



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **March 21, 2018** which reads as follows:

“G.R. No. 220127 - Carlos Celdran y Pamintuan vs. People of the Philippines

Before Us is a petition for review on *certiorari*¹ assailing the Decision² dated December 12, 2014 and Resolution³ dated August 14, 2015 of the Court of Appeals (CA) in CA-G.R. CR No. 36170 affirming the Decision⁴ dated August 12, 2013 of the Regional Trial Court (RTC) of Manila, Branch 32, in Criminal Case No. 13-295293 finding Carlos P. Celdran (petitioner) guilty beyond reasonable doubt of the crime Offending the Religious Feelings punishable under Article 133⁵ of the Revised Penal Code (RPC).

Petitioner was charged in an Information⁶ filed with the Metropolitan Trial Court (MeTC) of Manila, Branch 4, for the offense of Offending the Religious Feelings defined and penalized under Article 133 of the RPC.

- over – five (5) pages ...

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¹ *Rollo*, pp. 39-109.

² Penned by Associate Justice Carmelita Salandanan-Manahan, concurred in by Associate Justices Japar B. Dimaampao and Elihu A. Ybafiez; id. at 12-33.

³ Id. at 137-138.

⁴ Rendered by Presiding Judge Thelma Bunyi-Medina; id. at 312-333.

⁵ **Article 133. Offending the religious feelings.** - The penalty of *arresto mayor* in its maximum period to prison correccional in its minimum period shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful.

⁶ That on or about September 30, 2010, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully, and feloniously disrespect, disregard and offended the feelings of various religious leaders in the persons of Cardinal Gaudencio Rosales, Papal Nuncio, Ambassador de Villa and other leaders of different Christian denominations, by then and there displaying a placard/board bearing the word “DAMASO” while ecumenical service was going on inside the Manila Cathedral Church, Intramuros, which notoriously offended the feelings of the religious leaders and the faithful, represented by Msgr. Néstor Cerbo Y Cerda, Rector of the Manila Cathedral Church, Intramuros, this City. Id. at 114.

The facts of the case established that in celebration of the second anniversary of the May They Be One Campaign (MTBC) and the launching of the Hand Written Bible which coincided with the feast of Saint Jerome, a throng of people composed mainly of catholic church dignitaries intermixed with those of different religions such as members of the military, police, media, non-catholics, students, representatives of various religious organizations gathered around the Manila Cathedral in the afternoon of September 30, 2010.⁷

The event was comprised of three (3) inseperable parts. The first part was the ecumenical liturgical religious worship wherein the heads of the different protestant mainland churches and the catholic church were present celebrating the words of God. It was followed by the Eucharistic celebration – the holy mass. The last part was the hand written unity bible.⁸

While Brother Edgar J. Tria Tirona was reading a passage from the Bible around 3:00 p.m., petitioner entered the Manila Cathedral clad in a black suit and a hat. Petitioner went to the center of the aisle, in front of the altar and suddenly brought out a placard emblazoned with the word “DAMASO.” Commotion ensued when petitioner started shouting while inside the church saying “Bishops, stop involving yourself (sic) in politics,”⁹ disrupting and showing disrespect to an otherwise solemn celebration.¹⁰

The defense, on the other hand, alleged that the incident did not happen during the celebration of the holy mass and nothing happened that disturbed the proceedings.¹¹

The MeTC in its Decision¹² dated December 14, 2012, found petitioner guilty of the crime Offending Religious Feelings, thus:

WHEREFORE, premises considered, accused [petitioner] is found “**Guilty**” beyond reasonable doubt for the crime of **Offending Religious Feelings** under **Article 133 of the [RPC]**, and applying the Indeterminate Sentence Law, there being no mitigating and aggravating circumstance, he is hereby sentenced to suffer imprisonment of two (2) months and twenty-one (21) days as minimum to one (1) year, one (1) month and eleven (11) days as

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⁷ Id. at 115.

⁸ Id.

⁹ Id. at 115-116.

¹⁰ Id. at 117.

¹¹ Id. at 120.

¹² Rendered by Judge Juan O. Bermejo, Jr.; id. at 303-310.

maximum of *prision correccional* in its medium period, with costs *de officio*.

