

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JONATHAN DIAZ, ACCUSED-APPELLANT.

G.R. No. 133737. January 13, 2003

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

On appeal is the Decision dated March 6, 1998[1] of the Regional Trial Court of Zamboanga City (Branch 13) finding Jonathan Diaz guilty of murder and sentencing him to suffer the penalty of reclusion perpetua and to pay to the heirs of Christie Joy Torres, civil indemnity for her death, actual damages, moral damages and costs.

The Amended Information, filed on August 26, 1996, accuses Jonathan Diaz of the crime of MURDER committed as follows:

“That on or about October 14, 1995, in the City of Zamboanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon, in disregard of the respect due the offended party on account of her sex, by means of treachery and evident premeditation and abuse of superior strength, and with intent to kill, did then and there wilfully, unlawfully and feloniously, assault, attack and stab the person of CHRISTINE JOY TORRES y TO, with the use of said weapon that he was then armed with, thereby inflicting upon the latter’s person multiple stabbed (sic) wounds which directly caused her death, to the damage and prejudice of the heirs of said victim.

“CONTRARY TO LAW.”[2]

Upon arraignment, accused Jonathan Diaz pleaded not guilty to the crime charged.[3] Trial ensued and the prosecution presented a total of eighteen witnesses, namely: Doctors, Henry G. Cawley and Concepcion T. Fabian; security guard Lorna A. Natividad; students, Deborah M. Comille and Maria Coleen Lincoln; faculty members Servando Halili, Jr., Evelyn Garcia, and Jocelyn Partosa; members of the staff of the Dean of Student Affairs, Arlando Escultor and Ceferina Gonzales; janitor Isidro Francisco; policemen, SPO4 Elmer Acuna and SPO2 Salvador Arcillas; parents of the victim, Pilar and Rodolfo Torres; Director of the Office of the Student Affairs, Francis Jay Llenado; and school nurses, Arnold Toribio and Nieves Taguinod. On rebuttal, the prosecution presented Police Inspector Francisco Carpio de los Reyes, the victim’s father, Rodolfo Torres and NBI Special Investigator Pablo Acosta, Jr.

Summarizing the testimonies presented by the prosecution, the court a quo narrated the following facts:

“xxx At about 11 o’clock that morning,[4] three (3) friends by the names of Deborah Comille, Maria Coleen Lincoln and Janet Nalzar met outside the school library and they all agreed to go to the faculty room located at the second floor of the college building, Gonzaga wing. From the premises of the school library, they proceeded to the college building passing, the backstairs near the backfield of the campus, then ascended the two flights of stairs to the second floor of the college building, Gonzaga “wing. Upon reaching the second floor on the alley leading to the men’s comfort room, and as they were about to turn right to the corridor leading to the faculty room, they heard a scream of a woman. At first, they thought it came from the backfield and they tried to verify, but when they heard another scream and struggling coming from inside the men’s

comfort room, Janet Nalzar and Maria Coleen Lincoln wanted to enter the men's comfort room but Deborah reminded them that it was a men's comfort room and also commented that it might only be a lover's quarrel.

"Determined to do something, Janet Nalzar tried to attract the attention of the male teacher who was having a class in Room C-25, which is just adjacent to the men's comfort room, but apparently she was not noticed, so Deborah Comille decided to call for help at the faculty room, leaving both Janet Nalzar and Maria Coleen Lincoln standing in front of the men's comfort room. At the faculty room, Deborah Comille informed Miss Evelyn Garcia, a faculty member, of what she and her friends heard coming from the men's comfort room and Miss Evelyn Garcia went to the men's comfort room but hesitated in entering it, so leaving the three friends standing in front of the men's comfort room, Miss Evelyn Garcia returned to the faculty room and sought assistance from a male faculty member by the name of Servando Halili, who immediately responded by proceeding to the men's comfort room followed behind by some others in the faculty room who heard the pleas for help by Miss Evelyn Garcia. Upon entering the place, Servando Halili first checked the urinals and found no person there, then he went to Cubicle No. 1, but also saw that it was empty, but upon reaching Cubicle No. 2, and as he was going to cubicle no. 3, he saw the back of a big male person wearing white T-shirt and maong pants inside the said cubicle and immediately the door of Cubicle No. 2 was slammed shut.

