

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GAMALIEL PAYAWAL Y DE LA TORRE, ACCUSED-APPELLANT.

G.R. No. 113995. August 16, 1995

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-113995/>

VITUG, J.:

This case is illustrative of the long settled rule that the prosecution must stand on the strength of its own evidence and not merely rely on the weakness of the defense.

Accused-appellant stood trial and was convicted by the court a quo for the crime of murder, in an information, dated 13 April 1992, which read:

"That sometime during the period comprised between April 2, 1992 to April 8, 1992, both dates inclusive, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously, with intent to kill, and with evident premeditation and treachery, attack, assault and use personal violence upon one GERRY CENTENERA Y BARKE by mauling the latter and locking him inside a steel cabinet and thereafter cemented the said cabinet, thereby inflicting upon the said Gerry Centenera y Barke mortal injuries which were the direct and immediate cause of his death thereafter.

"Contrary to law."[1]

When arraigned, the accused pleaded "not guilty" to the charge. On 25 June 1993, the Regional Trial Court[2] found Payawal guilty of the offense and thusly concluded:

"WHEREFORE, finding the accused guilty of the crime of murder as charged in the information, defined and penalized under Article 248 of the Revised Penal Code, he is hereby sentenced to suffer RECLUSION PERPETUA and to pay the cost. He is further sentenced to indemnify the heirs of the offended party the amount of P50,000.00 for the death of the victim.

"In the service of this sentence, the accused is entitled to the provisions of Article 29, as amended.

"SO ORDERED."[3]

On 11 February 1994, accused-appellant filed his notice of appeal.[4] Still vehemently insisting on his innocence, he averred -

"That the trial court erred in arriving at its conclusion of guilt of the accused for the charge of murder based upon questionable alleged circumstantial evidence.

"That the trial court erred in not giving due course to the accused-appellant's motion for new trial and/or not allowing admission of the newly discovered evidence/s projected therein (both in the basic and supplement to the motion for new trial).

"That the trial court erred in convicting the accused-appellant for murder despite lack and/or gross insufficiency of evidence proving his guilt beyond reasonable doubt."[5]

The prosecution evidence basically would tend to establish the following circumstantial incidents leading to the indictment of accused-appellant.

On 08 April 1992, the Philippine National Police Headquarters, Western Police District Command, received from an anonymous caller a telephone report that foul odor was emanating from a two-story residential house at 1706 Velasquez Street, Tondo, Manila. PO3 Julian Bustamante and PO3 Fidel Geronimo were immediately dispatched to the area. The police officers were met by Corazon Payawal and Eva Belisario, sisters of Gamaliel Payawal y de la Torre who led the police investigators to Gamaliel's bedroom located at the second floor of the house. The room was in full disarray. Inside the room was a "cemented steel cabinet." Moisture was seen to be coming out from the cabinet's upper door. There was a can of air freshener on top of the cabinet. The police officers sought the assistance of Sol Funeral Parlor. The cabinet was brought down from the house, and on the authority issued by Dra. Zunuego of the Manila Health Department's Preventive Diseases, the cabinet was taken to the Manila South Cemetery, where it was forcibly opened in the presence of the police officers, the two sisters (Eva and Corazon), and Mrs. Veronica Prudente (the officer-in-charge of the cemetery). Inside the cabinet was a bundled bedsheet which, when untied, revealed the body of a five-year old boy, in a fetal position and dressed with a pair of shorts. The boy's intestines were protruding, and the body was in a state of decomposition. Eva and Corazon immediately identified the body to be that of their missing nephew, Gerry Centenera, said to be the son of Gamaliel by a common-law wife. The body was taken to the Sol Funeral Homes.

The police headquarters later received another telephone call, this time saying that Gamaliel was seen at the Velasquez house. A "follow-up unit" proceeded to the place, where the accused, who then seemed to be under the influence of drugs, was arrested.[6]

Testifying in his defense, Payawal claimed to be the General Bishop of a religious sect called the "Holy Church of God in Christ Jesus" since August of 1989. His offices were located at 1991 Old Torres Subdivision, Juan Luna, and 1706 Velasquez St., both in Tondo, Manila. Although he resided in Malolos, Bulacan, he regularly went to his office in Velasquez, together with Minister Abel Raymundo, and his secretary Hermenigildo Cabal. Payawal disclaimed the allegation that Gerry was his child.

