



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

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 252258

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

- versus -

RICHARD R. ENOJO,
Accused-Appellant.

Promulgated:

APR 06 2022

X-----X

DECISION

HERNANDO, J.:

Before this Court is an appeal¹ from the Decision² dated October 18, 2019 and Resolution³ dated January 2, 2020 of the Sandiganbayan in Criminal Case No. 18-CRM-0122, which found accused-appellant Atty. Richard R. Enojo (Enojo) guilty beyond reasonable doubt for violation of Section 3(a)⁴ of Republic Act No. (RA) 3019,⁵ otherwise known as the “Anti-Graft and Corrupt Practices Act.”

¹ *Rollo*, p. 57.

² *Id.* at 3-43. Penned by Associate Justice Rafael R. Lagos and concurred in by Associate Justices Maria Theresa V. Mendoza-Arcega and Maryann E. Corpus-Mañalac.

³ *Id.* at 44-56.

⁴ Section 3. *Corrupt practices of public officers.* In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful: (a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense. x x x

⁵ Entitled “ANTI-GRAFT AND CORRUPT PRACTICES ACT.” Approved August 17, 1960.

The Facts:

Enojo was charged with the violation of Section 3(a) of RA 3019 in an Information dated December 27, 2017 which alleges:

That on 7 February 2013, or sometime prior or subsequent thereto, in the Province of Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, accused RICHARD RAFAL [sic] ENOJO, a high-ranking public official being then the Officer-In-Charge, Provincial Legal Officer/Provincial Administrator of the Province of Negros Oriental, in such capacities, committing the crime in relation to office and taking advantage thereof, did then and there willfully, unlawfully and criminally persuade, induce and influence the Philippine National Police (PNP)-Dauin Police Office/Station to summon Ralph Gavin Hughes, Merlinda A. Regalado and one Atty. Ligaya Rubio Violeta to a conference with the accused regarding a land dispute, which persuasion/inducement the PNP heeded even when such act was beyond its mandate under Section 24 of Republic No. 6975, or the Department of the Interior and Local Government Act of 1990, thereby making such persuasion and inducement a violation of the same statute and its rules and regulations duly promulgated by competent authority, to the damage and prejudice of the government and public interest.

CONTRARY TO LAW.⁶

Upon his arraignment on May 25, 2018, Enojo, acting *pro se*, pleaded “not guilty.”⁷ After the preliminary conference and pre-trial, trial on the merits ensued, and the following facts were established:

Enojo was the Provincial Legal Officer of Negros Oriental from December 31, 2011, until he became the Provincial Administrator starting June 30, 2016.⁸

On January 15, 2013, by virtue of a Deed of Absolute Sale⁹ of even date, Dauin Point Land Corporation (DPLC), represented by its Director Ligaya S. Rubio-Violeta (Violeta) and with address at Dumaguete City, bought from Ramon Regalado, represented by his attorney-in-fact, Merlinda A. Regalado (Regalado), a parcel of land and all the improvements thereon, known and particularly described as:

Lot 394, BGSS-07-02-000041, with an area of approximately 7,081 square meters situated in District II, Dauin, Negros Oriental, and covered by Tax Declaration No. 99-07-002-00263 of the Municipal Assessor’s Office of Dauin, Negros Oriental.¹⁰

⁶ Records, p. 1.

⁷ *Rollo*, p. 4.

⁸ *Id.* at 25.

⁹ Records, p. 5.

¹⁰ *Rollo*, p. 25.

