PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. STEPHEN MARK WHISENHUNT, ACCUSED-APPELLANT.

G.R. No. 123819. November 14, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This is a direct appeal from the decision[1] of the Regional Trial Court of Pasig City, Branch 152, in Criminal Case No. 102687, the dispositive portion of which states:

> WHEREFORE, finding the accused Stephen Mark Whisenhunt guilty beyond reasonable doubt of murder defined and penalized under Art. 248, Revised Penal Code, he is hereby sentenced to suffer the penalty of reclusion perpetua, with the accessory penalties provided for by law, to pay the heirs of the deceased the amount of P100,000.00 representing actual expenses for the funeral services and wake for 5 days, P3,000,000.00 by way of moral damages, exemplary damages in the amount of P1,000,000.00 and attorney's fees in the amount of P150,000.00.
>
> SO ORDERED.[2]

On November 19, 1993, accused-appellant was formally charged with the murder of Elsa Santos-Castillo, under an Information which read:

> That on or about September 24, 1993, in the Municipality of San Juan, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused did then and there wilfully, unlawfully and feloniously, with intent to kill and taking advantage of superior strength, attack, assault and use personal violence upon the person of one Elsa "Elsie" Santos Castillo by then and there stabbing her with a bladed weapon in different parts of her body, thereby inflicting upon her mortal wounds which were the direct and immediate cause of her death and thereafter outraged or scoffed her corpse by then and there chopping off her head and different parts of her body.
>
> CONTRARY TO LAW.[3]

The case was filed with the Regional Trial Court of Pasig City and was raffled to Branch 152. On January 6, 1994, accused-appellant was arraigned with the assistance of counsel de parte. He entered a plea of not guilty.[4]

The evidence shows that accused-appellant and the deceased, Elsa Santos-Castillo, also known as Elsie, were lovers. They met at the Apex Motor Corporation where accused-appellant was the Manager while Elsa was the Assistant Personnel Manager. Both accused-appellant and Elsa were married, but they were estranged from their respective spouses. In April 1993, Elsa resigned from Apex presumably to avoid the nasty rumors about her illicit affair with accused-appellant.[5] It appears, however, that she continued her affair with accused-appellant even after she resigned from Apex Motor Corporation.

On September 23, 1993, Demetrio Ravelo, an Apex employee assigned to drive for accused-appellant, reported for work at 8:30 a.m. at the latter's condominium unit at the Platinum Condominium, Annapolis Street, Greenhills,

San Juan, Metro Manila.[6] Accused-appellant ordered him to fetch Elsa at her parents' house in Blumentritt, Manila at 10:30 a.m. He found Elsa standing at a corner near her parent's house, wearing a violet-colored blouse with floral prints, and was carrying three bags --- a paper bag, a violet Giordano bag and a thick brown leather bag with the trademark of "Mitsubishi." He brought Elsa to accused-appellant's condominium unit.[7]

At 2:00 p.m., Elsa told Demetrio to go to the Apex office in Mandaluyong to deliver a paper bag to Amy Serrano, the Personnel Manager. He proceeded to the Apex office, and then returned to Platinum. Accused-appellant asked him to stay because he had to drive Elsa home at 10:00 p.m. He waited until a little past 10:00 p.m. When he had not heard from accused-appellant, he told Lucy, the housemaid, that he was going home.[8]

The following day, Demetrio again reported at accused-appellant's unit. At around noon, Lucy asked if he had seen a kitchen knife which was missing. He then overheard Lucy ask accused-appellant who told her that the kitchen knife was in his bedroom. Demetrio saw accused-appellant go inside the room and, shortly thereafter, hand the knife to Lucy.[9]

At 3:40 p.m., Lucy told Demetrio to buy cigarettes for accused-appellant. He went out to buy the cigarettes and gave them to Lucy. At 5:00 p.m., accused-appellant told Demetrio to go home.[10]

On September 25, 1993, Demetrio reported at the Platinum Condominium at around 8:00 a.m. He was allowed by accused-appellant to go to Apex to follow up his salary. While he was there, Amy Serrano asked him if Elsa was still in accused-appellant's condominium unit. Although Demetrio did not see Elsa there, he answered yes. Amy gave him black plastic garbage bags which he turned over to accused-appellant upon his return to the condominium. The latter then ordered him to drive Lucy to Cubao and to go home to get some clothes, since they were leaving for Bagac, Bataan. On the way to Cubao, Lucy told Demetrio that she was going home. He dropped her off in front of the Farmer's Market. Thereafter, he proceeded to his house in Fairview, Quezon City, to pick up some clothes, then returned to the condominium at around 10:00 a.m.[11]

Accused-appellant asked him to check the fuel gauge of the car. He was told to go to Apex to get a gas slip and then to gas up. At around noon, he went back to the condominium. He had lunch outside at Goodah, then returned to accused-appellant's unit and stayed in the servants' quarters.[12]