"At this point, Servando Halili decided to seek the help of higher authorities, so he went outside the comfort room and asked Miss Evelyn Garcia to go downstairs to the office of Assistant Dean Aldrin Hitalia located at the ground floor. Complying, Miss Evelyn Garcia descended using the back stairs and in the meantime, Servando Halili posted himself on the corridor about four or five meters from the door of the men's comfort room, while Janet Nalzar, Maria Coleen Lincoln, Deborah Comille, Shalimar Alih and Jocelyn Partosa stood nearby also at the corridor at varying distances in front of the door of the men's comfort room. Moments later, Servando Halili was called by Miss Evelyn Garcia who was at the back stairs, which prompted Servando Halili to look down at the stairs towards Miss Evelyn Garcia and the latter told the former that Dean Hitalia was not in her office. Thereupon, Servando Halili turned towards the men's comfort room and it was at this moment that a tall man with broad shoulders wearing white T-shirt and maong pants emerged from the men's comfort room wiping his face with a piece of cloth and was carrying a bag. Deborah Comille who was standing in front of the comfort room also saw the man as the man came out of the men's comfort room. Comille said the man was bringing a towel which he used to wipe his face, however, she saw the whole face of the man and she recognized the man as a classmate in the second semester of school year 1993-1994, and whom she identified later as JONATHAN DIAZ. Coleen Lincoln was also standing on the corridor fronting the men's comfort room and saw a tall and stout man carrying a knapsack and covering his face with a piece "of cloth come out of the men's comfort room. Jocelyn Partosa was also one of those who stood about four meters, according to her, from the door of the same men's comfort room and she saw a big and tall man come out of it wearing a white T-shirt and a faded maong pants and who was covering half his face with a piece of cloth.

"After emerging from the men's comfort room, this tall and big man hurriedly proceeded along the corridor towards the back stairs and while passing Servando Halili, this man uttered the following words, "Papatayin kita". Then the same man rushed down the back stairs of the "college building and in so doing, met Miss Evelyn Garcia who was still at the back stairs. Miss Evelyn Garcia said that upon seeing the man rushing down, she was rooted on the spot but she stared at the man, although she was scared and noted that the man looked familiar to her, having previously seen him in the campus of the Ateneo de Zamboanga. She also noticed that the tall and big man was wearing a white T-shirt and was carrying a bag and a towel. She further noticed that the man was sweating and she also saw a red spot at the left chest of the man's T-shirt. After the man was gone, all those who were in the vicinity of the men's comfort room entered it, to verify, and they found a young girl, who was later on identified as CHRISTIE JOY TORRES, lying unconscious inside Cubicle No. 2 of the men's comfort room, the same cubicle where earlier Servando Halili saw the back of a tall and big man before its door was slammed shut.

"Upon the discovery of the unconscious girl in the men's comfort room, a school employee by the name of

Arlando Escultor who was earlier instructed by his superior, Francis Llenado, the Director of Student Affairs of the Ateneo de Zamboanga, to verify the commotion at the men's comfort room located at the second floor of the college building, Gonzaga wing, arrived at the scene and with the help of others who were present, carried the unconscious form of CHRISTIE JOY TORRES to the school infirmary where the latter was administered first aid treatment by the school nurse. As the unconscious CHRISTIE JOY TORRES was being carried outside the men's comfort room, Ceferina Gonzales, a secretary of the Arts and Sciences Office, who was earlier drawn to the scene recognized CHRISTIE JOY TORRES as the girl she saw talking to a tall and big man clad in white T-shirt and maong pants, on the corridor facing the back field in front of the men's comfort room at about 10 o'clock that morning, when (sic) she came from taking her snacks. Later, the unconscious CHRISTIE JOY TORRES was brought to the Zamboanga Doctor's Hospital on board a school vehicle, however, she was declared DOA (Dead on Arrival) by Dr. Concepcion Fabian, the attending physician who discovered that CHRISTIE JOY TORRES succumbed to several injuries including multiple stabbed (sic) wounds in the vital parts of her body. These injuries were subsequently verified by Dr. Henry Cawley, the medico-legal officer of the National Bureau of Investigation, Regional Office, Zamboanga City, when he conducted a post-mortem examination of the cadaver of CHRISTIE JOY TORRES in the afternoon of the same day of the incident, at the La Merced Funeral Homes, where the deceased victim was brought.