Subsequently, DPLC, through its stockholder and member of its Board of Directors, Ralph Gavin Hughes (Hughes), applied for a Fencing Permit with the Municipal Planning and Development Coordinator (MPDC) and Zoning Officer Designate of the Local Government Unit of Dauin, through the office of Rosabell O. Sanchez (Sanchez), then MPDC-Zoning Officer of Dauin, Negros Oriental. While the application was pending, Sanchez received a letter dated February 28, 2013 from Enojo.¹¹ In the said letter, Enojo wrote that, “a portion of Lot 394 belongs to me in payment for my legal services as the counsel of Ramon Regalado, one of the defendants in Civil Case No. CC-188 (in the Municipal Circuit Trial Court), which up to now is pending. Hence I strongly object and oppose the application of Mr. Hughes aforesaid and that his fencing permit application be please denied as the same is without my consent, knowledge and authority.”¹²

Sanchez informed Hughes of Enojo’s opposition to his application. Upon receipt of Hughes’ reply, she referred the matter to the town Mayor, who then told her to write to the Department of the Interior and Local Government (DILG) – Region 7 for advice on the matter.¹³

In a letter dated April 24, 2013, the DILG – Region 7, through its Regional Director Ananias M. Villacorta, CESO III, stated that:

With [regard] to the opposition made by Atty. Richard R. Enojo, pursuant to his claim, Lot No. 394 belongs to him as payment for the legal service that he rendered as counsel for Mr. Ramon Regalado, one of the defendants in Civil Case No. CC-188 at the level of the Municipal Circuit Trial Courts in Dauin, Negros Oriental. You have attached as well a copy of a Deed of Extrajudicial Settlement of Estate and Partition including the same disputed Lot No. 394, to which he happens to be the Notary Public. There is no attachment, however, that would show in what manner and what mode of acquisition, the ownership of the disputed lot has been transferred in his name and whether or not such is not among those transactions prohibited by law. In short, the opposition of Atty. Richard Enojo is not only improperly filed, but unsubstantiated as well. x x x

Therefore, when all evidence of ownership of the land point to the applicant of the locational clearance, and consequently the fencing permit, the same should be granted by the issuing authority as his ministerial duty to do so, subject to his compliance of all other requirements. Delay would give rise to the imposition of proper administrative sanctions.¹⁴

Consequently, Sanchez issued the required locational clearance necessary for the approval of Hughes and/or DPLC’s application for a Fencing Permit on Lot No. 394.¹⁵

¹¹ Id.

¹² Id. at 25-26.

¹³ Id. at 26.

¹⁴ Id. at 27.

¹⁵ Id. at 28.

In the meantime, or on February 27, 2013, Enojo went to Dauin Police Station to make a request for a conference with Hughes, his legal counsel Atty. Violeta, and Regalado, to be held in the said police station. He was met by Senior Police Officer 4 Proculito Alas-as Briones (SPO4 Briones), who was at the time the station's "designated Chief Investigator," and who had the responsibility to investigate complaints and record any untoward incident during his tour of duty.¹⁶ SPO4 Briones knew that Enojo is an attorney and a public official who was connected or assigned at the Provincial Hall of Negros Oriental. He received Enojo's request and recorded the same in the police blotter.¹⁷

After making the entries in the police blotter, SPO4 Briones prepared and sent, through the Radio Operator at Dauin Police Station, a radio message to Dumaguete City Police Station.¹⁸ The message stated the following:

RADIO MESSAGE FOR TRANSMISSION¹⁹

FRM: OIC 309 PS
TO: COP 310 PS
CN: 309B 02-27-13-68 PD
TXT: REQUEST CONTACT AND ADVISE ONE MERLINDA A. REGALADO, OF LEGAL AGE A FORMER RESIDENT OF BRGY LIBJO DAUIN, NEG OR NOW TEMPORARILY RESIDING AT BRGY TINAGO, DUMAGUETE CITY TOGETHER WITH ATTY LIGAYA RUBIO VIOLETA AND RALPH HUGHES WHICH CAN ALSO BE CONTACTED AT ATTY LIGAYA VIOLETAS ADDRESS AT DUMAGUETE CITY, PARTICULARLY AT MAXINO BEJAR AND PARTNER LAW OFFICE, RIZAL BLVD, DUMAGUETE CITY FOR CONFERENCE WITH ATTY RICHARD ENOJO REGARDING LAND DISPUTE ON THE LOT NO. 394 WITH AND APPROXIMATE 7,081 SQUARE METERS LOCATED AT POB. DIST 2 DAUIN, NEG OR PD SUGGESTED SCHEDULE WILL BE ON FRIDAY MARCH 1 2013 AT 10:00 O CLOCK IN THE MORNING AT DAUIN POLICE STN ATTN INVEST SECTION PD FURTHER REQUEST FEEDBACK OF YOUR ACTION TAKEN PD...BT

