

Republic of the Philippines
REGIONAL TRIAL COURT OF MARINDUQUE
Fourth Judicial Region
Branch 94
Boac



PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIMINAL CASE NO. 37-21
(Appealed Case – MTC Mogpog
Crim. Case No. 2019-15)

-versus-

-for-

ERANIO JANDA (*Accused-Appellant*),
FRANCISCO MANSALAPUS SR.

**VIOLATION OF SEC. 69
OF P.D. 705**

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RESOLUTION

Dissatisfied with the decision of the Municipal Trial Court of Mogpog, Marinduque, accused-appellant, through counsel brought this case before this Court on appeal.

Accused-appellant primarily argued that: a) the information charges of conspiracy, thus, both accused-appellant should either be convicted or acquitted; b) the information alleges of a mangrove forest located in Brgy. Capayang, Mogpog, Marinduque but all evidence gathered from both the prosecution and defense points to a different mangrove forest located at Brgy. Ino, Mogpog, Marinduque.

RULING

The first argument of the accused-appellant is misplaced. Conspiracy is said to exist where two or more persons come to an agreement concerning the commission of a felony and decide to commit it.¹ In this case, the Court agrees with the lower court that there is absence of conspiracy between accused-appellant and Francisco Mansalapus Sr.. Based on the records, it was established through evidence and the coherent testimonies of both accused-appellant that Francisco Mansalapus Sr. relinquished all his rights on the subject fishpond and transferred its management to accused-appellant since 2016. This was never refuted by the

¹ People vs Jesalva, G.R. No. 227306, June 19, 2017.

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prosecution, worse, it failed to adduce sufficient evidence to prove conspiracy beyond reasonable doubt.

In the absence of conspiracy, accused-appellant is responsible only for the consequences of his own acts.² Thus, accused-appellant cannot take refuge from the acquittal of Francisco Mansalapuz Sr., if he was indeed found guilty of the crime as charged.

However, in this case, the Court finds that the prosecution failed to prove the guilt of the accused-appellant beyond reasonable doubt.

Careful scrutiny of the records of this case shows that there is a variance between the allegation in the information and the proof established by the prosecution through evidence and testimonies. The information of this case reads:

“x x x did then and there wilfully, unlawfully and feloniously enter, occupy or possess and in any manner destroy such mangrove forest or part thereof in the mangrove areas of **Brgy. Capayang, Mogpog, Marinduque**, without the necessary license or permit x xx” (Bold underscoring supplied for emphasis)

But what was proven by the prosecution through evidence was a damaged mangrove area located in Sitio Manamok, Barangay, Ino, Mogpog, Marinduque – the same place where the fishpond of accused-appellant is located. The following relevant pieces of evidence were presented:

Exhibit “B” - Sinumpaang Salaysay of G. Ariel N. Ola:

x x x Na noong ika-18 ng Hulyo, 2016, ay nagsagawa ako ng pag-bisita o monitoring sa lugar na aming taniman ng bakawan nang mga panahong yaon ay nakakonstrata sa aming samahan (CAAQUA) sa DENR sa ilalim ng proyektong National Greening Program sa **Sityo Manamok, Barangay Ino, Mogpog, Marinduque**, at aking natuklasan ang pagkasira ng mga estaka at pananim na bakawan sanhi ng ginagawang paghuhukay at paghakot ng pamanbak na lupa buhat sa lugar ng taniman na diumanoy utos o sa

² Araneta, Jr. v. Court of Appeals, G.R. Nos. 43527 & 43745, July 3, 1990, 187 SCRA 123, 133.

x-----x

pamamahala nina Ginoong Francisco Mansalapuz at
Eranio Janda. x x x

*Exhibit "B-2" to "B-6" Letters of Mr. Ariel Ola to Provincial
Environment and Natural Resources Office (PENRO)*

x x x isang abandoned fishpond sa **Sitio Manamok**. x x
x

*Exhibit "C"– Joint Affidavit of Forest Rangers and Forest Technician
who visited and inspected the mangrove area in dispute*

x x x Na kami ay nagtungo sa **Barangay Ino, Mogpog,
Magrindue** x x x na aming nakita na totoong mayroon
ngang ginawang paghuhukay at paghahakot ng lupang
panambak sa dike ng palaisdaan. Na natiyak namin na
ang palaisdaan ay saklaw ng Sona Forestral bilang Block
O, Project 4, Mogpog, Marindue x x x

*Exhibit "I" – PENRO Office Memorandum dated September 18,
2017 with:*

Subject: Inspection/Verification of the Alleged Illegal
Forest Activities (Constrction of Fishpond Dike and
Destruction of Mangrove Vegetation) at **Brgy. Ino,
Mogpog, Marindue**.