While Demetrio was in the servants' quarters watching television, accused-appellant came in. He asked Demetrio how long he wanted to work for him. Demetrio replied that he was willing to work for him forever, and expressed his full trust in him. Upon hearing this, accused-appellant shed tears and embraced Demetrio. Then accused-appellant said, "May problema ako, Rio." Demetrio asked what it was, and accused-appellant told him that Elsa was dead. Demetrio asked, "Bakit mo siya pinatay?"[13] Accused-appellant answered that he did not kill Elsa, rather she died of "bangungot".[14]

Demetrio suggested that Elsa's body be autopsied, but accused-appellant said that he had already beheaded her. He asked Demetrio if he wanted to see the decapitated body, but the latter refused. The two of them went to Shoppesville at the Greenhills Shopping Center and bought a big bag with a zipper and rollers, colored black and gray.[15] Demetrio noticed that accused-appellant seemed nervous and his eyes were teary and bloodshot.

When they returned to the condominium, accused-appellant asked Demetrio to help him wrap the body in the black garbage bags. Demetrio entered accused-appellant's bathroom and found the dismembered hands, feet, trunk and head of a woman. He lifted the severed head by the hair and, when he lifted it, he saw Elsa's face. He placed this in a black trash bag. He helped accused-appellant place the other body parts in three separate garbage bags. They packed all the garbage bags in the bag with the zipper and rollers, which they had bought in Shoppesville. Then, they brought the bag down and loaded it in the trunk of accused-appellant's car. After that, they boarded the

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car. Demetrio took the wheel and accused-appellant sat beside him in front.[16]

It was almost 2:00 p.m. when Demetrio and accused-appellant left the condominium. Accused-appellant told Demetrio to drive around Batangas and Tagaytay City. After leaving Tagaytay, they entered the South Luzon Expressway and headed towards Sta. Rosa, Laguna. When they were near Puting Kahoy and Silangan, accused-appellant told Demetrio to turn into a narrow road. Somewhere along that road, accused-appellant ordered Demetrio to stop the car.[17]

Accused-appellant alighted and told Demetrio to get the bag in the trunk. Accused-appellant took the plastic bags inside the bag and dumped them by the roadside. Then, accused-appellant returned the empty bag in the trunk and boarded the car. He called Demetrio and said, "Tayo na Rio, tuloy na tayo sa Bataan." It was already 6:30 p.m.[18]

Demetrio drove to the Sta. Rosa exit gate, along the South Luzon Expressway, through EDSA and towards the North Luzon Expressway. They stopped at a gasoline station to refuel. They then took the San Fernando, Pampanga exit, and were soon en route to the Whisenhunt family mansion in Bagac, Bataan.[19]

Before reaching Bagac, accused-appellant ordered Demetrio to stop the car on top of a bridge. Accused-appellant told Demetrio to get off and to throw a bag into the river. Later, they passed another bridge and accused-appellant again told Demetrio to pull over. Accused-appellant alighted and threw Elsa's clothes over the bridge. On the way, Demetrio noticed that accused-appellant took something from a bag, tore it to pieces and threw it out of the window. When they passed Pilar, Bataan, accused-appellant threw Elsa's violet Giordano bag. As they reached the road boundary of Bagac, accused-appellant wrung a short-sleeved dress with violet and green stripes, and threw it on a grassy lot.[20]

It was about midnight when accused-appellant and Demetrio arrived at the mansion. Demetrio was unable to sleep that night, as he was scared that he might be the next victim.[21]

The next morning, at 11:00 a.m., accused-appellant ordered Demetrio to clean the trunk of the car, saying, "Rio, linisan mo ang sasakyan para ang compartment hindi babaho."[22] At 1:00 p.m., accused-appellant and Demetrio started off for Manila. As they passed a place called Kabog-kabog, he saw accused-appellant take out an ATM card. Accused-appellant burned the middle of the card, twisted it and threw it out of the window. They arrived at the corner of EDSA and Quezon Avenue at 2:30 p.m. Demetrio asked accused-appellant if he can get off since he wanted to go home to Fairview. Before Demetrio left, accused-appellant told him, "Rio, you and your family can go on a vacation. I will give you money." Accused-appellant then gave Demetrio P50.00 for his transportation going to Fairview.[23]

When Demetrio got home, he immediately told his family what happened. His wife told him to report the incident to Fiscal Joey Diaz. Demetrio and his wife went to the house of Fiscal Diaz in Fairview to talk to him.[24]

The following morning, September 27, 1993, Fiscal Diaz, Demetrio, his wife and his brothers went to the Department of Justice. They were referred to the National Bureau of Investigation, where Demetrio gave his statement before Atty. Artemio Sacaquing, head of the Anti-Organized Crime Division.[25]