SPO4 PROCULITO A. BRIONES
DRAFTER

PSI EDWIN C TUBLE
OFFICER-IN-CHARGE

Aggrieved by Enojo's request for a conference in such a manner and by the involvement of the Dauin Police, Hughes, on behalf of DPLC, filed criminal and administrative complaints against Enojo on November 16, 2015 for violation of Section 3(a), (e), and (h) of RA 3019 before the Office of the Ombudsman (Visayas Region).²⁰ The criminal complaint, docketed as OMB-

¹⁶ Id.

¹⁷ Id.

¹⁸ Id. at 29.

¹⁹ Id.

²⁰ Id. at 30.

V-C-15-0369, was finally resolved by the Office of the Ombudsman at Agham Road, Diliman, Quezon City on May 26, 2017, the dispositive part of which reads:

WHEREFORE, finding probable cause for Violation of Section 3(a) of R.A. 3019 (Anti-Graft and Corrupt Practices Act), as amended, against RICHARD RAFAL ENOJO, let the corresponding Information **BE FILED** against him in the proper court. As to complaint for Violation of Section 3(e) and (h) of R.A. 3019 against respondent is **DISMISSED** for insufficiency of evidence.²¹

The same Resolution, signed by Graft Investigation and Prosecution Officer III Portia A. Pacquiao, was approved by then Ombudsman Conchita Carpio Morales on August 18, 2017.²² Subsequently, the Information against Enajo was filed with the Sandiganbayan on February 9, 2018.²³

Ruling of the Sandiganbayan:

In a Decision dated October 18, 2019, the Sandiganbayan found Enajo guilty beyond reasonable doubt of violating Section 3(a) of RA 3019. Enajo had indeed persuaded, induced, or influenced the Dauin Police, through SPO4 Briones, to accede to his personal request of calling in Hughes, Atty. Violeta, and Regalado to join him in a conference, which went beyond the powers and functions of the police under Section 24 of RA 6975, or the DILG Act of 1990.²⁴ The dispositive portion of the Sandiganbayan Decision reads:

WHEREFORE, in view of all the foregoing, the Court finds accused **Richard Rafal Enajo** guilty beyond reasonable doubt of violation of Section 3(a) of RA 3019, as amended, and hereby sentences him to an indeterminate penalty of six (6) years and one (1) month imprisonment, as minimum, up to eight (8) years, maximum, with perpetual disqualification from public office.

SO ORDERED.²⁵

Undeterred, Enajo filed a motion for reconsideration dated October 31, 2019. However, the same was denied by the Sandiganbayan through its Resolution dated January 2, 2020.²⁶ Further, he also filed a motion to reopen the case to receive further proof dated February 12, 2020, which was likewise denied by the Sandiganbayan.²⁷

Hence, the instant appeal.

²¹ Id.

²² Id.

²³ Id.; Records, p. 1.

²⁴ Id. at 35.

²⁵ Id. at 42.

²⁶ Id. at 44-56.

²⁷ Id. at 57.

Issue

The sole issue to be resolved in the instant case is whether Enojo is guilty beyond reasonable doubt of violating Section 3(a) of RA 3019.

Our Ruling

The appeal is meritorious.

