



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

**LEANDRO CRUZ, EMMANUEL
 MANAHAN, ALRIC JERVOSO,**
Petitioners,

G.R. No. 206437

Present:

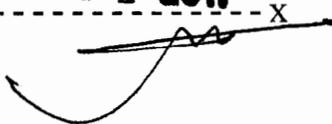
SERENO, C.J., Chairperson,
 LEONARDO-DE CASTRO,
 PERALTA,*
 DEL CASTILLO, and
 TIJAM, JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

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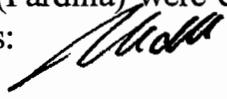
DECISION

DEL CASTILLO, J.:

This Petition for Review on *Certiorari* assails the July 20, 2012 Decision¹ and March 27, 2013 Resolution² of the Court of Appeals (CA) in CA-GR. CR No. 32942. The CA affirmed the August 13, 2009 Decision³ of the Regional Trial Court (RTC) of Makati, Branch 56 in Criminal Case No. 04-2725 finding Leandro Cruz (Cruz), Emmanuel Manahan (Manahan), and Alric Jervoso (Jervoso) guilty of Qualified Theft, and imposing upon them the penalty of ten (10) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal*, as maximum.

Factual Antecedents

In an Information⁴ dated May 17, 2004, Cruz, Manahan, Jervoso (petitioners), and Alvin Pardilla (Pardilla) were charged with Qualified Theft the accusatory portion of which reads:



* Per September 6, 2017 raffle.
¹ CA *rollo*, pp. 255-267; penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Amelita G. Tolentino and Ramon R. Garcia.
² Id. at 354-355.
³ Records, pp. 600-615; penned by Judge Reynaldo M. Laigo.
⁴ Id. at 1-2.

That in or about and sometime during the month of October, 2003, in the City of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, being then the Warehouse Supervisor, Assistant Warehouse Supervisor, Delivery Driver cum Warehouse Assistant and Warehouse cum Delivery Assistant, respectively, and as such have access to the Warehouse and enjoying the trust and confidence reposed upon them by complainant, with grave abuse of confidence, intent to gain and without the knowledge and consent of the owner thereof, did then and there willfully, unlawfully and feloniously, take, steal, and carry away the stock products held in the warehouse in the total amount of Php1,122,205.00 belonging to PRESTIGE BRANDS PHIL., INC., herein represented by VAIBHAV TEMBULKAR y ATMARAM, to the damage and prejudice of the owner thereof.

CONTRARY TO LAW.

When arraigned, petitioners pleaded “Not Guilty”⁵ to the charges against them while Pardilla remained at large.⁶

After the termination of the pre-trial, trial on the merits ensued.

Version of the Prosecution

To establish its case, the prosecution presented Vinod Dadlani (Dadlani), the President of Prestige Brands Phils., Inc. (Prestige Brands);⁷ Albert Ding (Ding), the former Finance Manager of the Prestige Group of Companies in South East Asia;⁸ and Rebecca Pascual (Pascual), the former Finance Manager of Prestige Brands.⁹ These witnesses testified on the following facts:

Prestige Brands, a company engaged in the sale and distribution of various products in the Philippines, through Dadlani, employed Cruz, Manahan, Jervoso, and Pardilla¹⁰ as Warehouse Supervisor, Assistant Warehouse Supervisor, Delivery Driver and Warehouse Assistant, and Warehouse Assistant, respectively.¹¹ Dadlani authorized only five individuals – petitioners, Pardilla, and Prestige Brands’ Vice President, Vaibhav Tembulkar (Tembulkar), – to have access to its warehouse located at the 4th Floor of the ITC Building in Jupiter, Makati City. Only Cruz and Tembulkar had keys to its locks. They would open it in the morning, and in the evening, Cruz would turnover his keys to Tembulkar. Authorized warehouse personnel were not subjected to any checking when they leave the warehouse.¹² On the other hand, non-warehouse personnel, like Pascual, could enter the same

⁵ Id. at 153-155.

⁶ TSN, August 11, 2005, p. 3.

⁷ Id. at 5.

⁸ TSN, December 4, 2006, p. 16.

⁹ TSN, January 11, 2007, pp. 3-5.

¹⁰ TSN, August 11, 2005, pp. 11-12.

