

FIRST DIVISION

[G.R. No. 123819, November 14, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
STEPHEN MARK WHISENHUNT, ACCUSED-APPELLANT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

This is a direct appeal from the decision^[1] of the Regional Trial Court of Pasig City, Branch 152, in Criminal Case No. 102687, the dispositive portion of which states:

WHEREFORE, finding the accused Stephen Mark Whisenhunt guilty beyond reasonable doubt of murder defined and penalized under Art. 248, Revised Penal Code, he is hereby sentenced to suffer the penalty of *reclusion perpetua*, with the accessory penalties provided for by law, to pay the heirs of the deceased the amount of P100,000.00 representing actual expenses for the funeral services and wake for 5 days, P3,000,000.00 by way of moral damages, exemplary damages in the amount of P1,000,000.00 and attorney's fees in the amount of P150,000.00.

SO ORDERED.^[2]

On November 19, 1993, accused-appellant was formally charged with the murder of Elsa Santos-Castillo, under an Information which read:

That on or about September 24, 1993, in the Municipality of San Juan, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused did then and there wilfully, unlawfully and feloniously, with intent to kill and taking advantage of superior strength, attack, assault and use personal violence upon the person of one Elsa "Elsie" Santos Castillo by then and there stabbing her with a bladed weapon in different parts of her body, thereby inflicting upon her mortal wounds which were the direct and immediate cause of her death and thereafter outraged or scoffed her corpse by then and there chopping off her head and different parts of her body.

CONTRARY TO LAW.^[3]

The case was filed with the Regional Trial Court of Pasig City and was raffled to Branch 152. On January 6, 1994, accused-appellant was arraigned with the assistance of counsel *de parte*. He entered a plea of not guilty.^[4]

The evidence shows that accused-appellant and the deceased, Elsa Santos-Castillo, also known as Elsie, were lovers. They met at the Apex Motor Corporation where accused-appellant was the Manager while Elsa was the Assistant Personnel Manager.

Both accused-appellant and Elsa were married, but they were estranged from their respective spouses. In April 1993, Elsa resigned from Apex presumably to avoid the nasty rumors about her illicit affair with accused-appellant.^[5] It appears, however, that she continued her affair with accused-appellant even after she resigned from Apex Motor Corporation.

On September 23, 1993, Demetrio Ravelo, an Apex employee assigned to drive for accused-appellant, reported for work at 8:30 a.m. at the latter's condominium unit at the Platinum Condominium, Annapolis Street, Greenhills, San Juan, Metro Manila.^[6] Accused-appellant ordered him to fetch Elsa at her parents' house in Blumentritt, Manila at 10:30 a.m. He found Elsa standing at a corner near her parent's house, wearing a violet-colored blouse with floral prints, and was carrying three bags --- a paper bag, a violet Giordano bag and a thick brown leather bag with the trademark of "Mitsubishi." He brought Elsa to accused-appellant's condominium unit.^[7]

At 2:00 p.m., Elsa told Demetrio to go to the Apex office in Mandaluyong to deliver a paper bag to Amy Serrano, the Personnel Manager. He proceeded to the Apex office, and then returned to Platinum. Accused-appellant asked him to stay because he had to drive Elsa home at 10:00 p.m. He waited until a little past 10:00 p.m. When he had not heard from accused-appellant, he told Lucy, the housemaid, that he was going home.^[8]

The following day, Demetrio again reported at accused-appellant's unit. At around noon, Lucy asked if he had seen a kitchen knife which was missing. He then overheard Lucy ask accused-appellant who told her that the kitchen knife was in his bedroom. Demetrio saw accused-appellant go inside the room and, shortly thereafter, hand the knife to Lucy.^[9]

At 3:40 p.m., Lucy told Demetrio to buy cigarettes for accused-appellant. He went out to buy the cigarettes and gave them to Lucy. At 5:00 p.m., accused-appellant told Demetrio to go home.^[10]

On September 25, 1993, Demetrio reported at the Platinum Condominium at around 8:00 a.m. He was allowed by accused-appellant to go to Apex to follow up his salary. While he was there, Amy Serrano asked him if Elsa was still in accused-appellant's condominium unit. Although Demetrio did not see Elsa there, he answered yes. Amy gave him black plastic garbage bags which he turned over to accused-appellant upon his return to the condominium. The latter then ordered him to drive Lucy to Cubao and to go home to get some clothes, since they were leaving for Bagac, Bataan. On the way to Cubao, Lucy told Demetrio that she was going home. He dropped her off in front of the Farmer's Market. Thereafter, he proceeded to his house in Fairview, Quezon City, to pick up some clothes, then returned to the condominium at around 10:00 a.m.^[11]

