

⁶³ *Id.* at 105.

⁶⁴ *Id.* at 13 and 17.

⁶⁵ *Id.* at 103.

⁶⁶ *Id.* at 13.

⁶⁷ *People v. Sacabin*, 156 Phil. 707, 713 (1974) [Per J. Fernandez, Second Division].

⁶⁸ *People v. Vasquez*, 345 Phil. 380, 395 (1997) [Per J. Hermosisima, Jr., First Division], *citing People v. Uycoque*, 316 Phil. 930, 942 (1995) [Per J. Puno, Second Division].

⁶⁹ 345 Phil. 380 (1997) [Per J. Hermosisima, Jr., First Division].

of physical violence in the absence of any marked physical injuries on the various parts of the victim's face and body."⁷⁰

As the defense correctly points out, if the prosecution's assertion of a relentless assault were true, the greater probability was that Bahian must have been "black and blue all over."⁷¹ Quite contrary to the sort of physical evidence that a purported relentless and prolonged assault should have reasonably yielded, however, there was but one injury that Bahian was noted to have sustained.

Third, Bahian himself was noted to have admitted that his head injury was "caused by [him] hitting the edge of the concrete pavement." As the following excerpt from Bahian's cross-examination reveals:⁷²

Q - And on February of 1995, your forehead was operated on by a certain Dr. John Mata, is that correct?

A - Yes.

Q - And you told Dr. Mata that the wound on your forehead was caused by you hitting the edge of the concrete pavement, is that correct?

A - Yes, I told him a lie so that I could be treated.

Q - But nobody in the German Doctors told you that you would not be operated if that was caused by a stone or in a fight?

A - He asked me the reason why I got this injury?

Q - And then?

A - Then I told him the reason how I got this injury.

Q - That you hit the edge of the concrete pavement?

A - Yes.

Q - And that was the first time you talked to him before the operation?

A - Yes.

Q - The first time you talked to him, you lied to him?

A - Yes, I told a lie because I wanted to be operated.⁷³ (Citations omitted)

⁷⁰ Id. at 395.

⁷¹ *Rollo*, p. 14.

⁷² Id. at 9.

⁷³ Id. at 8-10.

As the Court of Appeals has pointed out, it is true that the prosecution has sought to extenuate the weight of Bahian's admission by having him explain that he only lied to Dr. Mata because otherwise, "he would not have been admitted to the hospital and his injury would have not been operated on."⁷⁴ However, even this extenuating explanation does not completely diminish the significance of his admission.

As the same excerpt from Bahian's cross-examination indicated, nobody intimated to Bahian that he would not have been operated on if his injury arose from a violent altercation. Confronted with this detail, Bahian never offered a direct response, and instead appeared to have evaded the question. He merely reiterated that, "Yes, I told a lie because I wanted to be operated."⁷⁵ Thus, the defense's revelation that Bahian's alleged lie was not predicated on a rational basis stands unrefuted.

Moreover, in the present Petition, the defense points out the curious parallelism between, on the one hand, the admission or otherwise lie made by Bahian to Dr. Mata, and on the other hand, the defense's main contention that Bahian sustained a head injury through his own fault:

There is no showing that petitioners knew that complainant told his doctor that he hit his head on the edge of the concrete pavement. They came to know of it only when they heard him admit it on cross-examination. And yet, that's exactly what they have always been asserting right from the very start, even during the preliminary investigation, or long before they heard him say it on the witness stand.

It is too much of a coincidence that petitioners and the complainant should say exactly the same thing, that he hit his head on the edge of the concrete pavement – unless it is true.⁷⁶

Finally, several witnesses – both from the defense and the prosecution – have belied the prosecution's claim that petitioners Daayata, Malacat, and Salisi wielded a gun, a bolo and an iron bar, respectively.

The most compromising of these witnesses is the prosecution's own, Barangay Captain Yañez. He categorically stated that he was well in a position to "see or identify if they were armed."⁷⁷ Ultimately, however, his observation was to the contrary:

Q - They were armed or not?

⁷⁴ Id. at 109.

⁷⁵ Id. at 10.

⁷⁶ Id. at 10.

⁷⁷ Id. at 13.

A - Who?

Q - The three of them?

A - I could see or identify if they were armed.

Q - Nobody brought a bolo?

A - When I arrived there, I did not see anybody holding a bolo.

Q - Nobody brought a steel pipe?

A - I have not seen.

Q - You did not see anybody holding a gun?

Q - No.⁷⁸ (Citation omitted)

Danzon, a defense witness whom the prosecution never bothered to cross-examine, stated:

Q - Tell us what was that unusual incident all about?

A - What I could say is that: I heard noise outside and because I was watching them, I saw Kag. Abalde holding a gun pointing upward and I saw Rolando Bahian already wounded on his face.⁷⁹
(Citation omitted)

Two (2) other defense witnesses – Rosemarie and Delfin – were noted to have made the same observations.⁸⁰

III

Conviction in criminal actions demands proof beyond reasonable doubt. Rule 133, Section 2 of the Revised Rules on Evidence states:

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.

While not impelling such a degree of proof as to establish absolutely

⁷⁸ Id. at 12–13.

⁷⁹ Id. at 12.