Initially, Atty. Sacaguing could not believe what he heard and thought Demetrio was exaggerating. He dispatched a team of NBI agents, headed by Marianito Panganiban, to verify Demetrio's report.[26] Accompanied by Demetrio, the team proceeded to Barangay Polong, Sta. Cruz, Sta. Rosa, Laguna. There, they found a crowd of people gathered around the mutilated parts of a human body along the road.[27] The body parts had been discovered by tricycle drivers. The Sta. Rosa Police, under Chief Investigator SPO3 Alipio Quintos, was already conducting an investigation. Agent Panganiban radioed Atty. Sacaguing in Manila that Demetrio's report was

positive.[28]

The mutilated body parts were brought to the Lim de Mesa Funeral Parlor in Sta. Rosa. Two NBI agents, together with Demetrio, went to the house of Elsa's family to inform them of her death. The NBI agents accompanied Elsa's two sisters, Amelia Villadiego and Elida Santos, to the funeral parlor, where they identified the body parts as belonging to Elsa.

In the morning of September 28, 1993, accused-appellant was arrested by operatives of the NBI as he drove up to his parking space at Apex Motor Corporation.[29] When Atty. Sacaguing approached and introduced himself, accused-appellant became nervous and started to tremble.[30]

Accused-appellant was brought to the NBI in his car. When he arrived there, Atty. Sacaguing informed him that it may be necessary to impound the car since, based on Demetrio's statement, the same was used in the commission of the crime. Accused-appellant asked permission to retrieve personal belongings from the car. After getting his things from the car, accused-appellant opened the trunk to place some items inside. When he opened the compartment, the people around the car moved away because of the foul stench that emanated from inside. Atty. Sacaguing inspected the interior of the trunk and found stains on the lawanit board lying flat inside the compartment, which he suspected to be blood. Thus, he instructed his agents to fetch a technician from the NBI Chemistry Division to examine the stain.[31]

During Atty. Sacaguing's interview of accused-appellant, he noticed contusions on accused-appellant's lower lip and cheek. As standard procedure, and in order to rule out any accusation of violence on accused-appellant on the part of the NBI agents, Atty. Sacaguing ordered a medical examination of accused-appellant.[32]

The Medico-Legal Officer found contusions on accused-appellant's left periumbilical region, right elbow, left and right forearms and right leg.[33]

That same afternoon, before the close of office hours, accused-appellant was brought to the Department of Justice for inquest.[34] However, accused-appellant moved that a preliminary investigation be conducted, and signed a waiver of the provisions of Article 125 of the Revised Penal Code. Hence, he was detained at the NBI.[35]

On September 29, 1993, armed with a search warrant,[36] the NBI agents conducted a search of the condominium unit of accused-appellant. They recovered hair strands from underneath the rubber mat and rugs inside accused-appellant's bathroom.[37] In accused-appellant's bedroom, they found bloodstains on the bedspread and covers. They also found a pair of Topsider shoes with bloodstains, a bottle of Vicks Formula 44 cough syrup, and some more hair strands on the lampshade.[38]

Later that day, Demetrio Ravelo accompanied some NBI agents to retrace the route he took with accused-appellant going to Bataan, with the objective of retrieving the items thrown away by accused-appellant. They were able to recover a violet bag, one brown sandal and a shirt with violet and green floral prints,[39] which were brought to the NBI office. Amelia Santos Villadiego, Elsa's sister, was summoned to identify the items.[40]

In the meantime, Caroline Y. Custodio, Supervising Forensic Biologist of the NBI, who conducted comparative examinations between the hair specimens found in accused-appellant's bathroom and hair samples taken from the victim while she lay in state, found that "the questioned hair specimen showed similarities to the hair taken from the victim."[41]

Custodio further reported that the bloodstains on the bed cushion cover, bedspread and Topsider shoes, all found inside accused-appellant's bedroom, gave positive results for human blood, showing reactions of Group "B".[42] The bloodstains on the plywood board taken from accused-appellant's vehicle were also examined and found to

give positive results for human blood showing reactions of Group "B".[43] On the other hand, the examination of blood taken from the victim likewise showed reactions of Group "B".[44]

Dr. Ronaldo B. Mendez, the Medico-Legal Officer who conducted the autopsy, concluded that the cause of death of Elsa Santos Castillo were stab wounds.[45] Dr. Mendez found one stab wound on the right breast which penetrated the right lung. He also found two stab wounds under the left breast which penetrated the diaphragm and abdominal cavity, and also penetrated the right portion of the liver.[46] More particularly, the autopsy yielded the following postmortem findings:

