



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

REYNALDO VALENCIA Y G.R. No. 235573  
VIBAR,

Petitioner,

Present:

-versus-

LEONEN, *J.*, Chairperson,  
HERNANDO,  
INTING\*,  
DELOS SANTOS, and  
ROSARIO, *JJ.*

PEOPLE OF THE PHILIPPINES,  
Respondent.

Promulgated:  
November 9, 2020

*MisDCCBatt*

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DECISION

LEONEN, *J.*:

The prosecution must show the direct causal connection between a motorist's negligence and the injuries sustained to substantiate a charge for reckless imprudence resulting to homicide. Further, mere negligence will not suffice because it is the motorist's willful and wanton act done in utter disregard of the consequence of his or her action, which criminalizes an imprudent or negligent act.

This resolves an appeal from the Court of Appeals Decision<sup>1</sup> affirming the Regional Trial Court Judgment<sup>2</sup> convicting Reynaldo V. Valencia

\* On official leave.

<sup>1</sup> *Rollo*, pp. 28–40. The February 17, 2017 Decision docketed as CA-G.R. CR No. 37847 was penned by Associate Justice Pedro B. Corales and was concurred in by Associate Justices Sesinando E. Villon (Chairperson) and Rodil V. Zalameda of the Eleventh Division, Court of Appeals, Manila.

<sup>2</sup> *Id.* at 58–77. The June 1, 2015 Judgment in Criminal Case No. 12251 was penned by Judge Elmer M. Lanuzo of Branch 6, Regional Trial Court, Legazpi City.

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(Valencia) of reckless imprudence resulting to homicide.

An Information for reckless imprudence resulting to homicide was filed against Valencia, the pertinent portions of which read:

The undersigned Associate City Prosecutor, City of Legazpi hereby accuses REYNALDO VALENCIA y VIBAR, of the crime of RECKLESS IMPRUDENCE RESULTING IN HOMICIDE defined and penalized under Article 365 of the Revised Penal Code, committed as follows:

That on or about the 25<sup>th</sup> day of November 2011, in the City of Legazpi, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously drive and operate a passenger jeepney in a reckless and imprudent manner without taking the necessary precaution to prevent and/or avoid accident and without regard to traffic rules and regulations, causing as a result of his recklessness and imprudence the said vehicle he was driving to bump one CELEDONIO JAQUILMO y LACEDA thereby causing his untimely death and that the said accused after bumping the said CELEDONIO JAQUILMO y LACEDA failed to lend him on the spot assistance, to the damage and prejudice of his heirs.

CONTRARY TO LAW.<sup>3</sup>

Valencia was arrested but posted bail. Upon arraignment, he pleaded not guilty to the crime charged.<sup>4</sup>

The prosecution evidence showed that on November 25, 2011, Valencia was driving a passenger jeepney at around 4:30 a.m. While he was traversing Sagumayon Bridge, the jeepney suddenly shook and the passengers at the back of the jeepney, namely Reymer Añonuevo (Añonuevo) and Richard Nicerio (Nicerio), heard a loud thud, as if the jeep hit something solid.<sup>5</sup>

The jeepney stopped, and when Añonuevo and Nicerio looked out towards the road, they saw a person lying face down. They informed Valencia that he hit a man; but instead of helping, Valencia backed the jeepney up, continued driving, and told his passengers that he would tell the police about the incident.<sup>6</sup>

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<sup>3</sup> Id. at 59.

<sup>4</sup> Id. at 30.

<sup>5</sup> Id. at 28-31.

<sup>6</sup> Id.