¹¹ TSN, October 3, 2006, p. 8.

¹² TSN, October 5, 2006, pp. 8-16.

only if accompanied by a warehouse staff, and would be frisked when they leave the premises.¹³

In October 2003, Tembulkar informed Dadlani that he would conduct an investigation since discrepancies in their record vis-à-vis the physical count of the items stored in the warehouse were noted.¹⁴ Based on the company's inventory updates for January 2003 to April 2003, and October 2003 conducted by Ding,¹⁵ about ₱1.2 million worth of Prestige Brands' products were unaccounted, which included fragrance brands like Hugo Boss, Dolce and Gabbana, Ferrari, and So You by Beverly Hills.¹⁶

On November 20, 2003, Tembulkar referred petitioners and Pardilla to Dadlani. Thereafter, Cruz, Jervoso, and Pardilla admitted to Dadlani that they stole and sold products of Prestige Brands, and divided the proceeds among themselves. Cruz, Jervoso, and Pardilla executed their written confession on the matter. However, Manahan did not confess to anything.¹⁷ Subsequently, petitioners and Pardilla no longer reported for work. Thus, on November 27, 2003, Prestige Brands issued a Memorandum requiring them to conduct a physical stock count and verify the missing products.¹⁸

Meanwhile, Cruz filed his resignation letter dated October 29, 2003 which Dadlani accepted but modified its effectivity date.¹⁹ Later, Prestige Brands twice wrote Cruz to report back to work and make a stock count but to no avail.²⁰

Version of the Defense

Petitioners denied the charges against them and averred as follows:

Prestige Brands employed petitioners and Pardilla as warehouse personnel.²¹ In particular, they were tasked to prepare perfumes for delivery to the clients of the company. After packing the items, the staff of the Accounting Department would frisk petitioners and Pardilla. Thereafter, they would deliver the perfumes to different stores.²² Cruz and Tembulkar kept the keys to the two locks of the first door leading to the warehouse, where Prestige Brands stored all

¹³ TSN, January 11, 2007, p.11.

¹⁴ TSN, August 11, 2005, p. 14.

¹⁵ TSN, December 4, 2006, p. 8.

¹⁶ TSN, February 16, 2006, pp. 49-51.

¹⁷ TSN, August 11, 2005, pp. 15-20.

¹⁸ TSN, February 16, 2006, pp. 17-18, 23.

¹⁹ Id. at 25-26.

²⁰ Id. at 33-38.

²¹ TSN, August 5, 2008, p. 6.

²² TSN, June 24, 2008, pp. 6-12.

its products for delivery.²³ The first door of the warehouse had two locks; Cruz kept the key to the first lock while Tembulkar had the key to the second lock. And only Tembulkar had a key to the second door leading to the warehouse.²⁴

On November 15, 2003, Cruz filed his resignation letter but it was agreed that his resignation would take effect only on November 29, 2003.²⁵

On November 20, 2003, however, while Jervoso was in Robinsons Department Store delivering perfumes, he received a call from Cruz telling him to return to the office. Upon arriving in their office, Cruz told Jervoso that Dadlani wanted Jervoso to drive for him (Dadlani).²⁶ Jervoso drove Dadlani to GMA 7. Thereafter, Jervoso, Dadlani, and Dadlani's friend, Mayor Lito Atienza²⁷ (Mayor Atienza), went to Baywalk at Roxas Boulevard, Manila. There, Mayor Atienza told Jervoso that his (Jervoso) boss had a problem as his employees stole from him ₱10 million worth of perfumes. Jervoso replied that nothing was lost because an inventory was conducted but Mayor Atienza countered that petitioners were the only ones present during the inventory. Mayor Atienza likewise told Jervoso to cooperate or else he would be liable.²⁸

On the same day, Dadlani and Ding met with petitioners and Pardilla in Dadlani's office.²⁹ Dadlani told Cruz about the missing items in the warehouse but Cruz replied that he was unaware of it. Dadlani told Cruz that he would disclose the incident to the media, and would involve their family. Dadlani then told Cruz that if he would sign the computer printout handed him, no complaint would be filed against petitioners and Pardilla. Perforce, Cruz signed the document where he admitted that he stole products of Prestige Brands.³⁰

During his testimony, Cruz stated that he failed to reconcile the discrepancies in the inventory because he had no access to the computer-generated report related to it; also his office table was forcibly opened and all documents material for the reconciliation of the discrepancies were taken.³¹ Upon presentment of a letter dated October 20, 2003, Cruz acknowledged that it was the same document that Dadlani asked him to sign minus the jurat.³²

On November 20, 2003, Dadlani also spoke with Jervoso. On the same occasion, Dadlani handed Jervoso a letter dated October 20, 2003 which the latter

²³ TSN, October 28, 2008, p. 5; TSN, December 2, 2008, p. 10.

