

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALMARIO “MARIO” SALVAME, ACCUSED-APPELLANT.

G.R. No. 121667. April 04, 1997

Ponente: MELO, J.

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MELO, J.:

Circumstantial evidence points to accused-appellant Almario Salvame and Rogelio Lebano alias "Dencio" (still at large) as the killers of Daniel Libres. The victim was last seen alive in the company of these two accused persons. The next time he was seen by his wife he was dead with several stab wounds.

Salvame and Lebano were charged with murder in an Information reading as follows:

That on or about April 21, 1986, in the Municipality of New Corella, Province of Davao, Philippines, and within the jurisdiction of this Honorable Court, accused Mario Salvame, conspiring, confederating and mutually helping with Rogelio Lebano alias "Dencio", who is at large, with treachery and evident premeditation, with intent to kill, armed with a hunting knife, did then and there wilfully, unlawfully and feloniously attack, assault and stab one Daniel Libres, thereby inflicting upon him wounds which caused his death, and further causing actual, moral and compensatory damages to the heirs of the victim.

(p. 4, Rollo.)

After trial, the court a quo rendered a decision, disposing:

WHEREFORE, finding accused Almario or Mario Salvame guilty beyond reasonable doubt of Murder qualified by the aggravating circumstance of evident premeditation under Article 248 of the Revised Penal Code, he is hereby sentenced to suffer the prison term of Reclusion Perpetua, to suffer all the accessory penalties provided for by law and to pay the costs.

He is further ordered to indemnify the heirs of Daniel Libres in the amount of TWENTY-FIVE THOUSAND (P25,000.00) PESOS as moral damages.

The filing fees shall constitute a first lien on the judgment award.

The accused being a detention prisoner, he is hereby given full credit of his detention if he had agreed in writing to abide by the rules and regulations imposed upon convicted persons otherwise, he shall only be credited with 4/5 of the period of such detention.

(pp. 16-17, Rollo.)

From said decision accused Salvame has interposed the instant appeal, anchoring his plea for reversal on his lone and catch-all assigned error that —

THE COURT A QUO ERRED IN NOT ACQUITTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED IN THE INFORMATION.

(p. 32, Rollo.)

The facts of the case, as summarized by the Office of the Solicitor General and as borne out by the evidence, are as follows:

At about 7 o'clock in the morning of April 20, 1986, Rogelio Lebano, accompanied by appellant and a certain Ariel Acosta, was talking with Daniel Libres at the latter's yard situated at Barangay Cabidanan, New Corella, Davao, regarding a chainsaw which Lebano was selling to Libres (TSN, Sept. 27, 1993, pp. 5-6; TSN, June 3, 1993, p. 5).

Libres wanted to get the chainsaw on the same day, but Lebano objected because he could get the chainsaw only the next day (p. 6, *Ibid.*).

The following morning, Libres asked permission from his wife, prosecution witness Olimpia Libres, to get the chainsaw from Limbaan, also in New Corella, Davao. Since Libres was proceeding to Sitio Tagaytay, Barrio Cabidanan, New Corella, Olimpia and her father-in-law Eliodoro Libres, rode with Libres on a motorcycle driven by the latter (p. 6, *ibid.*).

Upon reaching Sitio Tagaytay, Olimpia and her father-in-law disembarked to wait for a vehicle coming from Sunlon, while Libres waited for appellant and Lebano. A vehicle arrived which had no passenger yet. Olimpia and her father-in-law boarded the vehicle which returned to Barrio Cabidanan to get more passengers. Libres remained at Sitio Tagaytay (p. 7, *ibid.*).

When the vehicle where Olimpia and her father-in-law were riding was already on its way to Tagum, Davao, it overtook at Suwawon the motorcycle driven by Libres, with appellant and Lebano as passengers (pp. 7-8, *Ibid.*). Thereafter, on that same day, Libres was found dead at Barrio Limbaan, New Corella, Davao, while appellant and Lebano were already missing (pp. 10-11, *Ibid.*).

The body of Libres was taken to Funeraria Padilla at National Highway, Tagum, Davao, where Dr. Alfredo Manungas, Municipal Health Officer of New Corella, conducted the postmortem examination. The result of the examination and the death certification of Libres showed that the immediate cause of death was shock; the antecedent cause was hemorrhage; and the underlying causes were: (1) multiple stab wounds, chest, 6 in number, 4 inches deep each below left clavicle; below right clavicle; right clavicle; right breast; left para-sternal, left axilla, (2) slash wound, anterior neck; 3 inches deep, 4 inches wide (TSN, Sept. 16, 1993, pp. 3-4).

On November 14, 1986, or about seven (7) months after Libres was killed, Police Officer 3 Raul D. Bangoy, then assigned at the Provincial Headquarters, Tagum, Davao, together with Senior Police Officer 1 Manteca, Warrant Officer of New Corella Police Station and three (3) teams of 40 Infantry Battalion, were sent to Sitio Cogonan, Trento, Agusan del Sur, to effect the arrest of appellant and Lebano (TSN, Sept. 15, 1993, p. 3).

The mission was, however, unsuccessful as appellant and Lebano were able to leave the hut they were staying at the said sitio just before the police officers and military men arrived (pp. 4-5, *Ibid.*).

