

THIRD DIVISION

[G.R. No. 113788, October 17, 1997]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
NORLITO GERON Y VILLANUEVA, ACCUSED-APPELLANT.
D E C I S I O N**

ROMERO, J.:

Here is yet another instance where the Court, aware as it is of the persistent calls of the public for the conviction of society's misfits, finds itself constrained to apply the maxim "Better to free a guilty man than to punish the innocent." In a recent decision, the Court aptly stated: "It is better to liberate a guilty man than to unjustly keep in prison one whose guilt has not been proved by the required quantum of evidence."^[1] Hence, despite the Court's support to ardent crusaders waging all out war against felons on the loose, when the People's evidence fail to indubitably prove the accused's authorship of the crime of which he stands accused, then it is the Court's duty, and the accused's right, to proclaim his innocence. Acquittal, therefore, is in order.

This is an appeal stemming from the prosecution and subsequent conviction of herein accused-appellant Norlito Geron y Villanueva under an information for robbery with homicide^[2] the accusatory portion of which reads:

"That on or about the 29th day of April, 1990, at about 9:00 o'clock in the evening, at Brgy. Pantay na Bata, Municipality of Tanauan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above named accused armed with an axe and nylon cord with intent of (sic) gain and by means of violence and intimidation against persons, did then and there wilfully, unlawfully and feloniously take, rob and carry away one (1) radio cassette,^[3] one (1) Walkman^[4] and cash money amounting [to] Thirty Thousand Pesos (P30,000.00), Philippine Currency, belonging to Teodora Valencia, to the damage and prejudice of the said owner in the aforementioned amount and that on the occasion of and by reason of said robbery, the said accused, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and hit with the said axe and tied with the said nylon cord Teodora Valencia y Valencia and Martin Valencia y Vicencio, which directly caused their instantan[e]ous death."^[5]

A plea of not guilty to the said charge having been entered by the accused at arraignment, trial ensued. The prosecution presented seven (7) witnesses.

Evidence for the Prosecution

First to testify for the State was Juan Valencia, Teodora Valencia's husband and father of Martin Valencia, who, in his sworn statement^[6] and answers on direct and cross-examination in court,^[7] declared that the accused worked for his wife and son at Barangay Pantay na Bata three months prior to the incident. Although he was not with his family at the time, he was convinced that the accused committed the crime because only the latter had access to their house. This belief was reinforced when he saw items allegedly belonging to the victims in accused's possession upon his arrest and detention in jail. He identified these items as one radio cassette (hereinafter "the radio") and a Walkman (hereinafter "the cassette player") whose photographs were marked for exhibit by the prosecution.^[8] Likewise missing, according to him, were money and pieces of jewelry but the records failed to show if these were ever recovered from the accused.

PO3 Eduardo Lirio of the Philippine National Police (PNP) station in Tanauan, Batangas, whose testimony^[9] was corroborated by Capt. Tomas Lirio told the court that he and Capt. Lirio rushed to Barangay Pantay na Bata after receiving a report regarding the incident at 6:30 o'clock in the morning of April 30, 1990. At the crime scene, they found the lifeless body of Teodora who appeared to have been strangled and fatally wounded at the nape, as well as that of Martin, who likewise sustained wounds on his head. They also discovered after further investigation an axe and a nylon cord^[10] believed to have been used in killing the victims. This witness acknowledged his awareness that some items inside the victims' house were missing as he was informed by Juan Valencia himself about it and that the accused surrendered a radio and a cassette player upon his arrest. Other possible motives in the commission of the crime were explored but they concluded that it was a case of robbery in view of the missing items retrieved from the accused.

