

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JOHNNY M. QUIZON, APPELLANT.

G.R. No. 142532. November 18, 2003

Ponente: VITUG, J.

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VITUG, J.:

A decision, dated 27 March 2000, of the Regional Trial Court of Angeles City, Branch 29, found appellant Johnny M. Quizon guilty beyond reasonable doubt of the crime of Robbery with Homicide under Article 294 of the Revised Penal Code. He was sentenced by the trial court to suffer the penalty of reclusion perpetua. The Information charging him with the offense, to which he pled "not guilty," read:

"That on or about the 5th day of September, 1997, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above- named accused, with grave abuse of confidence, with intent of gain, and by means of violence, did then and there willfully, unlawfully and feloniously take and carry away, against the consent of the owners thereof, a cash money amounting to P17,000.00 and assorted jewelry, belonging to the Suarez Travel Agency and/or Conchita M. Pasquin, with a total value of no less than P17,000.00, to the damage and prejudice of the owners thereof in the said total sum; that on the occasion of the said robbery and for the purpose of enabling him to take, steal and carry away the said articles and money, the herein accused did then and there willfully, unlawfully and feloniously, with evident premeditation and taking advantage of his superior strength, and with intent to kill, treacherously attack, assault, and with the use of personal violence upon said Conchita M. Pasquin, thereby inflicting upon the latter mortal injuries after accused stuffed her mouth with a clothing an outcry, and as a direct result of which, said Conchita Pasquin died."[1]

The case for the prosecution was pieced together by the trial court from the testimony of a number of witnesses.

Conchita Magpantay Pasquin was associated with Suarez Travel Services in Angeles City. She used the offices of the travel agency as also her residence. Although she was separated from her husband, Bonifacio Pasquin, her relationship with him, nevertheless, remained cordial. On 05 September 1997, around nine o' clock in the morning, Conchita went to the adjacent Quitelig Law Office and lent a magazine to a friend, Rowena Abril, a secretary in the law firm. In the afternoon of that day, between one and two o'clock, Rowena heard loud noises coming from Conchita's office, but she did not pay too much attention to the incident. Twenty-five minutes later, a man passed by Rowena as she was leaving her office to go to a nearby store. Rowena had the impression that the man, who was walking hurriedly, came from the office of Suarez Travel Services. At about four-fifty in the afternoon, Rowena went to see Conchita to return the magazine. She noticed that the door leading to Conchita's office was open but the main door was closed. Since nobody opened the door for her, Rowena decided to leave.

At lunch time on 05 September 1997, Myla Miclat and her live-in partner Roel Sicangco went to see Conchita to hand over the amount of P17,000.00 in payment for Myla's round trip plane fare to Guam. While they were inside Conchita's office, Johnny Quizon, whom Conchita introduced as her nephew, came in. Conchita asked her nephew if he already had taken his lunch. Conchita told Myla that her nephew was a former drug addict, and that

she was helping him mend his ways. Quizon was present when Myla gave the money to Conchita. Conchita told Myla that she was going to purchase the ticket and instructed her to return later that day to pick it up. It was approximately seven o'clock in the evening when Myla, accompanied by a friend, returned to Suarez Travel Services. She knocked at the door but nobody answered although she could see that there was still light inside the work place. Myla tried calling up Conchita but the telephone just kept on ringing. The following day of 06 September 1997, around five-thirty in the morning, Myla returned to Conchita's office. Again, nobody was in sight. Myla went to the agency's neighbor to inquire if there was someone inside the office. The neighbor climbed, peeped inside and saw a body covered with a blanket.

Marietta Suarez, the owner of Suarez Travel Services, received a call at six-thirty in the morning of 06 September 1997 to inform her that something bad had happened to Conchita. She did not go to the office the day previous as she had to accompany her husband to a social function. Marietta and her husband forthwith proceeded to the agency. A number of police officers and some people were by then at the scene. Apparently, the policemen forced open the door and found the body of Conchita wrapped with a white blanket. Conchita's jewelry box and the money paid by Myla were missing.

On the evening of 06 September 1997, Conchita's husband, Bonifacio Pasquin, who was then in Bataan received a call from his brother-in-law Jose Servidal informing him of Conchita's death. The following morning, on his way to Angeles City, Pasquin chanced upon Conchita's eldest brother, Jose Magpantay, who was also bound for the city. Magpantay informed Pasquin that on 05 September 1997, he received a call from Conchita who told him that she was going to Manila to bring an undetermined sum of money. Conchita happened to mention that her nephew, Johnny Quizon, was in her office at that time. Later, during the investigation, Pasquin showed Rowena a picture of Quizon and she identified him to be the same person who passed by her in haste that afternoon of 05 September 1997.