Section 3(a) of RA 3019 provides:

Section 3. *Corrupt practices of public officers.* – In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

Based on the foregoing, the elements of the crime are the following: (1) the offender is a public officer; (2) the offender persuades, induces, or influences another public officer to perform an act, or the offender allows himself to be persuaded, induced, or influenced to commit an act; and (3) the act performed by the other public officer, or committed by the offender, constitutes a violation of rules and regulations duly promulgated by competent authority, or an offense in connection with the official duty of the latter.²⁸

In the case at bar, the Sandiganbayan found all these elements to be present. It held that Enojo, a public officer, persuaded or induced SPO4 Briones to send out a radio message asking Hughes, Violeta, and Regalado to come to the Dauin Police Station for a conference with Enojo to discuss the alleged dispute involving Lot No. 394, an act which was contrary to the provisions of Section 24 of RA 6975.

While the Court agrees that the first and third elements are attendant in this case, a perusal of the records shows that the second element is not.

The first element is obtaining here considering that Enojo was a Provincial Legal Officer when the purported crime was committed. Meanwhile, the third element is likewise present, given that Enojo's request to call in Hughes, Violeta, and Regalado for a conference, and SPO4 Briones' subsequent act of sending a radio message to the Dumaguete Police Station to summon said persons, constituted a violation of rules and regulations duly promulgated by

²⁸ *Marzan v. People*, G.R. No. 226167, October 11, 2021.

competent authority. Particularly, these acts went beyond the scope of the powers and functions of the Philippine National Police (PNP), as enumerated in Section 24 of RA 6975, to wit:

Section 24. *Powers and Functions.* – The PNP shall have the following powers and functions:

- (a) Enforce all laws and ordinances relative to the protection of lives and properties;
- (b) Maintain peace and order and take all necessary steps to ensure public safety;
- (c) Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;
- (d) Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;
- (e) Detain an arrested person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution;
- (f) Issue licenses for the possession of firearms and explosives in accordance with law;
- (g) Supervise and control the training and operations of security agencies and issue licenses to operate security agencies, and to security guards and private detectives, for the practice of their professions; and
- (h) Perform such other duties and exercise all other functions as may be provided by law.

In addition, the PNP shall absorb the office of the National Action Committee on Anti-Hijacking (NACAH) of the Department of National Defense, all the functions of the present Philippine Air Force Security Command (PAFSECOM), as well as the police functions of the Coast Guard. In order to perform its powers and functions efficiently and effectively, the PNP shall be provided with adequate land, sea, and air capabilities and all necessary material means of resources.²⁹

Here, the circumstances show that Enajo's purpose of requesting SPO4 Briones to schedule a conference does not correspond to any of the above duties of the PNP. What Enajo actually wanted to accomplish was to "extract information from Gavin Hughes, Merlinda Regalado, and Atty. Violeta" with regard to his alleged ownership of a portion of Lot 394. He testified as follows:

CHAIRPERSON LAGOS: Atty. Enajo, what was your specific intention in go[ing] to the police station to report this issue with the private complainant here?

²⁹ Section 24, Republic Act No. 6975, or the Department of the Interior and Local Government Act of 1990.

WITNESS: Actually, Your Honors, the prime purpose of seeking conference with these persons was solely to clarify matters because long before February.. (interrupted)

CHAIRPERSON LAGOS: Wait, wait.. No, no.. I am asking what was your intention of going to the police? Was the private complainant committing a crime or was about to commit a crime that's why you went to the police?

WITNESS: I just wanted to validate the information that I received that the lot, a portion of which belongs to me, was allegedly sold to a foreigner.

CHAIRPERSON LAGOS: And the police would have knowledge about that?

WITNESS: I just asked for police assistance in calling these persons because these persons reside in different places, Your Honors.

CHAIRPERSON LAGOS: So let's be clear. You wanted the police [to] help you get information about the alleged sale?

WITNESS: Actually, Your Honors, I wanted to extract information from Gavin Hughes, Merlinda Regalado and Atty. Violeta and asking the police to invite these persons.

CHAIRPERSON LAGOS: And you felt that by going to the police, the police could extract this information from these persons?

WITNESS: Actually, I did not expect the police to extract, I just asked the police to invite these persons and during this conference I might be able to extract information from these persons.

