

FIFTH DIVISION

[CA-G.R. CR. HC NO. 05000, May 12, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JESUSANO ARCENAL Y AGUILAN, ACCUSED-APPELLANT.**

D E C I S I O N

SORONGON, E.D., J.

This is an appeal from the November 30, 2010 *Decision*^[1] of the Regional Trial Court of Sta. Cruz, Laguna, Branch 27 in Criminal Case No. SC-8602 finding Jesusano Arcenal y Aguilan (accused-appellant) guilty beyond reasonable doubt of violation of Republic Act No. 6539, as amended by Republic Act No. 7659, also known as the Anti-Carnapping Act, and sentencing him to suffer the penalty of *reclusion perpetua*.

The Information alleged the following:

"That on or about April 11, 2000, in the Municipality of Pila, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain, by means of force and violence and in the night time, which circumstances facilitated the commission of the offense, did then and there willfully, unlawfully and feloniously take, steal and drive away a motorized Yamaha tricycle with Plate No. DT-6680 valued at P22,000.00 owned and belonging to one RENATO DE RAMA, and which at the time was driven by one ALVIN DE RAMA, against their will and consent and to the damage and prejudice of the afore-named owner thereof in the said amount of TWENTY TWO THOUSAND (P22,000.00) PESOS, Philippine currency; that in the course of the commission of the aforesaid offense or on the occasion thereof, the same above-named accused, while conveniently armed with an unestablished deadly weapon/instrument, with intent to kill and with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault, hit and strike with the said weapon/instrument the driver of the same motorized tricycle, ALVIN DE RAMA, thereby inflicting upon the latter gaping wounds with irregular edges on the right and occipital area of his head aside from the abrasions and hematomas on the different parts of his body which directly caused his instantaneous death, to the damage and prejudice of his surviving heirs.

CONTRARY TO LAW."^[2]

Upon arraignment, accused-appellant pleaded not guilty to the charge. Thereafter, trial on the merits ensued.

Version of the Prosecution

In their *précis*, the Office of the Solicitor General (OSG) presented the theory of the prosecution in this manner:

"On 11 April 2000, at around 11:00 in the evening, Alvin de Rama left the tricycle terminal at the corner of the National Highway, Barangay Labuin, Pila, Laguna, with appellant as his lone passenger (back rider).

Fifteen minutes after de Rama and appellant left, Jay Flores, another tricycle driver, left the terminal to bring a passenger at Linga, Pila, Laguna. After dropping off his passenger, en route to the terminal, Flores saw de Rama's tricycle being driven by appellant, speeding out from Forest Subdivision, Barangay Pinagbayanan, Pila, Laguna.

On 12 April 2000, at around 6:00 in the morning, the Pila, Laguna Philippine National Police (PNP) received a report that de Rama was found at a grassy area in Forest Subdivision. SPO4 Nelson Mero, SPO2 Morales and SPO2 Pablo proceeded to the area to investigate. They took photographs of the slain body and blood stain samples, which they later brought to the crime laboratory for examination. Based on their investigation, they found out that de Rama was last seen with appellant. They were also told by witnesses that appellant was last seen driving de Rama's tricycle in the direction of Manila.

In the evening of 12 April 2000, the Pila, Laguna PNP received a radio call from the San Pedro, Laguna PNP that the barangay captain of San Antonio found in Woodville Subdivision an abandoned tricycle with plate number DT 6680. SPO3 Rufino Anterola and the deceased's father, Renato de Rama, assisted by members of the San Pedro Laguna PNP, went to the San Antonio barangay hall to identify the recovered tricycle. After Renato positively identified the tricycle, the same was surrendered to him and brought back to Pila, Laguna. SPO3 Rufino noticed that there were blood stains on the motorcycle and side car.

Upon request from the Pila, Laguna PNP, PO3 Jesus Agustin, a fingerprint technician from the PNP Regional Crime Laboratory, Camp Vicente Lim, Calamaba, Laguna, lifted fingerprint samples from the tricycle. He then prepared a report and submitted the same to NUP Reigel Allan Soria, Chief of the Fingerprint Section.

NUP Soria conducted a fingerprint examination. Of the eight lifted fingerprints, the print labeled "Q-3" matched appellant's standard fingerprint sample.

