

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LUZ CARPIO VDA. DE QUIJANO AND GERRY CAÑETE Y VILLAS, ACCUSED-APPELLANTS.

G.R. No. 102045. March 17, 1993

Ponente: CAMPOS, JR., J.

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CAMPOS, JR., J.:

The case at bar can very well qualify as an Agatha Christie thriller. A person is killed. Two persons are prime suspects but the authorities cannot pinpoint who was the murderer. Can the court convict all the suspects if the evidence fail to establish who stabbed the victim to death? For lack of evidence, direct or circumstantial, sufficient to prove their guilt beyond reasonable doubt, must all the accused be given the benefit of presumption of innocence? This is the dilemma which faces the Court in this case.

This is an appeal from the decision,[*] dated April 30, 1991, of the Regional Trial Court, National Capital Judicial Region, Branch 131, Kaloocan City, in Criminal Case No. C--34960, entitled “People of the Philippines v. Luz Carpio Vda. de Quijano and Gerry Cañete y Villas” finding appellant Luz Carpio guilty beyond reasonable doubt of the crime of parricide as defined and penalized under Article 246 of the Revised Penal Code, and appellant Gerry Cañete of Murder as defined and penalized under Article 248 thereof.

On May 21, 1990, an information for murder was filed by the Assistant City Prosecutor of Kalookan City against accused-appellants Luz Carpio Vda. de Quijano and Gerry Cañete y Villas for the death of one Renato Quijano.

On June 6, 1990, the Assistant City Prosecutor filed the following amended information to charge both accused-appellants of the crime of parricide instead of murder, committed as follows:

“That on or about the 23rd day of April, 1990 in Kaloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping with one another, without any justifiable cause, with deliberate intent to kill, with treachery and evident premeditation (sic), accused LUZ CARPIO VDA. DE QUIJANO being then legally married to one RENATO QUIJANO, did then and there wilfully, unlawfully stab with a bladed weapon said RENATO QUIJANO on the different parts of his body, thereby inflicting upon him serious physical injuries, which resulted in his death.

Contrary to Law.”[1]

On June 7, 1990, both accused-appellants, assisted by counsel-de-oficio, pleaded not guilty to the offense as charged in the amended information.[2]

After trial on the merits, the trial court rendered its decision finding both accused-appellants guilty beyond reasonable doubt of the crime charged. The dispositive portion reads:

“WHEREFORE, the Court finds accused Luz Carpio Vda. De Quijano GUILTY beyond reasonable doubt for the crime of PARRICIDE and accused Gerry Cañete y Villas GUILTY beyond reasonable doubt for the crime of MURDER qualified by treachery and sentences each one of them to suffer RECLUSION PERPETUA; to

jointly and severally pay the children of victim Renato Quijano the amount of Thirty Thousand (P30,000.00) Pesos as death indemnity and to pay the costs.

Considering that both accused are detention prisoners, the period of preventive imprisonment they may have undergone shall be credited in their favor.

SO ORDERED.”[3]

From the judgment of conviction, both accused appealed, assigning the following as the errors[4] allegedly committed by the trial court:

I

THE TRIAL COURT ERRED IN HOLDING THAT CONSPIRACY EXISTED BETWEEN ACCUSED LUZ CARPIO AND GERRY CAÑETE.

II

THE TRIAL COURT ERRED IN HOLDING THAT TREACHERY WAS EMPLOYED IN THE COMMISSION OF THE CRIME BY THE ACCUSED.

III

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE TESTIMONY OF DOMINGA QUIJANO, RUBEN MADRIAGA AND RICKY JELLY.

IV

THE TRIAL COURT ERRED IN TAKING THE TESTIMONY OF THE SON, RICHARD QUIJANO, OVER THE OBJECTIONS OF DEFENSE COUNSEL.

V

THE TRIAL COURT ERRED IN CONVICTING BOTH ACCUSED, LUZ CARPIO AND GERRY CAÑETE.

The Solicitor General summarized the People’s version thus:

“At about 12:30 o’clock in the morning of April 23, 1990, appellant Gerry Cañete and an unidentified man arrived at the house of appellant Luz Carpio and her husband Renato Quijano in LRT Sawata, Dagat-Dagatan, Maypajo, Caloocan City. Appellant Luz Carpio, apparently expecting her co-appellant, readily opened the door for him and his companion who immediately sneaked inside, and she thereafter closed it. Later at about 1:30 o’clock, Barangay Tanods Ruben Madriaga, Rodolfo Garcia, Roberto Mercado, and Conrado Oreta, who had been in front of the house, heard “banging sounds, ‘Kalabugan’” coming from the house, prompting them to run to their Barangay outpost to seek assistance. When they returned to the house at about 2:00 o’clock, the tanods saw appellant Luz Carpio sitting where they had been sitting before they left and the door of the house open. Instinctively, the tanods peeped through the open door and saw appellant Luz Carpio’s husband, Renato Quijano, sprawled dead on the floor of the living room. Consequently, the police was notified and Corporal Paulino T. Baterina arrived to investigate. He observed that the body of the deceased bore two (2) stab wounds each on both sides of the chest and two (2) more stab wounds on the abdomen (TSN, August 21, 1990, pp. 4-22). Ricky Jelly, a neighbor, testified at the trial on November 13, 1990 that “at about 1:30 o’clock in the morning of April 23, 1990, he went to the store of accused Luz Carpio to buy cigarette xxx when he saw the barangay tanods running xxx, and fearing that something unusual was happening, hid in the dark xxx and saw after about three (3) minutes accused Cañete emerging from the house of the victim, wearing pants only and holding a knife xxx” (Appellants’ Brief, p. 4).

Two days before the incident (April 21), the deceased had confided to his sister, Dominga Quijano, that his wife, appellant Luz Carpio, and appellant Gerry Cañete were having an illicit relationship, because he saw them kissing (TSN, November 12, 1990, pp. 7-8). The next day (April 22), appellants met and talked while holding hands at Luneta Park. Appellant Luz Carpio was accompanied by her son, Richard, while appellant

Gerry Cañete was with an unidentified man (Exh. "H").

Autopsy on the cadaver of Renato Quijano was conducted by Dr. Alberto Reyes, Medico-Legal Officer of the National Bureau of Investigation, who later submitted an Autopsy Report (Exh. "B") with his findings (Exh. "B-1")."[5]

In convicting both accused, the trial court based its decision on the following circumstantial evidence:

"a) The testimony of Dominga Quijano to the effect that two days before her brother Renato was killed, the latter confided to her that his wife (accused Carpio) was having an illicit affair with accused Cañete (TSN, November 12, 1990, page 3);

b) The statement of Richard Quijano, the second eldest son of victim Quijano and accused Carpio, to the effect that one day before his father was killed, his mother (accused Carpio) and accused Cañete, in his presence, were holding each others hands somewhere in Luneta (Exh. "H");

c) The testimony of Ruben Madriaga that he in the company of Conrado Oreta, Rodolfo Garcia and Roberto Mercado have seen the arrival of accused Cañete and his male companion in the house of the victim one hour before victim Quijano was killed and further have seen accused Carpio opened their door and allow accused Cañete and his companion to entered (sic) their house during that unholy hour (TSN, August 21, 1990, pages 19-20);

d) The testimony of Rick Jelly that at past 12:30 in the early morning of April 23, 1990, he had seen accused Cañete holding a balisong and in the company of one male companion, was walking very fast and departing from the house of victim Quijano (TSN, October 23, 1990, page 5);

e) The testimony of P/Cpl. Paulino Batarina that immediately before this killing incident took place, he, thru the policemen assigned at the follow up unit, failed to locate accused Cañete in his residence (TSN, August 21, 1990, page 8);

f) That accused Cañete was arrested on May 18, 1990 in the store/residence of accused Carpio (Exh. "K")."[6]

The trial court ruled that the prosecution was able to establish that accused Luz Carpio and Gerry Cañete conspired together in killing the victim.

We do not agree.

There was no showing that there was a previous agreement between the accused relating to the commission of the crime. The mere fact that the accused Luz Carpio and accused Gerry Cañete met at the Luneta Park does not prove that their meeting was prearranged nor was there any evidence as to what they talked about. The meeting could have been merely casual and unarranged in which case a reasonable doubt as to conspiracy exists.[7] The circumstance that accused Luz Carpio opened the door to let accused Gerry Cañete and his unidentified male companion get inside their house at 12:30 o'clock in the morning of April 23, 1990 is not sufficient to establish conspiracy. Although proof of agreement may be inferred from the acts and conduct of the conspirators disclosing a common understanding among them with respect to the commission of the offense,[8] We have also invariably ruled that like the offense itself, conspiracy must be proved beyond reasonable doubt.[9]

It is a basic principle of constitutional law that the accused shall be presumed innocent until the contrary is proved beyond reasonable doubt. Lacking such certainty, the trial court has the duty to render a verdict of acquittal.[10] The same degree of proof necessary to establish the crime is required to establish criminal conspiracy.[11] Although direct proof is not essential to establish conspiracy, it must be established by positive and conclusive evidence. And conviction must be founded on facts, not on mere inferences and presumptions.[12]

Since the conviction of accused Luz Carpio was based on the presence of conspiracy which as stated earlier has not been proven beyond reasonable doubt and there being no other evidence linking her to the commission of the crime, the conviction of accused Luz Carpio of the crime of parricide must be reversed.