Also presented by the defense were Abel Raymundo, who testified that he resided with Payawal in the latter's residence in Bulacan, and Rolando Villena, who denied the contents of an affidavit[7] in which he was said to have stated before police investigators that Gamaliel had requested for half a kilo of cement and for some cans of air fresheners.

Convinced of Gamaliel's guilt, the trial court rendered judgment convicting the accused. The latter moved for a new trial. He argued that his rights were not properly protected by his former counsel. The motion was denied by the presiding judge.

Hence, this appeal.

Accused-appellant was convicted by the trial court on the strength, it said, of the following circumstantial evidence; viz:

- "1. The accused ordered the purchase of the air fresheners one of which was on top of the steel cabinet and the other was inside the steel cabinet;
- "2. The last time when Gerry Centenera was seen alive was when he was fetched by the accused from the house of his sister Corazon;
- "3. The room where the body of Gerry Centenera was found stuffed inside the steel cabinet is the bedroom of the accused; and

"4. From April 2 to 8, 1992, comprising the period (approximated to be) when Gerry Centenera was murdered until his body was found on April 8, the bishop had been holding office everyday from morning till evening at his office at 1706 Velasquez St., Tondo, Manila. On said April 8, he stayed in his office for only one and a half hour." [8]

Prosecution witness Rolando Villena, however, refused to acknowledge the statement attributed to him - the first of the four circumstances - to the effect that he had been requested by accused-appellant to get half a kilo of cement and some air fresheners. Villena testified:

"FISCAL ARANZ:

Now, you mention here awhile ago that all the questions ask to you by the investigator were up to the question no. 6 which states: (Tanong) 'Ano ba iyong totoong nakita mo at nalalaman mo?'

(Sagot) 'Nasabi sa akin ng mga kapitbahay ni Gamaliel na may naamoy na nanggagaling sa bahay ni Gamaliel na mabaho.' Was that your answer?

"WITNESS:

No, Sir.

"FISCAL ARANZ:

So, when you said awhile ago that the only thing that you know is up to question no. 6 and answer is not correct anymore, is that what you mean?

"WITNESS:

Yes, Sir.

"FISCAL ARANZ:

So, will you please go over this Exhibit A and tell the Court what are those statements questions and answers that you have given to the police investigator?

"WITNESS:

I have given my statements up to question no. 4 only, Sir.

"FISCAL ARANZ:

Are you very sure now?

"WITNESS:

Yes, Sir.

"FISCAL ARANZ:

Now, let's go to question no. 4 which states: 'Kung ganun ay marunong kang bumasa, sumulat at umunawa ng salitang Tagalog na gaya ng pag-uusap natin ngayon?' Sagot - 'Opo'. Is that your answer?

"WITNESS:

Yes, Sir.

"FISCAL ARANZ:

Was the question profounded to you by the police?

"WITNESS:

Yes, Sir.

"FISCAL ARANZ:

And the answer is 'Opo'?

"WITNESS:

Yes, Sir.

"FISCAL ARANZ:

So, you know how to read Tagalog?

"WITNESS:

Yes, Sir.

"FISCAL ARANZ:

You understand it?

"WITNESS:

Yes, Sir.

"FISCAL ARANZ:

Before you affix your signature, did you read your statement?

"WITNESS:

No, Sir.

"FISCAL ARANZ:

Why did you affix your signature without reading it?

"WITNESS:

They just told me to sign it, Sir. And they told me that after I sign it, it is already through without reading it.

"FISCAL ARANZ:

You mean to say that questions and answers here were practically prepared by police investigator?

"WITNESS:

Yes, Sir.

"FISCAL ARANZ:

What induced you to affix your signature here?