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Añonuevo noted down the jeepney's plate number when he alighted and reported the incident to the police.<sup>7</sup>

Another prosecution witness, Aurelio Macinas, Jr. (Macinas) testified that he was near the Department of Interior and Local Government office when he heard a loud thud and heard someone inside a jeepney shout "may nabangga[!]" Macinas further testified that he saw the jeepney stop and backtrack, leaving the victim lying on the road. He also claimed that he had a good look at the jeepney driver.<sup>8</sup>

Senior Police Officer 1 Gary Amaranto (SPO1 Amaranto), PO1 Jaime Puto and SPO3 Ramon Reolo were part of the investigating team dispatched to the scene of the crime. They testified that when they arrived at Sagumayon Bridge, they found Celedonio Jaquilmo (Jaquilmo) lying near the pavement with bloodstains around him. SPO1 Amaranto then called for an ambulance to bring Jaquilmo to the hospital.<sup>9</sup>

Moises Jaquilmo (Moises), the victim's son, testified that he met with Valencia at the police station about two weeks after Jaquilmo's death<sup>10</sup> due to "severe traumatic head injury secondary to [a] vehicular accident."<sup>11</sup>

Furthermore, Moises testified that Valencia offered to give their family the proceeds of the jeepney insurance to prevent litigation. Moises and his siblings refused the offer.<sup>12</sup> Police Inspector Anthony Mark Ferwelo corroborated his testimony of Valencia's attempt at a settlement. The police officer also testified that Valencia offered him part of the insurance proceeds on the condition that no criminal case would be filed.<sup>13</sup>

For the defense, Valencia admitted driving a jeepney and passing through Sagumayon Bridge, but denied running over Jaquilmo. He claimed that the loud thud heard by his passengers came from a manhole that the jeepney drove over.<sup>14</sup>

Valencia also admitted seeing a person lying on the road, but claimed that he did not stop to help because there were people milling around the body and he had passengers aboard his jeepney.<sup>15</sup>

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<sup>7</sup> Id. at 31.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id. at 32.

<sup>11</sup> Id. at 29.

<sup>12</sup> Id. at 32.

<sup>13</sup> Id. at 73-74.

<sup>14</sup> Id. at 32.

<sup>15</sup> Id.

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Moreover, Valencia testified that he did have a confrontation with Jaquilmo's heirs at the police station, but denied that he offered to settle the case with them.<sup>16</sup>

Lorenzo Mirandilla (Mirandilla), the passenger seated beside Valencia in front of the jeepney, corroborated Valencia's testimony that a man was already lying on the road near Sagumayon Bridge, when Valencia's jeepney passed by on its way to Legazpi City.<sup>17</sup>

Police Officer 2 Jonell Abinon (PO2 Abinon) testified that while he was overseeing the flow of traffic at the rotonda on Quezon Avenue Extension, Valencia, who was then driving a jeepney, drove up to him to report a vehicular accident near Saint Agnes. PO2 Abinon asked Valencia to accompany him to report the incident, but Valencia refused because he still had passengers on board the jeepney.<sup>18</sup>

The Regional Trial Court found the testimonies of the prosecution witnesses to be categorical and straightforward in pointing to Valencia as the person driving the jeepney that hit Jaquilmo, eventually leading to his death.<sup>19</sup>

On the other hand, the Regional Trial Court found defense witness Mirandilla to be an unreliable witness. The Regional Trial Court stated that Mirandilla's testimony is unworthy of belief, as he was "glib in his testimony persistently embellishing his answers to the questions with impertinent and irrelevant matters not called for by the questions propounded by the defense counsel[.]"<sup>20</sup>

In discussing the elements of reckless imprudence resulting to homicide, the Regional Trial Court pointed out that as the driver of a passenger jeepney, a common carrier, Valencia was tasked to observe extraordinary diligence, both in driving his jeepney and in dealing with his passengers. It concluded that Valencia failed to see the victim walking in front of or beside the jeepney because the accident happened very early in the morning and Valencia had probably just woken up, making him not yet fully alert and ready to drive a passenger jeepney.<sup>21</sup>

The Regional Trial Court likewise appreciated the qualifying circumstance of failing to lend assistance to the victim against Valencia.<sup>22</sup>

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<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> Id. at 32-33.

<sup>19</sup> Id. at 70-71.

<sup>20</sup> Id.

<sup>21</sup> Id. at 74-75.

<sup>22</sup> Id. at 75.

