



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
Quezon City

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

- versus -

ROMMEL CAGOCO ARNADO,  
REY ARMODIA CAMANIAN and  
LAURO ROCABERTE DIPUTADO,  
Accused.

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**SB-17-CRM-0677 to 0679**  
For: Grave Coercion

Present:

DE LA CRUZ, J., *Chairperson*  
ECONG, J. and  
CALDONA, J.

Promulgated:

JAN 15 2021

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**DECISION**

CALDONA, J.

Accused Rommel Cagoco Arnado (Arnado), Rey Armodia Camanian (Camanian) and Lauro Rocaberte Diputado (Diputado) are charged with three (3) counts of Grave Coercion, defined and penalized under Article 286 of the Revised Penal Code, as amended. The accusatory allegations of the Information<sup>1</sup> in Criminal Case No.

<sup>1</sup> Records, Vol. IV, pp. 1-3. In Criminal Case No. SB-17-CRM-0678, the date of commission of the offense is alleged as October 30, 2013, *id.*, pp. 4-6, while in Criminal



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SB-17-CRM-0677, uniformly worded as those in Criminal Cases Nos. SB-17-CRM-0678 and SB-17-CRM-0679, save for the dates of commission of the offense, read as follows:

That on 21 October 2013 or sometime prior or subsequent thereto, in Brgy. Tacub, Municipality of Kauswagan, Province of Lanao del Norte, Philippines, and within the jurisdiction of the Honorable Court, accused **ROMMEL C. ARNADO** (Arnado), being then the Mayor of the Municipality of Kauswagan, **REY A. CAMANIAN** (Camanian), **LAURO R. DIPUTADO** (Diputado), and **SEVEN (7) "JOHN DOES,"** being then members of the Civil Service [*sic*] Unit (CSU) of the Municipality of Kauswagan PNP, all public officers, taking undue advantage of their respective official positions, conspiring and confederating with one another, did then and there willfully, unlawfully, criminally prevent **IBRA C. SAMBUAT**, **OSAMA C. SAMBUAT**, **FARHANA C. SAMBUAT** and their relatives (the Sambuats) from having shelter and peaceful living and forcing them by means of violence, threats, and intimidation [*sic*] to leave against their will the land over which they claim ownership and where their houses and shelters were built, when accused Camanian, Diputado and Seven (7) John Does, upon the command of accused Arnado, without lawful authority, entered and took control of the land where the houses and shelters of the Sambuats were located, and demolished said shelters and took their materials.

CONTRARY TO LAW.

In a Resolution dated January 14, 2019, the Court ordered the archiving of cases against Camanian and Diputado for having been at large at that time and issued an alias warrant of arrest<sup>2</sup> against them.<sup>3</sup>

On April 26, 2019, the Court rendered a Decision (Decision) in the subject cases, finding Arnado guilty beyond reasonable doubt of three (3) counts of the crime of Grave Coercion and sentencing him to suffer the indeterminate penalty of imprisonment of six (6) months

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Case No. SB-17-CRM-0679, the alleged date of commission of the offense is November 18, 2013, *Id.*, pp. 7-9.

<sup>2</sup> *Id.*, p. 38.

<sup>3</sup> Decision dated April 26, 2019, p.2.



of *arresto mayor* as minimum to three (3) years and six (6) months of *prision correccional* medium as maximum for each count.

In the meantime, Camanian and Diputado were arrested on February 22, 2019. They posted joint cash bonds in the Regional Trial Court of Lanao del Norte in Iligan City in the total amount of ₱60,000.00 for their provisional liberty.<sup>4</sup> In view of their posting of cash bonds, the Court considered the cases revived as to them.<sup>5</sup>

When arraigned, both Camanian and Diputado, assisted by counsel, pleaded "not guilty" to the charges against them in Criminal Cases Nos. SB-17-CRM-0677 to SB-17-CRM-0679.<sup>6</sup>

The Court issued a Pre-Trial Order<sup>7</sup> dated September 2, 2019 in the cases involving Camanian and Diputado which, among others, contained the following:

#### I. STIPULATIONS AND ADMISSIONS

The parties adopted some of the stipulations and admissions in the Pre-Trial Order already issued for the previous proceedings involving only accused Arnado, as follows:

1. The identity of accused Rommel Cagoco Arnado, Rey Armodia Camanian and Lauro Rocaberte Diputado, as the same persons charged in the three (3) Informations;
2. Accused Rommel Cagoco Arnado was a public officer, being then the Municipal Mayor of Kauswagan, Lanao del Norte, at the time material to these cases;
3. Accused Lauro Rocaberte Diputado and Rey Armodia Camanian were public officers, being then members of the Civil Service [*sic*] Unit (CSU) of the Municipality of Kauswagan, PNP, at the time material to these cases;

<sup>4</sup> Resolution dated June 14, 2019. *Id.*, p. 41.

<sup>5</sup> Resolution dated August 16, 2019. *Id.*, p. 68.

<sup>6</sup> Order dated August 16, 2019. *Id.*, p. 72.

<sup>7</sup> *Id.*, pp. 93-99.



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4. There was a pending Special Civil Action Case No. 4757 for Mandamus, Declaratory Relief and Damages filed by Henry Dy, Voltaire Rovira and Sotero Q. Trinidad during the times material to these cases (October 21, 2013, October 30, 2013 and November 18, 2013) considering that the same was only resolved in favor of the latter on June 19, 2014.
5. These cases are for alleged three (3) counts of Grave Coercion under Article 286 of the Revised Penal Code;
6. This Court has already dismissed the three (3) counts of Malicious Mischief initially instituted by the prosecution together with these cases for Gra[v]e Coercion;
7. There were PNP officials during the alleged removal on 21 October 2013, 30 October 2013 and 18 November 2013; and
8. During these material dates, there was a pending case before the Regional Trial Court (RTC) of Lanao Del Norte filed by the Sambuats on September 5, 2013 for Quieting of Title; Cancellation of Tax Declaration/Title; Recovery of Possession and Damages docketed as Civil Case No. 7641.

In addition, accused Camanian and Diputado also admitted the following:

9. The authenticity of the photographs attached to the Complaint;
10. The person of accused Diputado as the one appearing in the photograph marked as prosecution Exhibit A-3-a; and
11. The authenticity of the police blotters marked as Exhibits D, F and G.

## II. ISSUE TO BE RESOLVED

Common issue: Whether accused Rey Armodia Camanian and Lauro Rocaberte Diputado, in conspiracy with each other and with accused Rommel Cagoco Arnado, committed the crime of Grave Coercion.

## III. DOCUMENTARY EVIDENCE

x x x

### A. FOR THE PLAINTIFF

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## 2. Testimonial Evidence

The parties agreed to adopt the testimonies of the prosecution witnesses already presented in these cases during the trial conducted as regards Rommel C. Arnado, but the witnesses will be recalled for further testimony on matters not previously taken up in the said proceedings.