> Body in moderately advanced stage of decomposition.
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> Head, decapitated, level above 4[th] cervical vertebra; both hands severed cutting completely the lower ends of both radius and ulna; both legs, disarticulated at knee joints and cut-off with both patellar bones, missing; both feet, disarticulated at the ankle joints and cut-off; all soft tissues of both thighs and perineum, removed, exposing completely the femoral bones and partially the pelvic bone,
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> Incised wounds: 19.5 cms., left axillary area; 55.0 cms., thoraco-abdominal area, along median line, with the abdominal incision involving the whole thickness and the thoracic incision involving the soft tissues and cutting the sternum from the xiphoid process up to the level of the third cartilage; from the 3[rd] cartilage up to the lower border of the neck.
>
> Abdominal organs, removed from the abdominal cavity.
>
> Contusions: 26.0 x 16.5 cms., face, more on the left side involving the forehead, temporal, nasal, orbital and maxillary areas; 25.0 x 11.0 cms., deltoid area, extending down to the upper 2/3, arm, left.
>
> Incised Wound, 3.0 cms., neck area, along anterior median line.
>
> Hematoma, scalp, massive, temporo-parietal, left.
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> STAB WOUNDS:
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> - 1.8 cms., elliptical, clean-cut edges, oriented obliquely with sharp infero-lateral extremity and blunt supero-medial extremity, located at the mammary area, right; 3.0 cms., from the anterior median line, directed backwards, downwards and laterally, involving the soft tissues, cutting completely the 4[th] cartilage, right side, into the right thoracic cavity, penetrating the lower of the right lung with an approximate depth 8.5 cms.
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> - 0.8 cm., elliptical, clean-cut edges, oriented almost vertically, with sharp inferior extremity and blunt superior extremity, located at the inframammary area, left, 1.1 cms., from the anterior median line, directed backwards, downwards and medially, involving the soft tissues only with an approximate depth of 2.0 cms.
>
> - 2.0 cms., elliptical, clean-cut edges, oriented obliquely, with sharp infero-lateral extremity and blunt supero-medial extremity, located at the inframammary area, left, 2.2 cms., from the anterior median line, directed backwards, downwards, and from left to right, involving the soft tissues, into the left thoracic cavity, perforating the diaphragm, into the abdominal cavity, penetrating the right lobe of the liver with an approximate depth 10.0 cms.
>
> Brain, markedly softened and reduced to grayish white, pultaceous mass.
>
> Other visceral organs, putrified,
>
> Stomach is almost empty.
>
> CAUSE OF DEATH: --- STAB WOUNDS.[47]

In his defense, accused-appellant alleged that he stayed home on September 23, 1993 because he was not feeling

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well. He denied that he asked Demetrio Ravelo to fetch Elsa. He refuted Demetrio's testimony that accused-appellant asked him to buy cigarettes, or that accused-appellant told him to go home at 5:00 p.m.. Rather, accused-appellant maintained that he did not see Demetrio at any time in the afternoon of September 24, 1993.[48]

On September 25, 1993, accused-appellant alleged that he was feeling better, hence, told Demetrio that they were to leave for Bagac, Bataan that afternoon. They left the condominium at about 1:00 to 1:30 p.m. and proceeded straight to Bagac. When they arrived at Bagac, accused-appellant went straight to the kitchen and met his mother, father, aunt and grandmother. Demetrio got the things out of the car and then asked accused-appellant's permission to take the car to go to the town.[49]

Accused-appellant's mother, Mrs. Nieves Whisenhunt, testified that accused-appellant arrived at their beach house in Bagac, Bataan on September 25, 1993 at 5:00 p.m. At 7:00 the next morning, she saw accused-appellant clad in beach attire. Later that day, she and her husband had lunch at the clubhouse, which was about three to four minutes drive from their house. When they returned home at 2:00 p.m., accused-appellant and his driver, Demetrio, had already left.[50] This was corroborated by accused-appellant's aunt, Ms. Frances Sison.[51]

Accused-appellant claimed that he went jet-skiing in the morning of September 25, 1993. He alleged that the water was choppy and caused his jet-ski to lose control. As a result, he suffered bruises on his chest and legs. Thereafter, he went home, cleaned up, changed clothes and rested. Later, as he was going down the stairs, he slipped and extended his arm to stop his fall. He had lunch with this family. At 1:30 p.m., he and Demetrio left Bagac for Manila.[52]

According to accused-appellant, he first learned of Elsa's death when he was arrested by the NBI on September 28, 1993.[53] He denied having anything to do with her death, saying that he had no reason to kill her since he was in love with her.[54] Sometime during his relationship with Elsa, he claimed having received in the mails two anonymous letters. The first one reads:

> Salamat sa pagpapahiram mo ng sasakyan at driver. Pero masyado kang pakialamero, Steve. Walanghiya ka. Para kang demonyo. Pinakialaman mo ang `di sa `yo. Lintik lang ang walang ganti. Matitiyempuhan din kita. Putang ina mo.[55]

The second letter says:

> Steve,
>
> Ang kay Pedro kay Pedro. Kapag pinakialaman ay kay San Pedro ang tungo. Mahal mo ba ang pamilya mo? Iniingatan mo ba ang pangalan mo? Nakakasagasa ka na.[56]

At first, accused-appellant ignored the letters. But when he told Elsa about them, she got very upset and worried. She said the letters came from Fred, her estranged husband.[57]

