



Republic of the Philippines
Supreme Court
Manila

EN BANC

MAIN T. MOHAMMAD,
Petitioner,

G.R. No. 256116

Present:

- versus -

**OFFICE OF THE SECRETARY,
DEPARTMENT OF JUSTICE,
MENARDO I. GUEVARRA, in
his capacity as SECRETARY OF
JUSTICE,**

Respondent.

**GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.**

Promulgated:

February 27, 2024

X-----X

DECISION

SINGH, J.:

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This is a Petition for *Certiorari*¹ filed pursuant to Rule 65 of the Rules of Court (**Rules**) by petitioner Main T. Mohammad (**Mohammad**), assailing the Decision,² dated February 1, 2021, issued by the Secretary of Justice (the **Secretary**). The Secretary affirmed the Decision,³ dated November 18, 2020, issued by the Department of Justice Board of Claims (the **Board**), which denied Mohammad's application for compensation under Republic Act No. 7309⁴ for lack of prior conviction.

On September 18, 2017, Mohammad was arrested, detained, and charged with piracy and two counts of murder.⁵ Mohammad was identified as a member of the Abu Sayyaf Group (**ASG**) responsible for the kidnapping and murder of certain individuals.⁶

In the Resolution⁷ dated April 8, 2019, the charges of murder were dismissed as the prosecution was unable to produce a witness who could identify Mohammad as the same person charged in the Information.

On the basis of this acquittal, Mohammad filed a claim for compensation under Republic Act No. 7309 with the Board in Zamboanga City since he was mistakenly identified as a member of the ASG and as a result was "unjustly arrested, accused, and detained two years for a crime he did not commit."⁸ According to Mohammad, he is entitled to compensation under Section 3(a) of Republic Act No. 7309, which provides that "any person who was unjustly accused, convicted, and imprisoned but subsequently released by virtue of a judgment of acquittal" may file claims for compensation before the Board.⁹

Mohammad argued that the term "and" as used in Section 3(a) of Republic Act No. 7309 should not be strictly construed as implying conjunction or union of the words connected by it because doing so would result in grave injustice to Mohammad and other persons similarly situated and would run counter to the very purpose of the law. As laws must be construed in a manner that avoids absurdity or unreasonableness, Mohammad argued that the conjunctive "and" should not be taken in its ordinary acceptation but should be construed like the disjunctive "or" if the literal interpretation of the law would pervert or obscure the legislative intent. Mohammad surmised that the legislative intent behind Republic Act No. 7309

¹ *Rollo*, pp. 3–21.

² *Id.* at 22–27.

³ *Id.* at 35.

⁴ Republic Act No. 7309 (1992), An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes.

⁵ *Rollo*, p. 35.

⁶ *Id.* at 22.

⁷ *Id.* at 28–29.

⁸ *Id.* at 6–7.

⁹ *Id.* at 30.



appears to cover persons unjustly prosecuted even though they have been acquitted by the trial court, as the unjust prosecution ruined their honor and besmirched their reputations. In Mohammad's case, he was arrested, tagged, accused, and identified as a member of a notorious terrorist organization.¹⁰

The Ruling of the Board

In its Letter,¹¹ dated November 18, 2020, Mohammad was informed that his claim was denied by the Board through Resolution No. 2020-28, dated November 6, 2020, for lack of prior conviction. According to the Board, the law requires that, first, there must be conviction in the trial court and, later, release from detention because of acquittal on appeal. In Mohammad's case, he was released from detention upon acquittal only at the level of the trial court and not subsequently released from detention by virtue of an acquittal on appeal.¹²