The dispositive of the Regional Trial Court June 1, 2015 Judgment<sup>23</sup> read:

WHEREFORE, in the [sic] light of the foregoing ratiocinations, the Court hereby renders judgment finding the accused-Reynaldo Valencia y Vibar **GUILTY** beyond reasonable doubt of the culpable felony of **RECKLESS IMPRUDENCE RESULTING IN HOMICIDE** defined and penalized under Article 365 of the Revised Penal Code qualified by failing to lend on the spot to the victim such help as may be in the hands of the accused to give. Consequently, accused Reynaldo Valencia y Vibar is hereby sentenced to undergo an indeterminate prison sentence of **FOUR (4) YEARS[,] TWO (2) MONTHS and ONE (1) DAY as the MINIMUM to SIX (6) YEARS, ONE (1) MONTH AND ELEVEN (11) DAYS as the MAXIMUM[.]**

As civil liability, the accused Reynaldo Valencia y Vibar is hereby ordered to pay the heirs of Celedonio Jaquilmo the following amounts, to wit:

- (1) **[P]50,000.00** as civil indemnity;
- (2) **[P]58,000.00** as actual/compensatory damages/burial expenses;
- (3) **[P]168,394.64** for loss of earning capacity; and
- (4) **[P]50,000.00** for moral and exemplary damages.

Finally, the Branch Clerk of Court is directed to issue the necessary MITIMUS for the immediate commitment of the accused to the National Penitentiary, Bureau of Corrections, Muntinlupa City.

Costs against the accused.

SO ORDERED.<sup>24</sup>

Valencia appealed<sup>25</sup> the judgment against him, but on February 17, 2017, the Court of Appeals<sup>26</sup> denied his appeal and affirmed the Regional Trial Court's Decision with modifications.

The Court of Appeals stated that the prosecution duly proved Valencia's negligence in driving the jeepney, since two (2) of the prosecution witnesses testified that they had to inform Valencia that he hit a person when the jeepney shook and a loud thud was heard. The Court of Appeals also concluded that Valencia must have been driving at high speed before hitting the victim.<sup>27</sup>

The dispositive of the Court of Appeals Decision read:

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<sup>23</sup> Id. at 58-77.

<sup>24</sup> Id. at 76-77.

<sup>25</sup> Id. at 45-57.

<sup>26</sup> Id. at 28-40.

<sup>27</sup> Id. at 36.

**WHEREFORE**, the instant appeal is **DENIED**. The June 1, 2015 Judgment of the Regional Trial Court, Branch 6, Legazpi City in Crim. Case No. 12251 is hereby **AFFIRMED** with the following **MODIFICATIONS**: (1) accused-appellant Reynaldo Valencia y Vibar is sentenced to suffer the indeterminate penalty of two (2) years and four (4) months of *prision correccional* as minimum to six (6) years of *prision correccional* as maximum; (2) the award for loss of earning capacity is increased to ₱170,193.99; (3) the moral and exemplary damages should be ₱50,000.00 each; and (4) all monetary awards in favor of the Heirs of Celedonio Jaquilmo shall earn 6% interest *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.<sup>28</sup>

In his Petition for Review on Certiorari,<sup>29</sup> petitioner maintains that his guilt was not proven beyond reasonable doubt because the prosecution failed to prove all the elements of the crime charged. He insists that none of the prosecution witnesses testified to seeing the jeepney he was driving actually run over the victim and that their testimonies are circumstantial at best.<sup>30</sup>

Petitioner also points out that SPO1 Amaranto's testimony—that the bloodstain was in the middle of the road—further supports his assertions of innocence, since the jeepney he was driving was traversing the right lane of the road going to Legaspi. Hence, if he did hit the victim, the bloodstain should have been on the right lane as well.<sup>31</sup>

Petitioner then emphasizes that Mirandilla corroborated his testimony that Jaquilmo was already lying on the ground when the jeepney traversed the bridge.<sup>32</sup>

In its Comment,<sup>33</sup> respondent People of the Philippines asserts that the Court of Appeals did not err in affirming petitioner's conviction for reckless imprudence resulting in homicide.<sup>34</sup> Respondent opines that petitioner's reckless and negligent act of talking to a passenger while driving his jeepney was the proximate cause of Jaquilmo's death, as petitioner failed to pay attention to the road which led to him hitting and running over Jaquilmo.<sup>35</sup>

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<sup>28</sup> Id. at 39.

