Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff and Appellee,

versus-

FABIAN URZAIS Y LANURIAS, ALEX BAUTISTA, AND RICKY BAUTISTA
Accused.

FABIAN URZAIS Y LANURIAS,
Accused-Appellant.

G.R. No. 207662

Present:

VELASCO, JR., *J.*,
Chairperson,
PERALTA,*
BERSAMIN,**
PEREZ, and
REYES, *JJ.*

Promulgated:

April 13, 2016

x----------x

D E C I S I O N

PEREZ, *J.*:

Before us for review is the Decision[1] of the Court of Appeals (CA) in C.A. G.R. CR.-H.C. No. 04812 dated 19 November 2012 which dismissed the appeal of accused-appellant Fabian Urzais y Lanurias and affirmed with modification the Judgment[2] of the Regional Trial Court (RTC) of Cabanatuan City, Branch 27, in Criminal Case No. 13155 finding accused-

---

* On official leave.
** Additional Member per Raffle dated 24 February 2016.
1 *Rollo*, pp. 2-16; Penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Mario V. Lopez and Socorro B. Inting concurring.
2 Records, pp. 216-226; Presided by Presiding Judge Angelo C. Perez.

appellant guilty beyond reasonable doubt of the crime of carnapping with homicide through the use of unlicensed firearm.

Accused-appellant, together with co-accused Alex Bautista and Ricky Bautista, was charged with Violation of Republic Act (R.A.) No. 6539, otherwise known as the Anti-Carnapping Act of 1972, as amended by R.A. No. 7659, with homicide through the use of an unlicensed firearm. The accusatory portion of the Information reads as follows:

> That on or about the 13th day of November, 2002, or prior thereto, in the City of Cabanatuan, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating with and abetting one another, with intent to gain and by means of force, violence and intimidation, did then and there, wilfully, unlawfully and feloniously take, steal and carry away, a Isuzu [Highl]ander car, colored Forest Green, with Plate No. UUT-838 of one MARIO MAGDATO, valued at FIVE HUNDRED THOUSAND PESOS (P500,000.00) Philippine Currency, owned by and belonging to said MARIO MAGDATO, against his will and consent and to his damage and prejudice in the aforestated amount of ₱500,000.00, and on the occasion of the carnapping, did assault and use personal violence upon the person of one MARIO MAGDATO, that is, by shooting the latter with an unlicensed firearm, a Norinco cal. 9mm Pistol with Serial no. 508432, thereby inflicting upon him gunshot wound on the head which caused his death.[3]

At his arraignment, accused-appellant pleaded not guilty. The trial proceeded against him. His two co-accused remain at large.

The prosecution presented as witnesses Shirley Magdato (Shirley), Senior Police Officer 2 Fernando Figueroa (SPO2 Figueroa) and Dr. Jun Concepcion (Dr. Concepcion).

Shirley, the widow of the victim, testified mainly regarding her husband's disappearance and discovery of his death. She narrated that her husband used to drive for hire their Isuzu Highlander with plate number UUT-838 from Pulilan, Bulacan to the LRT Terminal in Metro Manila. On 12 November 2002, around four o'clock in the morning, her husband left their house in Pulilan and headed for the terminal at the Pulilan Public Market to ply his usual route. When her husband did not return home that day, Shirley inquired of his whereabouts from his friends to no avail. Shirley went to the terminal the following day and the barker there told her

---

3 Id. at 1.

that a person had hired their vehicle to go to Manila. Shirley then asked her neighbors to call her husband's mobile phone but no one answered. At around 10 o'clock in the morning of 13 November 2002, her husband's co-members in the drivers' association arrived at their house and thereafter accompanied Shirley to her husband's supposed location. At the Sta.Rosa police station in Nueva Ecija, Shirley was informed that her husband had passed away. She then took her husband's body home.[4] Shirley retrieved their vehicle on 21 November 2002 from the Cabanatuan City Police Station. She then had it cleaned as it had blood stains and reeked of a foul odor.[5]