Aggrieved, Mohammad appealed to the Office of the Secretary.¹³

The Ruling of the Secretary

In the Decision,¹⁴ dated February 1, 2021, the Secretary denied Mohammad's appeal and affirmed the Decision of the Board.¹⁵ The Secretary ruled that giving the word "and" its ordinary denotation—as a joinder of words, phrases, or clauses—would not lead to an absurdity and that the law may still be enforced, albeit only in favor of a certain class of individuals who have met the parameters laid down in the law.¹⁶ Further, the Secretary explained that the fact that Section 4 of Republic Act No. 7309 allows for the compensation of the period during which a person was unjustly imprisoned or detained does not mean that all instances of unjust imprisonment or detention is compensable.¹⁷ Thus, under Section 3(a) an applicant must show that he was unjustly: (i) accused; (ii) convicted; (iii) imprisoned; and (iv) released through a judgment of acquittal.¹⁸ Lastly, the Secretary ruled that the challenge to the validity of its interpretation of Section 3(a) should fail, as "there is no constitutional requirement that a regulation must reach each and every class to which it may be applied."¹⁹ Pursuant to the Court's explanation in the case of *Quinto v. Commission on Elections*,²⁰ in the absence of showing

¹⁰ *Id.* at 30–31.

¹¹ *Id.* at 35.

¹² *Id.*

¹³ *Id.* at 36–40.

¹⁴ *Id.* at 22–27.

¹⁵ *Id.* at 27.

¹⁶ *Id.* at 24.

¹⁷ *Id.* at 25.

¹⁸ *Id.*

¹⁹ *Id.* at 26.

²⁰ 627 Phil. 193 (2010) [Per C.J. Puno, *En Banc*].



of arbitrariness in the classification under the law, the constitutionality of the law must be sustained even if its reasonableness of the classification is “fairly debatable.”²¹ The dispositive portion of the Decision reads as follows:

In view of the foregoing, the Appeal dated [December 28,] 2020 is hereby **DENIED** and the Decision dated [November 18,] 2020 issued by the Board of Claims is hereby **AFFIRMED**.²²

Hence, this Petition.

The Petition

The Petition argues that the Secretary acted with grave abuse of discretion amounting to lack or excess of jurisdiction in ruling that the phrase “judgment of acquittal” is limited to acquittals on appeal and challenges the constitutionality of Section 3(a) of Republic Act No. 7309 for violating the equal protection clause.²³

Mohammad dispensed with the filing of a motion for reconsideration of the Decision of the Secretary prior to filing the present Petition. While the general rule is that a motion for reconsideration is a pre-requisite to the filing of a petition for *certiorari*, Mohammad argues that the Petition falls under the exceptions to the general rule as the same raises only a question of law, challenges the constitutionality of a law that affects numerous persons whose constitutional rights have been violated by unjust acts of government, and involves the same issues that were already raised before the Board and the Secretary. Thus, Mohammad urges the Court to relax the general rule treating a motion for reconsideration as a pre-requisite to the filing of a petition for *certiorari* under Rule 65 of the Rules.²⁴

In his Comment,²⁵ the Secretary, through the Office of the Solicitor General, counters that there was no grave abuse of discretion in denying the appeal and affirming the Decision of the Board. The Secretary claims that there can be no grave abuse of discretion on his part as the action of the Board of denying the claim for lack of prior conviction is based on the clear wording of Republic Act No. 7309. Hence, there was no arbitrary or despotic exercise of the power provided by law because the statute’s clear language did not require further interpretation. Section 3(a) of Republic Act No. 7309 states that a person who was unjustly accused, convicted, and imprisoned but subsequently released by virtue of a judgment of acquittal is qualified to file

²¹ *Id.* at 232–233.

²² *Rollo*, p. 27.

²³ *Id.* at 9–10.

²⁴ *Id.* at 4–6.

²⁵ *Id.* at 66–80.



a claim with the Board. All of these elements must concur in order to sustain a claim. Lacking the element of an unjust prior conviction, the Board was constrained to deny the claim. The Secretary stands by the Board's finding that a determination of an unjust conviction by the trial court could only be made through an acquittal by an appellate court. In the present case, there was no prior conviction to begin with, as Mohammad was acquitted at the first instance by the trial court.²⁶

The Issue

Did the Secretary act with grave abuse of discretion amounting to lack or excess of jurisdiction in denying Mohammad's appeal?

The Ruling of the Court

The Petition should be dismissed. The Secretary of Justice did not commit grave abuse of discretion in affirming the Decision of the Board.