- a) Ibra C. Sambuat
- b) Farhana C. Sambuat
- c) Osama C. Sambuat
- d) Mildred J. Hingco

## B. FOR THE ACCUSED

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## 2. Testimonial Evidence

The following witnesses will testify for the accused:

- a) Accused Rey Armodia Camanian
- b) Accused Lauro Rocaberte Diputado
- c) Ritchelle Inday Alipio – Administrative Officer of Mayor Arnado
- d) a police officer

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During the trial of Camanian and Diputado, the prosecution presented Ibra C. Sambuat<sup>8</sup>, Farhana C. Sambuat<sup>9</sup>, Osama C. Sambuat<sup>10</sup> and Mildred D. Hingco as its witnesses. Inasmuch as the first three (3) witnesses already testified during the trial of Arnado,<sup>11</sup> and for consistency, the Court extensively quotes below the relevant portions of its Decision summarizing their previous testimonies, with additional summary of their testimonies at the time they were recalled during the trial of both accused.

<sup>8</sup> TSN dated October 14, 2019.

<sup>9</sup> *Id.*

<sup>10</sup> TSN dated October 15, 2019.

<sup>11</sup> The previous testimony of Ibra C. Sambuat is found in the TSN dated June 18, 2018 (A.M.) and October 29, 2018; that of Farhana C. Sambuat is in the TSN dated June 8, 2018 while that of Osama C. Sambuat is in the TSN dated June 19, 2018.



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The testimony of Ibra C. Sambuat was summarized in the Decision as follows:

It can be gathered from the testimony of complainant Ibra C. Sambuat<sup>12</sup> that he is one of the heirs/owners of a parcel of land located at Tacub, Kauswagan, Lanao del Norte covered by a title registered in their late grandparents' name. Being the eldest son, he took over the administration of the farm after the death of their parents. At around 5:00 o'clock, both in the afternoons of October 21, 2013 and October 30, 2013, several members of the Citizen Security Unit (CSU) of the Office of the Mayor of Kauswagan, among whom were accused Rey Camanian and Lauro Diputado, upon the instruction of accused Mayor Arnado, entered their property and threatened to kill anyone if they will not be allowed entrance. These men shouted that the complainant and his relatives leave the area at once and destroyed the latter's shanties/houses in the presence of Kauswagan Philippine National Police (PNP) officials. They did so despite pleas from the complainant that they are the property owners and showing them the original title. He and his relatives slept under the trees on both nights and caused such incidents to be recorded on separate occasions in the police blotter. They then put up their houses and started all over.

For the third time, the same accused members of the CSU upon the instruction of accused Mayor Arnado, returned to the property at around 5:15 o'clock in the afternoon of November 18, 2013, threatening to kill anyone who refused them entry. In the presence of the Kauswagan PNP officials, these armed men destroyed the houses and fences of the Sambuats and shouted that they leave the area. The complainant's claim of ownership was left unheeded. Thereafter, the armed men took away the materials from the destroyed shelters and shouted that they did not want to see the family build another structure on the property. Such incident was likewise entered in the police blotter.

In the course of his testimony, the complainant identified several pictures taken by his nephew during the incidents in question, depicting the destruction of their shelters, structures, tents, tarpaulins and other properties; several CSU members; the tent bearing the name of Governor Khalid Dimaporo which was lent to them by the mayor of the town of Pantar; the vehicle of accused Mayor Arnado; a police patrol car and the dump truck of the municipality of Kauswagan, among others.

He recalled having been invited twice by Mayor Arnado for a dialogue at the latter's office and that the letter invitation was brought by police officers. He was only able to attend the second time, during which the mayor told him to leave the property

<sup>12</sup> Exhibit "A" – Affidavit-Complaint dated November 25, 2013; TSN, June 18, 2018.



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because they are not the owners. He refused and showed his title to the property which he claimed was not sold or disposed in any way and that in fact he filed a case for quieting of title before the Regional Trial Court (RTC) of Iligan City against therein defendants Henry Dy and other fellow claimants.

The complainant stated that during the destruction of their houses and shelters, they asked the accused and their companions if they had any court order or legal basis for their actions but the latter were unable to produce any.

On cross-examination, he explained that it was OCT No. O-17 in the name of Guimba Shipping and Development Corporation which was cancelled and not title No. P-3033 which was in the name of his grandparents. He maintained that their family first occupied the subject property sometime in the 1940's or 1950's. In 1971, there were chaos and confusion that led to the declaration of Martial Law so they left their land in Tacub. When they returned sometime in 1974 or 1975, someone else was occupying the property. They were unable to stay there because a powerful mayor, Omar Gillan, secured another certificate of title, OCT No. O-17, from the court and was occupying the property. They did not take possession of the same at the time as they were afraid that they might be harmed. In 2013, they began building their houses on the property because their title was clean and there was no indication that it was sold.

When he was recalled to the witness stand during the hearing on October 14, 2019, Ibra C. Sambuat identified Camanian and Diputado as among the persons depicted in the photographs marked as Exhibits "A-3" and series. He also identified lists of materials and their respective amounts and claimed that they were the items that were destroyed after the accused and other persons dismantled their houses. He said that he knew Camanian and Diputado's whereabouts during the pendency of the trial of accused Arnado.

On cross-examination, Ibra C. Sambuat denied that their property covered by Original Certificate of Title No. P-3033 was the one that was levied by the Provincial Government of Lanao del Norte due to failure to pay the corresponding real property taxes for several years. He returned to the property around 1974 or 1975 during the period of Martial Law and resided in their cousin's house built within

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the property. They were not able to build their own house on their property because then Mayor Omar Dianalan, whom he considered as a powerful and influential person, built his houses there. He left their property and resided in a reclamation site in Marawi City for many years. In 2011, he went to the Office of the Municipal Assessor of Kauswagan to pay the real property taxes on their property. However, he was informed that the property was already registered in the name of Guimba Shipping and Development Corporation ("Guimba") under Original Certificate of Title No. O-17. He insisted that their property and that claimed by Guimba have different title numbers. He and his relatives returned to their property on October 11, 2013 and built two (2) houses there but never applied for a building permit for their construction. He identified Camanian in one of the pictures that were taken by his nephew during the demolition and explained that Camanian was the one who directed the demolition of their houses. On question from the Court, he confirmed that he presently resides in their property in Barangay Tacub together with his relatives where they rebuilt their houses after the three (3) instances of demolition covered in the present cases.

The Decision summarized the testimony of Farhana C. Sambuat in the following manner:

Farhana C. Sambuat<sup>13</sup> testified that sometime in the afternoon of October 21, 2013, members of the PNP arrived at their house looking for her brother, Ibra Sambuat. According to them, Mayor Arnado was inviting him for a dialogue at his office. Since Ibra was not around at the time, she and her other brother Osama went instead. When they arrived at the office, they saw accused Mayor Arnado together with P/Insp. Madrid Paitao and a certain lawyer, both of whom were introduced to them. Mayor Arnado asked them if they had documents to prove that they are owners of the land at Purok 7 in Brgy. Tacub. Osama replied that they have the original title. Thereafter, the mayor showed them a letter to the

<sup>13</sup> Exhibit "B-2" - Affidavit dated July 1, 2014; TSN, June 8, 2018.





