

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILFREDO DE GUZMAN, ACCUSED-APPELLANT.

G.R. No. 116730. November 16, 1995

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-116730/>

PUNO, J.:

Accused-appellant WILFREDO DE GUZMAN was convicted of the crime of MURDER by the Regional Trial Court of Dagupan City, Branch 43,[1] on the basis of circumstantial evidence. He pleads for his acquittal, the Solicitor General agrees and we find merit in the plea. We hold once more that the great goal of our criminal law and procedure is not to send people to the gaol but to do justice especially to the innocent.

The information against accused-appellant reads:

"That on or about August 9, 1993 in the evening along the road of Malanay-Tuliao, municipality of Sta. Barbara, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a handgun, with intent to kill, treachery and evident premeditation, did, then and there wilfully, unlawfully and feloniously shoot DIOSDADO CAPURNO y SANTOS inflicting upon him gunshot wounds which caused his instant death, to the damage and prejudice of his heirs.

"CONTRARY to Article 248, Revised Penal Code."

When arraigned on February 8, 1994, accused-appellant pleaded not guilty.[2] He underwent trial.

The facts show that in the evening of August 9, 1993, the lifeless body of DIOSDADO CAPURNO, a tricycle driver, was found lying along the road of Malanay-Tuliao in Sta. Barbara, Pangasinan. The victim sustained several stab wounds on his body and a single gunshot wound on the forehead.

Dr. Cristito Garcia, Rural Health Physician of Sta. Barbara, Pangasinan, autopsied the victim's body. His examination revealed that some of the stab wounds penetrated the victim's vital organs, particularly the heart and the right lung. The gunshot wound and the stab wounds were considered fatal.[3]

The Exhumation Report[4] prepared by Dr. Ronald Bandonill, Medico-Legal Officer of the National Bureau of Investigation (NBI) in Baguio City, showed a more detailed list of the injuries suffered by the victim, thus:

- "1. Hematoma, above the eyebrow;
2. Peri-orbital hematoma;
3. Hematoma, occipital area, right;
4. Contusion, shoulder, right;
5. Gunshot wounds - Entrance:

0.7 cm. x 0.8 cm. behind the left external auditory meatus making an exit: 1.5 cms. behind the right external auditory meatus;

6. Stab wounds

1. 2 in number, one on top of the other, area, of 6.0 cms. x 5.0 cms. on the chest;
2. 4.0 cms. irregular still on the chest;
3. 4.0 cms. ovaloid, edges clean cut in the lumbar area.
7. Scalp hematoma;
8. Fracture, cranial fossa, right;
9. Intracranial Hemorrhage, massive, generalized;
10. Hemopericardium, Massive;
11. Hemoperitoneum, Minimal;
12. Visceral organs are pale."

Dr. Garcia concluded that more than one (1) person attacked the victim. Dr. Bandonill shared the same opinion.[5]

The prosecution presented JAYSON LOPEZ to prove its case against the appellant. He testified that, at about 9:00 p.m., of August 9, 1993, he was at the junction leading to Barangay Malanay when he spotted Diosdado Capurno's tricycle at the waiting shed. When the tricycle started towards Malanay proper, he chased it and shouted at Diosdado to wait for him. The tricycle stopped[6] and he was about to board it when one of the passengers told him that they had already hired it. A passenger jeepney came from the opposite direction and its headlights illuminated the area. Lopez got a glimpse of Diosdado's three (3) passengers. They were Ismael Ico, Conrado de Vera, and another passenger whom Lopez did not know.[7] It was De Vera, the incumbent barangay captain of Malanay, who dissuaded him from riding the tricycle. Lopez was left without any option and he walked the road leading to Barangay Malanay.