<sup>29</sup> Id. at 11–25.

<sup>30</sup> Id. at 19–20.

<sup>31</sup> Id. at 21.

<sup>32</sup> Id. at 21–22.

<sup>33</sup> Id. at 104–119.

<sup>34</sup> Id. at 106–107.

<sup>35</sup> Id. at 113–114.

In his Reply,<sup>36</sup> petitioner reiterates that respondent failed to prove that his negligence led to Jaquilmo's death and that it only managed to prove that he was driving a jeepney. He underscores that the prosecution witnesses failed to testify that they saw the jeepney hit the victim. Further, Mirandilla, a disinterested witness, confirmed that Jaquilmo was already lying prostrate on the ground even before the jeepney passed the bridge.<sup>37</sup>

The sole issue for this Court's resolution is whether or not the Court of Appeals erred in upholding petitioner's guilt for the crime of reckless imprudence resulting to homicide.

Review of appeals filed before the Court is "not a matter of right, but of sound judicial discretion[.]"<sup>38</sup> Only questions of law may be raised in a Rule 45 petition<sup>39</sup> as this Court is not a trier of facts, and factual findings are "final, binding, or conclusive on the parties and upon this court when supported by substantial evidence."<sup>40</sup> However, exceptions to the general rule exist and the Court may pass upon the findings of fact of the lower courts in the following instances:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures (*Joaquin v. Navarro*, 93 Phil. 257 [1953]);
- (2) When the inference made is manifestly mistaken, absurd or impossible (*Luna v. Linatok*, 74 Phil. 15 [1942]);
- (3) Where there is a grave abuse of discretion (*Buyco v. People*, 95 Phil. 453 [1955]);
- (4) When the judgment is based on a misapprehension of facts (*Cruz v. Sosing*, L-4875, Nov. 27, 1953);
- (5) When the findings of fact are conflicting (*Casica v. Villaseca*, L-9590 Ap. 30, 1957; unrep.);
- (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 (*Evangelista v. Alto Surety and Insurance Co.*, 103 Phil. 401 [1958]);
- (7) The findings of the Court of Appeals are contrary to those of the trial court (*Garcia v. Court of Appeals*, 33 SCRA 622 [1970]; *Sacay v. Sandiganbayan*, 142 SCRA 593 [1986]);
- (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) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record (*Salazar v. Gutierrez*, 33 SCRA 242 [1970]).<sup>41</sup>

A careful review of the records convinces this Court that an exception to the general rule exists in this case, particularly the first exception, or

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<sup>36</sup> Id. at 134-139.

<sup>37</sup> Id. at 135.

<sup>38</sup> RULES OF COURT, Rule 45, sec. 6.

<sup>39</sup> RULES OF COURT, Rule 45, sec. 1.

<sup>40</sup> *Pascual v. Burgos*, 776 Phil 167, 182 (2016) [Per J. Leonen, Second Division].

<sup>41</sup> *Medina v. Mayor Asistio*, 269 Phil. 225, 232 (1990) [Per J. Bidin, Third Division].

“[w]hen the conclusion is a finding grounded entirely on speculation, surmises or conjectures.”

As punished in Article 365 of the Revised Penal Code, reckless imprudence:

[C]onsists in voluntarily, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or failing to perform such act, taking into consideration his employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time and place.<sup>42</sup>

Furthermore, it has the following elements:

(1) that the offender does or fails to do an act; (2) that the doing or the failure to do that act is voluntary; (3) that it be without malice; (4) that material damage results from the reckless imprudence; and (5) that there is inexcusable lack of precaution on the part of the offender, taking into consideration his employment or occupation, degree of intelligence, physical condition, and other circumstances regarding persons, time and place.<sup>43</sup> (Citation omitted)

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<sup>42</sup> REV. PEN. CODE, art. 365 provides:

ARTICLE 365. Imprudence and Negligence. — Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave felony, shall suffer the penalty of *arresto mayor* in its maximum period to *prisión correccional* in its medium period; if it would have constituted a less grave felony, the penalty of *arresto mayor* in its minimum and medium periods shall be imposed.

Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave felony, shall suffer the penalty of *arresto mayor* in its medium and maximum periods; if it would have constituted a less serious felony, the penalty of *arresto mayor* in its minimum period shall be imposed.

When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case be less than 25 pesos.

A fine not exceeding 200 pesos and censure shall be imposed upon any person who, by simple imprudence or negligence, shall cause some wrong which, if done maliciously, would have constituted a light felony.

In the imposition of these penalties, the court shall exercise their sound discretion, without regard to the rules prescribed in article 62.

The provisions contained in this article shall not be applicable:

1. When the penalty provided for the offense is equal to or lower than those provided in the first two paragraphs of this article, in which case the court shall impose the penalty next lower in degree than that which should be imposed, in the period which they may deem proper to apply.

2. When, by imprudence or negligence and with violation of the Automobile Law, the death of a person shall be caused, in which case the defendant shall be punished by *prisión correccional* in its medium and maximum periods.

Reckless imprudence consists in voluntarily, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or failing to perform such act, taking into consideration his employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time and place.

Simple imprudence consists in the lack of precaution displayed in those cases in which the damage impending to be caused is not immediate nor the danger clearly manifest.

<sup>43</sup> *Cabugao v. People*, 740 Phil. 9, 21–22 (2014) [Per J. Peralta, Third Division].



*Gonzaga v. People*<sup>44</sup> states that to establish a motorist's liability for negligence, the prosecution must show the "direct causal connection between such negligence and the injuries or damages complained of."<sup>45</sup> *Gonzaga* then stressed that mere negligence in driving a vehicle is not enough to constitute reckless driving. Rather, it must be shown that the motorist acted willfully and wantonly, in utter disregard of the consequence of his or her action as it is the "inexcusable lack of precaution or conscious indifference to the consequences of the conduct which supplies the criminal intent and brings an act of mere negligence and imprudence under the operation of the penal law[.]"<sup>46</sup>

Here, both the Regional Trial Court and the Court of Appeals found petitioner liable for reckless imprudence resulting to homicide, even if the prosecution failed to present substantial testimony of petitioner's negligent or imprudent act, which led to Jaquilmo's death.

Two (2) prosecution witnesses testified that they heard a thud, felt the jeepney tilt, and saw a man lying flat on the ground; thus, they concluded that the jeepney petitioner was driving hit the man. Another prosecution witness testified to hearing a loud thud and then hearing some passengers inside a jeepney shout that someone got hit. The same witness also testified that he saw a man lying on the ground near the jeepney.<sup>47</sup>

No one testified as to the manner by which petitioner was driving before he supposedly hit Jaquilmo, or of personally witnessing the jeepney hit Jaquilmo.

The Regional Trial Court surmised that because of the early hour, petitioner was probably not yet fully alert when he drove the jeepney; thus, he failed to notice Jaquilmo cross the street:

Recall that the time and place of the accident was at 4:30 A.M. at the bridge near DILG; *at this time of the day it was still dark and the accused in all probability had just woken up from a night's sleep, thus, was not yet fully alert and a hundred percent ready and able to begin a day's work as a driver of a passenger jeepney.* The very early time of the day likewise presupposes that the streets are not yet occupied by a number of vehicles. Hence, the accused as a driver of a passenger jeep in the light of the circumstances obtaining with regards to the time, place and his physical condition should have employed extraordinary care and diligence in operating the passenger jeepney that he was driving. Yet at the time of the accident and per testimonies of Reymer T. Añonuevo and Richard Nicerio, these two (2) passengers of the jeepney had to tell and remind the accused

<sup>44</sup> 751 Phil 218 (2015) [Per J. Perlas-Bernabe, First Division].

<sup>45</sup> *Id.* at 227.

<sup>46</sup> *Id.* at 228.

<sup>47</sup> *Rollo*, p. 31.

