

SECOND DIVISION

[G.R. No. 127811, April 29, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.,
ISIDRO COMESARIO Y DACASIN, ACCUSED-APPELLANT.**

D E C I S I O N

BELLOSILLO, J.:

On 2 May 1989, at ten in the evening, seven-year old Reynaldo Fernandez was found dead near the bank of Oraan Creek in Brgy. Lelemaan, Manaoag, Pangasinan. His neck was slashed. He drowned. He had been missing as early as twelve noon that day. At first his parents thought that he was out playing in his grandmother's house. When dusk came, however, Reynaldo still could not be found.

Rodolfo and Emilia Fernandez, parents of the victim, could not think of somebody else other than accused-appellant Isidro Comesario y Dacasin as the perpetrator of the crime. Emilia narrated that sometime in February 1989 accused-appellant paid her a nocturnal visit at their house while her husband was away in the fields. Accused-appellant allegedly offered to sell rice but when Emilia refused to buy for lack of money, accused-appellant countered that they could have sex instead. Accused-appellant then shoved his hardened penis against Emilia. Scared, Emilia jumped out of her house.

On 28 April 1989 or three (3) days before Reynaldo was killed, Rodolfo caught accused-appellant cutting his mongo plants. An altercation ensued during which accused-appellant got so angry that he ran after Rodolfo with scythe in hand. Accused-appellant then threatened to kill Rodolfo or any member of his family. In the morning of 2 May 1989 Rodolfo saw accused-appellant Isidro Comesario holding a scythe and walking towards Oraan Creek.

With this backdrop, Emilia and Rodolfo could not help concluded that it was accused-appellant who killed their son Reynaldo.

Prosecution witness Napoleon Veloria testified that at around ten-thirty in the morning of 2 May 1989, while he was in the vicinity of Oraan Creek, he saw accused-appellant dragging a boy with his left hand while holding a scythe in his right. He did not recognized Reynaldo although the boy was wearing a striped t-shirt and blue short pants. Accused-appellant appeared to be angry while the boy was crying. Napoleon thought that the two (2) were just siblings. He did not see the actual killing as he only learned about the death of Reynaldo the following day. Nevertheless, he believe accused-appellant was the killer as he was the last person seen together with the victim.

On 22 November 1989 accused-appellant was charged with murder.

On his part, accused-appellant averred that at the time of the incident, he was helping in the construction of their house together with his father and brothers. He only left their house to gather grass for their farm animals. He did not go far though as there was enough supply nearby.

On the basis of the foregoing evidence, the court below found accused-appellant guilty as charged and sentenced him to *reclusion perpetua*. In this appeal accused-appellant maintains his innocence and asserts that the circumstantial evidence proffered by the prosecution was too meager to support his conviction.

Doctrinally, an accused is presumed innocent. This presumption prevails unless overturned by competent and credible proof. To sustain a conviction, the guilt of the accused must be proved beyond reasonable doubt. Any doubt must be considered in his favor. Evidence showing a mere possibility of guilt is insufficient to warrant a conviction.^[1]

Accused-appellant's conviction by the trial court hinged on circumstantial evidence. To validly invoke circumstantial evidence, it must be shown that there is more than one circumstance and the facts from which the inferences are derived are proven. The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.^[2] The circumstances must constitute an unbroken chain of events that can lead reasonably to the conclusion pointing to the accused to the exclusion of all others as the author of the crime. Logically, it is where the evidence is purely circumstantial that there should be an even greater need than usual to apply with vigor the rule that the prosecution cannot depend on the weakness of the defense and that any conviction must rest on nothing less than a moral certainty of guilt of the accused.^[3] Like a tapestry made of strands which create a pattern when interwoven, a judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused, to the exclusion of all other, as the guilty person.^[4]

In a nutshell, the evidence for the prosecution is that accused-appellant had motive to kill Reynaldo; he allegedly felt bad when his advances were spurned by Emilia; three (3) days before the killing, accused-appellant had an altercation with the father of the victim; and, in the morning of 2 May 1989 accused-appellant was seen dragging a boy with his left hand while holding a scythe in his right towards Oraan Creek. The lone witness for the prosecution who allegedly saw the boy dragged could not recognize him. All he could say was that the boy was wearing a striped t-shirt and a pair of blue short pants.

We believe that under all these circumstances taken together accused-appellant should be acquitted.

First. An accused enjoys the presumption of innocence. He need not prove what is legally presumed. If he so desires he may present evidence on his behalf, but no matter how weak it is, he still deserves an acquittal. This is because the prosecution must not rely on the weakness of the evidence for the defense but on the strength of its own evidence. Unless the prosecution has successfully overturned the presumption of innocence, acquittal is inevitable.