"In the meantime, after Christie Joy Torres was brought to the Zamboanga Doctor's Hospital and was declared dead on arrival, an emergency meeting was held in the Office of the Dean in the Ateneo De "Zamboanga, attended by heads of offices of the school, security guards and all possible witnesses. Pictures of students and those who previously enrolled as students in the school were produced from the Office of the School Registrar and the Office of the Dean of Student Affairs and were shown to all those who were in the meeting, particularly, to Deborah Comille, Maria Coleen Lincoln and Janet Nalzaro and accordingly, it was Deborah Comille who was the first one to identify the accused Jonathan Diaz through his picture.

"Earlier, it was established by the prosecution's evidence that the accused JONATHAN DIAZ entered the Ateneo de Zamboanga school campus through Gate II at 9:20 in the morning of October 14, 1995. This was testified to by Lorna Natividad, a 33 year old security guard of the Black Arrow Security Agency, Zamboanga City, assigned at the Ateneo de Zamboanga, who declared that while she and her fellow security guard by the name of Alfredo Beliganio were manning Gate II of the Ateneo de Zamboanga in the morning of October 14, 1995, the accused JONATHAN DIAZ whom she knows as Jay Diaz since the latter was a former student of the school, arrived at Gate II and wanted to enter the campus. xxx

"It was also established by the prosecution, through the testimony of Isidro Francisco, a janitor of the Ateneo de Zamboanga that at 10 o'clock in the morning of October 14, 1995, the accused JONATHAN DIAZ was standing at the ground floor of the college building, near the faculty men's comfort room and that Isidro Francisco and the accused had a conversation at said place. Furthermore, established by the testimony of prosecution witness Arnold Toribio that moments after 10:50 in the morning of October 14, 1995, after he was through attending to his last patient in the school infirmary where he works as a school nurse of the Ateneo de Zamboanga, he met the accused JONATHAN DIAZ who was going to the front of the gymnasium while he was on his way to take his snacks at the back canteen behind the school gymnasium. They were only a few meters apart when they passed each other and he even nodded to the accused JONATHAN DIAZ, whom he knows as they were school mates in the grade school as well as in the high school in the Ateneo de Zamboanga. Arnold Toribio said he noticed that the accused JONATHAN DIAZ was wearing a white T-shirt and that there was something clinging on his left shoulder and also saw perspiration on his head. According to Arnold Toribio, he is sure of the time he left the school infirmary because he looked at the clock before leaving to take his snacks.[5]

The defense, on the other hand, presented the testimonies of Dr. Rodolfo Valmoria, Dr. Indah Taas Alpa, Sergio Jose Andante Dayrit, Gloria Diaz, Editha Aquino, Jose Neil Nave, Robin Almazan and the accused himself.

Dr. Valmoria, Medico-Legal Officer of the PNP Crime Laboratory Zamboanga City, testified that considering the

wounds in the scapular region as well as the contusions in the neck, it is doubtful if the victim could have still talked or made any sound, contrary to the testimonies of the three (3) female students who allegedly heard screams from the men's comfort room.[6]

Dr. Alpa, an expert in psychiatry testified that it is understandable if the accused had the "tendency to escape and isolate himself" because there were people trying to arrest him. [7]

Sergio Dayrit, brother-in-law of the accused, testified that he saw the accused in the premises of Ateneo de Zamboanga in the morning of October 14, 1995 at around 10:35 in the morning; that after chatting with the accused for 5 to 10 minutes at the bench near Gate II of the school, they parted ways.[8]

Editha Aquino, a former student of Ateneo de Zamboanga, narrated that in the morning of October 14, 1995, while waiting for a friend at the sidewalk near an electric post outside the campus and before boarding a tricycle, she saw the accused pass by; that the accused was wearing light gray shirt and cream denim pants that day.[9]

Gloria Diaz, mother of the accused, testified that her son had no previous record of breaking the law whether in school or outside.[10]

Neil Nave, a friend and former classmate of the accused, testified that: around 9:30 in the morning, while waiting at a bench in front of the school chapel, accused arrived and they talked for a while;[11] afterwards, accused asked him to accompany him in looking for his brother-in-law at the back part of the college building; after about seven minutes, they saw the brother-in-law of accused then they parted ways; at around 10:30 or 10:35 in the morning, he saw accused call his attention by waving at him, reminding him of the birthday party of the father of accused that afternoon; he saw accused, wearing a light gray shirt, walk out through Gate I.[12]