Dr. Proceso Mejia, a City Health Officer of Angeles City, conducted an autopsy on the remains of Conchita at half past noon on 06 September 1997. The body showed discoloration on the face, neck, back and upper extremities, contusion on the right side of the face and abrasions on her right and left side of the neck, right elbow, right forearm and the palm. Dr. Mejia concluded that at the time of his examination, Conchita must have been dead for more than twelve, but not beyond twenty-four, hours. Dr. Mejia did not find any abnormalities on the body of the victim and decided to send the vital organs to the Medico-Legal Officer of the National Bureau of Investigation (NBI) for toxicological and histopath examination.

Dr. Noel Minay, a medical specialist of the National Bureau of Investigation, conducted a pathological examination on the vital organs of Conchita, particularly, her brain, heart, lungs and pancreas. He concluded that Conchita could have died of cardiac arrest, asphyxiation or ingestion of a considerable amount of poisonous substance.

The case was referred for investigation to SPO2 Danilo Cruz of the Angeles City Detective Group. After reading the initial report, SPO2 Cruz, accompanied by SPO2 Alfredo Quiambao and a brother of Conchita, went to Quizon's house at 174 Isarog St., La Loma, Quezon City. Johnny's relatives were not aware of his whereabouts but could only say that on the morning of 06 September 1997, Johnny and his live-in partner Fe Coronel went to Tondo, Manila. The trio decided to go to Fe's house in Parañaque City, arriving thereat at around ten o'clock in the evening. Fe's mother told them that Fe had left on 05 September 1997 and had not returned since. In the course of their investigation, SPO2 Cruz interviewed one Rodolfo Cueva, a mailman at the Angeles City Post Office, who told him that he (Cueva) went to Conchita's office between two and two-thirty in the afternoon of 05 September 1997 to deliver an express mail. Cueva left when nobody would open the door. Returning in the morning, he learned that the addressee was already dead.

Johnny Quizon was arrested at his house in Quezon City by police operatives a week after Conchita's burial.

The defense gave its version of the incident.

Nimfa Quizon married the father of Johnny Quizon in 1980, three years following the death of his first wife, Imelda, a sister of Nimfa. Nimfa took care of Johnny since he was barely five years old. On the evening of 04 September 1997, Nimfa asked Johnny to go and visit his aunt Conchita in Angeles City whose television set needed repair. Johnny left La Loma, Quezon City, at about ten o'clock the following morning of 05 September 1997. He arrived in Angeles City between twelve-thirty and one o'clock in the afternoon. At the offices of Suarez Travel Services, he found his aunt Conchita talking with Roel Sicangco and Myla Miclat. He waited. After Roel and Myla had left, Conchita told him that he could not work as yet on the television set as she had a lot of other things to attend to first in Manila. He asked Conchita if she wanted company but she told him to go ahead as she still had to entertain a woman who just came in. He left Conchita's office and saw Roel and Myla waiting for a passenger jeepney. Johnny noticed a man on board a parked vehicle who was holding a clutch bag. He saw the man enter his aunt's office. Meanwhile, he boarded a passenger jeepney and went to the terminal of the Philippine Rabbit bus line. Johnny reached La Loma at four o'clock in the afternoon. He informed Nimfa that he was unable to repair Conchita's television set. Between four-thirty and five o'clock in the afternoon, Nimfa received a call from Conchita who informed him that she sent Johnny home since she had as yet a lot of paper work to do. The following morning, Nimfa was informed of Conchita's death. Johnny was advised by Nimfa not to go to the wake because Conchita's brothers suspected him of being responsible for the killing of their sister. Johnny stayed at the house of his live-in partner and came home only after the burial.

In convicting Quizon of the crime with which he was indicted, the trial court held:

"The fact of death of victim Conchita Pasquin is beyond dispute. Her cadaver was found in her bedroom wrapped with a white blanket. There was also a contusion on the right side of the face and abrasions on the victim's right and left side of the neck, right elbow, right forearm and at the palm. Accused likewise admitted that he went to the office of the victim in the afternoon of September 5, 1997 and saw thereat Myla Miclat and Roel Sicangco who left ahead of him.