CHAIRPERSON LAGOS: You say you had to go to the police because you expected the police to summon these persons, yes or no?

WITNESS: Yes, Your Honors.

CHAIRPERSON LAGOS: And if these persons were summoned, you expect yourself to extract the information from them?

WITNESS: Yes, Your Honors, because that was just one of several times that I was able to do in some of my problems with my lots.³⁰ (Emphasis supplied)

From the foregoing, it is readily apparent that Enojo's act was purely to advance his own personal interest or agenda, and was not for any official or legitimate police purpose as provided in Section 24 of RA 6975.

On the other hand, as pointed out by Senior Associate Justice Perlas-Bernabe during the deliberations, SPO4 Briones' act of sending a radio message to invite Hughes, *et al.* to come to the police station runs directly counter to established police protocol as enumerated in the PNP's published *Citizen's Primer on Law Enforcement* (Primer). Among the police operations that may be conducted in relation to the public, SPO4 Briones' act most appropriately falls under "Citizen Contact." The said Primer provides that citizen contact may

³⁰ *Rollo*, pp. 38-39.

be initiated “**only for legitimate police-related purposes to engender citizen support in solving crimes.**”³¹ Here, there was no crime or criminal investigation involved at all. Rather, there was merely an alleged dispute involving the subject property in which Enojo believed he had interests over.

At this juncture, it is also worthy to note that witnesses Enrique K. Ansonio (Ansonio), who was the Acting Chief of Police of Dauin in 2013, and Bernabe R. Rubio (Rubio), who was the Deputy Chief of Dauin Police in 2018, both testified that “private individuals cannot be called to the police station who are not under criminal investigation. Neither can the public request the police to call persons to a conference regarding civil disputes, but instead they should be referred to the barangay for mediation.”³² Considering their positions as Acting Chief of Police and Deputy Chief, Ansonio and Rubio’s testimonies deserve respect since they are presumed to know police Standard Operating Procedures (SOP) and guidelines with respect to such matters. In this regard, it can be said that SPO4 Briones’ act was tantamount to a violation of police protocols or procedures.

Moreover, jurisprudence provides that “Section 3(a) requires a **deliberate intent** on the part of the public official concerned to violate those rules and regulations duly promulgated by competent authority, or to commit an offense in connection with official duties.”³³ In this case, both Enojo, with his presumed knowledge of the law as a lawyer, and SPO4 Briones, with his 20 years of police experience, should have been well apprised of the boundaries of police authority in the settlement of civil disputes. Their acts clearly evinced deliberateness which cannot be countenanced.

Anent the second element, however, the Court finds the same to be wanting in this case.

Conveniently, the Sandiganbayan provided the definitions of the words “persuade,” “induce,” and “influence” in its Decision,³⁴ viz.:

1. Persuade – to induce to act; to incline the will; to prevail upon by argument, advice, expostulations or reasons; to induce one by argument, entreaty, or expostulation into a determination, decision, conclusion, belief or the like;
2. Induce – to bring on or about, to affect, cause, influence to an act or course of conduct, lead by persuasion or reasoning, incite by motive, prevail on; to lead on, to influence reasons;

³¹ *Know Your Rights: A Citizen's Primer on Law Enforcement*, pp. 15-17, last accessed at <https://pro9.pnp.gov.ph/index.php/downloads/send/5-pnp-manuals/18-know-your-rights-a-citizens-primer-on-law-enforcement> on April 4, 2022; Emphasis supplied.

³² *Rollo*, pp. 35-36.

³³ *Reyes v. Atienza*, 507 Phil. 653, 666 (2005); Emphasis supplied.

³⁴ *Rollo*, p. 33.

