

## THIRD DIVISION

[ G.R. No. 192241, June 13, 2012 ]

**ROMULO TRINIDAD @ ROMY, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### D E C I S I O N

**PERALTA, J.:**

When there is no eyewitness to a crime, resort to circumstantial evidence is inevitable.<sup>[1]</sup>

For resolution of this Court is the Petition for Review on *Certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, dated July 1, 2010, of petitioner Romulo Trinidad (Romy) which seeks to reverse and set aside the Decision<sup>[2]</sup> and Resolution<sup>[3]</sup> dated October 12, 2009 and May 4, 2010, respectively, of the Court of Appeals (CA) affirming the Decision<sup>[4]</sup> dated September 28, 2004 of the Regional Trial Court (RTC) of Bauang, La Union, Branch 33, finding him guilty beyond reasonable doubt of the crime of Homicide.

The following are the antecedent facts as found in the records:

Around 9 o'clock in the evening of October 16, 1998, the victim, Dominador Untalasco (Doming), a former bodyguard of the late ex-Mayor Clarence de Guzman, boarded the tricycle of Salvador Oaña (Salvador) at the Caltex gasoline station going to Bagbag, Bauang, La Union. Upon arriving at the said place, Sonny Lubrica (Sonny), who was joining a bonfire with 5 other persons, flagged the same tricycle of Salvador. The act of Sonny angered Doming, thus the latter alighted from the tricycle and said, "You are the one, you are blocking the way of the tricycles." Doming brought out a fan knife and slapped Sonny prompting the companions of the latter, except petitioner Romulo Trinidad, to scamper. Doming approached petitioner and said, "You are one of them." Petitioner replied, "I am not x x x one [of them], uncle." Thereafter, Doming slapped petitioner in the face and the latter said, "You are boastful, uncle." Doming picked up a bamboo and hit petitioner on his left arm. Petitioner ran towards the east, while Doming chased him. Totoy Trinidad, father of petitioner, and Antonio Trinidad, went near the persons hiding behind the tricycle and asked them if Doming was armed, to which Sonny answered, "Yes, he has a knife." Totoy went beside Salvador and told him to put off the light of his tricycle, which the latter did not follow. Thus, Totoy turned off the engine of Salvador's tricycle and headed towards the east shortly after Doming chased petitioner to the same direction.

Salvador went to the house of the *Barangay* Captain, but the latter was asleep, prompting him to go to the police station to report that Doming was in trouble. SPO4 Charlie Abuan, together with policemen Coloma and Cariaga, with *Barangay Kagawad* Rudy Sabado and Salvador, went to the scene of the crime and saw the

bloodied body of the victim in a kneeling position with his forehead touching the ground. Five (5) persons were brought to the police station for investigation.

Meanwhile, petitioner and Antonio went to Eliseo Agno to ask him to bring them to town to surrender. At that time, Eliseo saw Antonio holding a *samurai*. Afterwards, Eliseo accompanied petitioner and Antonio to Rodolfo Sabado for the latter to drive them to Bauang Police Station, but was unable to do so because his vehicle was not available.

Based on the autopsy conducted by Dr. Bernardo Parado, the victim died of cardio-respiratory arrest secondary to hypovolemic shock, hemorrhage, stab wound right auricle, multiple hack and stab wounds. The victim sustained 14 wounds on his front body with a total of 32 wounds consisting of multiple stab and hack wounds probably caused by a bolo or a knife.

As a result of the death of the victim, the latter's spouse incurred expenses for his funeral and church services with the total amount of P70,000.00.

Thus, an Information dated March 18, 1999 was filed against petitioner, Antonio Trinidad and Aurelio Trinidad for Homicide, which reads as follows:

That on or about the 16<sup>th</sup> day of October, 1998, in the Municipality of Bauang, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping one another, with intent to kill and being then armed with a knife, did then and there willfully, unlawfully and feloniously attack, assault and stab one DOMINADOR UNTALASCO inflicting upon the latter mortal wounds which caused his instantaneous death, to the damage and prejudice of the heirs of the aforementioned victim.

That accused Aurelio Trinidad @ Totoy was previously convicted of a crime of Frustrated Homicide and he is undergoing parole.

CONTRARY TO LAW.<sup>[5]</sup>

Upon arraignment, all the accused, with the assistance of counsel, pleaded not guilty. <sup>[6]</sup> Thereafter, the trial on the merits ensued.

The prosecution presented the testimonies of Sonny Lubrica, Salvador Oaña, Eliseo Agno, Rodolfo Sabado, SPO4 Charlie Abuan, Dr. Bernardo Parado and Liberata Untalasco.

The defense filed a Motion for Leave to File Demurrer to Evidence after the prosecution submitted its Formal Offer of Exhibits. The RTC, in an Order dated August 31, 2004, denied the motion of the defense for being filed out of time and directed the latter to present its evidence. However, the defense did not present its evidence.

Consequently, the RTC rendered a Decision dated September 28, 2004, finding

petitioner and Antonio Trinidad guilty beyond reasonable doubt of the crime charged, but acquitting Aurelio Trinidad, thus:

WEREFORE, the Court finds and declares the accused ROMULO TRINIDAD and ANTONIO TRINIDAD guilty beyond reasonable doubt of the crime of Homicide and hereby SENTENCES each of them to suffer the penalty of FOUR (4) YEARS, NINE (9) MONTHS and ELEVEN (11) DAYS of *prision correccional*, as minimum, to TEN (10) YEARS of *prision mayor*, as maximum.