Mohammad failed to prove that the Secretary of Justice committed grave abuse of discretion in issuing the assailed Decision

Grave abuse of discretion under Rule 65 has a specific meaning. It is the arbitrary or despotic exercise of power due to passion, prejudice or personal hostility; or the whimsical, arbitrary, or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. For an act to be struck down as having been done with grave abuse of discretion, the abuse of the discretion must be patent and gross.²⁷

The Decision of the Secretary finds basis under the clear import of Section 3(a) of Republic Act No. 7309:


Section 3(a) of Republic Act No. 7309 provides as follows:

Sec. 3. *Who May File Claims.* – The following may file claims for compensation before the Board:

- a) any person who was unjustly accused, convicted, and

²⁶ *Id.* at 71–73.

²⁷ *Caballes v. Court of Appeals*, G.R. No. 263481, February 8, 2023 [Per J. Gaerlan, Third Division], *citing Fajardo v. Court of Appeals*, 591 Phil. 146, 153 (2008) [Per Acting C.J. Quisumbing, Second Division]. Citation omitted.



imprisoned but subsequently released by virtue of a judgment of acquittal[.]

The provision is clear. For a successful claim for compensation under Section 3(a) of Republic Act No. 7309, the following elements must concur: (a) there must be a person who was unjustly accused; (b) the person must have been convicted of the offense; (c) the person was imprisoned by virtue of the conviction; and (d) the person was subsequently released by virtue of a judgment of acquittal. In this case, all elements are absent. Hence, Mohammad's claim for compensation under Republic Act No. 7309 was properly denied.

For the first element, the Court finds that the same is lacking as no other reason was given by Mohammad other than that he was detained for two years only to be acquitted by the Regional Trial Court (RTC) later.²⁸ The Court reiterates that the finding of probable guilt by our prosecutors, absent any bad faith, cannot be considered as an unjust accusation, even if the same ultimately leads to an acquittal of the accused. The case of *Basbacio v. Drilon*,²⁹ is clear in this regard:

Indeed, [s]ec. 3(a) does not refer solely to an unjust conviction as a result of which the accused is unjustly imprisoned, but, in addition, to an unjust accusation. The accused must have been "unjustly accused,["] in consequence of which he is unjustly convicted and then imprisoned. It is important to note this because if from its inception the prosecution of the accused has been wrongful, his conviction by the court is, in all probability, also wrongful. **Conversely, if the prosecution is not malicious[,] any conviction even though based on less than the required quantum of proof in criminal cases may be erroneous but not necessarily unjust.**

The reason is that under Rule 112, sec. 4, the question for the prosecutor in filing a case in court is not whether the accused is guilty beyond reasonable doubt but only whether "there is reasonable ground to believe that a crime has been committed and the accused is probably guilty thereof." *Hence, an accusation which is based on "probable guilt" is not an unjust accusation and a conviction based on such degree of proof is not necessarily an unjust judgment but only an erroneous one. The remedy for such error is appeal.*³⁰ (Emphasis supplied)

There is no argument that the second element of prior conviction is also lacking, both Mohammad and the Secretary acknowledge this fact. The requirement of prior conviction is clearly stated in Republic Act No. 7309, as the finding that the same is unjust may only be determined by a subsequent judgment of acquittal by an appellate court. Mohammad was acquitted at the first instance by the RTC due to the failure of the prosecution to produce an

²⁸ *Rollo*, pp. 6-7.

²⁹ 308 Phil. 5 (1994) [Per J. Mendoza, *En Banc*].

³⁰ *Id.* at 11.



identifying witness. He was not convicted and subsequently released by virtue of a judgment of acquittal. A determination of unjust conviction could not be had if there was no prior conviction to begin with.

Without the element of prior conviction, it is only but the logical consequence that the third element of Section 3(a) of Republic Act No. 7309, that the person was imprisoned by virtue of the conviction, and the fourth element, that the person was subsequently released by virtue of a judgment of acquittal, are absent.

In any case, an erroneous judgment is not necessarily an unjust one which would automatically entitle one to compensation under Republic Act No. 7309. In *Basbacio*, the Court held:

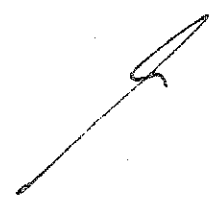
The phrase “unjustly convicted” has the same meaning as “knowingly rendering an unjust judgment” in Art. 204 of the Revised Penal Code. What this Court held in *In re Rafael C. Climaco* applies:

In order that a judge may be held liable for *knowingly rendering* an unjust judgment, it must be shown beyond doubt that the judgment is unjust as it is *contrary to law* or is *not supported by the evidence*, and the same was made with conscious and deliberate intent to do an injustice[...]