Ms. Frances Sison, accused-appellant's aunt, testified that she and her mother visited accused-appellant at 3:00 p.m. on September 23, 1993. She went inside the bedroom and talked to accused-appellant for about 30 minutes. While they were there, Ms. Sison testified that she did not see anyone else in the bedroom. She also said the door of the bathroom inside the room was open, and there was nobody inside. The next day, at 4:00 p.m., she went back to visit accused-appellant. Again, they went inside accused-appellant's bedroom and stayed there for one hour. The door of the bathroom was open, and she saw that there was nobody inside. The following morning, they passed by the condominium before proceeding to Bagac, Bataan. They went inside accused-appellant's bedroom and talked to him. As in the last two occasions, Ms. Sison saw through the open door of the bathroom that there was no one inside.[58]

Theresa Whisenhunt, accused-appellant's sister-in-law, testified that between December 21, 1991 and January 15, 1992, and again from the middle of April, 1992 to May 15, 1992, she slept in the bedroom subsequently occupied by accused-appellant in the Platinum Condominium; that she regularly has her menstruation around the end of every month; and that her blood type is "B".[59]

On January 31, 1996, the trial court promulgated the appealed judgment, convicting accused-appellant of the crime of murder, sentencing him to suffer the penalty of reclusion perpetua, and ordering him to pay the heirs of the deceased actual damage, moral damages, exemplary damages and attorney's fees.[60]

Accused-appellant interposed an appeal from the adverse decision of the trial court, alleging that:

> - THE LOWER COURT ERRED IN CONVICTING ACCUSED OF THE CRIME CHARGED;
>
> - THE LOWER COURT ERRED IN FINDING THAT THE PROSECUTION WAS ABLE TO PRESENT ENOUGH CIRCUMSTANTIAL EVIDENCE TO SUPPORT THE CONCLUSION THAT THE ACCUSED IS GUILTY OF THE CRIME CHARGED;
>
> - THE LOWER COURT ERRED IN REJECTING, DISREGARDING AND/OR NOT GIVING CREDENCE TO THE DEFENSE OF THE ACCUSED.[61]

Much of the evidence on accused-appellant's complicity was elicited from Demetrio Ravelo, the so-called "prosecution star witness."[62] On the premise that accused-appellant's guilt or innocence depends largely on the weight of his testimony, this Court has carefully scrutinized and examined his version of the events, and has found that Demetrio Ravelo's narrative is both convincing and consistent in all material points.

Before accused-appellant confessed to Demetrio Ravelo what had happened to Elsa Castillo, he first asked the latter how long he was willing to work for him, and how far his loyalty will go. This was logical if accused-appellant wanted to ensure that Demetrio would stand by his side after learning what he was about to reveal. More importantly, Demetrio's description of Elsa's dismembered body, as he found it in accused-appellant's bathroom, perfectly jibed with the appearance of the mutilated body parts, as shown in the photographs presented by the prosecution.[63]

Likewise, the mutilated body parts, as well as the other items thrown by accused-appellant along the road to Bataan, were found by the NBI agents as Demetrio pointed, which confirms that, indeed, the latter witnessed how accused-appellant disposed of Elsa's body and personal belongings one by one.

All in all, the testimony of Demetrio Ravelo bears the ring of truth and sincerity. The records show that he did not waver even during lengthy and rigorous cross-examination. In fact, the trial court gave full faith and credit to his testimony, stating:

> The Court had opportunity to observe the demeanor of Demetrio Ravelo when he took the witness stand on several occasions. He was extensively cross-examined by one of the defense counsel and he withstood the same creditably. Demetrio Ravelo is a very credible witness and his testimony is likewise credible.[64]

This Court has consistently ruled that factual findings of the trial court deserve the highest respect. This is based on the fact that the trial judge is in the best position to assess the credibility of the witnesses who appeared before his sala as he had personally heard them and observed their deportment and manner of testifying during the trial.[65] Especially, where issues raised involve the credibility of witnesses, the trial court's findings thereon will not be disturbed on appeal absent any clear showing that it overlooked, misunderstood or misapplied some facts, or circumstances of weight or substance, which could have affected the result of the case.[66] Succinctly put, findings of fact of the trial court pertaining to the credibility of witnesses command great weight and respect since it had the opportunity to observe their demeanor while they testified in court.[67]

Perhaps more damning to accused-appellant is the physical evidence against him. The findings of the forensic biologist on the examination of the hair samples and bloodstains all confirm Elsa's death inside accused-appellant's bedroom. On the other hand, the autopsy report revealed that Elsa was stabbed at least three times on the chest. This, taken together with Demetrio's testimony that accused-appellant kept the kitchen knife inside his bedroom on September 24, 1993, leads to the inescapable fact that accused-appellant stabbed Elsa inside the bedroom or bathroom.