SPO2 Figueroa of the Philippine National Police (PNP), Cabanatuan City, testified concerning the circumstances surrounding accused-appellant's arrest. He stated that in November 2002, their office received a "flash alarm" from the Bulacan PNP about an alleged carnapped Isuzu Highlander in forest green color. Thereafter, their office was informed that the subject vehicle had been seen in the AGL Subdivision, Cabanatuan City. Thus, a team conducted surveillance there and a checkpoint had been set up outside its gate. Around three o'clock in the afternoon of 20 November 2002, a vehicle that fit the description of the carnapped vehicle appeared. The officers apprehended the vehicle and asked the driver, accused-appellant, who had been alone, to alight therefrom. When the officers noticed the accused-appellant's waist to be bulging of something, he was ordered to raise his shirt and a gun was discovered tucked there. The officers confiscated the unlicensed 9mm Norinco, with magazine and twelve (12) live ammunitions. The officers confirmed that the engine of the vehicle matched that of the victim's. Found inside the vehicle were two (2) plates with the marking "UUT-838" and a passport. Said vehicle contained traces of blood on the car seats at the back and on its flooring. The officers detained accused-appellant and filed a case for illegal possession of firearm against him. The subject firearm was identified in open court.[6]

Dr. Concepcion testified about the wounds the victim sustained and the cause of his death. He stated that the victim sustained one (1) gunshot wound in the head, the entrance of which is at the right temporal area exiting at the opposite side. The victim also had several abrasions on the right upper eyelid, the tip of the nose and around the right eye. He also had blisters on his cheek area which could have been caused by a lighted cigarette.[7]

---

4 TSN, 20 January 2004, pp. 3-6, 13; Testimony of Shirley.
5 Id. at 6-9.
6 TSN, 13 August 2004, pp. 3-8; TSN, 12 September 2006, p. 7; Testimony of SPO2 Figueroa.
7 TSN, 18 April 2006, pp. 5-7; Testimony of Dr. Concepcion.

Accused-appellant testified in his defense and interposed the defense of denial.

Accused-appellant testified that he had ordered in October 2002 from brothers Alex and Ricky Bautista, an owner-type jeepney worth ₱60,000.00 for use in his business. The brothers, however, allegedly delivered instead a green Isuzu Highlander around half past three o'clock in the afternoon of 13 November 2002. The brothers told accused-appellant that his ₱60,000.00 would serve as initial payment with the remaining undetermined amount to be paid a week after. Accused-appellant agreed to this, amazed that he had been given a new vehicle at such low price. Accused-appellant then borrowed money from someone to pay the balance but the brothers never replied to his text messages. On 16 November 2002, his friend Oscar Angeles advised him to surrender the vehicle as it could be a "hot car." Accused-appellant was initially hesitant to this idea as he wanted to recover the amount he had paid but he eventually decided to sell the vehicle. He removed its plate number and placed a "for sale" sign at the back. On 18 November 2002, he allegedly decided to surrender the vehicle upon advice by a certain Angie. But when he arrived home in the afternoon of that day, he alleged that he was arrested by Alex Villareal, a member of the Criminal Investigation and Detection Group (CIDG) of Sta. Rosa, Nueva Ecija.[8] Accused-appellant also testified that he found out in jail the owner of the vehicle and his unfortunate demise.[9] On cross-examination, accused-appellant admitted that his real name is "Michael Tapayan *y* Baguio" and that he used the name Fabian Urzais to secure a second passport in 2001 to be able to return to Taiwan.[10]

The other defense witness, Oscar Angeles (Angeles), testified that he had known the accused-appellant as Michael Tapayan when they became neighbors in the AGL subdivision. Accused-appellant also served as his computer technician. Angeles testified that accused-appellant previously did not own any vehicle until the latter purchased the Isuzu Highlander for ₱30,000.00 from the latter's friends in Bulacan. Angeles advised accused-appellant that the vehicle might have been carnapped due to its very low selling price. Angeles corroborated accused-appellant's testimony that he did not want to surrender the car at first as he wanted to recover his payment for it.[11]

---

8 TSN, 9 December 2008, pp. 4-9.; Testimony of Accused-Appellant.
9 TSN, 8 January 2009, pp. 8 and 13.
10 TSN, 9 December 2008, pp. 10-12.
11 TSN, 10 August 2010, pp. 3-5; Testimony of Angeles.