With respect to accused Gerry Cañete, the evidence pinpointing responsibility on him is circumstantial. Circumstantial evidence may be characterized as that evidence which proves a fact or series of facts from which the facts in issue may be established by inference. To sustain a conviction, Rule 133, Section 5 of the Rules of Court requires that: 1) there be more than one circumstance; 2) the facts from which the inferences are derived must be proven; and 3) the combination of all the circumstances is such that it will result in a conviction beyond reasonable doubt. The requisites must be complied with if circumstantial evidence is to be the basis for proof beyond reasonable doubt.[13]

The following series of events constitutes sufficient circumstantial evidence on the basis of which guilt of the accused Cañete may be established:

- a) that he and an unidentified male companion were seen entering the victim's house by prosecution witness Ruben Madriaga and his co-barangay officers at midnight of April 23, 1990 and that accused Carpio, wife of the victim, opened the door and let them inside the house;
- b) that after the lapse of one hour, Ruben Madriaga and his co-barangay officers heard banging sounds (Kalabugan) inside the house of the victim;
- c) that he and an unidentified male companion were seen leaving the house of the victim by prosecution witness Rick Jelly at 1:30 o'clock in the morning of April 23, 1990 holding a knife and walking very briskly away from the house of the victim;
- d) that five minutes after accused Cañete and an unidentified male companion left, Rick Jelly heard screaming and crying and found out that victim Renato Quijano was already dead; he died of stab wounds inflicted with a knife in the front part of his body;
- e) that accused Cañete's whereabouts could not be found when police looked for him;
- f) that he was finally arrested on May 18, 1990 in the store of accused Carpio;
- g) that accused Cañete and Carpio were having an intimate affair.

Based on the circumstantial evidence presented by the prosecution witnesses, there were two men who entered and left the house of the victim in the morning of April 23, 1990, one of whom was accused Gerry Cañete. While the established facts do not entirely rule out the possibility that accused Cañete could himself have inflicted the fatal wounds, the Court cannot base his conviction upon mere conjecture. The accused, however, had the motive to do away with the victim because of his having an affair with the victim's wife. After the sound of commotion and physical violence was heard inside the house, Cañete came out of the house, holding a knife, and with his male companion walked hurriedly away from the victim's house. He could not be found days after, and his whereabouts were unknown until he was caught visiting his co-accused in the latter's store 25 days later. It is a well-entrenched rule that "before conviction can be had upon circumstantial evidence, the circumstances proved should constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the defendant, to the exclusion of all others, as the author of the crime".[14] In this case the circumstantial evidence presented by the prosecution point to the accused Cañete as having committed the crime charged, and to no other person.

While the fact of death has been established by the production of the dead body, the prosecution has established an unbroken chain of circumstances, which make Us conclude reasonably and positively that the accused Cañete is indeed the guilty person.

The facts as established dispel any doubt regarding the guilt of the accused Gerry Cañete for the death of Vicente Quijano committed at the latter's residence. There was, however, no evidence that the killing was committed with treachery or evident premeditation that would qualify the crime to murder.

WHEREFORE, for reasons indicated, We find the accused GERRY CAÑETE guilty beyond reasonable doubt of the crime of Homicide and sentences him to a penalty of Reclusion Temporal. Applying the Indeterminate Sentence Law, the accused is hereby sentenced to a penalty of imprisonment the minimum of which is eight (8) years and one (1) day of prison mayor and a maximum of fourteen (14) years, eight (8) months and one (1) day of Reclusion Temporal, and to indemnify the heirs of the victim Renato Quijano in the amount of P50,000.00. For failure of the prosecution to establish the guilt of LUZ CARPIO VDA. DE QUIJANO for the crime of parricide, the decision with respect to her is REVERSED, said accused is ACQUITTED of the crime charged and is ordered immediately released unless she is being held for other legal causes.
SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Nocon, JJ., concur.

[*] Penned by Judge Antonio J. Fineza.

[1] Records, p. 2.

[2] Records, p. 6.

[3] Decision, p. 10; Records, p. 135.

[4] Appellants' Brief, p. 10.

[5] Appellee's Brief, pp. 2-5.

[6] Decision, pp. 7-8; Records, pp. 132-133.

[7] *Siton vs. Court of Appeals*, 204 SCRA 473 (1991).

[8] *Ibid.*

[9] *Ibid.* See also *People vs. Saavedra*, 149 SCRA 610 (1987).

[10] *People vs. Macasinag*, 173 SCRA 292 (1989).

[11] *People vs. Drilon, Jr.*, 123 SCRA 72 (1983).

[12] *People vs. Martinez*, 127 SCRA 260 (1984).

[13] *People vs. Songcuan*, 176 SCRA 354 (1989).

[14] *People vs. Subano*, 73 Phil. 692 (1942).

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