Appellant was not immediately apprehended, however, as he went into hiding. He was arrested only in 2002, after the police received information that appellant was in Pakil, Laguna."^[3]

Version of the Defense

The account of the defense as duly chronicled by the trial court are as follows:

"At around 9:00 o'clock in the evening of April 11, 2000, he was at Brgy. Aplaya, Pila, Laguna. He was at the national road of the said barangay. He was at said place as he has to give money to his parents to used (sic)

for the injection of newly born piglets. His parents and siblings were present in the said place, specifically, in the house of one Nanay Alice Tope, who was sick. He was given food by his siblings and was told to sleep in the said house. He woke up at 3:00 o'clock in the morning and immediately left going to his work at San Juan, Batangas. He first took a jeepney going to San Pablo City. He arrived at San Juan, Batangas at around 5:00 o'clock in the morning. He was self-employed and engaged in electronics home repair service in Batangas. He was arrested at Brgy. Casa Real, Pakil, Laguna on April 12, 2002 by police officer Alvin Cornejo. He was brought to the Pila Municipal Police Station where he was interrogated and later on incarcerated. He was then transferred to the Laguna Provincial Jail while at the latter jail, he received visitors, the private complainant and a lawyer, who told him that his fingerprints taken at the Pila police station were blurred and requested for another set of fingerprints. He was asked by the lawyer to admit his crime, presented to him a blank bond paper with his name typed on the lower portion. As the paper contained nothing, he used it to wipe his fingers.

On cross-examination, he stated that around 9:00 o'clock in the evening of April 11, 2000, he left the house of Nanay Alice Tope to buy food at the corner of Brgy. Aplaya and Kaunlaran. The food was for his own consumption. He left the house of Nanay Alice Tope at 4:00 o'clock in the morning on his way to San Juan, Batangas. He lives there in the house of the uncle of his wife, one Romulo Mandocdoc.

He has not gone back to Pila, Laguna for about five (5) years and returned to the place only on April 11, 2000. He used to be a tricycle driver in the said municipality in the year 1994 and he is known to the tricycle drivers Jay Flores, Ferdinand Capucan and Mario Meras.

Prior to his arrest on April 12, 2002, he had been staying at Pakil, Laguna for about three (3) days. He stayed in the house of his sister Mildred Arcenal. He was there for a vacation as his sister's child was sick. He did not drop by his house in Pila, Laguna as they passed by Taguig, Rizal. That was the first time he returned to Laguna since he left on April 11, 2000. As of this latter date, his eldest child, who was ten (10) years old, was enrolled in at the Brgy. Labuin Elementary School in Pila, Laguna. His uncle Romulo Mandocdoc was the one tending to his children. He then stated that his wife and children were in Batangas City. When he left Pila, Laguna on April 11, 2000, he was together with his wife and children. They then all stayed in Batangas City. He never returned to his place in Pila, Laguna."

In the assailed Decision dated November 30, 2010, the trial court found accused-appellant guilty beyond reasonable doubt of the crime charged, thus:

"WHEREFORE, herein accused JESUSANO ARCENAL y AGUILAN is hereby sentenced to a penalty of reclusion perpetua and to pay to the heirs of Alvin de Rama the following;

- 1. P50,000.00 as civil indemnity for the death of Alvin de Rama;*
- 2. P50,000.00 as exemplary damages.*

Herein accused JESUSANO ARCENAL y AGUILAN is hereby ordered to pay Renato de Rama, tricycle owner, the following:

1. *P50,000.00 as exemplary damages.*

SO ORDERED."^[4]

Hence, the present appeal raising this lone argument:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED NOTWITHSTANDING THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

Basically, accused-appellant insists that the prosecution was not able to prove his guilt beyond reasonable doubt due to insufficiency of circumstantial evidence presented during trial.

The appeal is bereft of merit. Since accused-appellant was convicted on the basis of purely circumstantial evidence, this Court is therefore called upon to review the facts and to deliberate on the case with extra care, ever cognizant of the legal maxim that the prosecution cannot rely on the weakness of the defense, and that any conviction must rest on nothing less than moral certainty of the guilt of the accused^[5].

The settled rule is that a judgment of conviction based purely on circumstantial evidence can be upheld only if the following requisites concur: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce conviction beyond reasonable doubt. The corollary rule is that the circumstances proven must constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the guilty person, *i.e.*, the circumstances proven must be consistent with each other, consistent with the hypothesis that the accused is guilty and at the same time inconsistent with the hypothesis that he is innocent and with any other rational hypothesis except that of guilt^[6].

In the case at bar, the court *a quo* enumerated several facts and circumstances which when taken together had led it to conclude that accused-appellant committed the crime, to wit

(1) "Witnesses Jay Flores and Mario Meras both testified that they saw the victim Alvin de Rama and the accused Jesusano Arcenal y Aguilan at around 11:00 o'clock in the evening of April 11, 2000 at the tricycle station located at the corner of the road going to Brgy. Linga, Pila and the highway at Brgy. Labuin, Pila, Laguna. Their testimonies pertain to the first circumstance- the presence of the accused Arcenal in the area prior the death of the victim de Rama and which was not controverted on cross examination by the defense.

(2) The second circumstance is the situation, as testified to by both witnesses Flores and Meras, which showed that the accused Arcenal was together with the victim de Rama- with Arcenal riding on the tricycle seat behind de Rama- going towards the direction of Brgy. Labuin. Witness