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effect that the true owners are Henry Dy and Atty. Voltaire Rovira. At this juncture, P/Insp. Paitao spoke up and asked if he could speak with them in Maranao dialect. He then told them to leave the property because they were dealing with persons who are big-time. They insisted, however, that they had a title to the property which was in the possession of their brother Ibra. Since the dialogue was not fruitful, they asked for permission to leave the office.

That same afternoon, at around 5 o'clock, they received reports that Mayor Arnado gave orders to demolish their property. She then called P/Insp. Paitao to confirm such reports but he told her to ask the mayor instead. At around 5:30 o'clock, several members of the CSU headed by accused Camanian, together with members of the PNP, barged in, shouting that they leave the property and that no one from any tribe can build a house there. Despite their family's objection, the men succeeded in destroying their two (2) houses. She then called her brothers, Osama and Ibra, to tell them that the mayor ordered the destruction of their property. During the demolition, she asked accused Camanian who ordered the demolition of their houses. The latter replied that it was an order from higher officials. On cross-examination, she stated that there were three (3) families living there at the time of the demolition and that the children were hurt during the incident.

During the continuation of her testimony on October 14, 2019, Farhana Sambuat identified several photographs<sup>14</sup> in which Camanian and Diputado could be seen in the photos. She testified that before the said accused entered the property, she already knew and saw them. She became afraid and told her nephews and nieces to take photos of the people who entered their property.

On cross-examination, she confirmed that Diputado, upon entering the disputed property, told her that she and her relatives should not live there upon orders from higher officials. She saw police officers and police vehicles during the subject incidents but could not recall how many police personnel were there because she was traumatized. She admitted that she stayed in Marawi from 1973 to 2013 and returned to the property located at Bgy. Tacub, Kauswagan, Lanao del Norte in 2013. When she, her family and her brother

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<sup>14</sup> Exhibit "A-3" and series.



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returned to the property, they built a *bahay kubo* and set up a parachute tent given by the Provincial Governor. She did not secure a building permit for the *bahay kubo*.

On question from the Court, she replied that on June 18, 2018, the date of her initial testimony, she resided in Marawi but would return to Tacub, Kauswagan, Lanao del Norte. She explained that when she stated before the Court that she resided in Manila, she referred to the residence of her sibling who rented the place where she temporarily stayed. At present, she resides in Barangay Tacub, Kauswagan.

The Court summarized Osama C. Sambuat's testimony in the Decision, as follows:

Osama C. Sambuat<sup>15</sup> corroborated the testimony of his siblings and stated that it was him, his wife and his sister Farhana Sambuat who went to the mayor's office on October 21, 2013. Accused Mayor Arnado then asked them if they had documents proving their ownership of the subject lot and showed them a letter signed by the real owners of the property. It was read to them by the lawyer of the office of the mayor. Thereafter, the accused mayor asked them to leave the property. They refused and maintained that the property belonged to their ancestors and that they had a title thereto. P/Insp. Paitao told them that the letter attests that the true owners of the land are Henry Dy, Atty. Voltaire Rovira and Sotero Trinidad. He then warned them not to insist on their claims over the land because it was owned by influential people. Since the discussions were becoming intense, they decided to leave the mayor's office and went home to Tacub. Sometime later, he went to Marantao, Lanao del Sur. At around 6:30 o'clock in the evening, he received a call from Farhana who was weeping as she informed him that their houses were destroyed. He went there on the next morning and had the incident entered in the police blotter. They then endeavored to rebuild their houses.

On October 30, 2013, the PNP Chief of Kauswagan invited his brother Ibra for a dialogue at the station. At around 5:15 o'clock in the afternoon, the members of the CSU, upon the order of accused Mayor Arnado, again destroyed their houses. They rebuilt

<sup>15</sup> Exhibit "B-1" - Affidavit dated June 27, 2014; TSN, June 19, 2018.



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the same but the CSU members once again returned on November 18, 2013. At that time, the men brought a dump truck on which they loaded the materials from the demolished houses.

Upon being cross-examined, he explained that his family was already residing at Purok 7, Brgy. Tacub when he was born. They left Kauswagan when feud broke out between the Iloga and Barracuda and stayed in Marawi City, Lanao del Sur.

On cross-examination of Osama C. Sambuat on October 15, 2019 during the trial of Camanian and Diputado, he testified that he grew up in Marawi City but returned to Tacub, Kauswagan and studied in Grades 1 and 2 in the elementary school in that barangay. He stated that he was not present during the first and second incidents of demolition of houses on the property in dispute that occurred on October 21 and 30, 2013 but was present during the third incident on November 18, 2013. He recalled having seen more than thirty (30) people who demolished their houses. He also saw around three (3) police officers on board a police vehicle during that time. The police officers were at the highway while CSU personnel demolished their houses. The police officers did not participate in the demolition of the houses. Upon question from the Court, Osama C. Sambuat clarified that he was present during the second and third instances of demolition of their houses that occurred on October 30 and November 18, 2013, respectively. He described the dwellings as two (2) houses made of wood with roofs made of galvanized iron sheets and nipa, and a parachute tent. He and his family lived in one house while his sister Farhana C. Sambuat and her family lived in the other house. During the first demolition on October 21, 2013, he was in Marawi City and was informed about the incident by his sister Farhana C. Sambuat. He returned to the disputed property on the following day to rebuild the houses that were demolished. He identified the group that demolished their houses as CSU personnel from the back of the shirts that the men wore that bore the letters





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"CSU". Also, he knew that they were the personnel of Mayor Arnado because before the first demolition on October 21, 2013, when he, his wife and his sister Farhana C. Sambuat were called to the office of Mayor Arnado, the latter told them to leave the property where they built their houses. He also identified Camanian and Diputado as among the CSU personnel who entered their property and demolished their houses.

The testimony of Mildred Hingco<sup>16</sup>, the Provincial Treasurer of the Provincial Government of Lanao del Norte, was dispensed with after the prosecution and the defense stipulated on the authenticity and due execution of her Judicial Affidavit and the Certification marked as Exhibit "V".<sup>17</sup> The Certification states that her office does not have the pertinent documents relating to the alleged tax delinquency auction sale of a certain 62-hectare land located at Barangay Tacub, Municipality of Kauswagan, which include the land under the name of the Heirs of Magaraon Sambuat, represented by Hadji Abubakar Sambuat, allegedly bought by the group of Henry Dy.

The prosecution formally offered in evidence Exhibits "A" to "V" together with their sub-markings.<sup>18</sup> The Court admitted the same exhibits for the prosecution.<sup>19</sup>

On the part of the defense, accused Rey A. Camanian,<sup>20</sup> Lauro R. Diputado<sup>21</sup> and Atty. Voltaire Rovira<sup>22</sup> (Atty. Rovira) were presented as witnesses.