Teodora's niece Melecia A. Vicencio recalled having encountered the accused at about 4:30 o'clock in the morning of April 30, 1990, when she boarded a jeepney driven by Anselmo Trinidad at Barangay Pantay na Matanda, Tanauan, Batangas. The accused whom she only knew by face was already sitting at the rear end of the vehicle carrying a chicken, a black bag and a black-colored radio which she identified as the same radio belonging to one of the victims and offered in evidence by the prosecution. She also remembered very well that during their trip, accused seemed perturbed and showed signs of fear (*lagi siyang nakalingon sa hulihan ng jeep na aming sinasakyan na sa aking tingin ay parang may kinatatakutan*). After a while, accused hastily got off at a bus stop without bothering to claim his change.^[11]

Jeepney driver Anselmo Trinidad supported Vicencio's testimony in his sworn statement before the police authorities^[12] where he declared having learned about the incident after his return trip to Alabang and that he also knew the accused as Teodora's helper. He positively identified the accused in court and the radio the latter was carrying while on board his jeepney.^[13]

Patrolman Avelino Manalo, a nephew of Teodora and accused's former employer, related to the court that he was informed of the victims' death when Teodora's brother, Cresencio Vicencio, came to him at about 6:00 o'clock in the morning of April 30, 1990. Since the victims' house was only a few meters away, both of them dashed to the place and immediately proceeded thereafter to the Tanauan police

station where he allegedly got orders from the station commander to arrest the accused. With one Sgt. Celedonio Alcantara, he then went to the Batangas pier and, having found the accused lying in the upper deck of a boat listening to a cassette player, apprehended him. Seized from the accused were a cassette player and a radio found beside him, both of which were later identified as the same articles photographed and shown in Exhibits "C" and "C-1."^[14]

Finally, the Municipal Health Officer, Dr. Priscilla Guzman, testified^[15] on the death certificates she issued for Teodora Valencia^[16] and Martin Valencia,^[17] as well as post-mortem reports on their corpses. Her findings indicated that Teodora sustained injuries consisting of hematoma, occiput; skull fracture, post-auricular right; hacking wound, ear left; and hematoma around the neck. Martin, on the other hand, had a stab wound, occipital; hacking wound from right nasal bridge extending up to the right eye; and hacking wound at the right side of the mouth. This witness calculated that the victims could have died at around 8:30 o'clock in the evening of April 29, 1990.

Evidence for the Defense

The accused had an entirely different version of the incident.^[18] He pointed to Patrolman Avelino Manalo who allegedly harbored a grudge against the victims regarding a piece of land. According to him, he knew about this because he had twice been prevented by Manalo from tilling a portion of the victims' farm on the ground that the same was his.

Against this background, accused narrated that on the night of April 29, 1990, he and the two victims were about to sleep when the door suddenly swung open and Manalo, without a word, hacked Teodora at the nape with an axe. Horrified, he scampered for safety in the kitchen and hid between two jars (tapayan), both of which were two and a half feet high. Manalo's two other companions gave chase but fortunately, they failed to find him because the kitchen was dark. Frustrated, the assailants turned to Martin who remained standing beside his bed. While in that position, Manalo mercilessly delivered the fatal blow on the defenseless victim, thus, causing his instantaneous death.

After the assault, Manalo ordered his two companions to search the house, particularly Teodora's room. The two immediately obeyed but reported that their efforts were fruitless. The trio then left the place leaving behind the murder weapon. After assuring himself that the assailants were gone, the accused hurriedly took his bag and left the house without ascertaining whether the victims were still alive. Neither did he report the incident to the police because he knew Manalo was also assigned to the Tanauan police station.

Upon leaving the house, accused proceeded to the poblacion. Fearing that he might encounter the killers of Teodora and Martin, he decided to wait till daybreak, when he took a jeepney to Tanauan and then a bus to Batangas pier where he planned to board a boat bound for Mindoro as a stowaway. However, Manalo and Alcantara nabbed him even before the boat could leave the pier. From there, Manalo and two other companions brought him to a place called "Sambat" where he was allegedly maltreated by his captors for four days until he was taken by Maj. Cesar Valencia, another son of the deceased Teodora to the Municipal Building. Despite his transfer,

Manalo and Alcantara continued maltreating him whenever Major Valencia was not around. He was even electrocuted in order to implicate a certain "Randy" as the perpetrator of the crime.