"WITNESS:

They just told me to sign it and I will not be involved, Sir."[9]

The second circumstance relied on by the trial court, i.e., that Gerry Centenera had last been seen alive with

accused-appellant, was a mere hearsay account of PO3 Geronimo (allegedly related to him by Corazon T. Payawal). Corazon herself, however, was not called to the witness stand.[10] Parenthetically, in her Sinumpaang Salaysay,[11] dated 17 August 1993, she belied the statement of PO3 Geronimo.

The result is that only the remaining two circumstances could be of real consequence in ascertaining the guilt of accused-appellant. The Rules of Court, on circumstantial evidence, provides:

"Sec. 4. Circumstantial evidence, when sufficient. - Circumstantial evidence is sufficient for conviction if:

"(a) There is more than one circumstance;

"(b) The facts from which the inferences are derived are proven; and

"(c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt." [12]

The circumstances to warrant conviction must constitute an unbroken chain of events that can lead reasonably to the conclusion so pointing to the accused, to the exclusion of all others, as the author of the crime.[13] Logically, it is here, 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.[14]

With practically nothing of probative value that could be taken from the testimony of Rolando Villena, it behooved the prosecution to get either or both Eva Belisario and Corazon Payawal, whether as willing or even as hostile witnesses, to testify and to shed some light on the case; unfortunately, for unexplainable reason, their testimony was not sought. Most importantly, there was no sufficient proof of the corpus delicti. The Medico-Legal Report merely disclosed the following:

"PURPOSE OF LABORATORY EXAMINATION:

To determine the cause of death.

"FINDINGS:

Fairly developed, fairly nourished male child cadaver in advanced stage of decomposition. No external injuries noted.

"MICROSCOPIC FINDINGS:"TRACHEA:

Fibromuscular tissue with congestion and focal hemorrhages.

"LUNGS:

Congestion, edema with inflammatory cells infiltrate within alveolar spaces.

"xxx xxx xxx

"CONCLUSION:

Cause of death is cardio-respiratory arrest due to shock compatible with asphyxia." [15]

One can only surmise how possibly the "victim" did meet his death, for there is absolutely nothing on record that can provide us with anything better than what has heretofore been said. We cannot end this ponencia without renewing our appeal for the exercise of utmost diligence, extreme care and professionalism by law enforcement agencies in their investigatory work, by the prosecution in its preparation, presentation and submission of the evidence, and by the trial court in its evaluation of the case before it. The lukewarm stance and little circumspection exhibited in this case hardly can speak well of the manner in which this case has been handled

starting from the initial phase of the investigation up to even the court proceedings stage. It appears that the prosecution has, at the main trial, merely adopted the testimonies taken during the hearing of appellant's petition for bail. It is fair to assume that the evidence to support such a petition can in no way come close to or approximate that which is normally given during the trial proper.

WHEREFORE, the Court is constrained to REVERSE and SET ASIDE the questioned decision. Accused-appellant is ACQUITTED of the crime charged and his immediate release from detention is hereby ordered unless there are other legal grounds to warrant his continued incarceration Costs de officio.

SO ORDERED.

Feliciano, (Chairman), Romero, and Melo, JJ., concur.

[1] Rollo, p. 3.

[2] Hon. Inocencio D. Maliaman, Presiding Judge.

[3] Rollo, p. 17.

[4] Through counsel Augusto S. Jimenez.

[5] Rollo, pp. 41-42.

[6] SPO Fidel Geronimo, TSN, 15 may 1992, p. 61.

[7] Exhibit 1, *supra*.

[8] Rollo, pp. 15-16.

[9] TSN, 06 May 1992, pp. 15-18.

[10] See Section 36, Rule 130 of the Revised Rules of Court.

[11] Records, pp. 219-220.

[12] Rule, 133, Revised Rules of Court.

[13] *People vs. Ocampo*, 218 SCRA 609; *People vs. Adriano*, 226 SCRA 131.

[14] *People vs. Argawanon*, 231 SCRA 614.

[15] Records, p. 168.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.