

EN BANC

[G.R. No. 139297, February 23, 2004]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENATO @ BONG TORRECAMPO Y LEYTE AND RENE TORRECAMPO Y LEYTE, APPELLANTS.

D E C I S I O N

PUNO, J.:

JOVITO CASPILLO^[1] was found stabbed and decapitated in his rented room. For his death, brothers RENATO alias "Bong" and RENE TORRECAMPO Y LEYTE were charged before the Regional Trial Court of Las Piñas^[2] with murder in an Information^[3] alleging:

That on or about the 11th day of November 1994, in the Municipality of Las Piñas, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one, NORA TORRECAMPO Y LEYTE whose present whereabouts still unknown and all of them mutually helping and aiding one another, with intent to kill, taking advantage of superior strength and/or with evident premeditation did, then and there willfully, unlawfully and feloniously attack, assault, stab in the different part(s) of his body and even cut off his head with a bladed weapon, one JOVITO GASPILLO, thereby inflicting upon him serious and mortal wounds, which directly caused the death of said JOVITO GASPILLO.

The evidence adduced in the trial shows that Jovito was a tenant of the Escosio family at No. 66 Laong Street, Barangay Almanza Uno, Las Piñas, Metro Manila. He shared a room with his brother Randy and first cousins Nora and Karen Torrecampo. The Escosios occupied the other room of the house.

Prosecution witness Erlinda Escosio testified that on November 11, 1994 at about 10:30 in the morning, she was seated at the door of their room removing lice from the hair of her daughter when she saw Nora and appellant Renato pass by. They were followed shortly after by another man later identified as appellant Rene Torrecampo. All three (3) went to the room of Jovito. A while later, Erlinda heard a weepy Nora pleading to get into Jovito's room where the loud noise of the radio could be heard. Some minutes after, she saw Nora and appellant Renato come out of the room. Appellant Renato dragged Nora to the direction of Sampaguita Compound. Appellant Rene left the room after them. He was carrying a bag.

Erlinda continued that after the departure of appellants and Nora, she walked to the toilet and noticed blood at the door of Jovito. Curious, she peeped inside and was shocked by the sight of a body drenched in blood with its head severed from the neck. It was Jovito. Terrified, she called for her neighbors and the *barangay*

tanods. People milled to the crime scene until the authorities arrived. She felt that appellants were the culprits. She explained that the main door is the only way in and out of the house. Either way, one would have to pass by their room to get to Jovito's. On subject date and time, she only saw appellants and Nora go in and come out of the scene of the crime. At the police station, she identified both appellants.

Cherry Francisco, a neighbor who lives in front of the house of the Escosios and approximately ten (10) meters from the room of Jovito, also gave her testimony. According to her, at about 10:00 A.M. on November 11, 1994, she was eating breakfast with her family when she heard noises coming from the room of Jovito. She went out to investigate and noticed Nora beating at the door crying out, "*Bakit ninyo siya pinatay?*" The door was suddenly opened and someone grabbed Nora by the hair and pulled her inside the room. She later identified the person as appellant Rene. Moments thereafter, appellant Renato came out of the room dragging Nora with him. Trailing them was appellant Rene, whose hands and clothes were drenched with blood. However, as appellant Renato and Nora walked to the direction of Sampaguita Compound, appellant Rene went off to Laong Almanza carrying a long bag. Without delay, Cherry rushed to the house of neighbor Buena to recount what she had just witnessed. Buena called for the authorities. Cherry returned to her house. From there, she saw Erlinda emotionally telling people that crowded the crime scene about finding her tenant Jovito dead with his head cut off. Eventually, the authorities arrived and investigated the incident.

Melvin Tupaz identified the body of his cousin Jovito. Ravell Ronald R. Baluyut, a medico-legal expert of the National Bureau of Investigation, conducted the autopsy and disclosed the cause of death as "multiple stab and hack (sic) wounds."^[4]

Randy Caspillo, the younger brother of Jovito, testified on the expenses incurred by the family as a result of his brother's death. He claimed a total of P35,014.00 in expenses but was only able to account for P13,250.00 in receipts. As a result of the sudden demise of his brother, he said he suffered moral shock, mental anguish and wounded feelings.