On 18 October 2010, the RTC rendered judgment finding accused-appellant guilty of the crime charged. The RTC anchored its ruling on the disputable presumption that a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act.[12] It held that the elements of carnapping were proven by the prosecution beyond reasonable doubt through the recovery of the purportedly carnapped vehicle from the accused-appellant's possession and by his continued possession thereof even after the lapse of one week from the commission of the crime.[13] The dispositive portion of the RTC Decision reads:

> **WHEREFORE,** in view of all the foregoing, the Court finds accused Fabian Urzais alias Michael Tapayan y Lanurias **GUILTY** beyond reasonable doubt of the crime of carnapping as defined and penalized by Republic Act 6539 (Anti-Carnapping Act of 1972) as amended by R.A. 7659 with homicide thru the use of unlicensed firearm. Accordingly, he is hereby sentenced to suffer imprisonment of forty (40) years of *reclusion perpetua.*
>
> In the service of the sentence, accused shall be credited with the full time of his preventive detention if he agreed voluntarily and in writing to abide by the disciplinary rules imposed upon convicted prisoners pursuant to Article 29 of the Revised Penal Code.
>
> Accused is further sentenced to indemnify the heirs of Mario Magdato the sum of Php 50,000.00 as death indemnity, Php 50,000.00 as moral damages, and Php 672,000.00 as loss of earning capacity.[14]

Accused-appellant filed a Notice of Appeal on 22 December 2010.[15]

On 19 November 2012, the CA rendered the assailed judgment affirming with modification the trial court's decision. The CA noted the absence of eyewitnesses to the crime yet ruled that sufficient circumstantial evidence was presented to prove accused-appellant's guilt, solely, accused-appellant's possession of the allegedly carnapped vehicle.

Accused-appellant appealed his conviction before this Court. In a Resolution[16] dated 12 August 2013, accused-appellant and the Office of the Solicitor General (OSG) were asked to file their respective supplemental briefs if they so desired. Accused-appellant filed a Supplemental Brief[17]

---

12 Section 3 (j), Rule 131 of the Revised Rules of Court.
13 Records, p. 221.
14 Id. at 226.
15 Id. at 229-231.
16 *Rollo*, pp. 23-24.
17 Id. at 38-51.

while the OSG manifested[18] that it adopts its Brief[19] filed before the CA for the purpose of the instant appeal.

Before the Court, accused-appellant vehemently maintains that there is no direct evidence that he robbed and murdered the victim; and that the lower courts erred in convicting him based on circumstantial evidence consisting only of the fact of his possession of the allegedly carnapped vehicle. Accused-appellant decries the appellate court's error in relying on the disputable presumption created by law under Section 3 (j), Rule 131 of the Rules of Court to conclude that by virtue of his possession of the vehicle, he is considered the author of both the carnapping of the vehicle and the killing of its owner. Accused-appellant asserts that such presumption does not hold in the case at bar.

The Court agrees.

Every criminal conviction requires the prosecution to prove two (2) things: 1. The fact of the crime, *i.e.* the presence of all the elements of the crime for which the accused stands charged; and (2) the fact that the accused is the perpetrator of the crime. The Court finds the prosecution unable to prove both aspects, thus, it is left with no option but to acquit on reasonable doubt.