To hold a judge liable for the rendition of manifestly unjust judgment by reason of inexcusable negligence or ignorance, it must be shown, according to Groizard, that although he has acted without malice, he failed to observe in the performance of his duty, that diligence, prudence and care which the law is entitled to exact in the rendering of any public service. Negligence and ignorance are inexcusable if they imply a manifest injustice which cannot be explained by a reasonable interpretation. Inexcusable mistake only exists in the legal concept when it implies a manifest injustice, that is to say, such injustice which cannot be explained by a reasonable interpretation, even though there is a misunderstanding or error of the law applied, yet in the contrary it results, logically and reasonably, and in a very clear and indisputable manner, in the notorious violation of the legal precept.³¹

With regard to Mohammad’s continued detention throughout the duration of the trial, We find that there is nothing irregular with the same. To recall, Mohammad was detained due to charges of piracy and murder, both non-bailable offenses. Hence, his continued detention for the duration of the trial was only proper considering the gravity of the offenses charged.

³¹ *Id.* at 10-11.



It is at this juncture that the Court emphasizes the importance of the element of prior conviction for cases falling under Section 3(a) of Republic Act No. 7309. A determination of the existence of an unjust accusation, conviction, and imprisonment may only be done when the accused is convicted but is later on acquitted on appeal. Even then, however, the fact that the accused's conviction is reversed and the accused is acquitted is not proof by itself that the previous conviction was "unjust," since there are several reasons why a conviction may be set aside.³²

Even assuming *arguendo* that Section 3(a) of Republic Act No. 7309 does not require a prior conviction and acquittal on appeal, Mohammad would still not be entitled to compensation because the accusation lodged against him and his corresponding detention were not necessarily unjust. He claims that he is entitled to compensation because he was "unjustly arrested, accused, and detained two years for a crime he did not commit." However, Mohammad failed to specify why exactly his detention could be considered unjust, other than the fact that he was acquitted by the trial court. As already established, an accusation only based on "probable guilt" is not an unjust accusation. Such accusation, and subsequent detention resulting therefrom, may be considered erroneous but not necessarily unjust.

Verba Legis

The general rule of statutory construction is that when the language of the statute is clear and free from ambiguity, there is no room for interpretation or construction, only application.³³ The statute must be given its literal meaning and applied without any interpretation, lest the Court engage in judicial legislation. In *Republic v. Pryce Corporation*,³⁴ the Court held in no uncertain terms:

It is a well-settled rule that words of a statute would be interpreted in their natural, plain, and ordinary acceptance and the signification that they have in common use, unless it is evident that the legislature intended a technical or special legal meaning to those words.³⁵ (Citations omitted)

The general rule applies in this case. Given the clear and straightforward language of Section 3(a) of Republic Act No. 7309, the Court finds that there is no room for interpretation, and only application is necessary. To recall, the assailed provision states as follows:

³² *Id.* at 9.

³³ See *CBK Power Company Limited v. Commissioner of Internal Revenue*, G.R. No. 247918, February 1, 2023 [Per J. Singh, Third Division].

³⁴ G.R. No. 243133, March 8, 2023 [Per J. Zalameda, *En Banc*].

³⁵ *Id.*



- a) any person who was unjustly accused, convicted, **and** imprisoned but subsequently released by virtue of a judgment of acquittal[.] (Emphasis supplied)

The provision uses the conjunctive word “and,” denoting a union or joinder of words or phrases, which suggests that these requisites are cumulative, rather than alternative.