To pay the heirs of the deceased, jointly and severally, the following amounts:

1. Php50,000.00 as death indemnity;
2. Php50,000.00 as moral damages to Liberata Untalasco;
3. Php33,100.00 as actual damages and to pay the costs.

In the service of their sentence, the said accused shall be credited with their preventive imprisonment as provided for by Art. 29 of the Revised Penal Code, as amended.

The accused AURELIO TRINIDAD alias Totoy is ACQUITTED, on reasonable doubt. His cash bond in the amount of Php15,000.00 under O.R. No. 15994126 dated March 14, 2003 is cancelled and ordered released to his bondsman Francisca T. Tiquig, upon proper receipt therefor.

SO ORDERED.<sup>[7]</sup>

Aggrieved, petitioner and Antonio filed their appeal with the CA, but the latter affirmed the decision of the RTC with the modification that Antonio Trinidad be acquitted. The dispositive portion of the said decision reads:

FOR THE STATED REASONS, the assailed Decision of the Regional Trial Court (Branch 33) of Bauang, La Union in Criminal Case No. 2108-BG is AFFIRMED with the MODIFICATION that appellant Antonio Trinidad is ACQUITTED based on reasonable doubt. Thus, the cash bond posted for the provisional liberty of Antonio Trinidad is hereby CANCELLED.

SO ORDERED.<sup>[8]</sup>

Petitioner filed a motion for reconsideration, but it was denied in a Resolution dated May 4, 2010.

Hence, the present petition raising the following arguments:

- a. The Court of Appeals erred in affirming the decision of the Regional Trial Court since the evidence on record failed to support a conviction.
- b. The circumstantial evidence presented by the prosecution does not exclude the possibility that another person may have committed the offense.

In its Comment dated February 8, 2011, the Office of the Solicitor General (OSG) countered with the following:

THE ISSUES RAISED ARE MAINLY FACTUAL AND ARE THEREFORE NOT REVIEWABLE UNDER RULE 45 OF THE RULES OF COURT.

THE FINDINGS OF FACTS OF THE TRIAL COURT WHICH WAS AFFIRMED BY THE COURT OF APPEALS IS IN ACCORD WITH LAW, JURISPRUDENCE AND EVIDENCE.

THE CIRCUMSTANTIAL EVIDENCE PRESENTED WAS SUFFICIENT TO CONVICT PETITIONER AS CHARGED.<sup>[9]</sup>

Basically, petitioner insists that the prosecution was not able to prove his guilt beyond reasonable doubt because the circumstantial evidence presented during the trial is insufficient. According to him, he was not the only person who had a motive to kill the victim; thus, the presumption of innocence should be in his favor.

This Court finds no merit to the petition. Since petitioner was convicted on the basis of purely circumstantial evidence, this Court has to review the facts and to deliberate on the case with extra care, cognizant 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.<sup>[10]</sup>

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.<sup>[11]</sup> 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,<sup>[12]</sup> 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.<sup>[13]</sup>

As found by the RTC and affirmed by the CA, the following circumstantial evidence established by the prosecution was sufficient to convict the petitioner of the crime charged:

1. Accused Romulo Trinidad had motive to kill the deceased because during the altercation the latter slapped and hit him with a bamboo, prompting Romulo to get mad at the deceased;
2. Accused Romulo Trinidad was chased by the deceased eastward after the slapping and hitting incident;
3. Said accused was the last person seen with the deceased just before he died;
4. Moments later, after the police car went to the crime scene, accused Romulo Trinidad and Antonio Trinidad went to the house of Eliseo Agno asking [him] if he could bring them to town to surrender; Eliseo Agno saw Antonio holding a samurai;
5. Later, Eliseo Agno accompanied Romulo and Antonio Trinidad to the house of Rodolfo Sabado who had a vehicle, requesting the latter to bring the (2) accused to the police station to surrender;
6. Some of the wounds inflicted on the deceased were caused by a bolo or a knife. Accused Antonio was seen holding a "Samurai" just when he and Romulo decided to surrender the same night of the accident;
7. x x x;
8. The deceased sustained multiple stab/hacking wounds and contusions probably caused by two or three or more assailants using a knife or a bolo or even a stone;
9. In fact, accused Romulo and Antonio surrendered to the authorities the following morning, as shown in the "[d]etention during the pendency of the [c]ase" issued by Judge Romeo V. Perez, dated 17 October 1998, received by the jail warden x x x, before a warrant could be issued for their arrest;
10. The prosecution witnesses, Salvador Oaña, Eliseo Agno and Rodolfo Sabado, Jr. had no ill motive to testify against the accused.<sup>[14]</sup>

In his testimony, Salvador Oaña was able to positively identify Romulo to be present at the scene of the crime, thus:

**Q: Now what did the group of those having bonfire do when this Doming Untalasco got mad?**

**A: Doming Untalasco went down from the tricycle[,] brought out a fan knife and slapped one of them. The others who were there stood up and ran away because they recognized him as they knew him personally, ma'am.**

**Q: Do you know that person who was slapped by Doming Untalasco?**

**A: Sonny Lubrica, ma'am.**