<sup>16</sup> TSN dated October 15, 2019.

<sup>17</sup> Order dated October 15, 2019. Records, Vol. IV, pp. 188-192.

<sup>18</sup> *Id.*, pp. 174-185.

<sup>19</sup> TSN dated October 15, 2019, p. 42.

<sup>20</sup> TSN dated November 11, 2019.

<sup>21</sup> TSN dated November 11 and 12, 2019.

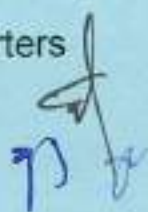
<sup>22</sup> TSN dated February 10, 2020.



Camarian testified that at times material to these cases, he was the Head of the Civil Security Unit (CSU) tasked to maintain peace and order in the Municipality of Kauswagan, Lanao del Norte and to act as a force multiplier to the municipal police. His superior was accused Arnado, then Municipal Mayor. Sometime in October 2013, Ibra Sambuat, accompanied by a group of people riding in a jeepney (Armak), arrived at the disputed property located at Barangay Tacub, Kauswagan, Lanao del Norte and set up tents and shanties thereon. Camarian was aware that the former Vice-Mayor of Iligan City Henry Dy, his lawyer, Atty. Voltaire Rovira, and their partner Sotero Trinidad are the co-owners of the property. Because the property is located along the highway, he always observed that the tenants of the group of Henry Dy possessed and cultivated the same. He also knew that based on the records of the offices of the municipal treasurer and assessor, the group of Henry Dy was the one who had been paying the real property tax on the property and the one declared in the tax declaration.

On October 21, 2013, while he was at the office of the CSU near the Municipal Hall of Kauswagan, P/Insp Mark Ian Quieta ("P/Insp Quieta"), then Chief of Police of Kauswagan, called the office of CSU and asked for its assistance to immediately respond to a complaint that a group led by Ibra Sambuat was building tents and improvised quarters on the disputed property. Personnel from the CSU, including Camarian and Diputado, accompanied the police and went to that place. There they found Ibra Sambuat and other persons and saw that there were tents built in the area and that the latter started to build improvised quarters.

When they arrived at the area, they told Ibra Sambuat that the land where they erected their tents and where they built their quarters





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are owned by Henry Dy. The police requested them to stop their construction and dismantle the tents and cottages they constructed. As Camanian and his group saw Ibra Sambuat and his companions dismantling their tents, they assisted the latter in dismantling the same. There was no commotion as they freely entered the area and only helped the Sambuats in dismantling their tents. The Sambuats just kept silent and allowed them to help in dismantling them.

Camanian claimed that their superior Mayor Arnado, who was not at his office at that time, was not aware of such request for assistance. He explained that the CSU was always called to render assistance to the police force in case the latter needed their help as force multiplier.

On October 30, 2013 and November 18, 2013, they were again requested by the police to accompany them to the disputed property at Barangay Tacub because they were informed that the group of Ibra Sambuat had made and built again their tents in the said place. They accompanied the police and assisted them to negotiate with the group of Ibra Sambuat inasmuch as they could not build houses or tents in the area because there is an existing owner of the property – the group of Henry Dy. Thereafter, Camanian and his men helped them dismantle the tents erected thereon. There was no resistance nor complaint from the Sambuats. Even in the incidents on October 30 and November 18, 2013, they did not wait for permission from Mayor Arnado anymore because it was standard procedure for the CSU to automatically become the force multiplier for the police in case it would ask for assistance. After every incident, they made a report and forwarded copy of the same to the office of the mayor. After receiving their reports, Mayor Arnado instructed them to



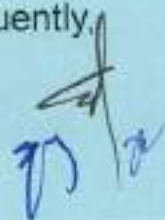


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coordinate with the local chief of police, P/Insp Quieta, on what actions to take and reminded them to be neutral to both parties.

Camarian stated that he was not aware that a warrant of arrest against them was issued by the Court in April 2017 in relation to these cases, claiming that he was then in Manila recuperating from his illness. When he arrived in January 2019 in his hometown Kauswagan, he learned that these cases were filed against him, so he immediately surrendered and posted bail.

On cross-examination, Camarian admitted that he knew Ibra Sambuat only on October 21, 2013 when the latter and several others set up tents on the property. He was not aware that Ibra Sambuat has a title to the disputed property. He was familiar with the disputed property because he could see it along the highway every time he went to Iligan City. He saw all the tents and houses there but did not see any tarpaulin of the enlarged image of the certificate of title of Ibra Sambuat. He admitted that he learned about the alleged ownership of the group of Henry Dy over the land from the people of Barangay Tacub, one of whom was former *Kagawad* Fortunato Ungos who died several years ago. He was not shown any document about the alleged ownership by the group of Henry Dy but saw that Henry Dy personally cultivated the land. He admitted that he did not see the group of Henry Dy pay the taxes for the property or go to the assessor's and treasurer's office to inquire who paid for the subject land. While standing in front of the property in the afternoon of October 21, 2013, he saw the Sambuats arrive on board a jeepney. He explained that the distance between his residence at Barangay Poblacion to the property is a one-minute ride while the distance from such property to his office is about a 30-minute ride. He claimed that he was in his office in the morning of October 21, 2013. Subsequently,



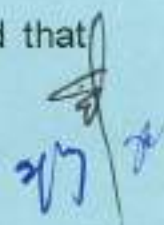


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he went to Barangay Tacub when the Sambuats arrived in the afternoon of the same day, then went back to his office in the same afternoon when P/Insp Quieta called the CSU to ask for assistance to respond to the place because there were unidentified persons who erected tents in the land owned by Henry Dy. When they went to the land, he saw several persons setting up tents in the area. So, they immediately told them that they were not allowed to build any house there because the land is owned by Henry Dy, not them.

Diputado identified and affirmed the contents of his Judicial Affidavit which were strikingly similar to those of Camanian's and adopted as his testimony on direct examination. On cross-examination, he mentioned that the head of the CSU was co-accused Camanian but their superior was co-accused Mayor Arnado. He saw the arrival of the Sambuats riding in jeepneys (Armak) on October 21, 2013 and upon arrival, they set up tents and improvised housing. He did not see them carrying firearms but was only informed by the neighbors around the property. It was Camanian who was informed by the Chief of Police, P/Insp Quieta, to respond to the incident in the property and the former informed him in turn. He was not aware of the order directly from P/Insp Quieta. He also replied that he only helped the occupants in gathering the materials that were already dismantled at the time that they went to the property. He said that Mayor Arnado was not aware of this mission but he never confirmed it from the latter.