⁸⁰ Id.

impervious certainty, the quantum of proof required in criminal cases nevertheless charges the prosecution with the immense responsibility of establishing moral certainty, a certainty that ultimately appeals to a person's very conscience. While indeed imbued with a sense of altruism, this imperative is borne, not by a mere abstraction, but by constitutional necessity:

This rule places upon the prosecution the task of establishing the guilt of an accused, relying on the strength of its own evidence, and not banking on the weakness of the defense of an accused. Requiring proof beyond reasonable doubt finds basis not only in the due process clause of the Constitution, but similarly, in the right of an accused to be "presumed innocent until the contrary is proved." "Undoubtedly, it is the constitutional presumption of innocence that lays such burden upon the prosecution." Should the prosecution fail to discharge its burden, it follows, as a matter of course, that an accused must be acquitted. As explained in *Basilio v. People of the Philippines*:

We ruled in *People v. Ganguso*:

An accused has in his favor the presumption of innocence which the Bill of Rights guarantees. Unless his guilt is shown beyond reasonable doubt, he must be acquitted. This reasonable doubt standard is demanded by the due process clause of the Constitution which protects the accused from conviction except upon proof beyond reasonable doubt of every fact necessary to constitute the crime with which he is charged. The burden of proof is on the prosecution, and unless it discharges that burden the accused need not even offer evidence in his behalf, and he would be entitled to an acquittal. Proof beyond reasonable doubt does not, of course, mean such degree of proof as, excluding the possibility of error, produce absolute certainty. 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.

Well-entrenched in jurisprudence is the rule that the conviction of the accused must rest, not on the weakness of the defense, but on the strength of the prosecution. The burden is on the prosecution to prove guilt beyond reasonable doubt, not on the accused to prove his innocence.⁸¹ (Citations omitted)

The details pointed out by the defense reveal how the prosecution failed to establish the moral certainty and conscientious satisfaction that attends proof of guilt beyond reasonable doubt. While not per se demonstrating the veracity and blamelessness of the defense's entire version

⁸¹ *Macayan, Jr. y Malana v. People*, G.R. No. 175842, March 18, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/march2015/175842.pdf>> 7-8 [Per J. Leonen, Second Division], citing CONST., art. III, sec. 1; CONST., art. III, sec. 14 (2); *People of the Philippines v. Solayao*, 330 Phil. 811, 819 (1996) [Per J. Romero, Second Division]; and *Basilio v. People of the Philippines*, 591 Phil. 508, 521-522 (2008) [Per J. Velasco, Jr., Second Division].

of events, they nevertheless disclose how the prosecution's case is unable to stand on its own merits.

They cast doubt on whether the complainant and his companion were actually stopped in their tracks to be assaulted, and support the possibility that they may have instead deliberately intended to bring themselves to Vicente's house to provoke or challenge one (1) of the petitioners.

They also cast doubt on whether the complainant was relentlessly assaulted, with the specific purpose of ending his life; whether the ostensible fatal blow was dealt to complainant by one (1) of the petitioners or was dealt upon him by his own violent imprudence; and whether petitioners had actually brandished implements for maiming and killing.

Not only do these doubts persist, details disclosed by the prosecution itself – taken together with how the defense accounted for the events of December 16 and 17, 1995 – demonstrate the dubiety of the prosecution's claims.

As Bahian himself recalled to Kagawad Abalde, it was he who threatened Salisi that "he would just get even with him."⁸² By his own recollection too, he acknowledged that it was only upon his utterance of that threat that Malacat and Daayata responded with correlative aggression. He conceded having been put in a situation where he had to back off. By his own recollection, the clash between him and petitioners could have ended there, yet it did not. It appears that, rather than letting the better part of reason and modesty prevail, Bahian elected to make good on his threat to eventually just get even with his adversaries. Along the way, it even appears that he enlisted the aid of Kagawad Abalde, whose participation in the clash in the morning of December 17, 1995, as the defense recounted, was not as a pacifier but also as an aggressor. Unfortunately for Bahian, it appears that his own hubris and lack of fighting prowess not only prolonged his quarrel, but even brought him potentially fatal physical harm.

Taking off from the events in the basketball game of December 16, 1995, the prosecution unravelled a narrative of petitioners' supposed vindictiveness. Yet the contrary is apparent. The confluence of Bahian's admissions of a prior altercation, his self-issued threat, how he was constrained to desist, and his own account to Dr. Mata of how he sustained his injury, as well as the glaring dissonance noted by the defense and backed by physical evidence, demonstrate how the prosecution has fallen far too short of discharging its burden of proving petitioners' guilt beyond reasonable doubt.

⁸² *Rollo*, p. 103.

WHEREFORE, the Petition is **GRANTED**. The Decision of the Court of Appeals in CA G.R. CR No. 27951 is **REVERSED and SET ASIDE**. Petitioners Capistrano Daayata, Dexter Salisi, and Bregido Malacat, Jr. are hereby **ACQUITTED** for failure of the prosecution to prove their guilt beyond reasonable doubt. Any amount they each paid by way of a bail bond is ordered **RETURNED**.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


PRESBITERO J. VELASCO, JR.
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


JOSE CATRAL MENDOZA
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.


ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

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.



MARIA LOURDES P. A. SERENO
Chief Justice