Accused narrated in detail on the witness stand his whereabouts on October 14, 1995 and the subsequent days leading to his arrest. He testified that: around 8:30 in the morning of October 14, 1995, he left his parents' house in Guiwan, Zamboanga City and went to Ateneo de Zamboanga to look for his brother-in-law; his wife had asked him to tell her brother that she will be arriving that day from Isabela, Basilan and she wanted her brother to fetch her from the wharf;[13] at the Ateneo de Zamboanga, he entered the campus using Gate II; the security guards at the gate did not question him or make him write his name in any logbook as they already knew him; he proceeded along the passageway and saw his friend, Jose Neil Nave, sitting on a bench; he invited Nave to his parents' house for a birthday party and they chatted for 15 to 20 minutes; afterwards, they went to look for his brother-in-law passing the college building and the gymnasium where they met some of the friends of accused including "manong" who works in the maintenance department; they saw his brother-in-law at a bench near the DSA (Dean of Student Affairs) in front of the college building; he then told his brother-in-law about the request of his wife to fetch her; when his brother-in-law left for the conference room, he decided to leave and as he started to leave, he again saw his friend, Nave, who earlier left his company when they found his brother-in-law; he left the campus through Gate I, where from a distance he reminded Nave of the party saying, "Mamaya,"[14] as he walked to the front of the Cathedral; after leaving the campus of Ateneo, he met Editha Aquino, a former student of Ateneo who also comes from Basilan; he asked where she was going to which Aquino replied that she was waiting for somebody; he then boarded a tricycle and proceeded to a boarding house in front of the Southern City Colleges to invite a friend by the name of Moger Ahmad; he waited for 20 to 30 minutes but Ahmad never came, noticing that it was already 11:30 in the morning, he remembered he had to fetch his wife at the wharf and so he rode a tricycle and went to the wharf; upon reaching the boat, he found that the passengers had already left since the boat arrived early from Isabela; he then recalled that his mother had told him that his father would be arriving with his (accused's) wife from Isabela, Basilan that morning on board the same boat; he then decided to go to Sta. Maria, Zamboanga City to invite his friend, Neil Reynera, who lives in that place;[15] upon reaching the place

where Neil Reynera lives, the accused called him and they chatted for some time; while they were chatting, a friend of Neil invited him to a drinking spree and he insisted that the accused go with him; they went to a carenderia across the street and drank San Miguel beer for two and a half hours; at about 3 o'clock in the afternoon, he asked permission from the group to look for a pay phone; while walking along the highway to look for a store with a telephone, he saw a friend by the name of Robin Almazan driving a jeep; he asked Robin where he could find a telephone and he pointed him to a nearby establishment; at the Molina Store, he first called the house of his parents but was not able to contact anybody in the house; he called Neil Nave at his sister's residence but was informed that Nave was not there; he then contacted Nave's beeper number and asked him to call the accused immediately; soon after, the phone rang and he talked with Nave, asking where he was and how and where he could fetch him; Nave told him that there was a stabbing incident in the Ateneo de Zamboanga and that his name was mentioned as the suspect; at first, he thought that Nave was joking, but soon, he realized that it was not a joke; he then hung up the phone feeling uneasy and confused;[16] after leaving the store, he returned to their drinking session; at around 6 o'clock in the afternoon, he tried to go home but upon reaching the market in Putik, a "trisikad" driver told him that policemen were looking for him and that his father left their house; instead of proceeding to his parents' house, he rode a tricycle to the city proper; upon reaching the Sta. Cruz market, he saw his friend, Mitchell, also known as Rambo, riding a motorcycle; he rode with Mitchell and told him that he was a suspect in the stabbing incident in the Ateneo de Zamboanga; Mitchell brought accused to his friend's house in Talon-Talon, where Mitchell told the latter of accused's problem;[17] there, he drank again with Mitchell and his friend;[18] he slept that night in the house of Mitchell's friend[19] where he heard over the radio that there was a shoot-to-kill order against him and he was being hunted down by the police authorities;[20] he woke up the following day at about 10:30 in the morning and after taking his breakfast, he went to a nearby store and tried to call his father's house but the phone was busy; when Mitchell returned that morning, Mitchell told him of the news he heard that it was a son of a NAPOLCOM official that was being hunted by the police and there was a reward to get him dead or alive; Mitchell and his friend panicked and told him to leave as they did not want to be implicated; he decided to leave Zamboanga City and at about 5:30 in the afternoon of that day, he boarded the M/V Maynilad for Manila;[21] in Manila, he never attempted to contact an elder sister who works in Camp Crame, Quezon City, instead, he rented a room in a house in Tomas Morato Road, Quezon City;[22] he worked in a bakery also found along the same road; he went to Biñan, Laguna, where he worked as a jeep conductor;[23] later, he went to Carmona, Cavite, where he rented a room in a house there while working as a construction helper until he was arrested by PARAC operatives on August 17, 1996;[24] subsequently, he was brought to Zamboanga City and was placed in the city jail. [25]