²⁴ TSN, December 2, 2008, p. 11.

²⁵ Id. at 13.

²⁶ TSN, June 24, 2008, pp. 18-20.

²⁷ TSN, October 21, 2008, p. 19.

²⁸ TSN, June 24, 2008, pp. 20-24.

²⁹ TSN, August 5, 2008, p. 10; TSN, October 28, 2008, p. 9.

³⁰ TSN, December 2, 2008, pp. 14-17, 37.

³¹ Id. at 29.

³² Id. at 17-18.

signed without understanding that it contained an accusation of theft against him, his co-petitioners, and Pardilla.³³

Likewise, Dadlani handed Manahan a letter which stated that petitioners and Pardilla stole several items from the company. Despite Dadlani mentioning his friends in the media, particularly from GMA 7 and Manila Bulletin, and his connections in Manila, including Mayor Atienza and the National Bureau of Investigation (NBI), Manahan refused to sign said letter.³⁴ On November 21, 2003, Manahan resigned from Prestige Brands.³⁵

On November 22, 2003, while Jervoso and Cruz were working in the warehouse, Ernesto Lontoc (Lontoc) and Atty. Francisco Simon (Atty. Simon), who were purportedly from the NBI, asked them to write a letter admitting that they (Jervoso and Cruz) stole perfumes. Jervoso wrote a letter which, contrary to the request, stated that he, his co-petitioners, and Pardilla did nothing wrong against the company. Dadlani got mad when he received Jervoso's letter. Ultimately, despite his initial protest, Jervoso was prevailed to prepare a letter attesting that they stole from the company. After the incident, Jervoso no longer reported for work.³⁶ During the trial, Jervoso denied that the letter he wrote contained a jurat.³⁷

Meanwhile, on November 23, 2003, Cruz and Jervoso went to the Makati Police Station and reported³⁸ that at about 5:00 p.m. on November 21, 2003, Dadlani, Ding, and an unidentified male person forced them to sign a confession letter, which alleged that they stole products from the warehouse; that on November 22, 2003, Dadlani, Lontoc, and Atty. Simon forced them to translate their confession into their (Cruz and Jervoso) own handwriting; and that they were intimidated into signing the letter and even detained at the company premises up to 11:15 p.m. and were allowed to leave only after affixing their signature to the confession letter.

On November 24, 2003, Cruz and Jervoso filed with the Makati Prosecutor's Office a Complaint³⁹ for grave coercion, grave threats, and incriminating innocent persons against Prestige Brands. At the time of the trial, the motion for reconsideration filed relative to the denial of the petition for review (on the dismissal of the complaint) was still pending with the Department of Justice.⁴⁰



³³ TSN, June 24, 2008, pp. 25-30.

³⁴ TSN, October 21, 2008, pp. 16-22.

³⁵ TSN, October 28, 2008, pp. 16-17.

³⁶ TSN, June 24, 2008, pp. 35-39.

³⁷ Id. at 37-38.

³⁸ Records, p. 58; TSN, December 2, 2008, p. 25.

³⁹ Id. at 59-61.

⁴⁰ TSN, December 2, 2008, pp. 38-39; TSN, February 10, 2009, p. 8.

Ruling of the Regional Trial Court

On August 13, 2009, the RTC rendered its Decision against petitioners, the dispositive portion of which reads:

WHEREFORE, with all the foregoing consideration, the Court finds that the prosecution established beyond reasonable doubt the guilt of the accused Alric Jervoso, Leandro Cruz and Emmanuel Manahan as having committed the crime of Qualified Theft, and are sentenced to suffer the penalty of 10 years and 1 day of Prison Mayor as minimum; 14 years, 8 months and 1 day of Reclusion Temporal as maximum.