Soon, Diosdado's tricycle overtook Lopez but it stopped after negotiating a short distance. Thereafter, Lopez saw Diosdado run and shout for help. Two (2) men appeared from the right side of the road, blocked Diosdado's path, and mauled him. Lopez did not recognize the two (2) men due to darkness. For his own safety, Lopez hid himself from the assailants. Lopez then saw De Vera and Ico chase Diosdado. He heard two (2) gunshots but did not see the gun-wielder because of the commotion. Moments later, De Vera instructed his companions to check the surroundings. Ico looked at the back of the tricycle and found nobody. The five (5) assailants then headed towards Malanay proper, leaving the fallen Diosdado behind. Engulfed with fear, Lopez did not proceed to Malanay. Instead, he returned to the junction and boarded a bus bound for Dagupan City.[8]

In the morning of August 29, 1993, Lopez claimed he happened to ride the tricycle of accused-appellant Wilfredo De Guzman. Along the way, an acquaintance of accused-appellant also boarded the tricycle. They struck a conversation. Lopez' co-passenger mentioned to accused-appellant the latter's rumored involvement in a case. Accused-appellant replied, "I do not know what to do." Lopez' co-passenger advised accused-appellant, "You can't do otherwise but tell the truth." A curtain of silence descended on accused-appellant.[9]

The prosecutor also presented CHRISTOPHER CAPURNO, nephew of Diosdado. He recalled that on August 9, 1993, at around 7:00 p.m., his uncle's tricycle was hired by Arsenio Cabral. Arsenio, Christopher and his stepfather, Delfin Bolinas, were to attend the "Pamamahayag" at the Iglesia ni Kristo Chapel in Sta. Barbara. Diosdado was to wait for them at the junction of Barangay Malanay. When they returned to the said junction, Christopher saw accused-appellant with his tricycle parked beside Diosdado's tricycle. Accused-appellant was also waiting for passengers for his tricycle.[10]

Christopher, Arsenio and Delfin boarded Diosdado's tricycle on their way home. When they were about to leave, barangay captain De Vera, who was then with Ico and an unidentified companion, told Diosdado to fetch them

back.[11] Diosdado agreed and proceeded to bring his passengers to Malanay. That was the last time Christopher saw his uncle Diosdado alive. At around 9:00 p.m., while preparing to go to bed, Christopher heard two (2) gunshots.[12]

The following day, at about 8:00 a.m., Christopher went to the residence of accused-appellant to look for his uncle Diosdado. Accused-appellant allegedly told him, "Your uncle was (sic) already in the morgue being swarmed with flies." [13]

In his initial sworn statement,[14] dated August 11, 1993, Christopher tagged Barangay Captain De Vera as the last person who hired Diosdado's tricycle that fateful evening. The following day, he executed another statement and included the names of accused-appellant and Arsenio Cabral, among others, as probable culprits.[15] Christopher charged that Diosdado and accused-appellant were not in good terms. Allegedly, accused-appellant was grabbing ("sinusulot") Diosdado's passengers. He also revealed that accused-appellant has a .38 caliber gun which, at one time, he brandished to Diosdado, with the words: "I am confident to drive during night time because I have this (gun)."

The prosecution also presented the nitrate report on accused-appellant. On August 11, 1993, barangay captain De Vera and accused-appellant were examined for the presence of nitrates. Chemistry Report No. C-93-839[16], dated August 31, 1993, revealed that accused-appellant's left hand was positive for nitrates.[17] De Vera's paraffin cast, on the other hand, yielded negative results.

In a Decision, dated June 2, 1994, accused-appellant was found guilty of murder. He was sentenced to suffer the penalty of reclusion perpetua. He was further ordered to pay the victim's legal heir the following: P50,000.00 as indemnity, P30,000.00 as moral damages, P15,000.00 as actual damages, with costs.[18]

Hence, the appeal.

We required the Office of the Solicitor General to file the appellee's brief. In lieu thereof, it filed a Manifestation and Motion, recommending the acquittal of accused-appellant on reasonable doubt.

In the case at bar, the trial court cited several circumstances to justify the conviction of accused-appellant, thus:

- A few hours before the killing, accused-appellant was seen at the junction leading to Brgy. Malanay, Sta. Barbara, Pangasinan, several meters away from the crime scene;
- The day after the murder, accused-appellant sarcastically told Christopher Capurno: "Your uncle was (sic) already in the morgue being swarmed with flies.";
- The victim and the accused-appellant were not in good terms because accused-appellant was taking some of the victim's passengers. Accused-appellant owns a .38 caliber gun, which he brandished to the victim boasting that he was confident to operate his tricycle at night because of his gun;
- The August 29, 1993 conversation between accused-appellant and his acquaintance which was allegedly overheard by Lopez while Lopez was riding the tricycle of accused-appellant.
- Several suspects, namely, Brgy. Captain Conrado De Vera, Ismael Ico, Roger Loresco, Teofilo Bernardino, Virgilio Santos, Arsenio Cabral, and Rupino Abon, were tested for the presence of nitrates. Only accused-appellant's paraffin cast yielded positive results for the presence nitrates.

