

October 22, 2021

PROOF OF DISMISSAL OF CASE AGAINST GENEVIVE LIM-REYES (From Sandiganbayan)

Case No. SB-18-CRM-0275 to 0276. : Violation of Section 3 e of R.A. 3019 and Section 5, in relation to Section 9 of R.A. No. 8048, as amended., DISMISSED



Republic of the Philippines
Sandiganbayan
Commonwealth Avenue, Quezon City
FIFTH DIVISION

CASE NO. SB-18-CRM-0275 to 0276 October 22, 2021

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

GENEVIVE GUMBAN LIM-REYES,
Accused.

NOTICE OF DECISION
Promulgated: October 22, 2021

TO: Prosecutor Christian L. Tarce,
Dir. Ma. Cristina T. Marallag-Batacan &/or
DSP Lalaine Benitez
Office of the Special Prosecutor
Ombudsman Main Building
4th Floor, Agham Road, Diliman, Quezon City
(by email: ahy.tarce@jmail.com jtrusty@yahoo.com
marvgracelabaloc@rocketmail.com tinabatacan@gmail.com
records_osp2014@yahoo.com ospclustier1@gmail.com and/or personal service)

Atty. Maria Rosa B. Rico-Sabado
RAMIREZ LAZARO BELLO RICO-SABADO &
ASSOCIATES LAW OFFICE
Counsel for the accused
R-501 S & L Building, 1500 Roxas Boulevard, Ermita, Manila
(by email: rlbrslawoffice@yahoo.com and/or reg.mail-direct)

Genevive G. Lim-Reyes
Brgy. Semirara, 5711 Caluya, Antique
(reg.mail-direct)

The Commissioner
Bureau of Immigration
Magallanes Drive, Intramuros, Manila
(reg.mail-direct)

SIRS:

You are hereby notified by these presents that in the above-entitled case, **DECISION** was issued on the **22nd October 2021**, copy of which is attached hereto.

Atty. LIEZEL C. DE LEON
Executive Clerk of Court III

By:

Atty. *[Signature]* MARYANNA C. ALISUAG
Executive Clerk of Court II

NOTE: PLEASE NOTIFY THIS OFFICE OF ANY CHANGE OF ADDRESS.



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FIFTH DIVISION

[Signature]
Executive Clerk of Court II
PROMULGATED
OCT 22 2021

PEOPLE OF THE PHILIPPINES,
Plaintiff,

THE

SB-18-CRM-0275 and 0276

For: Violation of Sec. 3 (e) of R.A. 3019 and Sec.5, in relation to Sec. 9 of R.A. 8048

-vs-

GENEVIVE G. LIM-REYES,
Accused.

Present:

LAGOS, J., Chairperson
MENDOZA-ARCEGA, J.,
and CORPUS-MAÑALAC, J.

Promulgated:

October 22, 2021

X-----X

DECISION

MENDOZA-ARCEGA:

Accused Genevive G. Lim-Reyes is charged with Violation of Section 3 (e) of R.A. 3019 and Sec. 5, in relation to Sec. 9 of R.A. 8048, in the Informations dated January 24, 2018, the accusatory portions of which read:

SB-18-CRM-0275
"That on or about 28 February 2014, or sometime prior or subsequent thereto, in the Municipality of Caluya, Province of Antique, Philippines, and within the jurisdiction of this Honorable Court, accused GENEVIVE GUMBAN LIM-REYES, a high ranking public officer being then the Municipal Mayor of Caluya, Antique, in such capacity and committing the crime in relation to office, taking advantage of her official position, acting with evident bad faith, manifest partiality and/or gross inexcusable negligence, did then and there wilfully, unlawfully and criminally cause undue injury to one Juliet Ramos (Ramos) by ordering, causing the summary clearing operations or the cutting of 245 coconut trees, more or less, planted and cultivated on a five-hectare land occupied by Ramos located in Barangay Tinogboc, Caluya, without compliance with the legal processes of a prior public consultation and judicial recovery of possession, absent a permit to cut the said coconut trees from the Philippine Coconut Authority, and in disregard to Ramos's civil rights, thereby resulting in the destruction of the coconut trees and crops planted and owned by Ramos, to the damage and prejudice of the latter in the amount equivalent to the value of the 245 coconut trees and crops."
"CONTRARY TO LAW."