Accused-appellant asked him to check the fuel gauge of the car. He was told to go to Apex to get a gas slip and then to gas up. At around noon, he went back to the condominium. He had lunch outside at *Goodah*, then returned to accused-appellant's unit and stayed in the servants' quarters.^[12]

While Demetrio was in the servants' quarters watching television, accused-appellant

came in. He asked Demetrio how long he wanted to work for him. Demetrio replied that he was willing to work for him forever, and expressed his full trust in him. Upon hearing this, accused-appellant shed tears and embraced Demetrio. Then accused-appellant said, "*May problema ako, Rio.*" Demetrio asked what it was, and accused-appellant told him that Elsa was dead. Demetrio asked, "*Bakit mo siya pinatay?*"^[13] Accused-appellant answered that he did not kill Elsa, rather she died of "*bangungot*".^[14]

Demetrio suggested that Elsa's body be autopsied, but accused-appellant said that he had already beheaded her. He asked Demetrio if he wanted to see the decapitated body, but the latter refused. The two of them went to Shoppesville at the Greenhills Shopping Center and bought a big bag with a zipper and rollers, colored black and gray.^[15] Demetrio noticed that accused-appellant seemed nervous and his eyes were teary and bloodshot.

When they returned to the condominium, accused-appellant asked Demetrio to help him wrap the body in the black garbage bags. Demetrio entered accused-appellant's bathroom and found the dismembered hands, feet, trunk and head of a woman. He lifted the severed head by the hair and, when he lifted it, he saw Elsa's face. He placed this in a black trash bag. He helped accused-appellant place the other body parts in three separate garbage bags. They packed all the garbage bags in the bag with the zipper and rollers, which they had bought in Shoppesville. Then, they brought the bag down and loaded it in the trunk of accused-appellant's car. After that, they boarded the car. Demetrio took the wheel and accused-appellant sat beside him in front.^[16]

It was almost 2:00 p.m. when Demetrio and accused-appellant left the condominium. Accused-appellant told Demetrio to drive around Batangas and Tagaytay City. After leaving Tagaytay, they entered the South Luzon Expressway and headed towards Sta. Rosa, Laguna. When they were near Puting Kahoy and Silangan, accused-appellant told Demetrio to turn into a narrow road. Somewhere along that road, accused-appellant ordered Demetrio to stop the car.^[17]

Accused-appellant alighted and told Demetrio to get the bag in the trunk. Accused-appellant took the plastic bags inside the bag and dumped them by the roadside. Then, accused-appellant returned the empty bag in the trunk and boarded the car. He called Demetrio and said, "*Tayo na Rio, tuloy na tayo sa Bataan.*" It was already 6:30 p.m.^[18]

Demetrio drove to the Sta. Rosa exit gate, along the South Luzon Expressway, through EDSA and towards the North Luzon Expressway. They stopped at a gasoline station to refuel. They then took the San Fernando, Pampanga exit, and were soon *en route* to the Whisenhunt family mansion in Bagac, Bataan.^[19]

Before reaching Bagac, accused-appellant ordered Demetrio to stop the car on top of a bridge. Accused-appellant told Demetrio to get off and to throw a bag into the river. Later, they passed another bridge and accused-appellant again told Demetrio to pull over. Accused-appellant alighted and threw Elsa's clothes over the bridge. On the way, Demetrio noticed that accused-appellant took something from a bag, tore it to pieces and threw it out of the window. When they passed Pilar, Bataan, accused-

appellant threw Elsa's violet Giordano bag. As they reached the road boundary of Bagac, accused-appellant wrung a short-sleeved dress with violet and green stripes, and threw it on a grassy lot.^[20]

It was about midnight when accused-appellant and Demetrio arrived at the mansion. Demetrio was unable to sleep that night, as he was scared that he might be the next victim.^[21]

The next morning, at 11:00 a.m., accused-appellant ordered Demetrio to clean the trunk of the car, saying, "*Rio, linisan mo ang sasakyan para ang compartment hindi babaho.*"^[22] At 1:00 p.m., accused-appellant and Demetrio started off for Manila. As they passed a place called Kabog-kabog, he saw accused-appellant take out an ATM card. Accused-appellant burned the middle of the card, twisted it and threw it out of the window. They arrived at the corner of EDSA and Quezon Avenue at 2:30 p.m. Demetrio asked accused-appellant if he can get off since he wanted to go home to Fairview. Before Demetrio left, accused-appellant told him, "Rio, you and your family can go on a vacation. I will give you money." Accused-appellant then gave Demetrio P50.00 for his transportation going to Fairview.^[23]