3. Influence – to alter, move, sway of (sic) affect reasons most frequently used in connection with “undue” and refers to persuasion, machination or constraint of will presented or exerted to procure a disposition of property, by gift, conveyance or will.³⁵

Simply put, such terms can be taken to mean as the act of convincing or causing someone, by some kind of effort such as reasoning or argument, to do something, that he or she may otherwise not do. From this, the Court cannot agree with the conclusion of the Sandiganbayan that Enojo had persuaded or induced SPO4 Briones into sending the radio message requesting Hughes, Violeta, and Regalado for a conference. In his testimony, SPO4 Briones himself denied being persuaded by Atty. Enojo and explained why he had acted on the latter’s request:

ATTY. ENOJO: So you have been a police [officer] already for more than twenty (20) years as of February 2013?

WITNESS: Yes.

ATTY. ENOJO: During this twenty-year period that you have been a police [officer], was that the only time you received a request for police assistance of that nature?

WITNESS: There are a lot of instances that I received a request from civilian to have a conference with the other party for clarification and sometimes for settlement.

ATTY. ENOJO: So you are trying to tell us that in request for assistance of that nature, your office would entertain?

WITNESS: Yes.

ATTY. ENOJO: Did you find the request for police assistance as improper or inappropriate?

PROS. MELGAR III: Objection, Your Honors, that calls for an opinion of the witness, he’s already testifying to the fact that accused Enojo made the request to the PNP of Dauin Station, Your Honors.

CHAIRPERSON LAGOS: But he testified that he had ceded to such request before. Overruled, answer.

WITNESS: It is our standard operating procedure, as a police [officer] it is our prime duty to entertain, to give assistance to anybody regardless of status or nature of his personality. After Atty. Enojo requested for conference with the owner of the lot, we immediately sent a radio message of invitation to the owner of the lot for conference with Atty. Enojo.

ATTY. ENOJO: Am I correct to say that you acted on the request for police assistance because you found nothing wrong in the request for police assistance of Atty. Enojo?

WITNESS: Yes.

³⁵ Id., citing “Justice Romeo Escareal and Rosanna Escareal-Velasco, CPA, GRAFT AND CORRUPTION: The Twin Scourges of Philippine Society (2012 ed.), 87-88;” Emphasis omitted.

ATTY. ENOJO: In fact, that was just one of the several requests for police assistance that you received as a police [officer]?

WITNESS: There are several times already.

ATTY. ENOJO: Even if it was not a lawyer who requested for police assistance, an ordinary citizen for that matter, just the same, you will still act on it?

WITNESS: Yes.

ATTY. ENOJO: The good prosecutor offered your testimony to the effect that you were persuaded, you were induced by Atty. Enajo to act on his request for police assistance, what can you say to that?

WITNESS: No. We are not being induced or influenced by Atty. Enajo in spite of his position in the community.³⁶

It is thus clear from the foregoing that the second element of persuasion or inducement is absent in the instant case. While SPO4 Briones actually performed the act in question, *i.e.*, sending the radio message, he did so not because Atty. Enajo told him to, but because he believed that it was his office's SOP to entertain and provide assistance to any person who comes to the police for help. SPO4 Briones further testified that it was not because of Atty. Enajo's status or position that he performed the said act. In other words, SPO4 Briones made the invitation on the mistaken belief that it was his duty to do so, which necessarily negates the presence of any undue influence.

Despite SPO4 Briones' above cited testimony, the Sandiganbayan still found that he had been persuaded by Enajo to violate Section 24 of RA 6975. It held that:

The said denial of SPO4 Briones cannot be taken on its face value. The fact that he acceded to the request of the accused speaks volumes that he was matter-of-fact persuaded, influenced, and even induced, by the accused to summon the subject individuals. The existence of the telegram is an indelible hallmark that he, beyond reasonable doubt, was persuaded, influenced and induced by the accused. The details contained in Exhibit "C," such as: (1) the names of the parties to be summoned and (2) their given addresses, including (3) the lot number, (4) area, and (5) location of the disputed property, must indubitably been supplied by the accused in his design, and part of his desire to persuade, induce or influence SPO4 Briones to include the same information when he made his entry in the police blotter (Exhibit "D"), and further use the same information in the telegraphic message to Dumaguete Police. The accused supplied all those details to persuade, induce, and influence the police to go out of its way and violate its statutory defined powers and functions to compose and send the controversial telegraphic message.³⁷

The Court is not convinced. We fail to see how Enajo's act of supplying such pieces of information can be understood as a means of persuading,

³⁶ *Id.* at 90-91; TSN, October 25, 2018, pp. 11-14.

