

[G.R. No. 138402, August 18, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ARNOLD GONZALES ALIAS "ANOD", ACCUSED-APPELLANT.**

D E C I S I O N

PARDO, J.:

The case before us is an appeal from the decision of the Regional Trial Court, Branch 17, Kidapawan City, Cotabato finding accused-appellant Arnold Gonzales alias "Anod" (hereinafter referred to as "Gonzales"), guilty beyond reasonable doubt of murder, sentencing him to *reclusion perpetua*, and ordering him to indemnify the heirs of the victim, Leolito Paquelet (hereinafter referred to as "Leolito"), damages amounting to fifty thousand pesos (P50,000.00) and costs *de officio*.^[1]

The Facts

On August 17, 1996, there was a benefit dance held at the barangay hall of Meohao, Kidapawan, Cotabato. The dance ended at 12:30 a.m. the following day.

Leolito attended the dance.

On August 18, 1996, at around 1:00 a.m., Leolito who just came from the dance was seen by prosecution witness Remegia Obenza (hereinafter referred to as "Remegia") with accused-appellant Arnold Gonzales, on a bench outside her store.^[2]

Leolito was asleep on the bench. Presumably, it was while he was sleeping that someone with a dagger snuffed out his life.

There were no eyewitnesses to the actual stabbing. The prosecution thus had the task of knitting the pieces of evidence together into a thriving whole. An accusing finger was pointed at Gonzales, as he was the last person seen with Leolito before he was stabbed dead.

On August 18, 1996, a post-mortem examination was conducted on Leolito's body. We quote the relevant parts of the report:^[3]

"PERTINENT FINDINGS:

"CHEST AND BACK: Multiple stab wounds on the right anterior chest on the level of 2nd intercostal space midclavicular line measuring 4 cms. in length (sic) and 4 ins, in depth; 3rd ICS MCL measuring 3 cms. in length (sic) and 4 ins, in depth; on the left anterior chest on the level of the 2nd and 3rd ICS parasternal area measuring 5 cms. in length (sic) and 4 ins. in depth; and on the sternal area, lower 3rd measuring 2 cms. in length (sic). Stab wound on the thoracolumbar area measuring 2 cms. in length (sic) and 2 ins. in depth.

"CAUSE OF DEATH: ACUTE BLOOD LOSS SECONDARY TO MULTIPLE STAB WOUNDS."

On August 21, 1996, 1st. Asst. Provincial Prosecutor Jose Agerico R. de Guzman of Cotabato filed an information for murder against Gonzales, to wit: ^[4]

"That on August 18, 1996 at Barangay Meohao, Municipality of Kidapawan, Province of Cotabato, Philippines, the said accused, armed with a bladed weapon, with intent to kill, did then and there willfully, unlawfully, feloniously and with treachery, attack, assault and stab LEOLITO PAQUELET, thereby hitting and inflicting upon the latter multiple stab wounds on the different parts of his body, which is the cause of his death thereafter.

"CONTRARY TO LAW."

On November 12, 1996, upon arraignment, accused pleaded "not guilty."^[5]

On December 18, 1998, the trial court rendered a decision disposing of the case, thus: ^[6]

"Prescinding from the foregoing facts and considerations, the Court finds, the accused ARNOLD GONZALES guilty beyond reasonable doubt of the crime charged, he is hereby sentenced to suffer the penalty of Reclusion Perpetua. Consonant with the recent jurisprudence, he is hereby ordered to indemnify the heirs of Leolito Paquelet the sum of P50,000.00.

"With costs de officio.

"IT IS SO ORDERED."

On January 8, 1999, Gonzales filed a notice of appeal. ^[7]

On October 20, 1999, we resolved to accept the appeal. ^[8]

In his appeal, Gonzales argued that his guilt was not proved beyond reasonable doubt, given the insufficiency of evidence against him. ^[9]

Court's Ruling

We do not agree. Circumstantial evidence suffices to convict. Resort to circumstantial evidence is essential when to insist on direct testimony would result in setting felons free. ^[10] The following facts prove ^[11] the guilt of Gonzales:

(1) Shortly after the crime was committed, Gonzales admitted to a certain Juny Habla that he stabbed the victim.

Prosecution witness Juny Habla testified that:

On August 18, 1996, at around 2:00 a.m., Gonzales came to his house at Palusok, Mua-an, Kidapawan City. He was wearing a bloodied shirt. In the presence of Juny's brother and sister, Gonzales admitted that he stabbed Leolito. Gonzales requested Juny to accompany him to the house of a certain Egoy Cornejo to surrender. ^[12]

Juny's testimony should not be disregarded. True, the records do not show whether Juny was a confidant or close friend of Gonzales. However, we note that admissions, as evidence,^[13] need not be made only to close friends.