When Demetrio got home, he immediately told his family what happened. His wife told him to report the incident to Fiscal Joey Diaz. Demetrio and his wife went to the house of Fiscal Diaz in Fairview to talk to him.^[24]

The following morning, September 27, 1993, Fiscal Diaz, Demetrio, his wife and his brothers went to the Department of Justice. They were referred to the National Bureau of Investigation, where Demetrio gave his statement before Atty. Artemio Sacaquing, head of the Anti-Organized Crime Division.^[25]

Initially, Atty. Sacaquing could not believe what he heard and thought Demetrio was exaggerating. He dispatched a team of NBI agents, headed by Marianito Panganiban, to verify Demetrio's report.^[26] Accompanied by Demetrio, the team proceeded to Barangay Polong, Sta. Cruz, Sta. Rosa, Laguna. There, they found a crowd of people gathered around the mutilated parts of a human body along the road.^[27] The body parts had been discovered by tricycle drivers. The Sta. Rosa Police, under Chief Investigator SPO3 Alipio Quintos, was already conducting an investigation. Agent Panganiban radioed Atty. Sacaquing in Manila that Demetrio's report was positive.^[28]

The mutilated body parts were brought to the Lim de Mesa Funeral Parlor in Sta. Rosa. Two NBI agents, together with Demetrio, went to the house of Elsa's family to inform them of her death. The NBI agents accompanied Elsa's two sisters, Amelia Villadiego and Elida Santos, to the funeral parlor, where they identified the body parts as belonging to Elsa.

In the morning of September 28, 1993, accused-appellant was arrested by operatives of the NBI as he drove up to his parking space at Apex Motor Corporation.^[29] When Atty. Sacaquing approached and introduced himself, accused-appellant became nervous and started to tremble.^[30]

Accused-appellant was brought to the NBI in his car. When he arrived there, Atty.

Sacaguing informed him that it may be necessary to impound the car since, based on Demetrio's statement, the same was used in the commission of the crime. Accused-appellant asked permission to retrieve personal belongings from the car. After getting his things from the car, accused-appellant opened the trunk to place some items inside. When he opened the compartment, the people around the car moved away because of the foul stench that emanated from inside. Atty. Sacaguing inspected the interior of the trunk and found stains on the *lawanit* board lying flat inside the compartment, which he suspected to be blood. Thus, he instructed his agents to fetch a technician from the NBI Chemistry Division to examine the stain.
[31]

During Atty. Sacaguing's interview of accused-appellant, he noticed contusions on accused-appellant's lower lip and cheek. As standard procedure, and in order to rule out any accusation of violence on accused-appellant on the part of the NBI agents, Atty. Sacaguing ordered a medical examination of accused-appellant.
[32]

The Medico-Legal Officer found contusions on accused-appellant's left periumbilical region, right elbow, left and right forearms and right leg.
[33]

That same afternoon, before the close of office hours, accused-appellant was brought to the Department of Justice for inquest.
[34] However, accused-appellant moved that a preliminary investigation be conducted, and signed a waiver of the provisions of Article 125 of the Revised Penal Code. Hence, he was detained at the NBI.
[35]

On September 29, 1993, armed with a search warrant,
[36] the NBI agents conducted a search of the condominium unit of accused-appellant. They recovered hair strands from underneath the rubber mat and rugs inside accused-appellant's bathroom.
[37] In accused-appellant's bedroom, they found bloodstains on the bedspread and covers. They also found a pair of Topsider shoes with bloodstains, a bottle of Vicks Formula 44 cough syrup, and some more hair strands on the lampshade.
[38]

Later that day, Demetrio Ravelo accompanied some NBI agents to retrace the route he took with accused-appellant going to Bataan, with the objective of retrieving the items thrown away by accused-appellant. They were able to recover a violet bag, one brown sandal and a shirt with violet and green floral prints,
[39] which were brought to the NBI office. Amelia Santos Villadiego, Elsa's sister, was summoned to identify the items.
[40]

In the meantime, Caroline Y. Custodio, Supervising Forensic Biologist of the NBI, who conducted comparative examinations between the hair specimens found in accused-appellant's bathroom and hair samples taken from the victim while she lay in state, found that "the questioned hair specimen showed similarities to the hair taken from the victim."
[41]

Custodio further reported that the bloodstains on the bed cushion cover, bedspread and Topsider shoes, all found inside accused-appellant's bedroom, gave positive results for human blood, showing reactions of Group "B".
[42] The bloodstains on the plywood board taken from accused-appellant's vehicle were also examined and