SB-18-CRM-0276
"That on or about 28 February 2014, or sometime prior or subsequent thereto, in the Municipality of Caluya, Province of Antique, Philippines, and within the jurisdiction of this Honorable Court, accused GENEVIVE GUMBAN LIM-REYES, a high ranking public officer being then the Municipal Mayor of Caluya, Antique, in such capacity and committing the crime in relation to office, taking advantage of her official position, acting with evident bad faith, manifest partiality and/or gross inexcusable negligence, did then and there wilfully, unlawfully and criminally cause undue injury to one Juliet Ramos (Ramos) by ordering, causing the summary clearing operations or the cutting of 245 coconut trees, more or less, planted and cultivated on a five-hectare land occupied by Ramos located in Barangay Tinogboc, Caluya, without compliance with the legal processes of a prior public consultation and judicial recovery of possession, absent a permit to cut the said coconut trees from the Philippine Coconut Authority, thereby violating the provisions of Republic Act No. 8048."
"CONTRARY TO LAW."

On April 6, 2018, the Informations docketed as SB-18-CRM-0275 for violation of Sec. 3 (e) of R.A. 3019; and SB-18-CRM-0276 for violation of Sec. 5 in relation to Sec. 9 of R.A. 8048, were filed.

On June 8, 2018, the accused was arraigned and entered pleas of not guilty for both Informations.

At the Pre-Trial, the accused admitted the following stipulations:

- a. Accused Genevive Gumban Lim-Reyes is one and the same person named in the Informations; and

walang tanim ng niyog kundi mayroong lang taniman ng palay na sahod ulan ni Eliodoro Ysug na noong panahon na iyon ay walang tanim dahil tag araw noon.

Xxx

Q17: Aside from the rice paddies of Eliodoro Ysug, what other plantings were affected by the implementation of the relocation site?

A17: Wala po dahil iniwasan yang mga puno ng niyog ni Eliodoro Ysug hindi kasama sa 5 hectares na tinayuan ng relocation. Kahit yang mga ilang matandang puno na nasa loob ng 5 hectares ay hindi naman pinutol dahil gusto ng LGU Caluya na meron shade doon sa relocation site.

The foregoing witnesses all testified that there were no coconut trees located on Lot 912-A (the area of the relocation project of the LGU). It follows that since there was no coconut trees planted on the subject lot, the violation of Republic Act No. 8048 as amended by Republic Act 10593 cannot be consummated.

Finally, the absence of a permit to cut coconut trees is not sufficient to convict herein accused. The absence of the permit may also mean that indeed there was no coconut trees cut in the subject area.

In all criminal prosecutions, the prosecution bears the burden to establish the guilt of the accused beyond reasonable doubt. In discharging this burden, the prosecution's duty is to prove each and every element of the crime charged in the information to warrant a finding of guilt for that crime or for any other crime necessarily included therein. The prosecution must further prove the participation of the accused in the commission of the offense. In doing all these, the prosecution must rely on the strength of its own evidence and not anchor its success upon the weakness of the evidence of the accused. The burden of proof placed on the prosecution arises from the presumption of innocence in favor of the accused that no less than the Constitution has guaranteed. Conversely, as to his innocence, the accused has no burden of proof, hence, he must then be acquitted and set free should the prosecution not overcome the presumption of innocence in his favor. In other words, the weakness of the defense put up by the accused is inconsequential in the proceedings for as long as the prosecution has not discharged its burden of proof in establishing the commission of the crime charged and in identifying the accused as the malefactor responsible for it.²³

Undoubtedly, the prosecution failed to meet the required quantum of evidence sufficient to support a conviction, in which case, the constitutional presumption of innocence prevails. To stress, when moral certainty as to culpability hangs in the balance, **acquittal on reasonable doubt** inevitably becomes a matter of right.²⁴

IN VIEW OF THE FOREGOING, accused GENEVIVE G. LIM-REYES is **ACQUITTED** of the charges of violation of Section 3 (e) of R.A. 3019 and Sec. 5, in relation to Sec. 9 of R.A. 8048 for failure of the prosecution to prove her guilt beyond reasonable doubt.

²³ People v. Clara, 808 Phil. 455, 468-469 (2017);
²⁴ People v. Rable, 663 Phil. 147, 165-166 (2011).

Moreover, no civil liability is imposed on the accused inasmuch as there is no proof that the latter caused undue injury to herein complainant.

SO ORDERED.

[Signature]
MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

WE CONCUR:

[Signature]
RAFAEL R. LAGOS
Chairperson
Associate Justice

[Signature]
MARYANN E. CORPUS-MAÑALAC
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.

[Signature]
RAFAEL R. LAGOS
Chairperson, Fifth Division

CERTIFICATION

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

[Signature]
AMPARO M. CABOTAJE-TANG
Presiding Justice