Physical evidence is a mute but eloquent manifestation of truth, and it ranks high in the hierarchy of our trustworthy evidence.[68] For this reason, it is regarded as evidence of the highest order. It speaks more eloquently than a hundred witnesses.[69]

While it may be true that there was no eyewitness to the death of Elsa, the confluence of the testimonial and physical evidence against accused-appellant creates an unbroken chain of circumstantial evidence that naturally leads to the fair and reasonable conclusion that accused-appellant was the author of the crime, to the exclusion of all others. Circumstantial evidence may be resorted to in proving the identity of the accused when direct evidence is not available, otherwise felons would go scot-free and the community would be denied proper protection. The rules on evidence and jurisprudence sustain the conviction of an accused through circumstantial evidence when the following requisites concur: (1) there must be more than one circumstance; (2) the inference must be based on proven facts; and (3) the combination of all circumstances produces a conviction beyond doubt of the guilt of the accused.[70]

In the case at bar, the following circumstances were successfully proven by the prosecution without a shadow of doubt, to wit: that Elsa Santos Castillo was brought to accused-appellant's condominium unit on September 23, 1993; that on September 24, 1993, accused-appellant's housemaid was looking for her kitchen knife and accused-appellant gave it to her, saying that it was in his bedroom; that on September 25, 1993, accused-appellant and Demetrio Ravelo collected the dismembered body parts of Elsa from the bathroom inside accused-appellant's bedroom; that accused-appellant disposed of the body parts by a roadside somewhere in San Pedro, Laguna; that accused-appellant also disposed of Elsa's personal belongings along the road going to Bagac, Bataan; that the mutilated body parts of a female cadaver, which was later identified as Elsa, were found by the police and NBI agents at the spot where Demetrio pointed; that hair specimens found inside accused-appellant's bathroom and bedroom showed similarities with hair taken from Elsa's head; and that the bloodstains found on accused-appellant's bedspread, covers and in the trunk of his car, all matched Elsa's blood type.

Accused-appellant makes capital of the fact that the Medico-Legal Officer, Dr. Mendez, did not examine the pancreas of the deceased notwithstanding Demetrio's statement that, according to accused-appellant, Elsa died of "bangungot," or hemorrhage of the pancreas. Because of this, accused-appellant insists that the cause of death was not adequately established. Then, he relied on the controverting testimony of his witness, lawyer-doctor Ernesto Brion, who was himself a Medico-Legal Officer of the NBI for several years, to the effect that the autopsy report prepared by Dr. Mendez was unreliable and inconclusive. The trial court noted, however, that Dr. Brion was a biased witness whose testimony cannot be relied upon because he entered his appearance as one of the counsel for accused-appellant and, in such capacity, extensively cross-examined Dr. Mendez. Accused-appellant counters that there is no prohibition against lawyers giving testimony. Moreover, the trial court's ruling would imply that lawyers who testify on behalf of their clients are presumed to be lying.

By rejecting the testimony of Dr. Brion, the trial court did not mean that he perjured himself on the witness stand. Notably, Dr. Brion was presented as expert witness. His testimony and the questions propounded on him dealt with his opinion on the probable cause of death of the victim. Indeed, the presentation of expert testimony is one of the well-known exceptions to the rule against admissibility of opinions in evidence.[71] In like manner, Dr.

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Mendez was presented on the stand to give his own opinion on the same subject. His opinion differed from that of Dr. Brion, which is not at all unusual. What the trial court simply did was to choose which --- between two conflicting medico-legal opinions --- was the more plausible. The trial court correctly lent more credence to Dr. Mendez's testimony, not only because Dr. Brion was a biased witness, but more importantly, because it was Dr. Mendez who conducted the autopsy and personally examined Elsa's corpse up close.

In any event, the foregoing does not detract from the established fact that Elsa's body was found mutilated inside accused-appellant's bathroom. This clearly indicated that it was accused-appellant who cut up Elsa's body to pieces. Naturally, accused-appellant would be the only suspect to her killing. Otherwise, why else would he cut up Elsa's body as if to conceal the real cause of her death?

As already stated above, Demetrio's testimony was convincing. Accused-appellant attempts to refute Demetrio's statements by saying that he had repeatedly reprimanded the latter for discourteous and reckless driving, and that he had already asked the latter to tender his resignation. Thus, accused-appellant claims that Demetrio imputed Elsa's death on him in order to get back at him. This Court finds the cruel treatment by an employer too flimsy a motive for the employee to implicate him in such a gruesome and hideous crime. Rather than entertain an accusation of ill-motive and bad faith on Demetrio Ravelo, this Court views his act of promptly reporting the incident to his family and, later, to the authorities, as a genuine desire to bring justice to the cruel and senseless slaying of Elsa Santos Castillo, whom he knew well.

Accused-appellant also argues that his arrest was without a warrant and, therefore, illegal. In this regard, the rule is settled that any objection involving a warrant of arrest or procedure in the acquisition by the court of jurisdiction over the person of an accused must be made before he enters his plea, otherwise the objection is deemed waived.[72] In other words, it is too late in the day for accused-appellant to raise an issue about his warrantless arrest after he pleaded to a valid information and after a judgment of conviction was rendered against him after a full-blown trial.