The Court in *Commissioner of Internal Revenue v. Ariete*³⁶ had the occasion to define and explain the conjunctive word “and” as follows:

It is evident from these RMOs that the CIR was consistent in using the word “and” and has even underscored the word in RMO No. 63-97. This denotes that in addition to the filing of the verified information, the same should also be duly recorded in the Official Registry Book of the BIR. **The conjunctive word “and” is not without legal significance. It means “in addition to.” The word “and,” whether it is used to connect words, phrases or full sentences, must be accepted as binding together and as relating to one another. “And” in statutory construction implies conjunction or union.**³⁷ (Emphasis supplied, citations omitted)

In *Compania General De Tabacos De Filipinas v. Hon. Sevandal*,³⁸ the Court explained that the term “and” is not meant to separate, but enumerate:

In establishing the above elements, it bears pointing out that the Court used the term “and” in enumerating the said elements. In *Mapa v. Arroyo*, this Court defined the term “and” as follows:

In the present case, the employment of the word “and” between “facilities, improvements, infrastructures” and “other forms of development,” far from supporting petitioner’s theory, enervates it instead since it is basic in legal hermeneutics that “and” is not meant to separate words but is a conjunction used to denote a joinder or union.³⁹

Mohammad argues that the Secretary, in affirming the Decision of the Board, focused on the term “and” instead of the word “unjust.” This over-reliance on the word “and” led to an absurdity and defeated the purpose of the law, according to him.

The argument is misleadingly attractive but wrong.

³⁶ 624 Phil. 458 (2010) [Per J. Carpio, Second Division].

³⁷ *Id.* at 467-468.

³⁸ 611 Phil. 220 (2009) [Per J. Velasco, Jr., Third Division], citing *Mapa v. Hon. Arroyo*, 256 Phil. 527 (1989) [Per J. Regalado, Second Division].

³⁹ *Id.* at 240.



It is well-settled that all parts of the statute should be considered in statutory construction in order to give life to its intent.

It is a cardinal rule in statutory construction that no word, clause, sentence, provision[,] or part of a statute shall be considered surplusage or superfluous, meaningless, void[,] and insignificant. To this end, a construction which renders every word operative is preferred over that which makes some words idle and nugatory. This principle is expressed in the maxim *Ut magis valeat quam pereat*, that is, we choose the interpretation which gives effect to the whole of the statute — its every word.⁴⁰

In this case, the Secretary and the Board did exactly this, give life to the whole provision when it rendered the questioned Decision. No over-reliance was made on the word “and,” as both the Secretary and the Board merely applied the clear wording of the law and in doing so, they gave life to the intent of the legislature, which was to categorically set the elements that must concur before a person can be entitled to file a claim before the Board.

A final note on Muslim profiling

Injustice to an accused can take many forms. In most cases, the injustice is systemic, perpetuated through the failure of the relevant institutions and duty bearers to perform their responsibilities in a timely and responsive manner. The Court is neither deaf nor blind to the discrimination leveled against the Muslim community. Senior Associate Justice Marvic Mario Victor F. Leonen (**SAJ Leonen**) underscored this in his Reflections, discussing the unfortunate reality of stereotyping, profiling, and mistaken identity in the arrest of Muslims throughout the country. At its core, it may be the “misguided, unfortunately uneducated, cultural stereotype that has caused internal conflict and inhumane treatment of Filipinos of a different faith from the majority”⁴¹ that this Court had been repeatedly denounced.⁴²

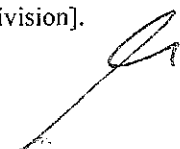
In *Garlan v. Sigales, Jr.*⁴³ the Court denounced religious discrimination when it suspended a sheriff who employed violence as he was executing a writ. On reconsideration, the sheriff justified his actions, saying that he was in a “neighborhood of Muslims” where there was a “*clear* security risk.” The Court, speaking through SAJ Leonen, reprimanded the sheriff for his unfounded, baseless argument and affirmed his one-year suspension, in this wise:

⁴⁰ *Medicard Philippines, Inc. v. Commissioner of Internal Revenue*, 808 Phil. 528, 552 (2017) [Per J. Reyes, Third Division].

⁴¹ *People v. Sebilleno*, 868 Phil. 374 (2020) [Per J. Leonen, Third Division].

⁴² J. Leonen, Reflections, p. 5.

⁴³ A.M. No. P-19-3966, February 17, 2021 [Per J. Leonen, Special Third Division].