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at that time that he had in fact bumped and hit a person when the jeepney shook and thudded after the accident leading this Court to conclude that the accused as driver of the jeepney did not in fact see the victim-Celedonio Jaquilmo- who was either walking or crossing the street at the very moment of the impact when the jeepney hit and ran over the victim. *In other words, the driver was not paying full attention to the front of his vehicle if there was a person walking or crossing the street that early morning of November 25, 2011.*<sup>48</sup> (Emphasis supplied)

The Court of Appeals likewise concluded that petitioner must have been driving “at a high speed”<sup>49</sup> because prosecution witnesses felt the jeepney tilt and thud before they spotted the victim lying on the road:

Negligence was likewise shown by [Valencia’s] failure to pay full attention to the road while driving. As aptly observed by the RTC, Reymer and Richard had to tell and remind [Valencia] that he had in fact hit a person when the jeepney shook and there was a thudding sound. This leads to no other conclusion than that [Valencia] did not in fact see [Jaquilmo] who was either walking or crossing the street at the very moment of the impact. Had [Valencia] exercised due diligence, he could have easily spotted the victim from afar and then slacken his speed considering that the Sagumayon bridge was well-lighted and it was already daybreak. *The fact that the jeepney shook and slightly tilted as it hit the victim show [sic] that [Valencia] was driving at a high speed and not exercising due care under the existing circumstances and conditions at the time.*<sup>50</sup> (Emphasis supplied)

The prosecution was able to prove that Jaquilmo died on the bridge, but it failed to prove beyond reasonable doubt that petitioner’s imprudence in driving the jeepney was the proximate cause of his death.

Conviction in a criminal case requires proof beyond reasonable doubt or moral certainty. Rule 133, Section 2 of the Revised Rules on Evidence defines moral certainty as “that degree of proof which produces conviction in an unprejudiced mind.”

The quantum of proof demanded in criminal cases has constitutional basis as an accused enjoys the presumption of innocence; thus, the prosecution holds the immense responsibility of establishing the accused’s guilt beyond reasonable doubt. *People v. Ganguso*<sup>51</sup> expounds:

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

<sup>48</sup> Id. at 75.

<sup>49</sup> Id. at 36.

<sup>50</sup> Id.

<sup>51</sup> 320 Phil. 324 (1995) [Per J. Davide, Jr., First Division].


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 possibility of error, produces 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.<sup>52</sup> (Citations omitted)

Here, the prosecution failed to prove beyond reasonable doubt that petitioner's inexcusable lack of precaution in driving the jeepney was the proximate cause of Jaquilmo's death. In fact, the lower courts had diverging opinions on petitioner's imprudent act, with the Regional Trial Court stating that petitioner was probably sleepy when he drove the jeepney, and the Court of Appeals concluding that petitioner was driving the jeepney too fast.

With the prosecution's failure to prove all the elements of reckless imprudence resulting to homicide beyond reasonable doubt, and an eyewitness testimony corroborating petitioner's assertion that he did not run over Jaquilmo, petitioner must consequently be acquitted of the charge against him.

**WHEREFORE**, the Petition is **GRANTED**. The Decision of the Court of Appeals in CA-G.R. CR No. 37847 is **REVERSED** and **SET ASIDE**. Petitioner Reynaldo V. Valencia is hereby **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt. If detained, he is ordered immediately **RELEASED**, unless he is confined for any other lawful cause. Any amount paid by way of a bailbond is ordered **RETURNED**. Let entry of judgment be issued immediately.

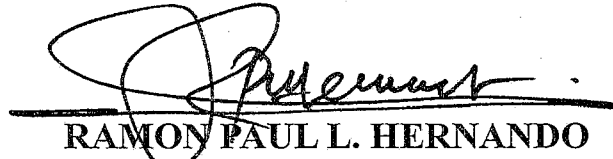
**SO ORDERED.**

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

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<sup>52</sup> Id. at 335.

WE CONCUR:

  
**RAMON PAUL L. HERNANDO**  
Associate Justice

On official leave

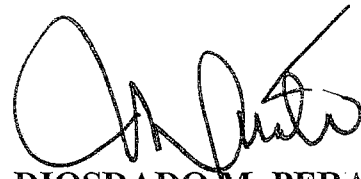
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

**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.

  
**DIOSDADO M. PERALTA**  
Chief Justice