

THIRD DIVISION

[G.R. No. 119739, June 18, 1998]

**ARISTON A. ABAD, PETITIONER, VS. COURT OF APPEALS AND
THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

D E C I S I O N

ROMERO, J.:

Death struck like the proverbial thief in the night, but was the accused-appellant the perpetrator thereof?

In the early morning of October 28, 1986, Ana Paulin was in bed at her house in San Vicente, San Pedro, Laguna, when she was suddenly awakened by the cries of "*Inay, inay, inay.*" Startled, she bolted up, looked out of the window and saw a man alighting from the jeep parked in front of her house. She yelled at the man who looked up at her then ran away. When she opened the front door downstairs, she found her son, Roberto Pineda, sprawled on the doorstep. He had been repeatedly stabbed in the chest and back.

With the help of neighbors, she rushed Roberto to the Midtown General Hospital in San Pedro but was refused admittance due to the lack of medical facilities therein. Her son expired on the way to another hospital. At about 3:30 a.m., she reported the incident to the San Pedro police. It was only before noon of that same day, however, when she submitted a "*Salaysay*" identifying accused-appellant Ariston A. Abad as the man she had seen running away from her house moments before she discovered her son's bloody condition. She further stated that accused-appellant and Roberto had been enemies ever since her daughter-in-law, Susan, left the latter for accused-appellant, who was then married to a certain Evelyn Tagle. On the other hand, at the time of the incident, Roberto was cohabiting with a certain Mary Grace Pineda.

On that very day, accused-appellant was invited by their barangay captain to shed light on the incident and was subsequently detained, as a complaint against him had been filed.

On June 28, 1987, accused-appellant was formally charged in an information, reading as follows:

"That on or about October 28, 1986, in the Municipality of San Pedro, Province of Laguna, Republic of the Philippines and within the jurisdiction of this Honorable Court, the accused ARISTON A. ABAD, with intent to kill, with evident premeditation, abuse of superior strength and treachery, being then conveniently armed with a deadly bladed weapon, did then and there wilfully, unlawfully and feloniously attack, assault and stab therewith one ROBERTO PINEDA Y PAULIN, who as a result thereof, sustained stab wounds on vital parts of his body which directly caused his death, to the damage and prejudice of his surviving heirs.

That the crime was committed with the generic aggravating circumstance of evident premeditation and the qualifying circumstance of abuse of superior strength and treachery.

CONTRARY TO LAW.”^[1]

The case was assigned to Branch 22 of the Regional Trial Court of San Pedro, Laguna. Upon his arraignment on September 8, 1987, accused-appellant entered a plea of “not guilty.” At the trial, the prosecution presented three witnesses, namely, Dr. Jose Lopez, Jr., Mary Grace Pineda, and Ana Paulin; the defense presented the accused-appellant and Evelyn Tagle.

Dr. Jose Lopez, Jr., the medico-legal officer who autopsied the body of the victim, testified that the deceased suffered fifteen stab wounds and seven multiple wounds, consequently dying of shock due to severe intra-thoracic hemorrhage secondary to multiple stab wounds at the chest and back.

Mary Grace Pineda testified that three days before the incident, accused-appellant had an altercation with Roberto over the child of the latter with Susan Paulin. The victim allegedly wanted to recover his child from Susan, which accused-appellant opposed. The two even came to blows over the matter, with mutual threats to kill each other.

On the other hand, accused-appellant denied the truth of Ana Paulin’s narrative, saying that on the evening of October 27, 1986, after selling sampaguita flowers at Pasay City, he went home to San Pedro at around 12:00 midnight, and that, he was already sleeping at the time the alleged stabbing incident occurred. His alibi was corroborated by his wife, Evelyn.

In its judgment rendered on November 27, 1991, the San Pedro RTC found accused-appellant guilty of homicide. The dispositive portion of the judgment reads as follows:

“WHEREFORE, the Court finds the accused guilty beyond reasonable doubt of the crime of HOMICIDE as defined and penalized under Article 249 of the Revised Penal Code and taking into consideration the provisions of the Indeterminate Sentence law, there being no aggravating or mitigating circumstance to offset each other, he is hereby sentenced to suffer imprisonment of 8 years 1 day of prision mayor, as minimum, to 14 years 8 months and 1 day of reclusion temporal, as maximum, together with all the accessory penalties provided by law, and to indemnify the heirs of Roberto Pineda in the sum of P50,000.00 as damages. No costs.

SO ORDERED.”^[2]

On appeal, the Court of Appeals affirmed the decision of the lower court, hence the present recourse.

Accused-appellant assails his conviction by the lower court, maintaining that he could not be considered guilty beyond reasonable doubt and that the testimonial evidence of the prosecution lacked proof and facts to sustain his conviction.

We find accused-appellant’s arguments worthy of merit.

The most glaring feature of the present case is the lack of an eyewitness to the actual killing. No one saw accused-appellant stab the victim, nor was the murder weapon ever found. The only thing that links accused-appellant to the crime is his presence at the scene of the incident, thus, the reliance of the trial court on circumstantial evidence to convict accused-appellant.

For circumstantial evidence to be sufficient to support a conviction, all the circumstances must be consistent with the hypothesis that the accused is guilty and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt.^[3] Thus, for circumstantial evidence to suffice for conviction, the following requisites must concur: (i) there must be more than one circumstance to convict; (ii) facts on which the inference of guilt is based must be proved; and (iii) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. The circumstances established must constitute an unbroken chain leading to one fair and reasonable conclusion pointing to the accused as the guilty person, to the exclusion of all others. In the present case, the Court is of the view that the circumstantial evidence proffered by the prosecution do not show beyond reasonable doubt that the accused perpetrated the crime for which he stands charged.

From a careful perusal of the records, it becomes clear that the court a quo affirmed accused-appellant's conviction on the basis of the following pieces of circumstantial evidence:

First. Accused-appellant was seen at the scene of the crime from which he later hastily fled.

Second. Accused-appellant had a motive to kill the victim, having had an altercation with the latter three days before.

The above circumstances, in the absence of other corroborative evidence, do not point with moral certainty to the guilt of accused-appellant.

We have consistently held that the mere presence of accused-appellant at the *locus criminis* cannot be solely interpreted to mean that he committed the killing.^[4] The mere presence of accused-appellant at the crime scene, without more, is inadequate to support the conclusion that, indeed, he committed the crime. In fact, the only certain conclusion that can be drawn from the testimony of prosecution witness Ana Paulin is the fact that accused-appellant alighted from a parked jeep in front of her house and not that he killed the victim. This is clear from her testimony:

Q. Now, after you hear the word "Inay" about three times, what did you do next if any?

A. I stood up "bumalikwas," sir.

Q. Why did you stand up, why did you "bumalikwas"?

A. I was surprised, startled, sir.

Q. After standing up what did you do next?

A. I look(ed) out through the window, sir.

Q. What window is that?