On March 6, 1998, the Regional Trial Court of Zamboanga City (Branch 13) rendered the herein assailed decision finding the accused guilty of the crime charged, thus:

"WHEREFORE, in view of all the foregoing considerations, the Court finds the accused JONATHAN B. DIAZ GUILTY beyond reasonable doubt of the crime of MURDER and there being neither mitigating nor aggravating circumstances to consider, hereby imposes upon him the penalty of RECLUSION PERPETUA, with all the accessory penalties appurtenant thereto; to indemnify the heirs of the deceased-victim Christie Joy Torres the amount of P50,000.00; to pay the parents of the said deceased-victim the amount of P223,935.00 as actual damages and the amount of P200,000.00 as moral damages; and to pay the costs.

"SO ORDERED." [26]

Hence, the present petition with the following Assignment of Errors:

"I

"THE TRIAL COURT ERRED WHEN IT CONVICTED THE APPELLANT JONATHAN DIAZ BASED

SOLELY ON ALLEGED CIRCUMSTANTIAL EVIDENCE.

“II

“THE TRIAL COURT ERRED WHEN IT HELD IN THIS CASE MOTIVE IS NOT AN ESSENTIAL AND IMPORTANT IN THIS CASE TO DETERMINE WHETHER OR NOT THE APPELLANT WAS GUILTY OF THE CRIME OF MURDER.

“III

“THE COURT A QUO ERRED WHEN IT HELD THAT FLIGHT OF THE APPELLANT WAS AN ADMISSION OF GUILT.”[27]

Three issues need to be resolved in this appeal: (1) whether or not the circumstantial evidence presented by the prosecution is sufficient to convict accused-appellant; (2) whether or not motive is essential when accused is convicted based on circumstantial evidence; and (3) whether or not the flight of appellant is an admission of guilt.

Anent the first issue - Appellant claims that the trial court erred when it convicted him based solely on circumstantial evidence.[28] He maintains that there is doubt that he was at the male's comfort room of the second floor of the building of Ateneo de Zamboanga at the time of the incident because no one saw or met him on the second floor of the college building before Christie Joy Torres was found unconscious. Further, appellant maintains that assuming that he was in the comfort room, there was no assurance that there was no other person in the same room at the time who could have been the assailant.[29] Appellant also questions the testimony of the three girls who allegedly heard screams from the men's room when the persons in the adjacent classroom did not hear anything. In addition, defense witness, Dr. Valmorla had certified that based on the injuries sustained by the victim, he doubts whether the victim could have screamed or moaned.[30]

We agree with appellee's contention that while there may be no prosecution witness who actually saw appellant as the one who inflicted the fatal injuries on Christie Joy Torres, the series of circumstances, duly proven and established by the prosecution, were strong and sufficient to point to appellant as the perpetrator of the crime.[31]

In the recent case of *People vs. De Mesa*,[32] this Court held that:

“Direct evidence of the killing is not indispensable for convicting an accused when circumstantial evidence can sufficiently establish his guilt. There can be a judgment of conviction when the circumstances proved constitute an unbroken chain of events that leads to one fair and reasonable conclusion pinpointing the accused, to the exclusion of all others, as the perpetrator of the crime. Circumstantial evidence is sufficient for conviction if:

(1)

There is more than one circumstance;

(2)

The facts from which the inferences are derived are proven; and

(3)

The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.”[33]

In this case, while no one actually saw the appellant stab the victim, the chain of events leads to no other conclusion but that appellant was the one who stabbed Christie Joy Torres and no one else.

As thoroughly and painstakingly discussed by the trial court: First, appellant entered the campus of Ateneo de

Zamboanga at 9:20 in the morning of October 14, 1995 as reflected in the log book of the Security Guard.[34]

Second, at around 10:00 in the morning of said date, appellant was seen at the ground floor of the college building near the comfort room of the faculty men as testified to by Isidro Francisco, a janitor he conversed with.[35]