He explained that CSU personnel like him are the force multiplier of the PNP. They also helped the police in apprehending violators of ordinances. On October 21, 2013, he saw Ibra Sambuat personally as pointed out by his cousin, Mr. Naser. When he asked Mr. Naser who were those people on the property, he replied that





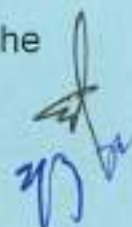
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they were the Sambuats. He was informed by co-accused Camanian that the order to dismantle the tents and cottages of the occupants of the property came from P/Insp Quieta, who made such order orally and not in writing. He saw P/Insp Quieta talk with the Sambuats, then to the Floreses from the group of Henry Dy. He clarified that the tents were already dismantled and he merely helped in gathering the dismantled materials or debris. He was only made aware of the case for quieting of title between the Sambuats and the group of Henry Dy when they were implicated in the case.

On redirect, he said that Fortunato Ungos paid rent to Henry Dy as tenant over the property and harvested coconuts. On re-cross, he stated that he was aware that the Sambuats are still in the subject property up to now.

Atty. Rovira identified and affirmed the contents of his Judicial Affidavit dated January 27, 2020, which was adopted as his testimony on direct examination. He testified that he is one of the owners of the property in Tacub, Kauswagan, Lanao del Norte. Said property was claimed by the Sambuats as theirs and they forcibly entered the premises on October 21, 2013, October 30, 2013 and November 18, 2013. By reason of their forcible entry, Atty. Rovira asked the help of the PNP and the CSU of Kauswagan to protect the property from the invasion of the Sambuats. However, the latter filed grave coercion cases against Diputado and Camanian.

In 1989, he came across a publication in the Lanao Mail regarding the tax delinquency auction sale of the parcels of land in Bgy. Tacub, Kauswagan scheduled on September 1, 1989 at the Session Hall of the *Sangguniang Panlalawigan* of Lanao del Norte. In the auction sale, Henry Dy was the successful bidder. As such, he



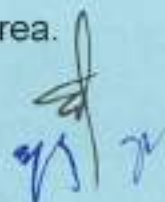


was issued by the Provincial Treasurer of the Province of Lanao del Norte a "Certificate of Sale of Delinquent Property to the Province." Said Certificate of Sale was registered with the Registry of Deeds for Lanao del Norte on April 23, 1991. One year after the issuance of the Certificate of Sale, no redemption was made. Such being the case, the Provincial Treasurer was supposed to issue to Henry Dy and the owners thereof a Final Bill of Sale. However, none was made by the Provincial Treasurer despite repeated demands. Hence, they filed an action for *Mandamus* against the Provincial Treasurer.

After the purchase by Henry Dy, Atty. Rovira acquired a 25% *pro indiviso* portion of the land while Sotero Q. Trinidad acquired 10% ownership of the land.

The *mandamus* case reached all the way to the Supreme Court. He identified the Decisions of the Regional Trial Court (RTC) and the Court of Appeals, as well as the Notice of Resolution denying the Petition for *Certiorari* filed by the Provincial Treasurer of Lanao del Norte, Notice of Resolution denying the Motion for Reconsideration and the Entry of Judgment, all issued by the Supreme Court, respectively marked as Exhibits "1" to "5" with its sub-markings.

Atty. Rovira also claimed that on October 21, 2013, October 30, 2013 and November 18, 2013, their possession over the property was disturbed by the Sambuats. Thus, he sought the assistance of the police officers of Kauswagan, Lanao del Norte together with the CSU to stop the Sambuats from disturbing their possession over their property. Thus, the police officers and the CSU responded on October 21, 2013, October 30, 2013 and November 18, 2013 and tried to stop the Sambuats from invading their property. On such dates, the Sambuats would dismantle their tents but they would come back again and again. Until now, they occupied a portion of the area.





However, Atty. Rovira and his group are planning to evict them from their property through an action for ejectment.

On cross-examination, when asked if he knew that the property covered by TCT No. T-4406 is the subject of a civil case for quieting of title, Atty. Rovira answered that the said case was archived by the RTC pending the final decision of the Supreme Court of their civil case for *mandamus* against the provincial treasurer, hence was not yet decided by the RTC. He admitted that the title over the property is still in the name of Guimba but he expected that they will have the title in their names. He likewise admitted that he does not yet have a copy of the certificate of sale. At this point, the parties stipulated that the decisions of the RTC, the Court of Appeals and the Supreme Court on the *mandamus* case involving the property were released after the dates material to the present cases.

On re-direct, Atty. Rovira replied that their occupation or possession of the property started in 1992, after the expiration of the redemption period, until October 2013, when the Sambuats entered the 12-hectare portion of the 62-hectare lot.

On re-cross, he stated that they have tenants that oversee the 62-hectare property. He claimed that they were the ones that harvested crops therein but denied any knowledge if the Sambuats also harvested on the other portions of the property.

The defense orally offered in evidence Exhibits "1" to "1-F", "2" to "2-L", "3" to "3-B", "4" and "5". The Court admitted the said exhibits as part of the testimonies of the witnesses who testified thereon.





In a Resolution dated September 23, 2020, the Court directed the parties to submit their respective memoranda within twenty (20) days therefrom. Both parties submitted their respective Memoranda.<sup>23</sup>

The Court hereby adopts the narration of facts in its April 26, 2019 Decision, quoted as follows:

It can be gleaned from the collective evidence presented that on three (3) separate occasions at around 5:30 o'clock in the afternoons of October 21 & 30 and November 18, all in 2013, members of the CSU and PNP personnel of Kauswagan were at the subject property located in Purok 7, Brgy. Tacub, Kauswagan, Lanao del Norte. The houses, shanties and tents of the Sambuats were demolished and destroyed. They reported each incident to the Municipal Police Station of Kauswagan as embodied in the respective police blotters.<sup>24</sup> Photographs<sup>25</sup> taken on October 21, 2013 showed members of the CSU dismantling nipa huts, a tent and other structures on the property. On the other hand, the pictures<sup>26</sup> taken on October 30, 2013 depict a dismantled tent and other shelters; the tarpaulin of the enlarged copy of OCT No. P-3033 and the letter of the lawyer of the Sambuats addressed to the accused mayor; a police vehicle and a black pick-up truck. Another set of photographs<sup>27</sup> which were taken on November 18, 2013 showed nipa huts, shelters with galvanized iron sheets and a tent, all being taken down. There was also a dump truck and police vehicle in the area.

Ibra Sambuat, his siblings and his family staked their claim as heirs of the subject twelve (12)-hectare parcel of land covered by OCT No. P-3033<sup>28</sup> which is registered in the name of the Heirs of Magoraon Sambuat, represented by Hadji Abubakar Sambuat, and issued on June 26, 1970. The said title originated from Free Patent No. 470983<sup>29</sup> issued on June 10, 1970. Hadji Sambuat, the father of Ibra Sambuat and his other siblings, died on December 2, 1975.<sup>30</sup> They left the subject property sometime in the 1970's during the conflict between the Barracudas and Ilagas. In a Letter<sup>31</sup> dated September 19, 2011 addressed to the Municipal Assessor of Kauswagan, Ibra Sambuat as representative of the heirs requested

<sup>23</sup> Memorandum for the Prosecution dated October 12, 2020. Records, Vol. IV, pp. 399-419; Memorandum for accused Camanian and Diputado. *Id.*, pp. 424-436.