It is not this Court's judicial policy and resolve to ignore biased, discriminatory, and bigoted statements into oblivion. Every pronouncement to this effect shall be denounced, if only to contribute to unlearning attitudes that have disproportionately endangered the religious minority. In this light, sheriffs are reminded to always act with propriety and decorum. Abuse of authority and violence premised on outdated and harmful stereotypes do not justify resort to use of force.

....

This "othering" that casts the religious minority into the margins serves no real purpose, save for creating barriers among our people. We acknowledge that this is systemic and prevalent to this day, and a single individual cannot dislodge this practice by himself or herself. However, this Court cannot turn a blind eye that it exists, and simply hope that this worn-out prejudice will naturally retire itself. We will condemn every pronouncement to this effect, if only to contribute to unlearning attitudes that have disproportionately endangered our fellow Filipinos.

Respondent is reminded that bigoted views cannot justify his resort to force. Ironically, it is his unfounded fear, premised on outdated harmful stereotypes, that propelled him into using force. We reiterate that "[t]his Court has cautioned every person involved in dispensing justice to always act with propriety and decorum. Respondent's abuse of his authority and failure to satisfactorily explain the violence he employed does not meet the exacting standard we impose on our officers."⁴⁴ (Citation omitted)

SAJ Leonen furthered in his Reflections that "[i]t is not a misrepresentation if we recognize that our system may have unfairly profiled Muslims, borne out of an outdated generalization that must be dismantled. This case appears to be another manifestation of the State wrongfully depriving a citizen of their liberty for a "mistaken identity," on a completely groundless basis, emboldened by our biases."⁴⁵ The Court agrees.

This is where the Court must step in to ensure that justice is administered in a responsive manner and that a fair and speedy trial is a guarantee assured to all who come before it, race, religion, gender, and age regardless. The Court has not been remiss in its duties. There has been no shortage of judicial reforms aimed at combating protracted litigation and its evils. However, in continuing to work towards a fair and just society for all, the Court cannot overstep its bounds and amend existing legislation to address any perceived injustice.


ACCORDINGLY, the Petition is **DENIED**. The Decision dated February 1, 2021 of the Secretary of Justice is **AFFIRMED**.

SO ORDERED.


⁴⁴ *Id.*


⁴⁵ J. Leonen, Reflection, p. 11.

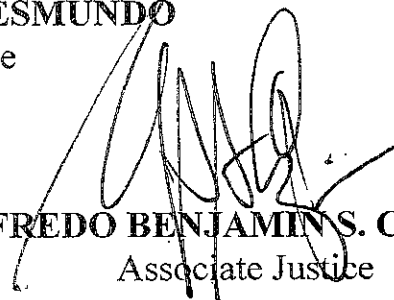




MARIA FILOMENA D. SINGH
Associate Justice


WE CONCUR:


See dissenting opinion in

ALEXANDER G. GESMUNDO
Chief Justice

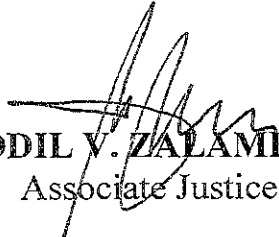

MARVIC M.V.F. LEONEN
Associate Justice

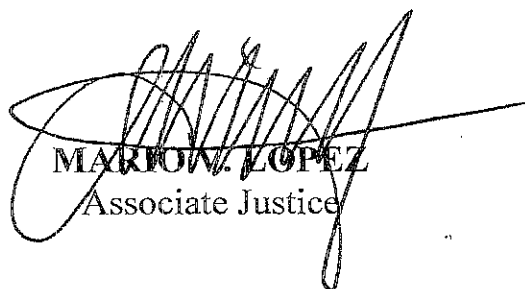

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

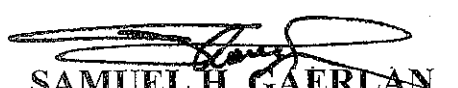

RAMON PAUL L. HERNANDO
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
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MARLON LOPEZ
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SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



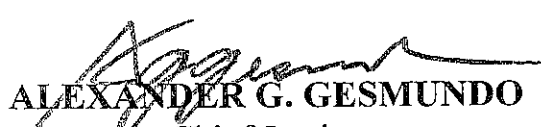
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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.



ALEXANDER G. GESMUNDO
Chief Justice