"xxx xxx xxx

"Nobody actually saw how the victim was killed and how the robbery was committed. The Prosecution is relying only on circumstantial evidence to secure the conviction of the accused Johnny Quizon. Under our rules on evidence, 'an accused can still be convicted even if no eyewitness is available provided that enough circumstantial evidence has been established by the prosecution to prove beyond reasonable doubt that the accused committed the crime' (People vs. Lagao, Jr., 271 SCRA 51.)

"xxx xxx xxx

"No direct evidence was presented by the prosecution to establish the guilt of the accused. We are constrained to consider the circumstantial evidence introduced by the prosecution to determine whether the same would be sufficient to convict the accused:

"1. Conchita Pasquin was a victim of foul play. There were contusions and abrasions on the upper part of the body. The steel door of the office was left open the whole night of the September 5 up to the early morning of September 6, when the victim's body was discovered. The light of the office was also on and her body was wrapped in a white blanket when discovered. Definitely she could not have died a natural death.

"2. The accused was at the victim's office in the afternoon of September 5, 1997 when Myla Miclat gave the sum of P17,000.00 for the purchase of her plane ticket in Manila.

"3. The victim was in a hurry to leave for Manila to purchase Myla Miclat's plane ticket. In fact, Myla Miclat was told by the victim to return that evening to the office to get her ticket.

"4. When Myla Miclat and her boyfriend left the victim's office, there were no other person inside the office except the accused and the victim at around 2:00 o'clock in the afternoon.

"5. At around 2:00 o'clock of that same afternoon, Rowena Abril, a secretary of the law office adjacent to the Suarez' office, heard three very loud noises coming from the victim's office. When Rowena went out after around 25 minutes to buy something at a nearby store, she saw the accused hurriedly leaving the said office. The accused hurriedly left for Manila that same afternoon leaving the victim behind who was also in a hurry to go to Manila to purchase the plane ticket of Myla Miclat.

"6. At around 2:00 o'clock of that same afternoon, Rowena Abril heard several knockings at the victim's office but nobody opened the door.

"7. At around 10 minutes before 5:00 p.m., Rowena Abril went to the office of the victim to return the magazine the victim lent to her earlier, but nobody answered her, so she just left.

"8. Myla Miclat returned that evening at around 7:00 p.m. but nobody opened the door of the victim's office.

"9. On September 7, 1997, the body of the victim was brought to the house of the accused but the latter never showed up during the entire wake for the victim.

"10. The police were not able to find him at his girlfriend's house.

"11. The accused also did not attend the burial.

"12. The alibi given by the accused for not attending the wake and the burial of his aunt was that he was trying to avoid his uncles who were mad at him because he was being suspected of killing his aunt. The accused was arrested by the police at their house where the wake was held one week after the burial hence, he was not really afraid of his uncles.

"13. Instead of helping the police in solving the crime and apprehending the killer of his aunt (as he claims to be innocent) the accused went into hiding immediately after the killing.

"14. The victim was not able to leave for Manila to buy the plane ticket for Myla Miclat but the said amount of P17,000.00 for the plane ticket was never recovered.

"The abovesited circumstances clearly made an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the perpetrator of the crime.

"xxx xxx xxx

"WHEREFORE, premises considered, accused Johnny Quizon is hereby found GUILTY beyond reasonable doubt of the crime of Robbery with Homicide and is hereby sentenced to suffer the penalty of reclusion perpetua.

"Accused Johnny Quizon is further ordered to pay the heirs of Mrs. Marietta Suarez the sum of P34,133.10 as actual damages and to pay the heirs of Conchita M. Pasquin the amount of P50,000.00 as death indemnity."[2]

In his appeal to this Court, Johnny M. Quizon raised the lone assignment of error that -

"THE LOWER COURT ERRED IN FINDING THE ACCUSED- APPELLANT GUILTY OF ROBBERY WITH HOMICIDE WITHOUT HIS GUILT HAVING BEEN PROVED BEYOND REASONABLE DOUBT."[3]

The Office of the Solicitor General, instead of filing an appellee's brief, submitted to the Court a well-ratiocinated manifestation and motion averring that the existence of every bit of circumstantial evidence was not satisfactorily established. The OSG maintained:

"Appellant should be acquitted and released. The prosecution miserably failed to meet the requirements of circumstantial evidence necessary for conviction.