R.A. No. 6539, or the Anti-Carnapping Act of 1972, as amended, defines carnapping as the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation against persons, or by using force upon things.[20] By the amendment in Section 20 of R.A. No. 7659, Section 14 of the Anti-Carnapping Act now reads:

> SEC. 14. *Penalty for Carnapping.* Any person who is found guilty of carnapping, as this term is defined in Section two of this Act, shall, irrespective of the value of the motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things, and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence or intimidation of any person, or force upon things; *and the penalty of reclusion perpetua to death shall be imposed*

---

18 Id. at 25-27.
19 CA *rollo*, pp.
20 Section 2, R.A. No. 6539.

> *when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or on the occasion thereof.* (Emphasis supplied)

Three amendments have been made to the original Section 14 of the Anti-Carnapping Act: (1) the penalty of life imprisonment was changed to *reclusion perpetua*, (2) the inclusion of rape, and (3) the change of the phrase "*in the commission of the carnapping*" to "*in the course of the commission of the carnapping or on the occasion thereof.*" This third amendment clarifies the law's intent to make the offense a special complex crime, by way of analogy *vis-a-vis* paragraphs 1 to 4 of the Revised Penal Code on robbery with violence against or intimidation of persons. Thus, under the last clause of Section 14 of the Anti-Carnapping Act, the prosecution has to prove the essential requisites of carnapping and of the homicide or murder of the victim, and more importantly, it must show that the original criminal design of the culprit was carnapping and that the killing was perpetrated "*in the course of the commission of the carnapping or on the occasion thereof.*" Consequently, where the elements of carnapping are not proved, the provisions of the Anti-Carnapping Act would cease to be applicable and the homicide or murder (if proven) would be punishable under the Revised Penal Code.[21]

In the instant case, the Court finds the charge of carnapping unsubstantiated for failure of the prosecution to prove all its elements. For one, the trial court's decision itself makes no mention of any direct evidence indicating the guilt of accused-appellant. Indeed, the CA confirmed the lack of such direct evidence.[22] Both lower courts solely based accused-appellant's conviction of the special complex crime on **one** circumstantial evidence and that is, the fact of his possession of the allegedly carnapped vehicle.

The Court notes that the prosecution's evidence only consists of the fact of the victim's disappearance, the discovery of his death and the details surrounding accused-appellant's arrest on rumors that the vehicle he possessed had been carnapped. Theres is absolutely **no** evidence supporting the prosecution's theory that the victim's vehicle had been carnapped, much less that the accused-appellant is the author of the same.

Certainly, it is not only by direct evidence that an accused may be convicted, but for circumstantial evidence to sustain a conviction, following are the guidelines: (1) there is more than one circumstance; (2) the facts

---

21 *People v. Santos*, 388 Phil. 993, 1005-1006 (2000).

22 *Rollo*, p. 10.

from which the inferences are derived are proven; and (3) the combination of all the circumstances is as such as to produce a conviction beyond reasonable doubt.[23] Decided cases expound that the circumstantial evidence presented and proved must constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the guilty person. All the circumstances must be consistent with each other, consistent with the hypothesis that the accused is guilty and at the same time inconsistent with the hypothesis that he is innocent, and with every other rationale except that of guilt.[24]

In the case at bar, notably there is only one circumstantial evidence. And this sole circumstantial evidence of possession of the vehicle does not lead to an inference exclusively consistent with guilt. Fundamentally, prosecution did not offer any iota of evidence detailing the seizure of the vehicle, much less with accused-appellant's participation. In fact, there is even a variance concerning how accused-appellant was discovered to be in possession of the vehicle. The prosecution's uncorroborated evidence says accused-appellant was apprehended while driving the vehicle at a checkpoint, although the vehicle did not bear any license plates, while the latter testified he was arrested at home. The following testimony of prosecution witness SPO2 Figueroa on cross-examination raises even more questions:

> Q: You mentioned the car napping incident, when was that, Mr. witness?
>
> **ATTY. GONZALES:**
>
> **Your Honor, I noticed that every time the witness gave his answer, he is looking at a piece of paper and he is not testifying on his personal knowledge.**
>
> x x x x
>
> **COURT:**
>
> **The witness is looking at the record for about 5 min. now. Fiscal, here is another witness who has lapses on the mind.**
>
> **FISCAL MACARAIG:**
>
> I am speechless, Your Honor.