The utterance could have very well been a part of the *res gestae*.^[14] It is not uncommon for one who is confronted with a startling occurrence to panic and seek the help of an acquaintance or even a stranger.

While it is a wonder why one would make such an incriminating confession to a stranger, it is more incredible for one with no motive or feelings of ill-will to testify falsely against another, incriminating him in a grievous crime.^[15]

When there is no showing that the principal witness for the prosecution was actuated by an improper motive, the presumption is that he was not so actuated, and his testimony is thus entitled to full faith and credit.^[16]

It is equally important to note that Juny's testimony was unrebutted and that cross examination was waived by the defense.^[17] The defense could have questioned the veracity of the testimony. Having failed to do so, Juny's testimony, which the trial court correctly considered as credible, stands unscathed.^[18]

(2) Gonzales was the last person to be seen with the victim before he died.

Remegia categorically stated that shortly before the victim was stabbed, she saw Gonzales with Leolito on a bench outside her store.

True, mere presence at the scene of the crime is not tantamount to guilt.^[19] However, this is not the only circumstance availing here.

We recall the case of *People v. Santos*.^[20] There, we affirmed the conviction of the accused on the basis of circumstantial evidence. There, two of the four compelling links^[21] were that: (1) the accused were the last persons seen with the victim, as it is so in the case at bar and (2) there were police officers who testified on the conditions of the accused at the time of arrest, conditions which indicated their guilt, again, a circumstance present in this case.

(3) Upon discovering that the victim had died (from the stab wounds), Gonzales uttered a statement, displaying apathy inconsistent with innocence.

Remegia also testified that she heard Gonzales trying to wake the victim. She heard Gonzales say to another, "*Patay na na, patay na na mo report lang ko ugma.*" (He is already dead, I will just report it tomorrow).^[22]

The indifferent and unperturbed tenor of the statement is significant. It is not normal for one who innocently chances upon a dead man, lying in his own pool of blood to nonchalantly shrug it off and announce that he "will just report (it) tomorrow." Such apathy is inconsistent with innocence.

Facts or circumstances that are consistent with guilt and are inconsistent with innocence, constitute evidence with weight and probative force.^[23]

Remegia heard Gonzales speak. She knew Gonzales since he was a boy. She was familiar with him and could identify him by the mere sound of his voice. Expertise in voice identification is not necessary. Reliance on one's sense of hearing and recollection suffices.^[24]

(4) Police officers SPO1 Espadera and SPO3 Salmorin testified that when they arrested Gonzales, he was wearing a blood-stained shirt.^[25]

Neither may the testimonies of SPO1 Espadera and SPO3 Salmorin be ignored. No proof of bias or ill motive to falsely implicate Gonzales was shown. Furthermore, credence should be accorded to the testimonies of prosecution witnesses who are law enforcers.^[26]

The well entrenched rule is that assessment of the credibility of witnesses is within the province of the trial court. It is the trial court and not this Court that had the opportunity to observe the witnesses' manner of testifying, their furtive glances, calmness, sighs or their scant or full realization of their oaths.^[27]

SPO3 Salmorin was not cross-examined by the defense^[28] and the statements he thus uttered were not rebutted. A person's silence, particularly when it is persistent, may justify an inference that he is not innocent.^[29]

The trial court was more inclined to believe the prosecution. Absent any arbitrariness or gross mistake, so should we.

The non-presentation of the blood-stained shirt in evidence, being merely corroborative of other evidence on record, is not fatal to the prosecution's case.

Sec. 4, Rule 133 of the Revised Rules of Court provides:^[30]

"SEC. 4. Circumstantial evidence, when sufficient. - Circumstantial evidence is sufficient for conviction if:

"(a) There is more than one circumstance;

"(b) The facts from which the inferences are derived are proven, and

"(c) The combination of all the circumstances is such as to produce conviction beyond reasonable doubt."

In our mind, the four aforementioned circumstances form an unbroken chain of events leading to one fair conclusion:^[31] that Gonzales perpetrated the crime.

A degree of proof excluding all possibility of error is not required to prove guilt beyond reasonable doubt. Absolute certainty is not required. Only moral certainty is. In this case, the evidence meets a degree of proof sufficient to produce conviction in an unprejudiced mind.^[32]

Accused's defense is Alibi and Denial