Patently, there is no direct evidence linking the accused-appellant to the killing of Diosdado Capurno. The present appeal thus hinges on the sufficiency of the circumstantial evidence presented against the accused-appellant. 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 a reasonable doubt.

No inflexible rule has been formulated as to the exact quantity of circumstantial evidence which will suffice for conviction. All that the case law requires is that the circumstances proved 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 rational hypothesis except that of guilty.[19] In accord with the constitutional presumption of innocence, jurisprudence also holds that where the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with innocence and the other with guilt, the evidence does not fulfill the test of moral certainty and is not sufficient to convict an accused.[20]

Prescinding from these premises, we agree with the recommendation of the Solicitor General that the accused-appellant should be acquitted. The various circumstantial evidence relied upon by the trial court are too equivocal to justify his conviction.

We hold that there was nothing unusual about the presence of accused-appellant at the junction leading to barangay Malanay a few hours before the murder of the victim. It was established that tricycle drivers who ply the Malanay-Tuliao route normally wait for their passengers in the said junction. The records do not show that accused-appellant displayed any kind of hostility while posted at said junction waiting for the customary passengers. His presence at the junction cannot lead to any inference that he killed the victim a couple of hours later.

Similarly, we cannot convict accused-appellant on the basis of his August 29, 1993 conversation with an unidentified co-passenger of Lopez. The conversation allegedly went as follows:[21]

(PROS. DUMLAO)

Q:

While you and that person beside you were riding in that tricycle being driven by Wilfredo de Guzman ..., what happened next ...?

(WITNESS)

A:

The person who rode in the tricycle gave greeting to Wilfredo de Guzman, sir.

Q:

And what did Wilfredo de Guzman say, if he said anything?

A:

Wilfredo de Guzman said it's (sic) fine, sir.

Q:

And then when Wilfredo de Guzman respondent (sic) 'it is fine' ... what happened next after that?

A:

Then the person told him, I heard news that you are also involved in a case, sir.

x x x x x x x x

Q:

And what was the response of Wilfredo de Guzman?

A:

He answered, I do not know what to do, sir.

x x x x x x x x

COURT:

Q:

After accused told, I do not know what to do, what happened next?

A:

The person told him, you can't do otherwise but to tell the truth, sir.

x x x x x x x x

PROS. DUMLAO:

Q:

And what was the response of Wilfredo de Guzman?

A:

He was silent, sir.

The alleged co-passenger of Lopez was not presented as a witness by the prosecution. By itself, the conversation is too loose to tie up accused-appellant to the killing of Capurno. Reference was made to a case where accused-appellant allegedly got involved. It is unclear whether it is a court case and whether it is civil or criminal in nature. The nature of his involvement was undefined. The tenor of the conversation does not establish a fact from which it can be rationally deduced that accused-appellant murdered Capurno.

The prosecution tried to establish the motive of accused-appellant in killing Capurno but in vain. Allegedly, accused-appellant had been grabbing the tricycle passenger of Capurno. If this were so, it should be Capurno who should entertain a grudge against accused-appellant. Christopher Capurno's logic is topsy-turvy and nobody corroborated the alleged enmity between the accused-appellant and Diosdado Capurno.

The records show that Christopher Capurno named other suspects who allegedly had an axe to grind against the victim. At least two (2) of them, Ico and De Vera, were positively identified by Lopez as having chased the victim that fateful night. And yet, they were not immediately included in the murder charge.[22]

Likewise, we cannot infer the guilt of the accused-appellant from the uncorroborated testimony of Christopher that accused-appellant has a .38 caliber gun which he brandished to the victim on one occasion. From this fact, however, we cannot jump to the conclusion that the alleged .38 caliber gun of accused-appellant is the murder weapon or that it was accused-appellant who fired it to kill Capurno. The evidence does not show the specific type of gun used in the killing of Capurno. Nor the bullets. All that the NBI Medico-Legal Officer, Dr. Bandonill, stated was that the gunshot wound of the victim could have been caused by a .32 or a .38 caliber bullet.[23]

Finally, we come to the result of the paraffin test of accused-appellant which revealed the presence of nitrates on

his left hand.