Said accused are ordered to pay solidarily the private complainant the amount of ₱1,122,205.00.

The case against accused Alvin Pardilla, who is at large is archived.

SO ORDERED.⁴¹

The RTC held that the prosecution proved that petitioners committed grave abuse of confidence when they stole items belonging to Prestige Brands. It added that petitioners enjoyed trust and confidence of Prestige Brands because they were given access to company stocks, which they took out for delivery to clients.

It further decreed that the prosecution established the fact of loss of Prestige Brands' personal properties, comprising of its inventories for the periods ending on April 30, 2003 and October 2003 in the total amount of ₱1,122,205.00. It ratiocinated that while no one witnessed the actual taking of said items, the written admissions of Jervoso and Cruz were admissible in evidence. These admissions, according to the RTC, were part of *res gestae* because they were spontaneous reactions to the confrontation, and were not mere afterthought. It added that while Manahan did not submit any written confession, it appeared that he shared in the proceeds of the stolen items, which was indicative of conspiracy and connivance.

In sum, the RTC ruled that the chain of evidence led to the conclusion that petitioners committed Qualified Theft because they had exclusive access to the warehouse; their admission when confronted were concrete and convincing; hence, they were guilty of theft of company stocks.

Undaunted, petitioners appealed to the CA.



⁴¹ Records, p. 615.

Ruling of the Court of Appeals

On July 20, 2012, the CA affirmed the RTC Decision.

According to the CA, the prosecution established loss of Prestige Brands' personal property as shown by its inventories for May 2003 and for October 2003. It ruled that petitioners had exclusive access to the warehouse; they had the duties to safekeep the items and maintain an inventory thereof; and when discrepancies were noted in the inventory, petitioners failed to explain or account for such loss/discrepancies. It also gave credence to the admission of petitioners that they stole from Prestige Brands.

On March 27, 2013, the CA denied petitioners' Motion for Reconsideration.

Aggrieved, petitioners filed this Petition for Review raising the following grounds:

THE COURT OF APPEALS ISSUED ITS ASSAILED DECISION AND RESOLUTION IN A MANNER NOT IN ACCORD WITH LAW BY UPHOLDING PETITIONERS' CONVICTION FOR THE CRIME OF QUALIFIED THEFT.

A.

THE COURT OF APPEALS' RELIANCE ON THE INVENTORIES AND ITS CONCLUSION THAT THE 'ELEMENT OF LOSS' WAS ESTABLISHED ARE BOTH CONTRARY TO LAW AND JURISPRUDENCE CONSIDERING THAT THE INVENTORIES DID NOT PROVE ANY OF THE ELEMENTS OF QUALIFIED THEFT AND NOT A MERE 'LOSS[.]'

B.

CONTRARY TO THE COURT OF APPEALS' RULING, THE WRITTEN CONFESSIONS PURPORTEDLY EXECUTED BY PETITIONERS, SHOULD NOT HAVE BEEN GIVEN EVIDENTIARY WEIGHT SINCE THE SAME WERE INVOLUNTARILY EXECUTED IN VIOLATION OF THE CONSTITUTIONAL RIGHTS OF THE PETITIONERS, AND THEY WERE NOT CORROBORATED WITH *CORPUS DELICTI*, AS REQUIRED BY THE RULES OF COURT[.]

C.

THE COURT OF APPEALS FAILED TO TAKE INTO ACCOUNT THE PHYSICAL IMPOSSIBILITY OF TAKING ALL THE ALLEGED MISSING PERFUMES IN ONE INSTANCE ONLY THAT SHOULD HAVE CREATED REASONABLE DOUBT ON THE GUILT OF THE PETITIONERS.

D.

CONTRARY TO THE FINDING OF THE COURT OF APPEALS, THE PROSECUTION FAILED TO PROVE THAT PETITIONERS' POSITIONS



INVOLVED CONFIDENCE REPOSED BY PRESTIGE BRANDS SO AS TO QUALIFY THE CRIME OF THEFT CONSIDERING THAT THE PROSECUTION MERELY PRESENTED THE JOB DESCRIPTIONS, LETTERS OF APPOINTMENTS OF THE PETITIONERS, AND A SKETCH OF THE WAREHOUSE.

E.