Appellant Rene Torrecampo testified in his defense. He averred that on November 11, 1994 at 7:00 A.M., he left for work and arrived at LFS Engineering an hour later as indicated in the office logbook. He claimed that he found out about Jovito's death only at 10:00 A.M. during his coffee break when his brother's (appellant Renato) wife telephoned them about it. According to him, they left for Laong immediately after getting permission from their employer Lamberto Samonte. They arrived there at 11:00 that same morning after taking a tricycle to Casimiro, then a passenger jeep to Pillar Village. Right away, he looked for his sister Karen, who was then living with Jovito. He found her unconscious at her friend Lolita Montinel's place so he brought her to Parañaque Community Hospital on board a white police service *Fiera*. When Karen regained consciousness and asked about the incident, she merely cried. The doctor advised the police that she was just scared and needed some rest. On their way home, appellant Rene and Karen stopped by the latter's place primarily to find out what happened to Jovito and incidentally to get some of her things. The room was a mess and Jovito was nowhere to be found. While there they overheard Roger Escosio saying, "*Ang tigas-tigas ng ulo nila, matagal ko nang pinapaalis ayaw nilang umalis.*"

Appellant Rene added that at work the next day he read in Abante that his brother Renato was being tagged as the principal suspect in the killing. Hence, he and his brother immediately requested their employer Lamberto Samonte to accompany them to the Las Piñas Police Station to surrender. The police took them to the Office of then Municipal Mayor Ben Casimiro where they were presented to the media. An investigation ensued. Appellants were detained and ultimately charged for the murder of Jovito.

Appellant Renato Torrecampo basically related a similar story. His account only differed on what he did upon arrival at Laong on the date of the incident. He claimed that he went straight home to take care of his sick child and stayed there with his wife the rest of the day. He was about to leave for work the next morning when he read in the newspaper that he was the prime suspect in the killing of Jovito. Together with his brother, he asked their employer to escort him to the police station to clear his name. However, they were detained instead and threatened into admitting the commission of the crime. They insisted that they had no knowledge thereof and explained that they were at their place of work when it happened. The police did not believe them. Forthwith, they were charged with murder.

The defense likewise offered in evidence the testimonies of SPO1 Benjamin Javier, Edgardo Gremio and SPO4 Esmeraldo Lucena. SPO1 Javier of the Las Piñas Police Criminal Investigation Division was assigned to investigate the death of Jovito. He said that he found the dead body of Jovito in his small rented room, which was adjacent to the room of the owner of the two (2)-bedroom house. The rooms were separated by a plywood wall. He said that Jovito's room was facing the house of one Cherry Francisco. He placed the time of death at 10:30 A.M. based on his interview of Erlinda Escosio. He took down the statement of Erlinda on November 12, 1994. He believed her story and submitted a report on his findings.

Edgardo Gremio and SPO4 Esmeraldo Lucena gave corroborative testimonies. Gremio testified that he is a member of the Barangay Police Force in Laong Street, Barangay Almanza Uno, Las Piñas. He claimed that at about 10:30 A.M. on November 11, 1994, he was informed of a killing in his area. He passed for his neighbor SPO4 Lucena, then still asleep, before going to the crime scene. SPO4 Lucena said that people crowded the place of the incident when they got there. He went inside the house, which he insisted had three (3) rooms. He maintained that the first room was occupied by the owner of the house, the second by a driver he did not know and the third by the victim Jovito. He saw the dead body and told everyone not to touch anything until the police investigator arrived. He then called for fellow policemen whom he accompanied to the scene.

On the basis of circumstantial evidence, the court *a quo* found Renato and Rene Torrecampo guilty beyond reasonable doubt of murder and sentenced them to death. It likewise ordered them to solidarily pay the heirs of the victim Jovito Caspillo P100,000.00 as indemnity for the loss of life; P35,014.00 in actual damages for the wake, funeral and burial expenses; and, the costs of the suit.^[5] Hence, this automatic review pursuant to Article 47 of the Revised Penal Code, as amended by Republic Act No. 7659.^[6]

In convicting appellants, the trial court relied on the following circumstances: (a) at

about 9:00 A.M. on November 11, 1994, Erlinda saw Jovito very much alive; (b) after an hour, Erlinda saw appellant Renato and his sister Nora pass by, followed shortly by appellant Rene; (c) Erlinda heard a commotion inside the room of Jovito and after a few minutes saw appellants emerging from the room with Nora in tow; (d) Cherry heard a loud banging from the room of Jovito so she went outside and saw Nora frantically pounding at the door, then Nora was pulled inside the room; (e) after thirty (30) minutes, Cherry witnessed a seemingly weak Nora being assisted by appellant Renato coming out of the room; and, (f) Cherry likewise observed appellant Rene leaving the room with his hands and clothes covered with blood.

