

SECOND DIVISION

[G.R. No. 137046, February 26, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DANILO CAPITLE ALIAS DANNY, ACCUSED-APPELLANT.**

D E C I S I O N

BELLOSILLO, J.:

DANILO CAPITLE alias *Danny* was charged before the Regional Trial Court of Alaminos, Pangasinan, with the killing of Yubegildo Peralta on 20 September 1982 qualified by treachery and aggravated by evident premeditation.^[1]

On 20 October 1998 the trial court found the accused Danilo Capitle alias *Danny* guilty of murder qualified by treachery and sentenced him to *reclusion perpetua*. He was ordered to pay the heirs of Yubegildo Peralta P50,000.00 as death indemnity and P7,581.00 as actual damages.^[2]

On 20 September 1982 at around nine o'clock in the evening Diomedes Apigo, Moises Rivera and Melchor Gapasen bought two (2) bottles of Ginebra San Miguel at a store in Barangay Pangapisan, Alaminos, Pangasinan. They proceeded to the house of Gabriel Ginez to serenade his granddaughter Annalyn Ginez. On their way, they noticed Danilo Capitle trailing them. Upon reaching Gabriel's house Danilo talked to Diomedes, Moises and Melchor. Moises then sang. Afterwards, all four (4) of them were invited by Gabriel inside his house and they started to drink the liquor. Yubegildo Peralta arrived and joined them.

At around 10:30 that evening, the group asked permission to leave. Danilo invited them to his house situated a kilometer away. But before leaving, Danilo took from the yard of Gabriel a three (3)-inch wide split bamboo locally known as *bayog*. When they reached Danilo's house, Danilo went inside and brought out a bottle of wine. Only Yubegildo drank. Thereafter, they went to the house of a certain Juaning Antipuesto except Melchor who stayed behind upon reaching his house.

Yubegildo walked ahead. A meter behind was Danilo. Diomedes was three (3) meters away from Danilo while Moises was about fifteen (15) meters behind Diomedes. While passing in that same order along a fishpond dike near the Pangapisan River between eleven and twelve in the evening, Danilo muttered to Diomedes, "*Ikka kon sa,*" meaning, "*I may as well give it now.*"

With Danilo holding the split bamboo, Diomedes began to suspect that Danilo was planning something sinister so he excused himself saying, "*Tumakki ak,*" which means, "*I will excrete.*" But from a distance of approximately fifteen (15) meters where he relieved himself, Diomedes saw Danilo strike Yubegildo with the split bamboo. Yubegildo fell down. Immediately Diomedes ran back towards Danilo's house and pleaded with his parents to pacify him. However, Danilo's father simply

answered, "*Sikilay makauley ditan,*" or "*Attend to that yourselves.*" Diomedes opted to stay put in Danilo's house.

About thirty (30) minutes later, Danilo arrived and muttered, "*Nalpasen,*" meaning, "*It is finished.*" Then Diomedes noticed that Danilo's hands together with the knife he was holding were stained with blood. His father gave Danilo vinegar with which he washed his hands. Later, Yubegildo's body was found floating in the Pangapisan River.

The autopsy revealed that Yubegildo Peralta sustained a cut wound on the scalp, a cut wound on the forehead, punctured and lacerated wound on the face and stab wound on the anterior chest which the physician opined could have been caused by a bolo, bamboo or sharp-edged instrument. The fatal wound was identified as the one inflicted on the victim's right nipple since it penetrated the right portion of his heart.^[3] Death of Yubegildo was estimated to have occurred between one o'clock and two o'clock in the morning of 21 September 1982. His heirs claimed they spent P7,581.000^[4] for his funeral.

Danilo's version was that while walking with Yubegildo, Diomedes and Moises for a hundred meters from the house of Gabriel, Yubegildo told Danilo, "*Okinnayo,*" meaning, "*Vulva of your mother.*" Diomedes then tapped the shoulder of Yubegildo and whispered something to him until he and Diomedes started to fight. Danilo tried to pacify them but he was pushed aside. Yubegildo clubbed Danilo. In retaliation, Danilo picked up a split bamboo near the river and hit Yubegildo below his left ear. Diomedes, armed with a *balisong*, grappled with Yubegildo, then stabbed him once on the breast. Diomedes gave the bloodstained weapon to Danilo, which the latter washed. Finding that Yubegildo was already dead, Diomedes and Danilo proceeded to the latter's house.

Moises Rivera, testifying for the defense, narrated that while walking on their way home, with the accused and Diomedes ahead of him, he overheard Diomedes saying he wanted to relieve himself. At that time, Moises did not know where Yubegildo was. Then he (Moises) suddenly heard a thud, or what sounded like a punch on a person, prompting him to rush to the nearest house. But he did not know what else happened after that.

