

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS., ISIDRO COMESARIO Y DACASIN, ACCUSED-APPELLANT.

G.R. No. 127811. April 29, 1999

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

On 2 May 1989, at ten in the evening, seven-year old Reynaldo Fernandez was found dead near the bank of Oraan Creek in Brgy. Lelemaan, Manaoag, Pangasinan. His neck was slashed. He drowned. He had been missing as early as twelve noon that day. At first his parents thought that he was out playing in his grandmother's house. When dusk came, however, Reynaldo still could not be found.

Rodolfo and Emilia Fernandez, parents of the victim, could not think of somebody else other than accused-appellant Isidro Comesario y Dacasin as the perpetrator of the crime. Emilia narrated that sometime in February 1989 accused-appellant paid her a nocturnal visit at their house while her husband was away in the fields. Accused-appellant allegedly offered to sell rice but when Emilia refused to buy for lack of money, accused-appellant countered that they could have sex instead. Accused-appellant then shoved his hardened penis against Emilia. Scared, Emilia jumped out of her house.

On 28 April 1989 or three (3) days before Reynaldo was killed, Rodolfo caught accused-appellant cutting his mongo plants. An altercation ensued during which accused-appellant got so angry that he ran after Rodolfo with scythe in hand. Accused-appellant then threatened to kill Rodolfo or any member of his family. In the morning of 2 May 1989 Rodolfo saw accused-appellant Isidro Comesario holding a scythe and walking towards Oraan Creek.

With this backdrop, Emilia and Rodolfo could not help concluded that it was accused-appellant who killed their son Reynaldo.

Prosecution witness Napoleon Veloria testified that at around ten-thirty in the morning of 2 May 1989, while he was in the vicinity of Oraan Creek, he saw accused-appellant dragging a boy with his left hand while holding a scythe in his right. He did not recognized Reynaldo although the boy was wearing a striped t-shirt and blue short pants. Accused-appellant appeared to be angry while the boy was crying. Napoleon thought that the two (2) were just siblings. He did not see the actual killing as he only learned about the death of Reynaldo the following day. Nevertheless, he believe accused-appellant was the killer as he was the last person seen together with the victim.

On 22 November 1989 accused-appellant was charged with murder.

On his part, accused-appellant averred that at the time of the incident, he was helping in the construction of their house together with his father and brothers. He only left their house to gather grass for their farm animals. He did not go far though as there was enough supply nearby.

On the basis of the foregoing evidence, the court below found accused-appellant guilty as charged and sentenced him to reclusion perpetua. In this appeal accused-appellant maintains his innocence and asserts that the circumstantial evidence proffered by the prosecution was too meager to support his conviction.

Doctrinally, an accused is presumed innocent. This presumption prevails unless overturned by competent and credible proof. To sustain a conviction, the guilt of the accused must be proved beyond reasonable doubt. Any doubt must be considered in his favor. Evidence showing a mere possibility of guilt is insufficient to warrant a conviction.[1]

Accused-appellant's conviction by the trial court hinged on circumstantial evidence. To validly invoke circumstantial evidence, it must be shown that there is more than one circumstance and the facts from which the inferences are derived are proven. The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[2] The circumstances must constitute an unbroken chain of events that can lead reasonably to the conclusion pointing to the accused to the exclusion of all others as the author of the crime. Logically, it is 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.[3] Like a tapestry made of strands which create a pattern when interwoven, a judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused, to the exclusion of all other, as the guilty person.[4]

In a nutshell, the evidence for the prosecution is that accused-appellant had motive to kill Reynaldo; he allegedly felt bad when his advances were spurned by Emilia; three (3) days before the killing, accused-appellant had an altercation with the father of the victim; and, in the morning of 2 May 1989 accused-appellant was seen dragging a boy with his left hand while holding a scythe in his right towards Oraan Creek. The lone witness for the prosecution who allegedly saw the boy dragged could not recognize him. All he could say was that the boy was wearing a striped t-shirt and a pair of blue short pants.

