

SECOND DIVISION

[G.R. NO. 148079, June 27, 2006]

TERESITA P. BUENAVENTURA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

GARCIA, J.:

Under consideration is this petition for review on certiorari under Rule 45 of the Rules of Court to nullify and set aside the following issuances of the Court of Appeals (CA) in *CA-G.R. CR No. 21676*, to wit:

- 1) **Decision^[1] dated December 21, 2000**, affirming, with modification, an earlier decision of the Regional Trial Court (RTC) of Cebu convicting herein petitioner of the crime of homicide; and
- 2) **Resolution^[2] dated May 3, 2001**, denying petitioner's motion for reconsideration.

Respondent People in its Memorandum^[3] tersely summarized the prosecution's evidence in this manner:

On October 12, 1992 at 9:00 o'clock in the morning, Benedicta Garcia eighty four (84) years old, told her daughter-in-law Alicia Garcia that she was going to the house of petitioner Teresita Buenaventura at Daan Tabuyon, Tabugon, Cebu (TSN, November 17, 1993, pp. 6-8; Petition, Annex A). According to Epifanio Comedido, petitioner's neighbor, he heard Benedicta and petitioner arguing inside the latter's house (TSN, September 14, 1993, pp. 5-12).

In the afternoon of that day, Florentino Gepiga had just finished loading six (6) gallons of water into his banca when he decided to buy a match at the store near the artesian well where he fetched water. The store was owned by petitioner's daughter, Maritess. Florentino was not able to buy a match because he was bothered by a thudding sound coming from petitioner's house which was connected to the store. Peeping through the house window, Florentino saw petitioner hit Benedicta Garcia twice on the head with a bottle. Benedicta fell on the floor. Petitioner then proceeded to strangle Benedicta while smashing her head on the floor. Not wanting to get involved, Florentino left and rushed home on board his banca (TSN, August 20, 1993, pp. 6-8; August 24, 1993; pp. 14-16; 20-21; August 26, 1993, pp. 23-24; September 8, 1993; pp. 14-19).

Epifanio Comedido was on his way home after fetching seawater to clean

his pigsty (TSN, September 14, 1993, pp. 5-7, 11-12). He saw petitioner sitting on the first cemented stair of her house (ibid, pp. 12-13). Petitioner called him. Epifanio entered petitioner's yard and saw Benedicta leaning on the cemented bench with her legs, stiff, and her eyes open (ibid, p. 14). Concerned with the condition of Benedicta, Epifanio confronted petitioner what happened. Petitioner, who appeared drunk, informed Epifanio that it was nothing and that Benedicta was simply drunk (TSN, September 14, 1993, pp. 14-15; TSN, October 11, 1993, p. 13). Petitioner then requested Epifanio to assist her in lifting Benedicta. Benedicta, who appeared to be unconscious, was taken to the rear portion of Maritess' store where she was laid on a mat and provided with a pillow (TSN, September 14, 1993, pp. 17-18; TSN, October 11, 1993, pp. 14-19). Petitioner then requested Epifanio to watch over Benedicta. Epifanio refused and moments later, he left to inform the children of Benedicta about her condition (TSN, October 11, 1993, pp. 19-21).

Elpedia Garcia and Alicia Garcia, daughter and daughter-in-law of Benedicta, respectively, repaired forthwith to petitioner's house to fetch Benedicta (TSN, November 17, 1993, pp. 8-9). Petitioner was no longer there (ibid, pp. 28-29). Benedicta, still unconscious, was brought home (TSN, November 17, 1993, p. 9).

The following day, October 13, 1992, Benedicta's condition was getting worse. Her neck swelled. She was not taking any food and could only speak in whispers (ibid, p. 10). She just shook her head when told to be brought to the doctor (ibid, p. 110). Her condition worsened further on the succeeding days (ibid, p. 52).

On October 16, 1992, around 7 o'clock in the evening, Benedicta signaled for Alicia to come close to her, which the latter did. When Alicia was close enough, Benedicta motioned how she was held and choked in the neck and then struck, while uttering petitioner's nickname "Citas" (ibid, pp. 11-12; 31). Five minutes later, Benedicta died (ibid, p. 12).

On November 5, 1992, NBI Medico-Legal Officer Dr. Tomas Refe conducted an autopsy on the exhumed body of Benedicta (TSN, October 13, 1993, pp. 12-12). His postmortem findings, among others, reveal:

Cause of Death: Hemorrhage, intracranial, extensive, severe, with skull fracture, traumatic.^[4]

On March 25, 1993, in the Regional Trial Court (RTC) of Cebu, petitioner was indicted for homicide under an information which alleged as follows:

That on October 12, 1992 at 1:00 o'clock in the afternoon, more or less, at Sitio Daan Tabugon, Municipality of Tabugon, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there willfully, unlawfully and feloniously with the use of an empty bottle attack and hit the head of BENEDICTA GARCIA, strangled and dragged her at the cement floor, thereby resulting the death of said BENEDICTA GARCIA.

CONTRARY TO LAW.^[5]

In a decision dated June 20, 1997, the trial court found petitioner guilty of homicide and sentenced her, thus:

WHEREFORE, in view of all the foregoing premises, the Court hereby finds the accused Teresita Buenaventura **GUILTY** beyond reasonable doubt of the crime of homicide and, taking into account the rules of mitigating and aggravating circumstances and applying the Indeterminate Sentence Law, hereby imposes upon her the indeterminate penalty of imprisonment of ten (10) years and one (1) day of **prision mayor**, as the minimum of it, to seventeen (17) years and four (4) months of **reclusion temporal**, as the maximum thereof.

The accused is also hereby ordered by the Court to indemnify the heirs of Benedicta Garcia in the sum of FIFTY THOUSAND PESOS (P50,000.00) as death indemnity.

SO ORDERED.^[6]

On December 21, 2000, the CA affirmed with modification the appealed RTC decision:

WHEREFORE, we AFFIRM the appealed decision dated June 20, 1997 in Criminal Case No. CBU-29420 with modification as to the penalty imposed against accused Teresita Buenaventura in that she is sentenced to suffer an indeterminate penalty of 6 years and 1 day of prision mayor as MINIMUM to 12 years and 1 day of reclusion temporal as MAXIMUM.

SO ORDERED.^[7]

Undaunted, petitioner is now with us *via* the instant recourse raising the following issues:

1. Whether or not the CA committed a reversible error in affirming the trial court's decision, which denied petitioner's motion for new trial, despite the established fact that petitioner's former counsel was guilty of gross negligence and professional inefficiency resulting in deprivation of the petitioner's constitutional right to due process.
2. Whether or not the CA committed a reversible error in affirming the trial court's decision, which denied petitioner's motion for new trial, despite the fact that the proposed testimony of Rodrigo Gepiga constitutes a newly-discovered evidence.
3. Whether or not the CA committed reversible error in affirming the conviction of the petitioner, despite the fact that the totality of the prosecution's evidence was grossly insufficient to prove beyond reasonable doubt the guilt of the petitioner of the crime charged in the Information.