Third, somewhere between 10:30 and 11:00 in the morning, faculty member Halili responded to a request for assistance from Evelyn Garcia to check the men's comfort room on the second floor of the college building where a woman was heard crying for help. Upon checking, he saw the back of a big male person wearing a white shirt and maong pants at Cubicle No. 2 and as he passed by, its door was slammed shut. He stepped out of the men's room to seek the help of higher authorities and asked Garcia to call for the assistant dean whose office was at the ground floor. In the meantime, he waited outside the door of the men's room together with Deborah Comille, Janet Nalzaro, Coleen Lincoln, Shalimar Alih and Jocelyn Partosa.[36]

Fourth, upon learning that the assistant dean was not around, Halili decided to re-enter the men's room and it was at that moment that he saw a broad shouldered and tall man wearing a white t-shirt with maong pants and clutching a bag emerge from the comfort room. This man was wiping his face with a piece of cloth with his face partially covered. But as the man walked briskly towards the backstairs and passed him by at the corridor, the man uttered the words "papatayin kita." [37]

Fifth, Comille, Lincoln and Partosa saw the big and tall man come out of the comfort room since they were standing in front of it and were only a few feet away. Although the man was partially covering his face, Comille noticed that he looked familiar and when the man descended the backstairs, Comille saw the face of the man which was no longer covered with the piece of cloth and recognized him to be appellant Jonathan Diaz, a classmate of hers in the Zoology class during the second semester of school year 1993-1994. The other companions of Comille also saw the man and later, in the Dean's Office, when shown several pictures of students and former students of the school, they were unanimous in picking out the picture of the accused as the very person and the only one who came out of the comfort room immediately before the unconscious body of Christie Joy Torres was discovered in Cubicle No. 2 of the said CR.[38]

Sixth, as the tall and big man in white t-shirt descended the backstairs of the college building, Evelyn Garcia, who was still on the stairs about to go up, came face to face with the man and noticed that the man was sweating and had a red spot on his shirt near the left chest area. The man looked familiar to her, having seen him in the campus before and like the others, she identified the picture of the appellant as the man she met on the stairs that morning immediately before the discovery of the body of the victim.[39]

Seventh, at 10:40 in the morning, Grace Bayog, an Accounting Clerk of the Ateneo de Zamboanga Multipurpose Cooperative, was passing the college building and while nearing the back end of the building heard the scream of a woman and the banging of a door coming from the men's comfort room at the second floor of the building.[40] As a rebuttal witness, she refuted the claim of the defense that nobody in the nearby classroom heard the scream of the victim.[41]

Eighth, at 10:50 in the morning, Arnold Toribio, a school nurse, while on his way to canteen behind the gymnasium, met appellant whom he knows for many years. He even nodded at Jonathan Diaz whom he noticed was wearing a white shirt with something clinging at his back.[42]

Ninth, soon after the death of Christie Joy Torres, and when the accused was regarded by the police authorities as a suspect in the killing, accused Diaz disappeared and could not be located in his parents' home in Guiwan, Zamboanga City or in Isabela, Basilan Province where he resided with his wife and children. In was only about ten months later or on August 17, 1996, that he was found and arrested by PARAC agents in Silang, Cavite.[43]

We are convinced that the circumstantial evidence established the guilt of appellant beyond reasonable doubt. There was more than one circumstance in this case; the facts from which the inferences are derived were proven and corroborated, and the combination of all the circumstances is such as to lead to the only conclusion that appellant and no other person was guilty of the murder of Christie Joy Torres.

Moreover, there was no showing that the witnesses were prompted by any ill-motive to point to appellant as the culprit. Where, as in this case, there is no evidence that the witnesses for the prosecution were actuated by improper motives, the presumption is that they were not so actuated and their testimonies are entitled to full faith and credit.[44]

It is also a well-entrenched rule that when it comes to the issue of credibility of witnesses, the appellate court generally will not overturn the findings of the trial courts since they are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, demeanor and behavior in court.[45] Basic is the rule that the findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal, in the absence of any clear showing that it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which would have affected the result of the case.[46]

Appellant miserably failed to show that the case at bar falls under any of the above-mentioned exceptions. The testimony of Dr. Valoria that it was not possible for the students to have heard the victim scream did not demolish the testimonies of the prosecution witnesses that they actually heard the victim scream inside the men's comfort room. It is not disputed that the victim sustained multiple contusions, abrasions, lacerations and stab wounds.[47] Dr. Valmoria himself had admitted on the witness stand that in the process of the wounds being inflicted, most specially abrasions, a person could still shout for help.[48]

As to the second issue, accused-appellant contends that since the conviction in this case was based on circumstantial evidence, motive should be proved. Citing *People vs. Peruelo*,[49] appellant argues that where the identification of the killer is extremely tenuous, proof of motive is essential. Appellant explicates that there was no proof that the victim was a campus beauty or that she had many admirers; that there was no proof that she ever quarreled with the appellant or anyone of his family.[50]

We are not convinced.

