

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOEL BITENIO Y YUMUL, ACCUSED-APPELLANT.

Ponente: BARRIOS, M. M., J.

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BARRIOS, M. M., J.:

On appeal is the Decision[1] dated 19 March 2012 of the Regional Trial Court, Branch 41 of Manila, finding accused-appellant[2] guilty of the crime of homicide. The dispositive portion reads:

x x x

"Wherefore, the prosecution having established the guilt of the accused beyond reasonable doubt, his conviction of the crime of Homicide punishable under Article 249 of the Revised Penal Code is hereby pronounced.

Accordingly, he is sentenced to suffer the penalty of reclusion temporal, imposed in its medium period, ranging from 14 years, 8 months and one day to 15 years, six months and 19 days as minimum to 15 years, 6 months and 20 days to 16 years, 5 months and 9 days as maximum.

Further, he is directed to indemnify the heirs of the victim in the sum of P75,000.00, consistent with settled jurisprudence. However, no civil and moral damages can be awarded for want of basis.

SO ORDERED."

x x x

The Facts of the Case

The Information[3] charged accused-appellant with the crime of homicide committed as follows:

x x x

"That on or about January 5, 2007, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously with intent to kill, attack, assault and use personal violence upon one ROWENA SANTOS Y INTENCION by then and there hacking and stabbing the latter on the different parts of her body with a small samurai and butcher's knife, thereby inflicting upon the latter hack/stab wounds which were the direct and immediate cause of his (sic) death thereafter.

CONTRARY TO LAW."

x x x

When arraigned, accused-appellant pleaded not guilty.[4] Pre-trial was terminated due to his failure to appear despite notice.[5] Trial on the merits then ensued.

The prosecution witnesses were: Barangay Kagawad Carlos Bitenio, who is accused-appellant's relative; Barangay Chairman Alfredo Calonsag, Jr. of Barangay 601, Sta. Mesa, Manila; Mary Ann Chico of the Manila City Civil Registrar; case investigator SPO2 Edmundo Cabal; medico-legal officer Dr. Romeo T. Salen of the

Manila Police District Crime Laboratory and evidence custodian SPO1 Ronaldo Samson. These witnesses identified the documentary and object evidence[6], namely: the booking sheet and arrest report; letter-referral to the Manila City Prosecutor and the advance information by the Manila Police District-Crime Against Persons Section; the request for and the result of the autopsy; certification of identification and consent for autopsy; Medico-Legal Report No. M-2007-07; the handwritten sworn statement dated 07 January 2007 of Barangay Kagawad Carlos Bitenio; the victim's death certificate; and the accused-appellant's blood-stained shirt.

The prosecution's evidence disclose that in the early morning of 05 January 2007, Barangay Kagawad Carlos Bitenio (Bitenio) was summoned by accused-appellant to the latter's residence situated at No. 1664 Ilang-Ilang Street, Sta. Mesa, Manila. When he reached the place, he saw appellant seated and looking sad. At appellant's prodding, he went inside and saw a dead person lying face down in a pool of blood in the kitchen. Kagawad Bitenio immediately went to the house of the Barangay Chairman Alfredo Calonsag, Jr. (Calonsag) to report the incident.

Chairman Calonsag then instructed his wife to call the police and immediately went to the scene. When he arrived at the scene, he saw appellant seated outside his house with wounds in his hands and his t-shirt splattered with blood.[7] The things inside the house were in disarray and the dead woman was sprawled in the kitchen.

At around 1:25 A.M. of 05 January 2007, SPO2 Edmundo Cabal (SPO2 Cabal) received a phone call from SPO2 Candelaria of Police Station 8 to respond to the incident. Upon arrival, SPO2 Cabal and a team of Scene of the Crime Operatives (SOCO) saw the corpse of a bloodied woman lying face down on the cemented floor of appellant's house. SOCO Team Leader, Chief Inspector Oscar Mojica, recovered a small samurai and a butcher's knife at the scene. SPO2 Cabal interrogated several persons but no one could give him a good account of the incident, but they later received information that the victim was the live-in partner of accused-appellant whose name is Rowena Santos y Intencion.

Dr. Romeo T. Salen testified that the victim's death was caused by massive blood loss due to multiple stab and hack wounds. The Medico-Legal Report showed the victim had sustained a total of twenty-two (22) wounds,[8] of which ten (10) were serious hack wounds, to wit: four (4) at the left side of her head extending towards the back; three (3) at the dorsal side of the right hand; two (2) at dorsal side of the left hand; and one (1) wound at the right thigh. The rest were superficial stab wounds on the right side of her face and left thigh, and incised wounds on the face, all probably caused by a sharp, heavy bladed object. Dr. Salen opined that the victim's hand injuries were defensive wounds as where one is parrying or evading blows.[9]

The defense sought, and was granted, leave of court to file a demurrer to evidence. However, the Demurrer to Evidence[10] itself was eventually denied[11] for having been filed out of time. Accused-appellant then filed a Memorandum[12] arguing in the main that the prosecution failed to identify the perpetrator of the crime. Nevertheless, the trial court convicted accused-appellant on the basis of circumstantial evidence, as follows: 1) appellant summoned an uncle, Kagawad Bitenio, to come over his place because of an incident that transpired; 2) he asked both Kagawad Bitenio and Chairman Calonsag to look inside his house where they saw the body of a bloodied dead person inside his house which was in disarray; 3) there were blood squirts on appellant's hands and on his shirt; 4) two (2) weapons – a small samurai and a butcher's knife- were recovered in the premises by police investigators; and 5) appellant unhesitatingly went along with the police and was turned over to the case investigator.