When asked why he had in his possession at the time of his arrest, a cassette player and a radio belonging to Martin, accused explained that these were already in his bag even prior to the incident because Martin told him that if someone should steal their cow, he might fail to notice it above the din of the radio. He has since had the items in his possession.

When presented by the defense, Major Valencia testified that he knew that the accused worked for the victims because he was informed of this fact eight months before the incident. He likewise admitted having requested the accused's transfer of detention and that he filed a motion to implead Manalo as an additional accused to clear doubts on the latter's possible participation in the crime. The records reveal, however, that subsequent investigation against Manalo was closed and terminated for lack of evidence.^[19]

After trial, the court a quo rendered the appealed decision^[20] dated November 25, 1993, finding the accused guilty of the crime charged and, accordingly, sentenced him as follows:

"WHEREFORE, Norlito Geron is hereby found guilty beyond reasonable doubt of the crime of robbery with double homicide and is sentenced to suffer the penalty of reclusion perpetua; to indemnify the heirs of Teodora Valencia in the amount of P50,000.00 and the heirs of Martin Valencia in the amount of P50,000.00; and to pay the costs of suit.

SO ORDERED."

To support the conviction, the trial court relied on what it believed were inculpatory circumstantial evidence which, when taken together, led to the inescapable conclusion that the accused was indeed the author of the crime, thus:

"On the basis of the evidence that accused Norlito Geron was at the house of the victims Teodora Valencia and Martin Valencia, at the time they were axed to death, as he himself admitted; that he took with him articles, consisting of a radio cassette and a radio 'walkman,' which were taken from the house of the victims; that he fled [from] the scene of the crime and boarded a boat on his way to Mindoro; that when arrested he was lying on the upper deck of the boat nonchalantly listening to the radio attached to his ears; that, while he testified that he had no money and was on board the boat only as a stowaway, the driver and a passenger in the jeep he rode on his way away from the scene of the crime, declared that he paid his fare and did not bother to get his change; that his being in the upper deck of the boat shows that he was a paying passenger and not a stowaway; and that he did not even bother to report to anyone the dastardly and brutal slaying of the victims, all

point to his criminal involvement and participation both in the slaying of his employers, Teodora Valencia and Martin Valencia, and that the motive was robbery as shown by his taking away of two radios, which he admitted belonged to Martin, and the ransacking of the cabinet in the room of Teodora Valencia.

The evidence is sufficient for a finding of guilt by circumstantial evidence. x x x." (Emphasis supplied).

We cannot concur with the findings of the trial court.

Doubtless, it is not only by direct evidence that an accused may be convicted of the crime for which he is charged.^[21] There is in fact consensus that resort to circumstantial evidence is essential since to insist on direct testimony would, in many cases, result in setting felons free and deny proper protection to the community.^[22] However, certain guidelines have been evolved for circumstantial evidence to be acceptable. Like a tapestry made up of strands which create a pattern when interwoven,^[23] 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 which points to the accused, to the exclusion of all others, as the guilty person.^[24] All the circumstances must be consistent with each other, 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 rationale except that of guilt.^[25]

Upon a close scrutiny of the records and bearing in mind the standards set forth above, the Court is of the view that the circumstantial evidence proffered by the prosecution, contrary to the trial court's position, do not show beyond reasonable doubt that the accused indeed perpetrated the crime of which he stands charged. The supposed string of circumstances relied upon by the court a quo to secure a conviction consists of the following:

- (1) Accused was present at the crime scene;
- (2) Accused had in his possession articles belonging to the victims at the time he was apprehended;
- (3) Accused fled from the crime scene and boarded a boat bound for Mindoro;
- (4) Accused was at the upper deck of the boat when arrested;
- (5) Accused paid his jeepney fare and did not bother to claim his change; and
- (6) Accused never reported the incident to anyone.