THE COURT OF APPEALS ACTED CONTRARY TO LAW AND JURISPRUDENCE WHEN IT UPHELD THE SUFFICIENCY OF THE PROSECUTION'S CIRCUMSTANTIAL EVIDENCE CONSIDERING THAT THE COMBINATION OF ALL THE CIRCUMSTANCES DID NOT ESTABLISH THAT A CRIME HAD BEEN COMMITTED, NOR THAT THE PETITIONERS WERE GUILTY THEREOF BEYOND REASONABLE DOUBT.⁴²

Petitioners' Arguments

Petitioners stress that apart from the shortage or loss of inventories, the CA did not explain how the unlawful taking was committed in this case. They also contend that the discrepancy in Prestige Brands' inventory from January 2003 to April 30, 2003 did not prove that they committed theft in October 2003. They further argue that there was no showing that the lost items were indeed stored in the warehouse, or were in their possession. As such, they posit that "the inventory reports did not establish (1) the existence of the fragrances, (2) the possession thereof by [them] or (3) the alleged taking thereof, or (4) that there was theft or (5) that [p]etitioners committed the same, ([6]) much less with grave abuse of trust and confidence."⁴³ They further claim that the written confessions they purportedly executed have no evidentiary value because they did not voluntarily execute them, and the same were not corroborated with *corpus delicti*. They insist that they signed their confessions under duress.

In fine, petitioners posit that the circumstantial evidence against them did not prove that a crime was committed and that they were guilty thereof. As such, there is reasonable doubt that they committed theft against Prestige Brands.

Respondent's Arguments

For its part, respondent maintains that petitioners abused Prestige Brand's confidence when they stole items for which they were hired to safeguard and protect. It also asseverates that the notarized confessions of petitioners must prevail over their defense of mere denial.



⁴² *Rollo*, pp. 18-19.

⁴³ *Id.* at 33.

Our Ruling

The Petition is with merit.

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 including such situation where the lower court had ignored, overlooked, or misconstrued relevant facts, which if taken into consideration will change the outcome of the case. Considering said exception, and the fact that the liberty of petitioners is at stake here, the Court sees it necessary to carefully review the records of this case, and determine whether the CA properly affirmed the RTC Decision convicting petitioners of Qualified Theft.⁴⁴

Moreover, no less than our Constitution provides the presumption that the accused is innocent until proven otherwise by proof beyond a reasonable doubt.⁴⁵ Such proof requires moral certainty, or that “degree of proof which produces conviction in an unprejudiced mind.”⁴⁶ Additionally, the prosecution has the burden to overcome the presumption of innocence. And, in the discharge of its burden, the prosecution must rely on the strength of its evidence, and not on the weakness of the defense.⁴⁷

Here, petitioners with their co-accused Pardilla were charged with Qualified Theft. Based on the foregoing precepts, they are presumed innocent unless the prosecution established by proof beyond reasonable doubt that they are guilty as charged. In order to do so, the prosecution must show that the following elements of Qualified Theft are present here: (a) there must be taking of personal property, which belongs to another; (b) such taking was done with intent to gain, and without the owner’s consent; (c) it was made with no violence or intimidation against persons nor force upon things; and (d) it was done under any of the circumstances under Article 310 of the Revised Penal Code, which circumstances include grave abuse of confidence.⁴⁸

Put in another way, in order for petitioners to be found guilty of Qualified Theft, the prosecution must prove with moral certainty that Prestige Brands lost its personal property by petitioners’ felonious taking⁴⁹ thereof or by their acts of depriving Prestige Brands of its control and possession without its consent.⁵⁰

⁴⁴ *Franco v. People*, G.R. No. 191185, February 1, 2016, 782 SCRA 526, 534-535.

⁴⁵ *Atienza v. People*, 726 Phil. 570, 588 (2014).

⁴⁶ *People v. Tadepa*, 314 Phil. 231, 236 (1995).

⁴⁷ *Atienza v. People*, supra at 589.

⁴⁸ See *Engr. Zapanta v. People*, 707 Phil. 23, 31 (2013).

⁴⁹ *Id.* at 32.

⁵⁰ *Tan v. People*, 379 Phil. 999, 1010-1011 (2000).

However, the prosecution miserably failed to discharge its burden.

