

## FIRST DIVISION

[ G.R. No. 182920, June 18, 2012 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MICHAEL BIGLETE  
Y CAMACHO, APPELLANT.**

### D E C I S I O N

**DEL CASTILLO, J.:**

Direct evidence is not the only means by which the guilt of an accused may be established. Circumstantial evidence may similarly be resorted to. In this case, we find the totality of the circumstantial evidence as presented by the prosecution sufficient to prove beyond reasonable doubt the guilt of the appellant.

On appeal is the December 17, 2007 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02458 which affirmed with modification the July 11, 2006 Judgment<sup>[2]</sup> of the Regional Trial Court (RTC) of San Pablo City, Branch 32 finding appellant Michael Biglete y Camacho guilty beyond reasonable doubt of the crime of murder.

#### ***Factual Antecedents***

On November 16, 2001, an Information<sup>[3]</sup> was filed charging appellant with the crime of murder committed as follows:

That on or about August 27, 2001, in the City of San Pablo, Republic of the Philippines and within the jurisdiction of this Honorable Court, the accused above-named, with intent to kill, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously shoot one ARNEL ALCOS with an unlicensed firearm, with which accused was then conveniently provided, thereby inflicting mortal wounds upon the person of said Arnel Alcos which caused his immediate death.

That the aggravating circumstance of use of motor vehicle attended the commission of the offense.

CONTRARY TO LAW.

A warrant of arrest was thereafter issued against appellant<sup>[4]</sup> but was returned unserved because he could not be located.<sup>[5]</sup> It was only on April 21, 2004,<sup>[6]</sup> or after almost three years, that the appellant was apprehended. On May 6, 2004, appellant was arraigned during which he entered a plea of "not guilty."<sup>[7]</sup> Trial ensued thereafter.

The facts of the case showed that on August 27, 2001 at around 8:00 p.m., Arnel Alcos (Arnel) was driving his passenger jeepney plying the San Pablo City - Sto.

Angel route. Seated beside him was his wife, Susan Alcos (Susan). While they were already cruising along Schetelig Avenue in San Pablo City, Susan heard a gunshot. Seconds after, a red motorcycle overtook their jeepney. The driver of the motorcycle was holding a gun. After a short while, Susan noticed her husband slumped on his seat with his head resting on the steering wheel. The passenger jeepney they were riding then turned turtle. Later she discovered that Arnel was hit on his head which caused his death.

At the time of the shooting incident, Victor Andaya<sup>[8]</sup> (Victor) was in a waiting shed approximately 20 meters away from where the incident happened. Victor saw a motorcycle trying to overtake the jeepney being driven by Arnel. When the motorcycle was about to overtake the jeepney, its driver suddenly fired a single shot towards the jeepney driver causing the jeepney to turn turtle. Victor later learned that the jeepney driver died of a gunshot wound.

Some 500 meters away from Schetelig Avenue, Julius Panganiban (Julius) was at his house preparing dinner when he heard a loud noise. When he went out to investigate, he saw that a motorcycle crashed into his gate. Lying near the motorcycle was a revolver. However, the motorcycle driver was nowhere to be found. Julius reported the matter to the police authorities and at the same time surrendered possession of the motorcycle and revolver.

At about 2:00 p.m. of August 28, 2001 or a day after the shooting incident, appellant went to the police station and reported to SPO2 Joselito Mendoza Calabia (SPO2 Calabia) that on August 27, 2001, he was mauled by three persons while he was cruising along Balagtas Blvd. in San Pablo City. Said three persons also allegedly stole his motorcycle. Appellant further narrated to SPO2 Calabia that after he was mauled, he climbed the high concrete fence of a nearby building then ran towards Tirones Compound located at *Barangay* III-C. SPO2 Calabia and appellant went to the place where the alleged mauling incident happened. However, nobody could tell if such incident indeed transpired. As it was already late in the afternoon, SPO2 Calabia requested appellant to return the following day to subscribe his statement. When appellant failed to appear as scheduled, SPO2 Calabia went to the address as indicated by appellant in his statement. However, according to the people he interviewed, there is no Michael Biglete y Camacho who resides thereat.

Meanwhile, in the course of his investigation on the shooting incident at Schetelig Avenue, SPO2 Calabia learned from the *Barangay* Captain of San Jose, San Pablo City, that in the evening of August 27, 2001, appellant was brought to the *Barangay* Captain's residence and there admitted that he was the driver and owner of the subject motorcycle.

Susan later identified the motorcycle as the same motor vehicle used by the assailant while shooting her husband.