"First. The trial court erred in accepting the testimony of Miclat that appellant was the last person who was with the victim before she died. The trial court similarly blundered in debunking the testimony of both Sicangco and the appellant that after appellant had left the office, other persons entered the victim's office [TSN, January 7, 1999, pp. 8-10, Testimony of Roel Sicangco; TSN, May 25, 1999, pp. 12-13, Testimony of Johnny Quizon]. However, there was nothing in Miclat's testimony that directly refuted the testimony of Sicangco that there were other persons who entered the office afterwards. Miclat declared that she did not see whether or not the man with the collector's bag returned after they left the office. Miclat's testimony went:

"Q

I'm only concern [sic] with the better administration of justice. I know that you want to cooperate so much by your testimony. Now, you are supposed to be a star witness for the presence of the accused in that office. My question is, you did not see the accused doing anything to the victim, is that correct?

"A

Yes, sir.

"Q

You did not also see whether that man with a collector's bag went back or not in that office?

"A

No sir.

"Q

But you know in every office it is usually visited by several persons because of their papers or transaction?

"A

Yes, sir.

"Q

And in that office it is usually visited by several persons because of their papers or transaction?

"A

Yes, sir. [TSN, September 9, 1998, pp. 17-18]

"Sicangco, on the other hand, testified to the circumstances after they left the travel agency, and whose declaration was never rebutted by Miclat. He stated:

"Q

How do you know that Johnny Quizon arrived at 1:30 o'clock in the afternoon of September 5, 1997?

"A

Dahil sa estimate ng pagdating namin sa office at saka iyong interval.

"Q

When you left the office together with your live-in-partner, where was Johnny Quizon then?

"A

Noong papaalis na kami sa agency, tapos nakita ko si Johnny sa may funeral palabas at habang naghihintay kami ng jeep, nakita ko siya sumakay ng jeep papuntang Dau, Mabalacat.

"Q When you and your wife and Johnny Quizon left the premises, were there still other persons inside the office besides that man and his lady companion?

"A

Noong palabas na kami sa agency, napansin ko si Johnny sa may likuran. At habang naghihintay kami ng jeep, nakita ko iyong babae at iyong lalake pumasok sa travel agency.

"Q Did you see Johnny Quizon ride on a jeep?

"A Yes, sir.

"Q To what destination?

"A Dau, Mabalacat.

"Q

Before this Court your live-in-partner testified that when you left the office, she did not notice that man and his lady companion entering the office, what can you say about that?

"Court:

Did she testify about a man and a woman?

"Atty. Castillon [defense counsel]:

Yes, Your Honor, during my cross-examination.

"Pros. Quiambao:

[for the government] What she testified was that when she left, the only persons left in the office were the victim and Johnny Quizon.

"Atty. Castillon:

That is what she testified. And I am trying to find out from this witness if that is true.

"xxx xxx xxx

"Atty. Castillon:

Because according to the witness, they came back and entered the office.

"Clearly, the prosecution could present only a witness who saw appellant in the vicinity of the crime scene on the day the crime was committed. If the testimony of Sicangco is suspect as being tainted with pity for a fellow- inmate, it is to be noted that Sicangco likewise freely admitted of his love for Miclat [TSN, January 7, 1999, p. 23]. Miclat, on the other hand, categorically declared that she did not know whether other persons entered the office afterwards. As against Miclat, a former live-in-lover, and appellant, a mere fellow-inmate, Sicangco's sympathy for appellant exceeded his love for Miclat because he did not want an innocent person to suffer for a crime he did not commit ['Ako nagtetestigo ako para matulungan si Johnny. Basta ako gusto kong tulungan si Johnny dahil napakahirap nang maparusahan ng hindi mo naman ginawa.' [TSN, January 7, 1999, p. 13]

"That appellant was the last person seen with the victim on the day she died does not necessarily prove that he killed her. It was not established that appellant and the victim were together until the crime was committed. It was not even shown that appellant was the only one who was with the victim before she died. The travel agency was already opened when Miclat, Sicangco and appellant came. There were several persons there even before Miclat and company arrived. The prosecution has not completely discounted the possibility that there were other persons who transacted business with the victim when Miclat and appellant left, considering that the travel agency is a place of business that caters to several clients. There was an eyewitness, Sicangco, who declared that at least two persons came after appellant left the office [TSN, January 7, 1999, pp. 8-10]. Even the secretary of the neighboring law firm, prosecution witness Abril, testified that there were several persons who were knocking at the door of the victim's office after appellant left (TSN, May 6, 1998, p. 13).