In a recent case,[24] we reiterated the rule that paraffin test is inconclusive. We held: "Scientific experts concur in the view that the paraffin test has ... proved extremely unreliable in use. The only thing that it can definitely establish is the presence or absence of nitrates or nitrites on the hand. It cannot be established from this test alone that the source of the nitrates or nitrites was the discharge of firearm. The person may have handled one or more of a number of substances which give the same positive reaction for nitrates or nitrites, such as explosives, fireworks, fertilizers, pharmaceuticals, and leguminous plants such as peas, beans, and alfalfa. A person who uses tobacco may also have nitrate or nitrite deposits on his hands since these substances are present in the products of combustion of tobacco." The presence of nitrates should be taken only as an indication of a possibility or even of a probability but not of infallibility that a person has fired a gun, since nitrates are also admittedly found in substances other than gunpowder.[25] In the case at bar, we note, too, that accused-appellant's left hand alone is positive of nitrates. His right hand has no trace of nitrate. Did he use his left hand in shooting the victim? Is he left handed? The evidence of the prosecution does not provide the answer.

Accused-appellant's defense of alibi may be weak as all defenses rooted on alibi are weak. However, the prosecution evidence is weaker. It failed to pass the test of moral certainty. It cannot convict.

IN VIEW WHEREOF, the impugned decision of the Regional Trial Court of Dagupan City (Branch 43), in Criminal Case No. 12248, is REVERSED and SET ASIDE, and accused-appellant WILFREDO DE GUZMAN is hereby ACQUITTED of the crime charged due to reasonable doubt. His immediate release from confinement is hereby ordered, unless there is any other lawful cause for his continued detention. Costs de oficio.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Mendoza, JJ., concur.
Francisco, J., on leave.

[1] Docketed as Criminal Case No. D-12248.

[2] Original Records, p. 129.

[3] Exhibit "A"; Original Records, p. 19.

[4] Exhibit "B"; Original Records, p. 107.

[5] TSN, January 21, 1994, p. 14; TSN, January 26, 1994, pp. 43-44.

[6] TSN, February 27, 1994, pp. 11-14.

[7] TSN, February 7, 1994, p. 16; TSN, February 8, 1994, p. 9.

[8] TSN, February 7, 1994, pp. 17-27.

[9] TSN, February 7, 1994, pp. 29-33.

[10] TSN, March 8, 1994, pp. 30-31, 35-36;

[11] TSN, March 8, 1994, pp. 39-40.

[12] Ibid., pp. 43-44.

[13] Ibid., pp. 45-46.

[14] Exhibit "O"; Original Records, p. 155.

[15] Exhibit "P"; Original Records, p. 154.

[16] Exhibit "G"; Original Records, p. 114.

[17] Exhibit "H"; Original Records, p. 117.

[18] Decision, dated June 2, 1994; Rollo, pp. 89-123.

[19] *People vs. Adolfina*, G.R. No. 109778, December 8, 1994, 239 SCRA 67; *People vs. Macatana*, No. L--57061, May 9, 1988, 161 SCRA 235, 240.

[20] *People v. Cruz*, G.R. No. 102880, April 25, 1994, 231 SCRA 759, 771-772.

[21] TSN, February 7, 1994, pp. 31-33.

[22] Later on, however, Ico and De Vera were charged with Murder in the Regional Trial Court of Dagupan City. The case against them, docketed as Criminal Case No. 00704, is still pending before Branch 43.

[23] TSN, January 26, 1994, p. 28.

[24] See *Criminalities*, Bankcroft Whitney Co., 1915 ed., p. 141; Richardson, *Modern Scientific Evidence*, Anderson Co., p. 495, cited in *People vs. Teehankee, Jr.*, G.R. No. 111206-08, October 6, 1995.

[25] *People vs. Adolfina*, *supra*, at p. 81.

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.