SO ORDERED.¹³

Upon appeal to the RTC, the latter in its Decision¹⁴ affirmed petitioner's conviction, to wit:

WHEREFORE, judgment is hereby rendered affirming the Decision dated December 14, 2012 rendered by the [MeTC], Branch 4, Manila finding [petitioner] guilty beyond reasonable doubt of the crime of Offending Religious Feelings under Article 133 of the [RPC], and sentencing him to an indeterminate *prision* term of two (2) months and twenty[-]one (21) days of *arresto mayor*, as minimum to one (1) year, one (1) month and eleven (11) days of *prision correccional* as maximum with costs *de officio*.

SO ORDERED.¹⁵

Undaunted, petitioner filed a petition for review before the CA. In its Decision¹⁶ dated December 12, 2014, the CA affirmed the findings of the MeTC and the RTC which reads:

WHEREFORE, premises considered, the instant appeal is DENIED. Accordingly, the 12 August 2013 Decision and the Order dated 11 November 2013 of the [RTC] of Manila, Branch 32 are hereby AFFIRMED *in toto*.

SO ORDERED.¹⁷

Petitioner's motion for reconsideration¹⁸ was likewise denied by the CA in a Resolution¹⁹ dated August 14, 2015.

Hence, this petition.

Time and again, We held that in a petition for review on *certiorari* under Rule 45 of the Rules Court, only questions of law may be raised. Any resolution as to questions of fact will not be entertained by this Court. The findings of fact made by the trial courts are accorded the highest degree of respect by this Court, especially when the MeTC, the RTC and the CA have similar findings. "Absent

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¹³ Id. at 310.

¹⁴ Id. at 312-333.

¹⁵ Id. at 333.

¹⁶ Id. at 12-33.

¹⁷ Id. at 33.

¹⁸ Id. at 202-243.

¹⁹ Id. at 137-138.

any clear showing of abuse, arbitrariness or capriciousness committed by the lower court[s], its findings of facts, especially when affirmed by the CA, are binding and conclusive upon this Court.”²⁰

The question of whether petitioner offended the religious feelings of those who were present during the celebration of the MTBC is a question of fact which will not be entertained in the present petition.

As held in the case of *The People of the Philippines v. Jose M. Baes*:²¹

[W]hether or not the act complained of is offensive to the religious feelings of the Catholics, is a question of fact which must be judged only according to the feelings of the Catholics and not those of other faithful ones, for it is possible that certain acts may offend the feelings of those who profess a certain religion, while not otherwise offensive to the feelings of those professing another faith. x x x.²²


We agree with the CA in its finding that the acts of petitioner were meant to mock, insult, and ridicule those clergy whose beliefs and principles were diametrically opposed to his own.²³

Therefore, for failure of the petitioner to sufficiently show any reversible error in the uniform findings of the MeTC, the RTC and the CA, We resolve to **DENY** the instant petition.

WHEREFORE, premises considered, the Decision dated December 12, 2014 and Resolution dated August 14, 2015 of the Court of Appeals in CA-G.R. CR No. 36170 are hereby **AFFIRMED**.

SO ORDERED.” Sereno, C.J., on leave; Jardeleza, J., no part in view of his prior action in the Office of the Solicitor General; Caguioa, J., designated additional Member per Raffle dated March 12, 2018.

Very truly yours,


LIBRADA C. BUENA
Deputy Division Clerk of Court
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²⁰ *Uyboco v. People*, 749 Phil. 987, 992 (2014).

²¹ 68 Phil. 203 (1939).

²² *Id.* at 206.

²³ *Rollo*, p. 24.



MENDOZA BAG-AO & MANUEL
Counsel for Petitioner
3/F Prince David Condominium
Katipunan Avenue, Loyola Heights
1106 Quezon City

Court of Appeals (x)
Manila
(CA-G.R. CR No. 36170)

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

The Hon. Presiding Judge
Regional Trial Court, Branch 32
1000 Manila
(Crim. Case No. 13-295293)

The Hon. Presiding Judge
Metropolitan Trial Court, Branch 4
1000 Manila
(Crim. Case No. 387435-SA)

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