"True, a person may be convicted on the basis of circumstantial evidence; but the proven circumstances should inexorably lead to one fair and reasonable conclusion pointing to the accused as the guilty person, to the exclusion of all others. Where the evidence presented admits of other conclusions, the accused must be acquitted. Only if the judge below could arrive at a conclusion that the crime had been committed precisely by the person on trial under such an exacting test should the sentence be one of conviction. It is thus required that every circumstance favoring his innocence be duly taken into account. The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment. The conscience must be satisfied that on the defendant is laid the responsibility for the offense charged; that not only did he perpetrate the act but that it amounted to a crime. What is required then is moral certainty. It is critical that the moral force of the criminal law be not diluted by a standard of proof that leaves people in doubt whether innocent men are being condemned. It is important in our free society that every individual going about his ordinary affairs has confidence that his government cannot adjudge him guilty of a criminal offense without convincing a proper factfinder of his guilt with utmost certainty [People v. Garcia, 215 SCRA 349 (1992); People v. Andag, 96 SCRA 861 (1980); People v. Benamira, 277 SCRA 232 (1997)].

"A much graver set of inculpatory circumstantial evidence against the accused were present in People v. Mijares, [297 SCRA 520 (1998)]. Despite that, the accused was acquitted. A seven-year old playmate testified seeing accused Mijares as the last person who was with the victim the night the victim was killed. The victim, a girl of tender age, was found dead. The two most damning circumstances crucial to the prosecution's case were that 1] appellant was the last person seen with the victim; and 2] his slippers were found at the crime scene. This Honorable Court ruled that these circumstances are subject to two antithetical interpretations, one of guilt and the other of innocence. This case even cited two analogous cases which fall squarely with the case at bar, viz:

"In People v. Ragon, the trial court convicted appellant of murder, based on these circumstances: he and his companions were the last persons seen with the victim, and the cap worn by Ragon's companion was found beside the victim's dead body. x x x However, this Court found that the circumstantial evidence presented did not conclusively point to Ragon as the perpetrator of the murder. The presence of the cap of Ragon's companion beside the dead body only proved that said person, not necessarily Ragon himself, was at the locus criminis. That such cap was found in the vicinity of the crime scene did not necessarily imply that the accused killed the victim.

"In People v. Binamira, the trial court convicted the accused based on the following pieces of circumstantial evidence: (1) he was accosted by security guards near the crime scene; (2) he was walking suspiciously fast; (3) bloodied clothes were allegedly recovered from him. Appellant therein was acquitted because 'the evidence, in view of the constitutional presumption of innocence, has not fulfilled the test of moral certainty and was thus insufficient to support a conviction.' Indeed, this Court has ruled that a person cannot be held liable for the killing, unless all the proven circumstances point to his guilt.

"The case of People v. Boneo [174 SCRA 612 (1989)] recounts a fisherman who was last seen alive with the Boneo brothers. He accompanied the brothers out to sea late at night to get an animal he was supposed to buy

from the other side of the shore. He was found dead and the P3,000.00 he was carrying gone. The Supreme Court waxed poetic when it declared - 'This rule must be observed with more rigor where the evidence of the prosecution is merely circumstantial, as in the case at bar. While this is not to say that this kind of evidence will never be sufficient to convict, it does mean that it must be especially persuasive if it is to still, as it must, every whisper of doubt that the accused is not innocent. Absent conclusive proof of his guilt, the prisoner must be released and purged of all the stigma of the charge upon his head.'

"In *People v. Garcia*, [215 SCRA 349 (1992)], this Honorable Court lauded the OSG for 'utmost objectivity and fairness' by acquitting the accused because the only circumstance that can be appreciated against him was that the prosecution witness saw him standing near the banana plants about fifteen meters away from the house of the victim minutes before the discovery of the deceased.