Accused-appellant presented in evidence two supposedly threatening letters which, according to Elsa, were written by the latter's husband. There is nothing in these letters which will exculpate accused-appellant from criminal liability. The threats were directed at accused-appellant, not Elsa. The fact remains that Elsa was last seen alive in accused-appellant's condominium unit, and subsequently discovered dead in accused-appellant's bathroom. Surely, the place where her dead body was found does not support the theory that it was Fred Castillo who was probably responsible for her death.

We do not agree with the trial court that the prosecution sufficiently proved the qualifying circumstance of abuse of superior strength. Abuse of superiority is present whenever there is inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor and selected or taken advantage of by him in the commission of the crime.[73] The fact that the victim was a woman does not, by itself, establish that accused-appellant committed the crime with abuse of superior strength. There ought to be enough proof of the relative strength of the aggressor and the victim.[74]

Abuse of superior strength must be shown and clearly established as the crime itself.[75] In this case, nobody witnessed the actual killing. Nowhere in Demetrio's testimony, and it is not indicated in any of the pieces of physical evidence, that accused-appellant deliberately took advantage of his superior strength in overpowering Elsa. On the contrary, this Court observed from viewing the photograph of accused-appellant[76] that he has a rather small frame. Hence, the attendance of the qualifying circumstance of abuse of superior strength was not adequately proved and cannot be appreciated against accused-appellant.

However, the other circumstance of outraging and scoffing at the corpse of the victim was correctly appreciated

by the trial court. The mere decapitation of the victim's head constitutes outraging or scoffing at the corpse of the victim, thus qualifying the killing to murder.[77] In this case, accused-appellant not only beheaded Elsa. He further cut up her body like pieces of meat. Then, he strewed the dismembered parts of her body in a deserted road in the countryside, leaving them to rot on the ground. The sight of Elsa's severed body parts on the ground, vividly depicted in the photographs offered in evidence, is both revolting and horrifying. At the same time, the viewer cannot help but feel utter pity for the sub-human manner of disposing of her remains.

In a case with strikingly similar facts, we ruled:

> Even if treachery was not present in this case, the crime would still be murder because of the dismemberment of the dead body. One of the qualifying circumstances of murder under Article 248, par. 6, of the Revised Penal Code is "outraging or scoffing at (the) person or corpse" of the victim. There is no question that the corpse of Billy Agotano was outraged when it was dismembered with the cutting off of the head and limbs and the opening up of the body to remove the intestines, lungs and liver. The killer scoffed at the dead when the intestines were removed and hung around Victoriano's neck as a necklace, and the lungs and liver were facetiously described as "pulutan."[78]

Hence, the trial court was correct in convicting accused-appellant of the crime of murder, qualified by outraging and scoffing at the victim's person or corpse.[79] This circumstance was both alleged in the information and proved during the trial. At the time of its commission, the penalty for murder was reclusion temporal maximum to death.[80] No aggravating or mitigating circumstance was alleged or proved; hence, the penalty shall be imposed in its medium period.[81] Therefore, the trial court's imposition of the penalty of reclusion perpetua was correct, and need not be modified.

However, the damages awarded by trial court should be modified. Elida Santos, Elsa's sister, testified that the funeral expenses was only P50,000.00.[82] Hence, the trial court erred when it awarded the amount of P100,000.00. Basic is the jurisprudential principle that in determining actual damages, the court cannot rely on mere assertions, speculations, conjectures or guesswork but must depend on competent proof and on the best obtainable evidence of the actual amount of the loss. Actual damages cannot be presumed but must be duly proved with reasonable certainty.[83]

The award of moral damages in murder cases is justified because of the physical suffering and mental anguish brought about by the felonious acts, and is thus recoverable in criminal offenses resulting in death.[84] It is true that moral damages are not intended to enrich the victim's heirs or to penalize the convict, but to obviate the spiritual sufferings of the heirs.[85] Considering, however, the extraordinary circumstances in the case at bar, more particularly the unusual grief and outrage suffered by her bereaved family as a result of the brutal and indecent mutilation and disposal of Elsa's body, the moral damages to be awarded to them should be more than the normal amount dictated by jurisprudence. However, the amount of P3,000,000.00 awarded by the trial court as moral damages is rather excessive. The reasonable amount is P1,000,000.00 considering the immense sorrow and shock suffered by Elsa's heirs.

The award of attorney's fees of P150,000.00 was duly proved,[86] and thus should be affirmed.

Finally, the heirs of Elsa Santos Castillo should be indemnified for her death. In murder, the civil indemnity has been fixed by jurisprudence at P50,000.00. The grant of civil indemnity in murder requires no proof other than the fact of death as a result of the crime and proof of accused-appellant's responsibility therefor.[87]

WHEREFORE, the decision of the Regional Trial Court of Pasig City, Branch 152, in Criminal Case No. 102687, finding accused-appellant guilty beyond reasonable doubt of murder, and sentencing him to suffer the penalty of reclusion perpetua, is AFFIRMED with the following MODIFICATIONS: Accused-appellant is ORDERED to

pay the heirs of Elsa Santos Castillo actual damages in the amount of P50,000.00; civil indemnity in the amount of P50,000.00; moral damages in the amount of P1,000,000.00; exemplary damages in the amount of P1,000,000.00; and attorney's fees in the amount of P150,000.00. Costs against accused-appellant.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

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[1] Record, vol. II, pp. 281-315; penned by Presiding Judge Ricardo M. Molina.