Attached thereat is a location map and photos of the
area affected by soil digging and construction of dike
for fishpond development by Mr. Eranio Janda and
Francisco Mansalapuz located at **Sitio Manamok,
Brgy. Ino, Mogpog, Marindue**.

Exhibit "N" – Certification from PENRO dated June 27, 2016

x x x that a tract of land situated at **Brgy. Ino,
Mogpog, Marindue** x x x x xx is verified to be within
the Timberland Block A Project No. 4 of Mogpog,
Marindue per B.F. land Classification Map No. 789 x
x x

Attached thereat is the Sketch/Map of Barangay Ino,
Mogpog, Marindue showing the area of applied

X-----X

Fishpond Lease Agreement of Francisco O.
Mansalapuz, Sr. (Bold underscoring supplied for
emphasis)

X X X

The testimonies of the prosecution witnesses also explained and confirmed that the fishpond managed by accused-appellant was located at Brgy. Ino, Mogpog, Marinduque, to wit:

X X X

Cross examination of Imelda Diaz, OIC PENRO

Q : You mentioned during the last hearing that you conducted three (3) ocular inspections namely on 2016; 2018 and 2019, is that correct?

A : Me, personally, sir? Actually it appears once lang po sa akin. Yon po mga Staff ko ang three (3) times nag conduct ng investigation.

Q : Alright, so once. When was that 2016; 2018 or 2019?

A : 2018, February, sir.

Q : And according to you...where did you conduct the ocular inspection?

A : Sa area mismo na report.³

X X X

Cross examination of Carlo Watiwat, Forest Ranger

Q: And this happened at Brgy. Ino, are you sure of that?

A: Yes, sir.⁴

X X X

Cross examination of Amado Abiang, Forest Technician II of PENRO

Q: What do you mean Capayang-Ino?

A: Kase yong mangrove area po ng Mogpog ay sakop ng dalawang Barangay, Barangay Ino at Barangay Capayang.

Q: What about the fishpond that you inspected, was it at Barangay Ino or Barangay Capayang?

³ TSN, July 29, 2019, page 3.

⁴ TSN, October 14, 2019, page 51.

A: Barangay Ino, sir.

Q: And your projection is based on this map?

A: Yes, sir.⁵

By proving that the fishpond was located at Ino, Mogpog, Marinduque and not at Brgy. Capayang, Mogpog, the allegation in the Information against the accused-appellant remained to be speculative and unsubstantiated.

Undeniably, the prosecution miserably failed to present evidence to prove beyond reasonable doubt that accused-appellant occupied or possessed and destroyed the mangrove forest in the mangrove areas of Brgy. Capayang, Mogpog, Marinduque without the necessary license or permit from the Department of Environment and Natural Resources. 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.⁶ So must be it in this case.

In addition, if this Court would convict accused as charged in the information, it would violate his constitutional right to be informed of the nature and cause of accusation against him. In a catena of cases the Supreme Court had consistently held that the complaint or information must contain a specific allegation of every fact and circumstance necessary to constitute the crime charged. No less than the Constitution guarantees the right of every person accused in a criminal prosecution to be informed of the nature and cause of accusation against him. It is fundamental that every element of which the offense is composed must be alleged in the complaint or information. The main purpose of requiring the various elements of a crime to be set out in the information is to enable the accused to suitably prepare his defense. He is presumed to have no independent knowledge of the facts that constitute the offense.⁷

⁵ TSn, October 14, 2019, pages 70-71.

⁶ Daayata vs People, G.R. No. 205745, March 8, 2017.

⁷ Canceran vs People, G.R. No. 206442, July 1, 2015.

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WHEREFORE, the appeal is hereby **GRANTED**. The decision dated December 22, 2020 of the Municipal Trial Court of Mogpog, Marinduque finding accused-appellant guilty of violationg Section 69 of P.D. 705 is hereby **REVERSED and SET ASIDE**.

Accused-appellant Eranio Janda is hereby **ACQUITTED**. Accordingly, the bail bond posted of accused-appellant is hereby ordered **CANCELLED**.

Let this case be remanded to the court of origin for proper disposition.

SO ORDERED.

Boac, Marinduque, June 18, 2021.


ANTONINA M. CALDERON-MAGTURO
Presiding Judge