³⁷ *Id.* at 41.

inducing, or influencing SPO4 Briones to violate police rules or protocols. To reiterate, SPO4 Briones testified during trial that he found nothing improper about Enojo's request for a conference as it was quite common to receive requests of similar nature from civilians, and that it was his office's SOP to aid them with their concerns.

Moreover, and as noted by the Sandiganbayan,³⁸ the PNP Manual requires each operating unit to "maintain an official police blotter where all types of operational and undercover dispatches shall be recorded containing the five 'Ws' (who, what, where, when and why) and one 'H' (how) of an information."³⁹ Thus, such details were actually necessary for SPO4 Briones to comply with police procedures and to properly perform his duties.

All told, this Court cannot subscribe to the Sandiganbayan's finding that Enojo is guilty beyond reasonable doubt of the crime charged because there is no adequate proof that he persuaded, induced, or influenced SPO4 Briones into performing the act under scrutiny.

Well-entrenched in our jurisprudence is the rule that the conviction of the accused must rest, not on the weakness of the defense, but on the strength of the evidence for the prosecution.⁴⁰ The burden is on the prosecution to prove the accused's guilt beyond reasonable doubt, not on the accused to prove his innocence.⁴¹ The administration of justice is not a matter of guesswork.⁴² Since a person's liberty is at stake here, all measures must be taken to ensure the protection of his fundamental rights.⁴³

Considering that the prosecution in this case failed to prove beyond reasonable doubt all the elements of Section 3(a) of RA 3019 under which Enojo was charged, an acquittal must therefore ensue.

WHEREFORE, the appeal is **GRANTED**. The Decision dated October 18, 2019 and the Resolution dated January 2, 2020 of the Sandiganbayan in Criminal Case No. 18-CRM-0122 are **REVERSED** and **SET ASIDE**. Accused-appellant Richard R. Enojo is hereby **ACQUITTED** of violation of Section 3(a) of Republic Act No. 3019 for failure of the prosecution to prove his guilt beyond reasonable doubt.

Let the corresponding entry of final judgment be immediately issued.

³⁸ Id. at 29; *PNP National Police Manual (PNPM-DO-DS-3-1): Philippine National Police Operational Procedures* dated March 2010, p. 19, last accessed at <<https://pro1.pnp.gov.ph/Downloads/POP.pdf>> on April 4, 2022.

³⁹ Id.


⁴⁰ *People v. Lumikid*, G.R. No. 242695, June 23, 2020.

⁴¹ Id.


⁴² *Suba v. Sandiganbayan*, G.R. No. 235418, March 3, 2021.

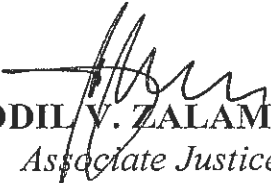
⁴³ Id.

SO ORDERED.

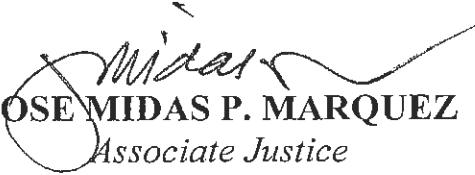

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

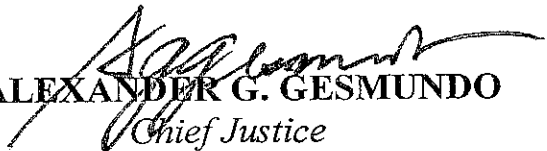
A T T E S T A T I O N

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


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

C E R T I F I C A T I O N

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.


ALEXANDER G. GESMUNDO
Chief Justice