<sup>24</sup> Exhibits "A-4", "A-6", "A-8" and "D".

<sup>25</sup> Exhibits "A-3" to "A-3-u".

<sup>26</sup> Exhibits "A-5" to "A-5-ee".

<sup>27</sup> Exhibits "A-7" to "A-7-oo".

<sup>28</sup> Exhibit "A-1".

<sup>29</sup> Exhibit "Q".

<sup>30</sup> Exhibit "A-2".

<sup>31</sup> Exhibit "R".



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for the declaration of the subject property under OCT No. P-3033 for taxation purposes. In a Letter<sup>32</sup> dated October 12, 2011, the municipal assessor replied that their office cannot issue another tax declaration in the name of the Heirs of Magoraon Sambuat since the property is already declared under TCT No. 4406 in the name of Guimba Shipping and Development Corporation.

On the other hand, Atty. Voltaire Rovira, Henry Dy and Sotero Trinidad claim ownership of more or less sixty-two (62) hectares which include the twelve (12) hectares being claimed by the Sambuats. They purchased the same in a tax delinquency auction sale on September 1, 1989 held by the province of Lanao del Norte. The property in question was covered by OCT No. O-17<sup>33</sup> in the name of the Heirs of Magoraon Sambuat which was cancelled by virtue of a supposed Deed of Extrajudicial Settlement with Deed of Absolute Sale. TCT No. T-4406 was issued in lieu thereof in the name of Guimba Shipping and Development Corporation. The group of Dy later filed a case for mandamus before the RTC, Lanao del Norte against the provincial treasurer of Lanao del Norte for the issuance of a final deed of sale in favor of the former. The RTC and the Court of Appeals ruled in favor of Henry Dy. x x x

In relation to this case for *mandamus*, the Supreme Court, in a Resolution<sup>34</sup> dated July 23, 2018, dismissed the petition for *certiorari* filed by the provincial treasurer. The motion for reconsideration filed by the latter was denied by the Supreme Court in a Resolution<sup>35</sup> dated June 19, 2019. An Entry of Judgment<sup>36</sup> was issued on June 19, 2019.

The Decision continues in its narration of facts:

In a Certification<sup>37</sup> dated October 4, 2018, the Provincial Treasurer of Lanao del Norte stated that their office has no record nor documents pertaining to the tax delinquency sale of a 62-hectare land in Tacub, Kauswagan, Lanao del Norte.

Meanwhile, the Sambuats insist that OCT No. O-17 is a fake title. On September 5, 2013, Ibra Sambuat, as representative of the Heirs of Magoraon Sambuat, filed before the RTC, Iligan City a

<sup>32</sup> Exhibit "S".

<sup>33</sup> Exhibit "T".

<sup>34</sup> Exhibit "3".

<sup>35</sup> Exhibit "4".

<sup>36</sup> Exhibit "5".

<sup>37</sup> Exhibit "V".



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case for Quieting of Title, Cancellation of Registration of Tax Declaration/Title; Recovery of Possession and Damages<sup>38</sup> against Henry Dy, Guimba Shipping and Development Corporation and the Municipal Assessor of Kauswagan. The same remains pending at present.

In a Letter<sup>39</sup> dated October 16, 2013 addressed to accused Mayor Arnado, Atty. Rovira requested that in order to maintain peace and order, the Sambuats be required to desist from constructing or placing any structure on the premises and for them to remove whatever they have introduced thereon. Atty. Rovira explained therein that they have been in possession as owners since September 1, 1989 and that their tenants, Glorioso and Regina Flores, have been harvesting the products of the land. He mentioned that by virtue of the Committee Report No. 023-2009, the *Sanggunian*[g] *Bayan* of Kauswagan found Henry Dy as the owner of the property who is entitled to possess the same and harvest its products; thus, it recommended the issuance of the pertinent clearances and permits in favor of Henry Dy. Atty. Rovira requested the office of the mayor to continue implementing the said committee report.

On October 20, 2013, Acting Chief of Police Mark Ian Quieta issued a Memorandum<sup>40</sup> addressed to Ibra Sambuat, inviting the latter to attend a meeting at the Kauswagan Municipal Hall at 10:00 o'clock in the morning of October 21, 2013 per verbal instruction from the accused mayor and PSSupt. Madid Paitao. On October 30, 2013, he issued another Memorandum<sup>41</sup> per letter-request of Atty. Rovira, likewise addressed to Sambuat, this time inviting him (Sambuat) to the police station to discuss and settle the issues through diplomatic and peaceful means.

On the part of Camanian and Diputado, they denied that accused Arnado had knowledge of the three (3) demolition incidents. They claimed that they merely followed the verbal orders of P/Insp Quieta to immediately respond to the reports that several people were building structures on the property owned by the group of Henry Dy on three (3) separate occasions that happened on October 21, October 30 and November 18, 2013. They also denied that they were the ones who demolished the houses of the Sambuats. Instead, they pointed to the group of Sambuats as the ones who voluntarily

<sup>38</sup> Exhibits "L" and "M".

<sup>39</sup> Exhibit "K" for the prosecution; Exhibit "5" for the defense.

<sup>40</sup> Exhibit "O".

<sup>41</sup> Exhibit "P".

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demolished their houses upon the request of the police officers present during the three (3) incidents in question. What they claimed they did was only to assist the Sambuats in dismantling their own dwellings and in gathering the materials from the demolition so that they could be boarded to the truck for safekeeping.

The Court now resolves the issue of whether or not Camanian and Diputado, in conspiracy with each other and with accused Arnado, committed the crime of Grave Coercion.

Article 286 of the Revised Penal Code, as amended, defines and penalizes the crime of Grave Coercion as follows:

Article 286. *Grave Coercions.* – The penalty of *prision correccional* and a fine not exceeding six thousand pesos shall be imposed upon any person who, without any authority of law, shall, by means of violence, threats, or intimidation, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong.

If the coercion be committed in violation of the exercise of the right of suffrage, or for the purpose of compelling another to perform any religious act, to prevent him from exercising such right or from so doing such act, the penalty next higher in degree shall be imposed.

The crime of grave coercion has the following elements:

1. that a person is prevented by another from doing something not prohibited by law, or compelled to do something against his/her will, be it right or wrong;
2. that the prevention or compulsion is effected by violence, threats or intimidation; and
3. that the person who restrains the will and liberty of another has no right to do so, or in other words, that





the restraint is not made under authority of law or in the exercise of any lawful right.<sup>42</sup>

The first element of grave coercion in these cases is present. The Sambuats were not only prevented by accused Camanian, Diputado and other CSU personnel on three (3) separate occasions, *i.e.*, October 21, October 30 and November 18, all in 2013, from peacefully occupying the property that the Sambuats claim as theirs, they were also forced to leave their homes that they built on such property against their will.