Praying for his acquittal, accused-appellant assigns this error:

"THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE FACT THAT HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT. "[13]

Our Ruling

In criminal cases, the burden of proving the guilt of the accused rests on the prosecution; the accused need not even offer evidence in his behalf. The constitutional mandate of innocence prevails, unless the prosecution succeeds in proving by satisfactory evidence the guilt beyond reasonable doubt of the accused.[14] Furthermore, it is the fundamental rule that when there is no eyewitness to a crime, it is inevitable to resort to circumstantial evidence;[15] and where the evidence is purely circumstantial, there must be an even greater need to apply the rule that the prosecution depends not on the weakness of the defense but on the strength of its own evidence. The circumstances proved must form an unbroken chain that results in a fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the perpetrator.[16] Conviction must rest on nothing less than a moral certainty of the guilt of the accused.[17]

To successfully prosecute the crime of homicide, the following elements must be proved beyond reasonable doubt: (1) that a person was killed; (2) that the accused killed that person without any justifying circumstance; (3) that the accused had the intention to kill, which is presumed; and (4) that the killing was not attended by any of the qualifying circumstances of murder, or by that of parricide or infanticide.

In the present case, the prosecution has merely established that the dead person found in the residence of accused-appellant was his live-in partner and that she died because of multiple stab and hack wounds. Significant, there was no evidence at all as to the identity of the perpetrator of the killing. There is no testimony to establish that accused-appellant committed the crime, nor did he have the motive to do so.

Relevantly, the medico-legal officer testified that only one weapon could have possibly caused the multiple hack and stab wounds on the deceased; yet the prosecution did not present in court the samurai and butcher's knife that were allegedly recovered from the scene nor the SOCO operative who was said to have recovered them, much less is there proof to establish that these were used in the killing. Moreover, the mere presence of bloodstains on the appellant's hands and clothes does not ipso facto link accused-appellant to the crime[18] considering that there was no pathological examination conducted if the blood belonged to him or to the victim. In the same breadth, the fact that accused-appellant summoned his relative, Kagawad Bitenio, who later reported to Chairman Calonsag does not establish that he voluntarily surrendered within the contemplation of the law.[19]

It is Our view that the totality of the evidence presented by the prosecution does not constitute an unbroken chain that can approximate the required proof beyond reasonable doubt of the guilt of the accused-appellant. The established facts and circumstances may have engendered in the minds of some the probability that accused-appellant may have been the perpetrator of the killing, but most definitely, the same cannot be considered proof beyond reasonable doubt required to convict. Elsewise state, the State's evidence has not overturned the constitutional presumption of innocence.

WHEREFORE, premises considered, the appeal is GRANTED. The Decision dated 19 March 2012 of the Regional Trial Court, Branch 41 of Manila in Criminal Case No. 07-249499 is REVERSED and SET ASIDE. Accused-appellant Noel Bitenio y Yumul is ACQUITTED on reasonable doubt.

SO ORDERED.

Pizarro, N.B., (Chairperson) and Paredes, V. I.,[*] JJ., concur.

[*] Per Office Order No. 437-14-ABR dated 22 October 2014.

[1] Rollo, pp. 63-72. Criminal Case No. 07-249499

- [2] Records, p. 21 Posted personal bail bond. Records, p. 294 Out on bail on surety appeal bond
- [3] Records, p. 1.
- [4] Records, p. 64 Certificate of Arraignment.
- [5] Records, p. 72 Order dated 18 April 2007.
- [6] Records, pp. 237-238 and 241. Formal Offer of Evidence. All exhibits were admitted as per Order dated 04 May 2011.
- [7] TSN September 10, 2007, p. 10
- [8] Records, p. 228 Medico-Legal Report No. M-2007-07
- [9] TSN March 23, 2009, p. 15
- [10] Records, pp. 248-258.
- [11] Records, p. 259
- [12] Records, pp. 269-273
- [13] Brief for the Accused-Appellant filed by the Public Attorney's Office, p. 1; Rollo, p. 38
- [14] People vs. Reynaldo Bayon y Ramos, G.R. No. 168627, 02 July 2010
- [15] People vs. Warlito Ragon, G.R. No. 100593, 18 November 1997
- [16] Espascual Diega vs. Court of Appeals, G.R. No. 173510/G.R. No. 174099, 15 March 2010
- [17] People vs. Gilbert Baulite and Libertao Baulite, G.R. No. 137599, 08 October 2001
- [18] People vs. Danilo Asis and Gilbert Formento, G.R. No. 142531, 15 October 2002
- [19] People vs. Bonifacio Badriago, G.R. No. 183566, 08 May 2009

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