"Similar circumstances did not merit a conviction, as in *People v. Nicolas*, [204 SCRA 191 (1991)], where the accused was present at the store where the victim was killed and with him was found part of the stolen money as well as bloodied pants. In *People v. Geron* [281 SCRA 36 (1997)], the string of circumstances which the trial court relied upon for conviction consisted of the presence of the accused at the crime scene; he had in his possession articles belonging to the victims at the time he was apprehended; and the accused fled from the crime scene. This Honorable Court held that the above circumstances point to no inference exclusively consistent with the guilt of the accused. It explained that: 'First, the mere presence of the accused at the locus criminis and his possession of certain items belonging to the victims, while it may have pointed the finger of suspicion at him, cannot be solely interpreted to mean that he has committed the robbery and the attendant killings.' (at p. 47)

"Second. The trial court was unable to cite any particular circumstance at all to show that appellant in the case at bar had a motive to commit the crime.

"There is absolutely no motive for appellant to rob or kill the victim. Noteworthy is the testimony of the sister of the deceased, Nimfa Quizon, who testified in appellant's favor. Appellant is not her own son, but her nephew [TSN, February 24, 1999, p. 3]. Further, Miclat herself heard from the victim that she had been the one responsible for the appellant's rehabilitation [TSN, September 9, 1998, p. 8]. It goes against the grain of human experience for a sister to prevaricate on the true identity of the killer of her own blood-sister just to hide the guilt of a nephew.

"Lest it be forgotten, the Constitution mandates that the accused must be presumed innocent. Hence, if the circumstances are capable of several interpretations, one of which is consistent with the innocence of the accused and the others consistent with his guilt, then the evidence has not fulfilled the test of moral certainty and is thus insufficient to support a conviction [*People v. Mijares*, 297 SCRA 520 (1998)].

"Third. The trial court considered appellant's failure to attend the funeral rites of the victim as a sign of guilt. This is not so [*People v. Andag*, supra; *People v. Mijares*, supra]. Appellant and the sister of the victim testified that the brothers of the victim, uncles of the appellant, strongly suspected him as the killer. He simply followed the order of his step-mother, his aunt Nimfa Quizon, to avoid attending the wake and the burial to avoid any mishap that might occur because of the supposition that he was the killer.

"Fourth. The trial court faults him for not clearing his name upon notice that he was a suspect and that he went into hiding, citing that the wicked man flees though no one pursues. Unfortunately, no such flight could be ascribed to the appellant. The trial court lost sight of the fact that appellant was not a resident of Angeles City, and that he stayed in the house of his father in La Loma, Quezon City to do some odd jobs and at the house of his girlfriend in Parañaque [TSN, May 25, 1999, p. 11]. Flight, in order to be considered as an indication of guilt, presupposes that a person escapes from the authorities to evade prosecution. It does not contemplate a situation

where the accused returns to his home where at any time, he may be picked up for questioning in connection with or arrested for having committed a crime. Flight, when adequately explained, cannot be attributed to one's consciousness of guilt. Appellant presented an un rebutted explanation that he fled, not because of guilt for having perpetrated a crime, but rather for fear of his own relatives' reprisal as the primary suspect in the killing of his own aunt. [People v. Garcia, 215 SCRA 349 (1992)]; People v. Geron, 281 SCRA 36 (1997)]; People v. Mijares, 297 SCRA 520 (1998)].

"Fifth. The Court's acceptance of various details as to the irregularity and strangeness of appellant's actions as constitutive of his guilt like appellant's hurried leaving of the premises, his leaving the victim behind when both of them were going to Manila, and his alleged lack of cooperation with the police in searching for the true criminal, is premised on a precarious foothold.

"Likewise, there is no testimony as to the death of the victim, but only a general medico-legal explanation that the strangulation of the victim hastened the victim's heart and lung disease. There is no evidence of fingerprints, hair and skin samples on the deceased that might lead to the identity of the killer. The rope or cloth or blanket that was supposed to have strangled the victim was not presented. There was no testimony that the belongings of the victim were in disarray to show struggle during the crime. The prosecution was unable to present evidence as to how the victim died. The alleged P17,000.00 paid to victim and the pieces of jewelry lost were never presented in court, much less were they found on the appellant.

"As the saying goes: 'The sea of suspicion has no shore, and the court that embarks upon it is without rudder or compass.' [People v. Geron, 281 SCRA 36 (1997)]. No court, when confronted with issues that affect the life and liberty of citizens in a free society, should treat flippantly the latter's constitutional guarantees and supply deficiencies in the evidence for the prosecution with its own bias, suspicion or speculation [People v. Garcia, 215 SCRA 349 (1992)]."[4]

The OSG thus prayed:

"WHEREFORE, it is respectfully prayed that the Decision of the Regional Trial Court in Angeles City, dated March 27, 2000, in Criminal Case No. 97-893 be REVERSED AND SET ASIDE and accused-appellant JOHNNY M. QUIZON be ACQUITTED."[5]

The Court upholds the recommendation of the Solicitor General.