The second element is also present. To prevent the Sambuats from peacefully occupying their property on which they built their houses, and to force them to leave the property in dispute, accused Camanian, Diputado and other CSU personnel, armed with bladed weapons, crowbars and side arms, employed material violence or force upon things to demolish and destroy the dwellings of the Sambuats, and even the tarpaulin bearing the enlarged images of the certificate of title of the Sambuats and the letter of their lawyer, on three (3) separate occasions. Before doing so, they threatened to kill anyone who would not let them enter the property then proceeded to surround their dwellings. The incidents caused fear among the residents: men, women and children, who were terribly disturbed from their peaceful living on those three (3) fateful afternoons of October 21, October 30 and November 18, 2013. Accused Camanian, Diputado and other men refused to heed the plea of the Sambuats who were there at the time of demolition of their houses on three (3) different dates, explaining that they are the owners of the property and that they have a title over it. Such acts of accused and their group in intimidating the Sambuats had caused intense fear among

<sup>42</sup> *Alejandro vs. Bernas*, G.R. No. 179243, September 7, 2011.



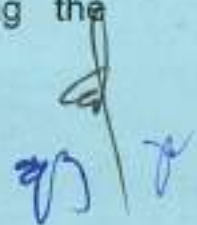
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the latter that they were forced to leave their homes against their will lest harm befall them. Intimidation in case of grave coercion must be such that the victim is compelled to give his/her consent due to a reasonable and well-grounded fear of an imminent and grave evil upon his or her person or property or that of his or her spouse, descendants or ascendants. Material violence is not indispensable for there to be intimidation. Intense fear produced in the mind of the victim which restricts or hinders the exercise of the will is sufficient.<sup>43</sup>

The third element of grave coercion also exists. Accused Camanian and Diputado, as the head and member of the CSU, respectively, together with other persons, had no authority of law whatsoever to demolish the dwellings of the Sambuats over the property that the latter claims as their own, with the intimidation and threat to leave the same, thus depriving the Sambuats of the right to peacefully occupy their property. They cannot hide under the cloak of merely following verbal orders from the Chief of Police, P/Insp Quieta, to maintain peace and order within the disputed property after receiving reports of building of illegal structures over such land. Evidence overwhelmingly points to the fact that, in the absence of a court order, the CSU personnel led by Camanian actively participated in the demolition and destruction of the subject dwellings. They were not in the area to maintain peace and order and to ensure that the Sambuats peacefully self-demolish their houses. The photographs showing persons wearing shirts that bore "Civil Security Unit" and "CSU" at their backs demolishing the houses and tents and boarding them on a dump truck, together with the entries in the police blotter book that narrated the three (3) demolition incidents, including the clear and straightforward testimonies of the prosecution witnesses pointing to Camanian and Diputado's participation during the

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<sup>43</sup> *Id.*





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demolition, sufficiently convince the Court that these two (2) accused actively participated in the demolition of the houses of the Sambuats during the three (3) separate dates subject of these cases.

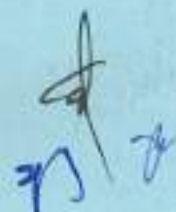
This is contrary to the version of the defense that Camanian and Diputado merely assisted the Sambuats and other residents to self-demolish their houses and to gather the dismantled materials for safekeeping. The claim that the Sambuats voluntarily demolished their houses on three (3) separate occasions is patently absurd. No owner of a house in his or her right mind would demolish his or her house, buy materials needed to rebuild it, reconstruct it for several days, destroy it again two more times, then rebuild it. Such acts are simply contrary to ordinary human experience. More so, when the owners of the house such as the Sambuats are firm in claiming that the land on which their houses are built are theirs, to the extent of filing a case for quieting of title before the court of law even before their houses were demolished by the accused.

To act "without any authority of law" as used in Article 286 of the Revised Penal Code means "that the person who restrains the will or liberty of another has not the right to do so as a private person or does not act in the exercise of a duty in the case of a person with a duty to perform or with authority as a public functionary."<sup>44</sup> Here, there was no duty on the part of the CSU personnel headed by Camanian to act as a demolition team to tear down the dwellings on a private property in the absence of a valid court order. This has been discussed in the earlier Decision in the following wise:

It bears stressing, too, that the entire property was a private land. It was not for the office of the mayor, the

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<sup>44</sup> Reyes, Luis B., *The Revised Penal Code*, Book Two, 1981 ed., p. 571.





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CSU nor the police to decide on their own who the real owners of the subject property are, without any directive from the proper courts. The said government offices cannot summarily remove the structures and force the Sambuats to leave the premises. If at all, the CSU members and the police personnel can maintain peace and order just by their mere presence, ensuring that no violence will erupt, without having to dismantle the properties and shelters of the Sambuats. Moreover, there were pending cases for quieting of title and petition for mandamus respectively filed by both sides before the courts which shall ultimately make a definitive ruling on the issue of ownership.

Further, the defense makes it appear that the act of the alleged co-owners of the property in dispute, particularly Atty. Rovira, of seeking the help of the police and the CSU to prevent the Sambuats from erecting their houses on the property, was an exercise of a lawful right. In a bid to lend legitimacy to the acts of the accused in demolishing the houses of the Sambuats on three (3) separate occasions, the defense relied on the doctrine of self-help under Article 429 of the Civil Code that provides as follows:

The owner or lawful possessor of a thing has the right to exclude any person from the enjoyment and disposal thereof. For this purpose, he may use such force as may be reasonably necessary to repel or prevent an actual or threatened unlawful physical invasion or usurpation of his property. (n)

However, in *German Management & Services, Inc. vs. Court of Appeals*<sup>45</sup>, the Supreme Court clarified that the doctrine of self-help can only be exercised at the time of actual or threatened dispossession. When possession has already been lost, the owner must resort to judicial process for the recovery of property pursuant to Article 536 of the Civil Code that states:

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<sup>45</sup> G.R. No. 76216, 76217, September 14, 1989.

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In no case may possession be acquired through force or intimidation as long as there is a possessor who objects thereto. He who believes that he has an action or a right to deprive another of the holding of a thing, must invoke the aid of the competent court, if the holder should refuse to deliver the thing.

In the present cases, the evidence shows that the Sambuats' actual possession of the disputed property was already in place when Atty. Rovira claimed to have asked the assistance of Mayor Arnado through a letter, as well as the help of the CSU and the PNP to oust them from possession over the property on October 23, October 30 and November 18, 2013. That being so, the proper and legal way that the group of Henry Dy should have done under the circumstances was to resort to judicial remedy to place them in possession over the property that they claim as their own. For sure, it was not proper to seek the help of government personnel in ousting the Sambuats from the disputed land without any court order.