Sometime in the second week of July 1992, appellant, while drunk, disclosed to Antonio Paner, an *Alsa Masa* leader of Sitio Saro, Tugbok, Davao City, that he had killed a person (p. 7, *Ibid.*). Because of this disclosure, prosecution witness Antonio Paner made a surveillance on appellant until he came across an informant who relayed to him the misdeeds of appellant in New Corella (p. 8, *Ibid.*). Paner then prepared a hand-written report which he submitted to the Tugbok Police Station and was later forwarded to New Corella (p. 10, *Ibid.*). A warrant for the arrest of appellant was issued by virtue of which he was apprehended and turned over to the Tugbok Police Station (p. 13, *Ibid.*; p. 190).

(pp. 3-6, Appellee's Brief, ff. p. 53, Rollo.)

Accused-appellant asserts that the companions of the victim on the day he was killed were a certain Vivencio Cumahig and Lebano.

The assertion of accused-appellant is given the lie by the testimony of Olympia, the wife of the victim. She unequivocally declared that the companions of her husband, the victim, on the day of the killing, were accused-appellant and Lebano. She testified thus —

Q. Now at the time that you went back to Cabidanan to get passengers, what happened?

A. When the jeep returned to proceed its route (sic) to Tagum, we passed by the motorcycle driven by my husband Dencio (Lebano) and Mario were back riding.

COURT:

Q. What is the full name of Mario?

A. Almario Salvame.

xxx xxx xxx

Q. You mentioned of Almario Salvame, who was the companion of Dencio, is he present in court?

A. Yes, he is here.

Q. Please point at him.

INTERPRETER:

The witness pointed to the person in the court room wearing a striped short who stoop (sic) up and identified his name as Almario Salvame."

(TSN, Sept. 27, 1993, pp. 7-8)

Her testimony is unqualifiedly and wholly corroborated by the testimony of Eliodoro Libres, father of the victim, who testified as follows:

COURT:

Q. You said you saw Daniel, Mario and Dencio at Sitio Sto. Niño, New Corella.

A. Yes Sir.

Q. Who is this Mario? Are you referring to Almario Salvame who identified himself as Almario Salvame?

A. He is the same person I have identified.

Q. And who were the companions of Almario?

A. Dencio.

Q. How about your son, Daniel, he was with them?

A. Yes, sir, my son Daniel was the one driving the motorcycle."

(TSN, June 3, 1993, pp. 7-8)

There is no reason to withhold full faith and credit to the foregoing testimony of Olympia and Eliodoro. Their testimony is candid, straightforward, and categorical, unmarred by any inconsistency or contradiction. A witness who testifies in a categorical, straightforward, spontaneous, and frank manner, and remains consistent is a credible witness (*People vs. Nuestro*, 240 SCRA 221 [1995]). The record does not reveal that Olympia and Eliodoro were actuated by ill motives in so testifying. If the defense fails to prove that a witness was moved by any improper motive, the presumption is that he was not so moved and his testimony is entitled to full faith and credit (*People vs. Panganiban*, 241 SCRA 91 [1995]). Their mere relationship to the victim does not disqualify them as biased witnesses. There is nothing in our laws that disqualifies a person from testifying in a criminal case in which said person's relative is involved if the former was really at the scene of the crime and was a witness to the commission

of the criminal act (*People vs. Nitcha*, 240 SCRA 283 [1995]). It would be unnatural for a relative who is interested in vindicating the crime to accuse somebody else other than the real culprit (*People vs. Panganiban*, 241 SCRA 91 [1995]).

Moreover, it is a pervasive legal truism that the Court accords great respect to the factual conclusions drawn by the trial court, particularly on the matter of credibility of witnesses, since the trial judge had the opportunity to observe the behavior and demeanor of witnesses while testifying (*People vs. Soberano*, 244 SCRA 467 [1995]), unless some material facts have been overlooked or misconstrued as to affect the result (*People vs. Flores*, 243 SCRA 374 [1995]). We have conscientiously scoured the record and found no such material fact that would impair the correctness of the conclusions of the trial court.

The case of the prosecution is further strengthened for the record shows that immediately after the commission of the crime, accused-appellant and Lebano resorted to flight. Flight evidences culpability and a guilty conscience, and it strongly indicates a guilty mind or betrays the existence of a guilty conscience [*People vs. Diquit*, 205 SCRA 501 (1992); *People vs. Lopez, Jr.*, 245 SCRA 95 [1995]]. The accused hid in an area in Sitio Cogonan, Trento, Agusan del Sur, a place which was reached by the police officers only after a ten-hour hike. It was only in 1992, six years after the commission of the crime, when accused-appellant was finally arrested to face trial.

The trial court, therefore, did not commit any of the errors imputed to it. The circumstantial evidence presented by the prosecution is sufficient to sustain a conviction. Under our Rules of Court, conviction based on circumstantial evidence is sufficient 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 (*People vs. Ramos*, 240 SCRA 191 [1995]). An accused could be convicted on circumstantial evidence where the circumstances constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of all others, as the guilty person (*People vs. Lorenzo*, 240 SCRA 624 [1995]).

Here, more than one circumstance was proven by the prosecution, thusly, the victim was last seen in the company of the accused; not long thereafter, the victim was found dead; and the flight of the accused. The above circumstances were proven by the testimony of Olimpia and Eliodoro, and the flight of the accused was clearly established by his going into hiding for six long in an effort to escape from his criminal liability. The combination of said circumstances points to accused-appellant and possibly his at-large co-accused, to the exclusion of all other persons as the persons responsible for the death of Daniel Libres.

WHEREFORE, the decision appealed from is hereby AFFIRMED.
SO ORDERED.

Narvasa, C.J., Davide, Jr., Francisco, and Panganiban, JJ., concur.

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