In the case of *People vs. Rendaje*,[51] the accused therein argued that due to the lack of direct evidence to establish the identity of the assailant, proof of motive becomes essential. We ruled in this wise:

“xxx the prosecution has established his guilt beyond reasonable doubt. It was able to pinpoint him, to the exclusion of all other persons, as the one responsible for the crime. Thus, the presence or the absence of motive is not essential.”[52]

Appellee has satisfactorily explained that the beauty or attractiveness of a woman has nothing to do with the crime of murder. We agree that appellant's resort to the personality of the victim as proof of lack of motive is utterly misplaced.

In the case of *People vs. Bangcado*,[53] we held that:

“xxx even in the absence of a known motive, the time-honored rule is that motive is not essential to convict when there is no doubt as to the identity of the culprit. Lack of motive does not preclude conviction when the crime and the participation of the accused therein are definitely shown, particularly when we consider how nowadays, it is a matter of judicial knowledge that persons have killed or committed serious offense for no reason at all.”[54]

Anent the third issue, appellant argues that the court a quo erred when it held that flight of the appellant was an admission of guilt inasmuch as nobody saw him running away from the building of Ateneo. He even talked to his friend Edith Aquino and greeted her. As to his decision to stay in Manila, Laguna and Cavite for almost a year after the incident, appellant cites defense witness Dr. Alpa who explained that it is reasonable for a person to escape when there are people wanting to arrest him; that such flight does not necessarily mean he is guilty.[55]

We uphold appellee's assertions that: the allegation of appellant that no one saw him running away from the scene of the crime has no bearing since non-flight during the commission of the crime does not mean that one did not commit or participate in its commission; there was no evidence that a so-called 'shoot to kill' order was issued by the police in order to get him, which according to accused was the reason why he hid for almost a year; and it is doctrinally settled that flight of an accused is an indication of his guilt.[56]

In *People vs. del Mundo*, we held:

"Jurisprudence has repeatedly declared that flight is an indication of guilt. The flight of an accused, in the absence of a credible explanation, would be a circumstance from which an inference of guilt may be established 'for a truly innocent person would normally grasp the first available opportunity to defend himself and to assert his innocence.'"[57]

In the present case, instead of going home after finishing his business at Ateneo, he moved from place to place in Zamboanga City. He claims to have later heard that there was an order to arrest and shoot him by reason of which he went to Manila, then stayed for a while in Laguna, and then moved to Cavite where he was eventually arrested after almost a year of evading arrest. His explanation that he feared arrest is not sufficient to overthrow the fundamental presumption involving flight.

Appellant's claim that he did not take flight immediately after the incident; that nobody saw him running away from the building and that he in fact talked with Edith Aquino, has no probative value so as to exculpate him from liability. As we have held in *People vs. Omar*,[58] non-flight may not be construed as an indication of innocence.[59] There is no law or dictum holding that non-flight of an accused is conclusive proof of innocence.[60] In the more recent case of *People vs. Delmo*,[61] the appellants therein claimed that none of them fled despite opportunities to do so which should be credited to them as an indication of their innocence. To this contention we held that "[w]hile it is true that we have ruled that flight is evidence of guilt, there is no law or dictum holding that staying put is proof of innocence, for the Court is not blind to the cunning ways of a wolf which, after a kill, may feign innocence and choose not to flee.[62]

We therefore sustain the trial court in convicting accused Jonathan Diaz of the crime of murder beyond reasonable doubt and in imposing upon him the penalty of reclusion perpetua as provided for in Art. 248 of the Revised Penal Code.

However, the award of damages must be modified. The award of Two Hundred Twenty Three Thousand Nine Hundred Thirty Five Pesos (P223,935.00) as actual damages must be reduced to Forty Five Thousand Pesos (P45,000.00) which is the only expense covered by a receipt issued by the La Merced Funeral Homes for embalment, coffin and other services.[63] The other expenses allegedly incurred by the heirs of the victim can not be sustained without any tangible document to support such claim.[64] The trial court misapplied the ruling in *People v. Cordero* that "Of the expenses allegedly incurred, the Court can only give credence to those supported by receipts and which appear to have been genuinely incurred in connection with the death, wake and burial of the victim."