We believe that under all these circumstances taken together accused-appellant should be acquitted.

First. An accused enjoys the presumption of innocence. He need not prove what is legally presumed. If he so desires he may present evidence on his behalf, but no matter how weak it is, he still deserves an acquittal. This is because the prosecution must not rely on the weakness of the evidence for the defense but on the strength of its own evidence. Unless the prosecution has successfully overturned the presumption of innocence, acquittal is inevitable.

Second. The guilt of the accused must be proved beyond reasonable doubt. There must be moral certainty in our unprejudiced mind that it was accused-appellant who committed the crime. Absent this required quantum of evidence would mean exoneration for accused-appellant. The conviction of the accused-appellant having been based on very tenuous grounds, our judicial conscience cannot rest easy if we sustain his conviction by the court below.

Third. Mere proof of motive, no matter how strong, is not sufficient to support a conviction, most especially if there is no other reliable evidence from which it may reasonably be deduced that the accused was the malefactor.[5] The elements constituting the crime must be shown.

Fourth. The invocation of circumstantial evidence is misplaced. As already adverted to, for circumstantial evidence to be validly invoked there must be more than one circumstance. In the instant case, the prosecution only presented a single circumstance and that was when Napoleon Voloria supposedly saw accused-appellant dragging a boy wearing a striped t-shirt and a pair of blue short pants towards Oraan Creek. From ten in the morning until ten in the evening of 2 May 1989 when the lifeless body of Reynaldo was found near Oraan Creek, there was a paucity of evidence. We cannot decipher a pattern out of this single strand of circumstance as to support the conclusion that it was accused-appellant who killed Reynaldo. From this angle alone, it is already clear that

circumstantial evidence cannot be successfully availed of.

Last. We are not implying that accused-appellant did not commit the crime. All we are saying is that when measured against the required quantum of evidence in criminal cases, the case for the prosecution has miserably failed in all aspects. Simply put, if we are to be guided by the established rules of evidence, we can safely say that the guilt of accused-appellant was not proved beyond reasonable doubt. We find occasion then to reiterate what we have said in *People v. Masalihit*:^[6]

Before we condemn x x x the crime must first be positively established and that the accused is guilty sans any scintilla of doubt. This is elementary and fundamental in our criminal justice systems. Any suspicion or belief that that accused is guilty - no matter how strong - cannot substitute for the quantum of evidence that is required to prove his guilt beyond reasonable doubt.

Accused-appellant should not be punished for the failure of the prosecution to dispose of its burden to overcome the constitutional presumption of innocence and to establish his guilt of the accused beyond reasonable doubt. This Court has always stood by the rule that it is better to acquit a guilty person than to convict an innocent one.

WHEREFORE, the assailed decision of the Regional Trial Court of Urdaneta, Pangasinan, finding accused-appellant ISIDRO COMESARIO Y DACASIN guilty murder is REVERSED and SET ASIDE for gross insufficiency of evidence; consequently, he is ACQUITTED of the crime charged and is ordered IMMEDIATELY RELEASED FROM CUSTODY unless lawfully held for another cause.

The Director of the Bureau of Corrections is DIRECTED to implement this Decisions and to report to this Court the action taken hereon immediately but not later than five (5) days from receipt hereof.

Cost de oficio.

SO ORDERED.

Puno, Mendoza, Quisumbing, and Buena, JJ., concur.

[1] *People v. Berroya*, G.R. No. 122487, 12 December 1997, 283 SCRA 121, 122-123.

[2] Sec. 4, Rule 133, Rules of Court.

[3] *People v. Payawal*, G.R. No. 113945, 16 August 1995, 247 SCRA 431.

[4] *People v. Geron*, G.R. No. 113788, 17 October 1997, 281 SCRA 36, 37.

[5] *People v. Manambit*, G.R. 72744-45, 18 April 1997, 271 SCRA 345.

[6] G.R. No. 124329, 14 December 1998.

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