It must be emphasized that at the times material to the cases, the group of Henry Dy were not yet the registered owners of the land that the Sambuats also claim as theirs. Assuming for the sake of argument that the certificate of title was already transferred to the group of Henry Dy, they must resort to filing with the proper court a petition for the issuance of writ of possession.<sup>46</sup> In any case, the remedy is still judicial, not by taking the law in one's own hands as what the group of Henry Dy resorted to through the accused and other persons against the Sambuats. Forcibly ejecting an occupant from the land bought by the offender, without authority from the court, is coercion. No person may take the law into his or her own hands.<sup>47</sup>

<sup>46</sup> See *De Guzman vs. Chico*, G.R. No. 195445, December 7, 2016.

<sup>47</sup> *People vs. Nebreja*, C.A. No. 762, February 6, 1946, 76 Phil. 119.





Also, the prosecution has sufficiently proven the existence of conspiracy among the accused. A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.<sup>48</sup> Conspiracy can be inferred from and established by the acts of the accused themselves when said acts point to a joint purpose and design, concerted action and community of interests.<sup>49</sup>

In its Decision, the Court has found accused Arnado participated in the conspiracy as he gave the orders to demolish the houses and other structures built by the Sambuats on the property in dispute. The Court explained:

It is worth noting that the houses and other structures were taken down three (3) times at an interval of about one (1) to (2) weeks. Each time, the members of the CSU and the municipal police were at the scene. It is rather impossible for the CSU, which is directly under the Office of the Mayor, to have acted on their own and for the accused mayor not to have known the same. In fact, Farhana Sambuat testified that when she asked accused Rey Camanian why they were asked to leave the property, he replied, "utos sa taas".<sup>50</sup> In other words, a higher official/s gave orders to the CSU members. The said members would not have been so brazen in demolishing the properties of the Sambuats without prior instructions from the mayor. Moreover, the dump truck of the municipality bearing government plates was undisputedly brought to the premises during the demolition for the third time. The Sambuats also claimed having seen a black Toyota Hilux pickup which, according to them, and again was never disputed, belongs to the mayor. These properties and vehicles could not have been brought to the subject property without the approval of accused Mayor Arnado.

Both Camanian and Diputado admitted that their superior was Mayor Arnado. However, they denied that Arnado had knowledge of the demolition incidents and insisted that they took their orders from

<sup>48</sup> Article 6, Revised Penal Code.

<sup>49</sup> *People vs. Villanueva*, G.R. No. 226475, March 13, 2017.

<sup>50</sup> TSN dated June 18, 2018, pp. 8-9.

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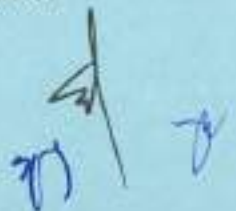
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the municipal chief of police, in much the same way as when the police asked for their assistance in acting as force multiplier.

However, the Court is not convinced that Camanian, Diputado and other members of the CSU would respond at the scene merely in compliance with the verbal orders of the chief of police to act as force multiplier in maintaining peace and order. The CSU personnel armed themselves with bladed weapons, crowbars and side arms when they went to the disputed property. The presence of such items belie the contention of the accused that they were there simply to maintain peace and order. In short, they were there with the clear intent to demolish the structures built by the Sambuats upon instructions from accused Arnado, who, in turn, acted on a letter of Atty. Rovira and Henry Dy, purported owners of the property, "requesting" that the Sambuats be prevented from occupying such property.

In this regard, the Court further discussed in its earlier Decision:

Accused Mayor Arnado testified that he instructed the police to take proper action and allegedly maintain peace and order. However, the inevitable conclusion is that the proper action to be taken was to grant the "request" of the recognized owners that the Sambuats "be required to desist from constructing or placing any structure on the premises and for them to remove whatever things they have unlawfully introduced on the premises." In other words, the CSU members and police personnel were deployed to the area to force the Sambuats to leave the premises as "requested" by the recognized owners. Besides, the Sambuats maintained that during the meeting with the accused mayor, the contents of the letter were read to them and that they were asked to depart from the property in question by no less than the accused mayor. According to them, even Provincial Director Paitao spoke to them in Maranao and told them to leave because they were going against influential people. The tenor of the meeting was therefore not merely to amicably settle or mediate but to ask them to leave. When they stood their ground on the basis of the certificate of title in their name, they were forcibly made to leave the premises through the demolition of their houses and other structures.





The common purpose to demolish the housing structures built by the Sambuats on the property claimed by the group of Henry Dy, as ordered by accused Arnado, was fulfilled when, on the dates material to these cases, the CSU personnel on his watch, led by Camanian, armed with bladed weapons, crowbars and side arms, arrived at the property with the police officers, surrounded the place where the Sambuats resided, threatened to kill them if they would not leave the area and demolished their houses despite the pleas of the Sambuats that they have the title to the property. These series of acts clearly show the concerted actions of all the accused to achieve the purpose of ousting the Sambuats from the property claimed by the group of Henry Dy, even without a court order of eviction and demolition.

Concerning the civil liability of the Camanian and Diputado, the prosecution failed to substantiate the Sambuats' claim for actual damages as reimbursement for the expenses incurred for the repair of their dwellings demolished by the accused.

The crime of grave coercion carries the penalty of *prision correccional* and a fine not exceeding ₱6,000.00. Since there is no aggravating or mitigating circumstance in these three (3) cases, the penalty shall be imposed in its medium term. Applying the Indeterminate Sentence Law, the minimum that may be imposed is anywhere from one (1) month and one (1) day to six (6) months of *arresto mayor*, and from two (2) years, four (4) months and one (1) day to four (4) years and two (2) months of *prision correccional*, as maximum, for each count.<sup>51</sup>

<sup>51</sup> *Consulta vs. People*, G.R. No. 179462, February 12, 2009.

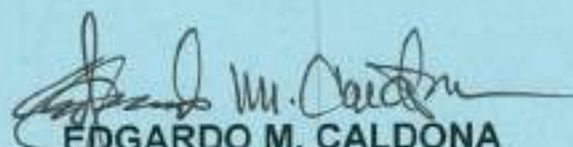




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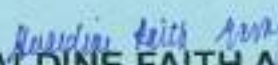
WHEREFORE, premises considered, the Court finds accused Rey Armodia Camanian and Lauro Rocaberte Diputado GUILTY beyond reasonable doubt of three (3) counts of the crime of grave coercion and sentences them to suffer the indeterminate penalty of imprisonment of six (6) months of *arresto mayor* as minimum to three (3) years and six (6) months of *prison correccional* medium as maximum for each count.

SO ORDERED.  
Quezon City, Metro Manila, Philippines.

  
**EDGARDO M. CALDONA**  
Associate Justice

WE CONCUR:

  
**EFREN N. DE LA CRUZ**  
Associate Justice  
Chairperson

  
**GERALDINE FAITH A. ECONG**  
Associate Justice



X-----X


**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.

  
**EFREN N. DE LA CRUZ**  
Chairperson, First 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.

  
**AMPARO M. CABOTAJE-TANG**  
Presiding Justice