[2] Ibid., p. 351.

[3] Id., p. 1.

[4] Id., p. 102.

[5] TSN, June 14, 1995, p. 9.

[6] TSN, February 24, 1994, pp. 12-13.

[7] Ibid., pp. 15-28.

[8] Id., pp. 28-31.

[9] Id., pp. 31-34.

[10] Id., pp. 34-36.

[11] Id., pp. 36-42.

[12] Id., pp. 42-45.

[13] Id., pp. 46-49.

[14] TSN, August 4, 1994, p. 3.

[15] Ibid., pp. 5-8.

[16] Id., pp. 9-17.

[17] Id., pp. 17-20.

[18] Id., pp. 20-24.

[19] Id., pp. 24-26.

[20] Id., pp. 26-32.

[21] Id., pp. 34-35.

[22] Id., p. 35.

[23] Id., pp. 38-42.

[24] Id., pp. 43-45.

[25] Id., pp. 46-47, p. 56; Exh. "H".

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[26] TSN, February 8, 1995, pp. 4-6.

[27] TSN, August 4, 1994, pp. 48-49; TSN, January 19, 1995, pp. 10-12.

[28] TSN, February 8, 1995, p. 7.

[29] TSN, February 8, 1995, p. 14.

[30] Ibid., p. 16.

[31] Id., pp. 19-21.

[32] Id., pp. 23-25.

[33] Exh. "DDD".

[34] TSN, February 8, 1995, pp. 26-27.

[35] TSN, January 19, 1995, pp. 55-56.

[36] Exh. "BB".

[37] TSN, January 19, 1995, pp. 66-88.

[38] TSN, January 26, 1995, pp. 13-39.

[39] Ibid., pp. 58-64.

[40] Id., p. 69.

[41] Exh. "HH".

[42] Exh. "II".

[43] Exh. "KK".

[44] Exh. "JJ".

[45] Exh. "L".

[46] TSN, October 12, 1994, pp. 47-50.

[47] Exh. "L".

[48] TSN, June 14, 1995, pp. 21-31.

[49] Ibid., pp. 32-38.

[50] TSN, May 31, 1995, pp. 25-34.

[51] TSN, June 1, 1995, pp. 23-27.

[52] TSN, June 14, 1995, pp. 47-50.

[53] Ibid., p. 19.

[54] Id., p. 54.

[55] Exh. 21.

[56] Exh. 22.

[57] TSN, June 14, 1995, p. 18.

[58] TSN, June 1, 1995, pp. 10-22.

[59] TSN, June 7, 1995, pp. 10-20.

[60] Op. cit., note 1.

[61] Ibid., p. 191.

[62] RTC Decision, p. 1.

[63] Exhs. "F" and submarkings, "S", "S-1", "T", "MM" and submarkings, "NN" and submarkings, "OO" and submarkings, "PP", "QQ", "RRR" and submarkings.

[64] RTC Decision, p. 31.

[65] People v. Barrias, G.R. No. 133605, June 28, 2001.

[66] People v. Peralta, G.R. No. 131637, March 1, 2001.

[67] People v. Lenantud, G.R. No. 128629, February 22, 2001.

[68] People v. Tan, supra.

[69] People v. Silvano, G.R. No. 125923, January 31, 2001.

[70] People v. Casingal, August 1, 2000.

[71] Rules of Court, Rule 130, Sections 48 & 49.

[72] People v. Cabiles, 284 SCRA 199, 210 [1998].

[73] People v. Cortez, G.R. No. 131924, December 26, 2000.

[74] People v. Mejos, 265 SCRA 689, 699 [1996].

[75] People v. Maderas, G.R. No. 138975, January 29, 2001.

[76] Exhs. "UU", "9".

[77] People v. Tambis, 311 SCRA 430, 439-440 [1999].

[78] People v. Carmina, 193 SCRA 429, 435 [1991].

[79] Revised Penal Code, Art. 248 (6).

[80] Revised Penal Code, Art. 248, first par.

[81] Revised Penal Code, Art. 64 (1).

[82] TSN, February 15, 1995, p. 66.

[83] Villanueva v. Citytrust Banking Corporation, G.R. No. 141028, July 19, 2001.

[84] People v. Tan, G.R. Nos. 116200-02, June 21, 2001.

[85] People v. Leal, G.R. No. 139313, June 19, 2001.

[86] TSN, February 15, 1995, p. 75.

[87] People v. Tan, G.R. Nos. 116200-02, June 21, 2001.

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