It must be emphasized that under said rule, there are two requisites that must be complied with before damages may be awarded - not only should the alleged expenses be supported by receipts but also they should have been

genuinely incurred in connection with the death, wake and burial of the victim. Thus, the expenses incurred for the tomb, snacks and softdrinks during the wake, and food on the 9[th] day of prayer, although they may have been incurred in connection with the death, can not be awarded as they are not supported by receipts. Furthermore, the award of Two Hundred Thousand Pesos (P200,000.00) as moral damages should be reduced to Fifty Thousand Pesos (P50,000.00) in accordance with recent rulings.[65]

A civil indemnity in the amount of Fifty Thousand Pesos (P50,000.00) is correctly awarded to the heirs of the victim without need of proof other than the fact that a crime was committed resulting in the death of the victim and that the accused was responsible therefor.[66]

WHEREFORE, the decision of the Regional Trial Court of Zamboanga City (Branch 13) is AFFIRMED with MODIFICATIONS. Accused-appellant is found GUILTY of the crime of MURDER and there being neither mitigating nor aggravating circumstances, he is sentenced to suffer the penalty of RECLUSION PERPETUA with all the accessory penalties appurtenant thereto and ordered to pay the heirs of Christie Joy Torres the amounts of Fifty Thousand Pesos (P50,000.00) as civil indemnity for the victim's death; Forty Five Thousand (P45,000.00) as actual damages; Fifty Thousand Pesos (P50,000.00) as moral damages; and, the costs.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Callejo, Sr., JJ., concur.

[1] In Crim. Case No. 3192 (13464).

[2] Rollo, p. 12.

[3] Records, p. 42.

[4] Referring to October 14, 1995, per RTC Decision, p. 33.

[5] Rollo, pp. 64-69.

[6] TSN, January 27, 1997, p. 15.

[7] TSN, March 12, 1997, p. 8.

[8] TSN, January 27, 1997, pp. 30-32.

[9] Id., at p. 44.

[10] Id., at p. 51.

[11] TSN, February 24, 1997, p. 4.

[12] Id., at pp. 6-8; 30.

[13] TSN, February 25, 1997, pp. 10-12.

[14] Id., at pp. 13-18.

[15] Id., at pp. 19-23.

[16] Id., at pp. 24-31.

[17] Id., at pp. 32-37.

[18] Id ,at pp. 39,44.

[19] Id., at p. 41

[20] Id., at pp. 43-44

[21] Id., at pp. 41-48.

[22] Id., at pp. 49-50

[23] Id., at pp. 52-53.

[24] Id., at pp. 55-56.

[25] Id., at p. 60.

[26] Rollo, p. 86.

[27] Rollo, p. 123.

[28] Id., at p. 126.

[29] Id., at pp. 136.

[30] Id., at p. 137.

[31] Id., at p. 263.

[32] 354 SCRA 397 (2001).

[33] Id. at pp. 407-408.

[34] RTC Decision, p. 43.

[35] Ibid.

[36] Ibid.

[37] Id., at p. 44.

[38] Ibid.

[39] Id., at pp. 44-45.

[40] Id., at p. 45.

[41] TSN, April 10, 1997, pp. 24-25.

[42] Ibid.

[43] Ibid.

[44] People vs. Ortiz, G.R. No. 133814, July 17, 2001.

[45] Ibid.

[46] People vs. Pacina, 338 SCRA 195 (2000).

[47] Exhibit “A”, Autopsy Report No. N-95-21.

[48] TSN, p. 15, January 27, 1997.

[49] 105 SCRA 226, 238 (1981).

[50] Rollo, pp. 137-138.

[51] 344 SCRA 738 (2000).

[52] Id. at p. 752.

[53] 346 SCRA 189 (2000).

[54] Id. at p. 201.

[55] Id., at pp. 141-142.

[56] Rollo, p. 280-81.

[57] Promulgated on October 2, 2001, GR No. 138929.

[58] 327 SCRA 221 (2000).

[59] Id., at p. 229.

[60] People vs. Pareja, 265 SCRA 429, 441 (1996).

[61] G.R. No. 130078-82, October 4, 2002.

[62] Ibid.

[63] Exhibit “FF”.

[64] People v. Gadim, Jr., 331 SCRA 345 (2000).

[65] People vs. Clarino, GR No. 134634, July 31, 2001; People vs. Mosquera, GR No. 129209, August 9, 2001.

[66] People vs. Dawaton, G.R. No. 146247, September 17, 2002.

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