---

23 Section 4, Rule 133, Revised Rules of Court.

24 *People v. Geron*, 346 Phil. 14, 24 (1997); *People v. Quitorio*, 349 Phil. 114, 129 (1998); *People v. Reyes*, 349 Phil. 39, 58 (1998) citing *People v. Binamira*, G.R. No. 110397, 14 August 1997, 277 SCRA 232, 249-250 citing *People v. Adofina*, G.R. No. 109778, 8 December 1994, 239 SCRA 67, 76-77. See also *People v. Payawal*, 317 Phil. 507, 515 (1995).

WITNESS:

It was not stated in my affidavit, sir the time of the carnapping incident.

ATTY. GONZALES:

Your Honor, if he can no longer remember even the simple matter when this car napping incident happened then he is an incompetent witness and we are deprive (sic) of the right to cross examine him. I move that his testimony would be stricken off from the record.

x x x x

Q: Mr. Witness, what is the date when you arrested the accused Fabian Urzais?
A: It was November 20, 2002 at around 3 o'clock in the afternoon, sir.

Q: You said earlier that on November 3, 2002 that you met the accused is that correct, Mr. Witness?
A: Yes, sir.

Q: Why did you see the accused on November 3, 2002, Mr. Witness?
A: During that time, we conducted a check point at AGL were (sic) the highlander was often seen, sir.

Q: So, since on November 3, 2002, you were conducting this check point at AGL, it is safe to assume that the carnapping incident happened earlier than November 3, 2002?
A: Yes, sir.

Q: Were you present when this vehicle was car napped, Mr. Witness?
A: No, sir.

Q: Since you were not present, you have no personal knowledge about this car napping incident, right, Mr. Witness?
A: Yes, sir.

Q: No further question, Your Honor.[25]

Considering the dearth of evidence, the subject vehicle is at best classified as "missing" since the non-return of the victim and his vehicle on 12 November 2002. Why the check-point had begun before then, as early 3 November 2002, as stated by the prosecution witness raises doubts about the prosecution's version of the case. Perhaps, the check-point had been set up for another vehicle which had gone missing earlier. In any event, accused-

[25] TSN, 4 October 2006, pp. 3-5.

appellant's crime, if at all, was being in possession of a missing vehicle whose owner had been found dead. There is perhaps guilt in the acquisition of the vehicle priced so suspiciously below standard. But how this alone should lead to a conviction for the special complex crime of carnapping with homicide/murder, affirmed by the appellate court is downright disturbing.

The application of disputable presumption found in Section 3 (j), Rule 131 of the Rules of Court, that a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and doer of the whole act, in this case the alleged carnapping and the homicide/murder of its owner, is limited to cases where such possession is either unexplained or that the proffered explanation is rendered implausible in view of independent evidence inconsistent thereto.[26] In the instant case, accused-appellant set-up a defense of denial of the charges and adhered to his unrebutted version of the story that the vehicle had been sold to him by the brothers Alex and Ricky Bautista. Though the explanation is not seamless, once the explanation is made for the possession, the presumption arising from the unexplained possession may not anymore be invoked and the burden shifts once more to the prosecution to produce evidence that would render the defense of the accused improbable. And this burden, the prosecution was unable to discharge. In contrast to prosecution witness SPO2 Figueroa's confused, apprehensive and uncorroborated testimony accused-appellant unflinchingly testified as follows:

> Q: Will you please tell us how you came into possession of this Isuzu Highlander with plate number UTT 838?
> A: That vehicle was brought by Ricky Bautista and Alex Bautista, sir.
>
> x x x x
>
> Q: Do you know why Alex and Ricky Bautista gave you that Isuzu Highlander?
> A: Actually that was not the vehicle I ordered form (sic) them, I ordered an owner type jeep worth Php60,000 but on November 13, 2002 they brought that Isuzu Highlander, sir.
>
> Q: Why did you order an owner type jeep from them?
> A: Because I planned to install a trolley, cause I have a videoke for rent business, sir.
>
> x x x x
>
> Q: What happened upon the arrival of this Alex and Ricky Bautista on that date and time?