The trial court believed the statements of Diomedes as it found them categorical, as against those of the accused which it considered replete with inconsistencies, and the declarations of Moises which it found to be directly opposed to his Sworn Statement dated 22 September 1982.

The court appreciated treachery since the victim was hit from behind without any warning at all nor any provocation on his part, but ruled out evident premeditation due to lack of sufficient time for the accused to have reflected on the consequences of the act he intended to commit.

Accused-appellant Danilo Capitle now argues that there is no direct evidence linking him to the death of Yubegildo Peralta, hence, he prays for acquittal.

It is not difficult to concede to the argument of accused-appellant. Nonetheless, direct evidence is not the sole means of establishing guilt beyond reasonable doubt

since circumstantial evidence, if sufficient, can supplant its absence. It only requires that: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proved; and, (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.^[5] And we find all these requirements adequately complied with in the present case.

In plain words, eyewitness Diomedes Apigo clearly detailed the sequence of events that transpired in the evening of 20 September 1982. Hence, the assessment of his credibility deserves the highest respect of this Court, considering that the trial court had the direct opportunity to observe his deportment and manner of testifying, and availed itself of the various aids to determine whether he was telling the truth or simply concocting lies. The exceptions thereto, i.e., some fact or circumstance of weight and influence has been overlooked, or the significance of which has been misinterpreted which if considered might affect the result of the case, have not been shown to exist in this case.^[6]

Consider these portions of Diomedes' testimony -

Q: And as you were proceeding to the direction of Mr. Antipuesto, what was your walking formation?

A: We went following one another, sir.

Q: Who was ahead?

A: (Yube)gildo Peralta, sir.

Q: Who followed (Yube)gildo Peralta?

A: Danny Capitle, sir.

Q: Who followed Danny Capitle?

A: I, sir.

Q: Who was behind you?

A: Moises Rivera x x x x

Q: Now, how far away was Danny Capitle from (Yube)gildo Peralta this time?

A: In my estimate, Danny Capitle was behind (Yube)gildo Peralta by one meter, sir.

Q: What about you, how far behind were you from Danny Capitle?

A: About 3 meters, sir.

Q: And behind you (was) Moises Rivera, how far was he behind you?

A: About 15 meters, sir.

Q: On the way proceeding towards the place of Antipuesto with this walking formation as you stated, do you remember anything that happened x x x x

A: I saw that Danny Capitle was holding a piece of x x x split bamboo (bayog) type which he took from the place where

we serenaded and I saw that he struck (Yube)gildo Peralta with that piece of bamboo, sir x x x x

Q: How many times did you see Danny Capitle strike (Yube)gildo Peralta with that bamboo?

A: I only saw Danny Capitle strike (Yube)gildo Peralta once, sir, and (Yube)gildo Peralta fell and then I ran towards the house of Danilo Capitle and informed the incident to his father x x x x

Q: And how far were you from Danilo Capitle when you saw him strike (Yube)gildo Peralta?

A: About 15 meters, sir.

Q: What were you doing then?

A: I pretended that I will (sic) do some necessity, sir.

Q: Why did you pretend to do some necessity?

A: Because I suspected that there was something Danny Capitle wanted to do because he was carrying a piece of bamboo, sir x x x x

Q: Have you ever seen (sic) again Danilo Capitle that evening x x x x

A: After 30 minutes had passed, Danilo Capitle arrived at their house and said "Nalpasen," it's finished.

Q: And after Danilo said it's finished, what else transpired?

A: He went inside and his father gave him vinegar with which Danilo Capitle x x x washed his hands with stained blood.

Q: By the way, who was with Danilo Capitle when he went to his house if any?

A: He was alone, sir.^[7]

We also refer to the narrations of Diomedes Apigo in his Sworn Statements executed only a day after the incident -

Q: Do you know of any misunderstanding (between) Danilo and Yubegildo?

A: I don't know anything sir, but I know he has a plan because he said in Ilocano dialect "IKKA KON SA" x x x x^[8]

Q: You said in your previous statement that Danilo Capitle said "IKKA KON SA," what do you mean by this?

A: x x x x Danilo was planning to hit Yubegildo with the piece of bamboo he was carrying.

Q: Also in your previous statement you heard Danilo Capitle uttered "NALPASEN" in your presence and in the presence of Moises Rivera, what do you understand with this?

A: I understand that Danilo had already finished hitting Yubegildo with the said piece of bamboo as I saw Danilo did (sic) it.^[9]