Appellant admitted that he owned the subject motorcycle. However, he claimed that on August 27, 2001 at around 7:00 p.m., while he was traversing Balagtas Blvd. somebody hit him at the back with a piece of wood. When he fell down from the motorcycle, somebody got hold of the same. Appellant then ran towards a vacant lot. Thereafter, he sought his cousin Rodelo Biglete, Jr. and together they went to the house of their uncle who is a police officer. Not finding him there, they proceeded to the police station and reported the incident. The following day,

appellant returned to the police station and was investigated by SPO2 Calabia.

### ***Ruling of the Regional Trial Court***

On July 11, 2006, the RTC rendered its Judgment finding appellant guilty as charged. The dispositive portion of the Judgment reads:

WHEREFORE, IN VIEW OF THE FOREGOING CONSIDERATIONS, this Court finds that the prosecution has established and proven the guilt of accused MICHAEL BIGLETE Y CAMACHO beyond reasonable doubt of the crime of MURDER and with the presence of use of motor vehicle as aggravating circumstance in the commission of the deed, he is hereby sentenced to suffer the penalty of imprisonment of RECLUSION PERPETUA; to indemnify the heirs of the deceased the sum of P50,000; the sum of P100,000.00 as moral damages; and the costs of the suit.

SO ORDERED.<sup>[9]</sup>

In arriving at its verdict, the trial court held that direct evidence is not the only matrix, by which the guilt of the accused may be determined. Resort to circumstantial evidence may be made in the absence of direct evidence. In this case, the trial court ruled that the totality of circumstantial evidence as presented by the prosecution is sufficient to prove beyond reasonable doubt the guilt of the appellant for the crime of murder. It appreciated the qualifying circumstances of evident premeditation and treachery as having attended the commission of the crime. It likewise appreciated the aggravating circumstance of use of a motor vehicle.

The trial court did not lend credence to the version of the appellant that his motorcycle was stolen. Aside from the fact that nobody corroborated appellant's testimony, no ill-motive was likewise imputed on the prosecution witnesses as to testify falsely against him.

### ***Ruling of the Court of Appeals***

The appellate court affirmed the factual findings of the trial court. It likewise found the circumstantial evidence presented by the prosecution as sufficient basis for appellant's conviction. However, according to the appellate court, only the qualifying circumstance of treachery attended the commission of the crime and that the same was facilitated by the use of a motor vehicle. It did not appreciate the qualifying circumstance of evident premeditation because there was no showing as to when and how the felony was planned. As regards the award of damages, the appellate court increased the award of civil indemnity to P75,000.00 and reduced the award of moral damages to P75,000.00. The dispositive portion of the appellate court's Decision reads:

WHEREFORE, the assailed Judgment dated July 11, 2006 is affirmed, subject to the modification that only the qualifying circumstance of treachery is considered, the award of civil indemnity is increased to P75,000.00 and the award of moral damages is reduced to P75,000.00. The Judgment is affirmed in all other respects.

SO ORDERED.<sup>[10]</sup>

Hence, this appeal.

This Court notified the parties that they may file their supplemental briefs within 30 days from notice. However, both parties manifested that they have opted to adopt the briefs they earlier filed with the CA as their supplemental briefs.

### **Our Ruling**

The appeal lacks merit.

### **Circumstantial Evidence**

"[T]he lack of direct evidence does not *ipso facto* bar the finding of guilt against the appellant. As long as the prosecution establishes the appellant's participation in the crime through credible and sufficient circumstantial evidence that leads to the inescapable conclusion that the appellant committed the imputed crime, the latter should be convicted."<sup>[11]</sup>

Section 4, Rule 133 of the Rules of Court instructs us when circumstantial evidence is deemed sufficient for conviction, viz: 1) when there is more than one circumstance; 2) when the facts from which the inferences are derived are proven; and 3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

The trial court relied on the following circumstantial evidence on which to anchor the conviction of the appellant, thus:

1. Susan Alcos testified that when her husband, being the driver of a passenger jeep, and she was seated by his side, sustained a wound on his head inflicted by a person riding a motorcycle, she was able to see immediately after the shooting- Michael Biglete who was then driving that motorcycle, passed by their jeepney and he was holding a gun. She did not see any person holding a gun save this motorcycle driver who passed them by. The motorcycle is a YAMAHA motorcycle colored red and without a plate number. She saw that motorcycle at the Police Station which according to the police officers was involved in an accident on the night of August 27, 2001. It is owned by Michael Biglete, the driver of that vehicle during that fateful night, and this driver was wearing a red T-shirt that night.
2. Victor Andaya. on that fateful night of August 27, 2001 while waiting for a passenger jeepney [in] a waiting shed at Villongco Subd., saw a motorcycle following a jeepney. The driver of that motorcycle was wearing a red T-shirt. He saw the driver of the motorcycle fire at the driver of the jeepney as it overtook the jeepney. The jeepney turned turtle. The shooting incident happened at Schetelig Avenue at EFARCA Village twenty (20) meters away