---

[26] *People v. Geron*, supra note 23 at 25.

A: I was a little bit surprise (sic) because Alex alighted from an Isuzu Highlander colored green, sir.

Q: What happened after that?
A: I told them that it was not I ordered from you and my money is only Php60,000, sir.

Q: What did he told (sic) you?
A: He told me to give them the php60,000 and they will leave the vehicle and when I have the money next week I will send text message to them, sir.

Q: What was your reaction?
A: I was amazed because the vehicle is brand new and the price is low, sir.

x x x x

Q: Did you find out anything about the Isuzu highlander that they left to you?
A: When I could not contact them I went to my friend Oscar Angeles and told him about the vehicle then he told me that you better surrender the vehicle because maybe it is a hot car, sir. "Nung hindi ko na po sila makontak ay nagpunta ako sa kaibigan kong si Oscar Angeles at sinabi ko po yung problema tungkol sa sasakyan at sinabi nya sa akin na isurrender na lang at baka hot car yan"[27]

x x x x

Q: Mr. Witness, granting for the sake that what you are saying is true, immediately on the 16th, according to your testimony, and upon confirming it to your friend, you then decided to surrender the vehicle, why did you not do it on the16th, why did you still have to wait until you get arrested?
A: Because I was thinking of my Sixty Thousand Pesos (Php60,000.00) at that time, and on how I can take it back, sir. ("Kasi nanghinayang po ako sa Sixty Thousand (Php60,000.00) ko nung oras na un..pano ko po yun mabawi sabi ko".)

x x x x

Q: So Mr. Witness, let us simplify this, you have purchased a carnapped vehicle, your intention is to surrender it but you never did that until you get caught in possession of the same, so in other words, that is all that have actually xxx vehicle was found dead, the body was dumped somewhere within the vicinity of Sta. Rosa, those are the facts in this case?
A: I only came to know that there was a dead person when I was already in jail, sir.

---

27 TSN 09 December 2008, pp. 4-8.

Q: What about the other facts that I have mentioned, are they correct or not?
A: When I gave the downpayment, I do not know yet that it was a hot car and I came to know it only on the 16th, sir. [28]

Significantly, accused-appellant's testimony was corroborated by defense witness Angeles who had known accused-appellant by his real name "Michael Tapayan *y* Baguio," to wit:

Q: Do you know if this Michael Tapayan owns any vehicle sometime in 2002?
A: At first none, sir, he has no vehicle.

Q: What do you mean when you say at first he has no vehicle?
A: Later, sir, I saw him riding in a vehicle.

x x x x

Q: Did Michael Tapayan tell you how much he bought that vehicle?
A: I remember he told me that he bought that vehicle for Thirty Thousand (Php30,000.00) Pesos, sir.

Q: What was your reaction when you were told that the vehicle was purchased for only Thirty Thousand Pesos (Php30,000.00)?
A: I told him that it's very cheap and also told him that it might be a carnap (sic) vehicle.

Q: What was the reaction of Michael Tapayan when you told him that?
A: He thought about it and he is of the belief that the person who sold the vehicle to him will come back and will get the additional payment, sir.

Q: Aside from this conversation about that vehicle, did you have any other conversation with Michael Tapayan concerning that vehicle?
A: After a few days, sir, I told him to surrender the said vehicle to the authorities because the persons who sold it to him did not come back for additional payment.