Section 4, Rule 133, of the Revised Rules on Criminal Procedure provides:

"Section 4. Circumstantial evidence, when sufficient. - Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt."

The foregoing elements must all be obtaining in order to aptly warrant the conviction of an accused. The circumstances proved must be congruous with each other, consistent with the hypothesis that the accused is guilty and inconsistent with any other hypothesis except that of guilt.[6] It must be shown (a) that there is more than one circumstance and the facts from which the inferences are derived have been firmly established and (b) that the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. The Court has once said:

"x x x. 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 others, as the guilty person." [7]

Evidently, Conchita Magpantay Pasquin was a victim of foul play. The circumstances recited by the trial court, however, would be insufficient to create in the mind of the Court a moral certainty that appellant was the one responsible for the commission of the crime. Appellant's mere presence at the locus criminis would be inadequate to implicate him [8] in the commission of the crime. No evidence was adduced that appellant was the last person to see or talk to the victim before she was killed. Roel Sicangco testified that when he and Myla arrived at Conchita's office, the latter had just finished talking to a woman and a man with a collector's bag. After Roel and Myla finished their transaction with Conchita, the same man and woman, whom they saw earlier, again entered Conchita's office. Roel testified that he saw Johnny come out of the office and board a passenger jeepney going to Dau, Mabalacat, Pampanga. The prosecution failed to show that Sicangco had any good reason to lie. Even while the trial court had observed that Conchita's jewelry and money were never found, no evidence was introduced that appellant had them, or that he had them in his possession at anytime after Conchita's death. The trial court found it strange that appellant did not wait for Conchita when the latter said that she was also leaving for Manila. Appellant said that he did offer to wait for Conchita but she told him to go ahead as she still had some other work to attend to.

The fact that appellant did not attend Conchita's wake is not an indication of either flight or guilt. Nimfa Quizon would appear to have warned appellant against going to the wake after he earned the ire of their relatives who had suspected him to be the killer.

Significantly, no ill-motive was ascribed on appellant to either kill or rob his own aunt.

The circumstances recited by the trial court might be enough to create some kind of suspicion on the part of the trial court of appellant's involvement, but suspicion is not enough to warrant conviction. A finding of guilt based on conjecture, even if likely, cannot satisfy the need for evidence required for a pronouncement of guilt, i.e., proof beyond reasonable doubt of the complicity in the crime. [9] No matter how weak the defense is, it is still imperative for the prosecution to prove the guilt of the accused beyond reasonable doubt. The evidence for the prosecution, it has been said, must at all times stand or fall on its own weight and it cannot be allowed to draw strength from the weakness of the defense. [10] An accused has the right to be presumed innocent, and this presumption prevails until and unless it is overturned by competent and credible evidence proving his guilt beyond reasonable doubt. [11] In case of any reservation against the guilt of accused, the Court should entertain no other alternative but to acquit him.

WHEREFORE, the decision of the Regional Trial Court of finding appellant JOHNNY M. QUIZON guilty of robbery with homicide is REVERSED and SET ASIDE, and he is ACQUITTED of the crime charged. The Court further orders appellant's immediate release from custody, unless he is lawfully held for another lawful cause.

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

Costs de officio.

SO ORDERED.

Sandoval-Gutierrez, Corona, and Carpio Morales, JJ., concur.

- [1] Rollo, p. 18.
- [2] Rollo, pp. 28-35.
- [3] Rollo, p. 60.
- [4] Rollo, pp. 102-114.
- [5] Rollo, pp. 114-115.
- [6] People vs. Corfin, G.R. No. 131478, 11 April 2002, 380 SCRA 504.
- [7] People vs. Comesario, G.R. No. 127811, 29 April 1999, 306 SCRA 400.
- [8] People vs. Asis, et al. G.R. No. 142531, 15 October 2002.
- [9] Arce vs. People, G.R. No. 125857, 20 March 2002, 379 SCRA 583.
- [10] People vs. Cañete, G.R. No. 138400, 11 July 2002.
- [11] People vs. Julian, Jr., G.R. No. 142774, 03 July 2002.

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