Circumstantial evidence to be sufficient for purposes of conviction must have the following elements: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proved; and, (c) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt.^[7] The circumstances proved should 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.

In the instant case, the circumstances enumerated by the trial court establish an unbroken chain of events showing the complicity of appellants and no other in the killing of victim Jovito Caspillo. Indeed, the case of the prosecution is woven principally around the testimonies of witnesses Erlinda Escosio and Cherry Francisco whose testimonies were sufficiently tested and found credible on the crucible of cross-examination. Notably, as correctly observed by the court *a quo*, appellants failed to demonstrate ill motive on the part of the prosecution witnesses to testify against them. Absent any evidence showing any reason or motive for the witnesses to prevaricate, the logical conclusion is that no such improper motive exists, and their testimonies are worthy of full faith and credit.^[8]

In their Brief, appellants contend that the decision of the trial court is not supported and contrary to the evidence adduced during trial.^[9] We reject this contention.

First. Appellants submit that the trial court should have completely rejected both oral and written accounts of prosecution witness Erlinda Escosio considering that her in-court testimony is contrary to her sworn statement. Specifically, they call attention to Erlinda's narration in court that she saw appellant Rene stabbing the victim while appellant Renato was slicing off his head. We are not impressed. The records show that on cross-examination, Erlinda was able to explain the alleged inconsistency:^[10]

Q Do you affirm the truth and veracity of the statement you
: have issued before SPO1 Benjamin Javier as stated in
 your salaysay?

A Yes, Sir.
:

Q You stated previously that you saw the actual incident
: while peeping through the hole in the wall, did you not?

A Yes, Sir.
:

- Q How come in your statement you never mentioned that
: you peeped through the hole? You stayed outside while
 taking out the lice from the head of your daughter?
- A **I was scared and confused that I failed to narrate**
: **the details.**

Clearly, reference is made on what Erlinda **did not mention** in her sworn statement. This is not an inconsistency but merely an incompleteness of narration. Sworn statements, being taken *ex parte*, are almost always incomplete and often inaccurate for various reasons, sometimes from partial suggestion or for want of suggestion and inquiries.^[11] There is no rule of evidence to the effect that omission of certain particulars in a sworn statement would estop an affiant from making an elaboration thereof or from correcting inaccuracies during the trial.^[12]

The trial court did not err in giving credence to Erlinda's testimony in court as it is consistent with her sworn statement on all other matters and is corroborated on material points by the testimony of Cherry Francisco. Repeatedly, this Court has ruled that the testimony of a witness may be believed in part and disbelieved in other parts, depending on the corroborative evidence and the probabilities and improbabilities of the case.^[13] Moreover, the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh such testimony in light of the declarant's demeanor, conduct and attitude at the trial and is thereby placed in a more competent position to discriminate between truth and falsehood.^[14]

Second. Appellants assail the testimonies of Erlinda and Cherry on the commission of the crime at 10:00 A.M. on November 11, 1994. They insist that they had just left their place of work and only arrived at the crime scene an hour later.

We are not convinced. To merit belief, alibi and denial must be buttressed by strong evidence of non-culpability. The records reveal that appellants' employer only substantiated their claim that they left LFS Engineering at 10:00 A.M. on that ill-fated day. No clear and convincing evidence was adduced to establish that it was physically impossible for them to be at the scene of the crime when it was committed. Indeed, they admitted leaving LFS Engineering to go to the *locus criminis* though they claimed to have arrived there only at 11:00 A.M. Their testimony cannot prevail over the positive identification of Erlinda and Cherry, who are disinterested witnesses.

Also dubious is their asseveration on what they did upon arrival at the crime scene. Appellant Rene professed that he looked for his sister Karen whereas appellant Renato averred that he went home to attend to a sick child. They obviously deviated from their purpose — to find out what really happened to their cousin Jovito.^[15] We note that they did not present anyone to corroborate their stories.

Third. Appellants likewise impugn the testimony of prosecution witness Cherry Francisco. They claim that SPO1 Benjamin Javier merely supplied the name of appellant Rene Torrecampo as the person who pulled Nora into Jovito's room during the incident in view of the admission of Cherry during trial that she did not know appellant Rene.