First, the RTC confirmed that no one witnessed the actual taking of items belonging to Prestige Brands. To establish unlawful taking, the RTC merely relied on the assertion that there were discrepancies in the inventories of Prestige Brands. Such reliance, however, is misplaced because the inventories⁵¹ for January-April 2003, and October 2003, contained only a list of items purportedly stored in Prestige Brands' warehouse and nothing more. Similar to our ruling in *Manuel Huang Chua v. People*,⁵² we can neither speculate on the purpose of these inventories nor surmise on the stories behind them. While the prosecution insists that the inventories evidenced the discrepancies of the items stored in the warehouse and those that the company lost, the inventories themselves did not indicate such fact.

Moreover, it is contrary to ordinary human experience that Prestige Brands did not promptly investigate the supposed discrepancies in its inventory for January-April 2003. It even waited for the subsequent October 2003 inventory to verify the supposed shortage of items. Indeed, prudent behavior would have prompted Prestige Brands to immediately investigate and determine if it sustained any loss at the earliest possible opportunity, and if it indeed sustained any loss, whether petitioners were the perpetrators of the unlawful taking.⁵³

Second, contrary to the finding of the RTC and the CA, petitioners and Pardilla did not have exclusive access to the warehouse of Prestige Brands.

Both prosecution and defense revealed that Dadlani authorized five people – petitioners, Pardilla, and Tembulkar – to have access to its warehouse. In fact, Tembulkar, along with Cruz, held its keys. Cruz could not enter the warehouse if the second lock is not opened using Tembulkar's keys. Moreover, petitioners were being frisked by the accounting staff everytime they take out items for delivery. The prosecution further confirmed that Cruz must turn over his keys to Tembulkar in the evening. This only means that, aside from petitioners, other individuals may have entered the warehouse and may have had taken the alleged missing items. Indeed, in order to justify the contention that petitioners took the items in the warehouse, it is necessary to prove the impossibility that no other person has committed the crime. However, given that petitioners were not the only personnel who could enter the warehouse, the Court cannot exclude the possibility that some other person may have had committed the alleged theft against the company.⁵⁴

⁵¹ Records, pp. 31-35.

⁵² 402 Phil. 717, 728 (2001).

⁵³ See *Manuel Huang Chua v. People*, id.

⁵⁴ *Franco v. People*, supra note 44 at 545.

In addition, the prosecution did not present Tembulkar as its witness. To our view, such non-presentation weakens its case since Tembulkar's testimony is crucial in establishing the charge against petitioners.⁵⁵ For one, and as stated above, he had access to the warehouse, not just petitioners. For another, the Information revealed that Tembulkar represented Prestige Brands in the filing of this case. He was also the one who allegedly informed Dadlani of the discrepancies in the inventories, and conducted the investigation on the matter. Also, according to the prosecution, he was the one who referred petitioners and Pardilla to Dadlani during the November 20, 2003 meeting. Hence, Tembulkar had personal knowledge of the supposed loss sustained by Prestige Brands.

Third, the Court gives no credence to the supposed written confessions made by Cruz, Jervoso and their co-accused Pardilla.

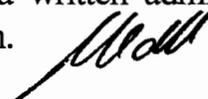
On this, the Court is not unmindful of the presumption of voluntariness of a confession. However, the confessant may overcome such presumption provided that he or she substantiates that one's admission was not true and the confession was unwillingly given. In *People v. Enanoria*,⁵⁶ the Court held that there must be external manifestations to prove that the confession was not voluntary. These external manifestations included institution of a criminal action against the alleged intimidators for maltreatment, and evidence of compulsion, duress or violence on the confessant. Undeniably, these external manifestations are present here.

To note, a day after the execution of their confessions regarding the supposed theft of Prestige Brands' personal properties, Cruz and Jervoso promptly reported the matter to the Makati police. They even filed a case for grave coercion, grave threats, and incriminating innocent persons, against Prestige Brands.