Q: What was the reaction of Michael Tapayan to this suggestion?
A: He told me that he will think about it because he was thinking about the money that he already gave to them.[29]

Evidently, the disputable presumption cannot prevail over accused-appellant's explanation for his possession of the missing vehicle. The possession having been explained, the legal presumption is disputed and

---

28 TSN dated 8 January 2009, pp. 11-13.
29 TSN dated 10 August 2010, pp. 4-5.

thus, cannot find application in the instant case. To hold otherwise would be a miscarriage of justice as criminal convictions necessarily require proof of guilt of the crime charged beyond reasonable doubt and in the absence of such proof, should not be solely based on legal disputable presumptions.

The carnapping not being duly proved, the killing of the victim may not be treated as an incident of carnapping. Nonetheless, even under the provisions of homicide and murder under the Revised Penal Code, the Court finds the guilt of accused-appellant was not established beyond reasonable doubt.

There were no eyewitnesses to the killing of the victim, Mario Magdato. Again, both courts relied only on the circumstantial evidence of accused-appellant's possession of the missing vehicle for the latter's conviction. Shirley, the widow, testified that her husband and their vehicle went missing on 12 November 2002. Dr. Concepcion gave testimony on the cause of death of Mario Magdato and the injuries he had sustained. Most glaringly, no connection had been established between the victim's gunshot wound which caused his death and the firearm found in the person of accused-appellant. Only SPO2 Figueroa's testimony gave light on how allegedly accused-appellant was found to have been in possession of the missing vehicle of the victim. But even if this uncorroborated testimony was true, it does not link accused-appellant to the carnapping, much less, the murder or homicide of the victim. And it does not preclude the probability of accused-appellant's story that he had merely bought the vehicle from the Bautista brothers who have themselves since gone missing.

The equipoise rule states that where the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfil the test of moral certainty and is not sufficient to support a conviction. The equipoise rule provides that where the evidence in a criminal case is evenly balanced, the constitutional presumption of innocence tilts the scales in favor of the accused.[30]

The basis of the acquittal is reasonable doubt, which simply means that the evidence of the prosecution was not sufficient to sustain the guilt of accused-appellant beyond the point of moral certainty. Proof beyond reasonable doubt, however, is a burden particular to the prosecution and does not apply to exculpatory facts as may be raised by the defense; the accused is not required to establish matters in mitigation or defense beyond a

---

30 *People v. Erguiza,* 592 Phil. 363, 388 (2008).

reasonable doubt, nor is he required to establish the truth of such matters by a preponderance of the evidence, or even to a reasonable probability.[31]

It is the primordial duty of the prosecution to present its side with clarity and persuasion, so that conviction becomes the only logical and inevitable conclusion. What is required of it is to justify the conviction of the accused with moral certainty. Upon the prosecution's failure to meet this test, acquittal becomes the constitutional duty of the Court, lest its mind be tortured with the thought that it has imprisoned an innocent man for the rest of his life.[32] The constitutional right to be presumed innocent until proven guilty can be overthrown only by proof beyond reasonable doubt.[33]

In the final analysis, the circumstances narrated by the prosecution engender doubt rather than moral certainty on the guilt of accused-appellant.

WHEREFORE, in view of the foregoing, the Decision of the Court of Appeals dated 19 November 2012 in C.A. G.R. CR.-H.C. No. 04812 is **REVERSED** and **SET ASIDE.** FABIAN URZAIS Y LANURIAS alias Michael Tapayan *y* Baguio is **ACQUITTED** on reasonable doubt of the crime of carnapping with homicide, without prejudice to investigation for the crime of fencing penalized under Presidential Decree 1612. His immediate release from confinement is hereby ordered, unless he is being held for some other lawful cause.

SO ORDERED.

JOSE PORTUGAL PEREZ
Associate Justice

---

31 *People v. Geron,* supra note 23 at 29 citing 23 C.J.S. 195-196.
32 *People v. Cabalse,* G.R. No. 146274, 17 August 2004, 436 SCRA 629, 640.
33 *People v. Asis,* 439 Phil. 707, 728 (2002).

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

(on official leave)
DIOSDADO M. PERALTA
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

BIENVENIDO L. REYES
Associate Justice

ATTESTATION

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

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified 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