Furthermore, petitioners also narrated the details on how they were threatened and intimidated prior to and during the execution of said confessions. In the case of Jervoso, he averred that Mayor Atienza talked to him at Baywalk in Roxas Boulevard and asked him to cooperate or else he (Jervoso) would be liable. On the other hand, Cruz and Jervoso stated that NBI employees (Lontoc and Atty. Simon) intimidated them into signing said confession. They narrated with particularity that on November 22, 2003, they were forced to stay up to 11:15 p.m. in their office to translate into Filipino and into their handwriting the typewritten confession they earlier executed. In the case of Manahan, he also affirmed that Dadlani intimidated him into signing a confession by mentioning to him his (Dadlani) friends in the media, and his connections to Mayor Atienza and the NBI. Although Manahan refused to make a written admission, he confirmed the intimidation made by Dadlani against him.

⁵⁵ See *Manuel Huang Chua v. People*, supra note 52 at 726.

⁵⁶ 285 Phil. 138, 157 (1992).



The Court also observes that although the aforesaid confessions were individually executed by Cruz, Jervoso and Pardilla, they were in fact similarly worded, except as to the name of the confessant, to wit:

October 20, 2003

Prestige Brands Phil., Inc.

Attn: Mr. Vinod Dadlani

Dear Sir,

I, [Cruz/Jervoso/Pardilla], hereby confirm and admit that I have stolen products, namely fragrances from the warehouse of Prestige Brands Phil., Inc. in my time working with the Company. I have sold many of the stolen products and the proceeds were shared with my colleagues in the warehouse, ie, [Leandro Cruz, Emmanuel Manahan, Alvin Pardilla, and Alric Jervoso].

I make this honest confession out of my own free will and without compulsion.

Yours truly,

Sgd.

[Cruz/Jervoso/Pardilla]⁵⁷

Even the translations of these confessions into Filipino executed by Cruz and Jervoso were also similarly worded, except as to the names and signatures of the persons executing them, viz.:

Nov. 22, 2003

Ako si [Leandro C. Cruz/Alric B. Jervoso] ay umaamin na may kinuha akong produkto sa warehouse ng Prestige Brands Phils., Inc. Ibinenta namin ang produkto at pinaghati-hatian namin nina Alvin Pardilla, [Alvic Jervoso, Leandro C. Cruz,] at Emmanuel Manahan.⁵⁸

Sgd.

[Cruz/Jervoso/Pardilla]

Notably, these confessions did not contain specific details as regards any item unlawfully taken. Indeed, an indication of voluntariness is the disclosure of the details in the confession which details are only known to the declarant. For lack of necessary details in their statements, we hold that the same did not establish any unlawful taking of the personal properties of Prestige Brands.⁵⁹

⁵⁷ Records, pp. 263-265; dorsal portions.

⁵⁸ Id.

⁵⁹ *People v. Enanoria*, supra note 56.

To add, Cruz and Jervoso vehemently denied that their statements contained a jurat. The prosecution did not, however, address this matter. This is so even if it may conveniently present the Notary Public before whom petitioners and Pardilla purportedly appeared and voluntarily and intelligently sworn to the truth of their statements. Such is the case if indeed petitioners presented these statements before a Notary Public.⁶⁰

Without the supposed confessions discussed above, there is no other evidence that would establish that petitioners committed theft against Prestige Brands. Verily, the Court cannot simply accept the theory of the prosecution 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.⁶¹ Indeed, the —

evidence for the prosecution must stand or fall on its own weight and cannot be allowed to draw strength from the weakness of the defense. Moreover, when the circumstances are capable of two or more inferences, as in this case, such that one of which is consistent with the presumption of innocence and the other is compatible with guilt, the presumption of innocence must prevail and the [C]ourt must acquit.⁶²

WHEREFORE, the Petition for Review is **GRANTED**. The July 20, 2012 Decision and March 27, 2013 Resolution of the Court of Appeals in CA-G.R. CR No. 32942 are **REVERSED and SET ASIDE**. Petitioners Leandro Cruz, Emmanuel Manahan, and Alric Jervoso are hereby **ACQUITTED** on the ground that their guilt has not been proved beyond reasonable doubt. Their immediate release from detention is hereby ordered, unless other lawful and valid grounds for their further detention exist.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

⁶⁰ Id.

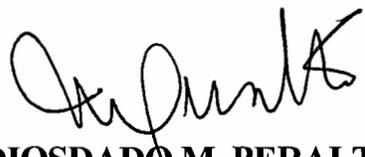
⁶¹ *Tan v. People*, supra note 50 at 1013.

⁶² *Balerta v. People*, 748 Phil. 806, 822-823 (2014).

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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

