

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. BENJIE PABIONA, ROSELO BASALATAN, ANTONIO SILARCA, ROBERTO METANO, AND CHRISTOPHER DELOS REYES (AT LARGE), ACCUSED,

G.R. No. 145803. June 30, 2004

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-145803/>

CARPIO MORALES, J.:

On appeal is the May 30, 2000 Decision[1] of the Regional Trial Court of Iloilo City, Branch 23 convicting appellants Benjie Pabiona, Roselo Basalatan, Roberto Metano and Antonio Silarca of the crime of murder, sentencing them to suffer the penalty of reclusion perpetua, and ordering them to pay the heirs of the victim, Robert Pagayon, the amounts of P232,100.00 as actual damages and P50,000.00 as civil indemnity.

The Information[2] dated May 31, 1997 charging the appellants and accused Christopher de los Reyes with murder reads as follows:

That on or about the 20th day of November, 1996, in the Municipality of Passi, Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, with treachery and deliberate intent to kill, did then and there willfully, unlawfully and feloniously, attack and assault ROBERT PAGAYON with fist and kick blows and bamboo poles, as a result of which the said Robert Pagayon suffered multiple physical injuries on his body which caused his death thereafter.

CONTRARY TO LAW.

Upon arraignment[3] on June 30, 1997, appellants pleaded not guilty to the offense charged. Trial thereafter ensued. Their co-accused, Christopher de los Reyes, has remained at large.

The prosecution presented the following witnesses whose testimonies follow after their respective names:

Michael Pagayon (Michael), a cousin of the victim, testified that on November 20, 1996, at about 9 p.m. at Barangay Agtambo, Passi, Iloilo, while he was on his way to the house of his aunt, Rosalina Padernal, he heard a cry for help emanating from a nearby river.[4] When he was about ten (10) meters from the river, he saw appellants, including accused Christopher de los Reyes, wielding bamboo poles. All of the accused were striking and kicking an unidentified man who was crawling. He then heard appellant Pabiona say, "What did you tell, ha?"[5] Michael then proceeded to his aunt's house and spent the night there.

The following morning, at about 6 a.m., Michael left his aunt's house. On his way to work at Villa, Iloilo, he passed by the place where he saw appellants beating up the unidentified man. He saw two men at the area but he kept on walking and was not able to identify them.[6]

Two weeks later, he heard a radio news report that his cousin Robert died at Barangay Agtambo after falling into a well on the date he witnessed appellants mauling an unknown victim.[7] He then narrated what he saw on the night of November 20, 1996 to his wife. Two months after hearing the radio report, he recounted what he

witnessed to the mother of the victim, Marina Pagayon.[8]

Marina Pagayon (Marina) who, like the rest of the accused, was a member of appellant Pabiona's religious group, Catholic Movement of Jesus and Mary (CMJM), testified that at about 7 p.m. on November 20, 1996, appellant Pabiona and his brother Popoy went to her house at Gines Viejo, Passi, Iloilo and asked her to spend the night at his house in Dorillo Street, Passi, Iloilo and that Robert go along with them and resume work at his well. She acquiesced. Later that evening, appellant Basalatan, his wife Teresita and two others arrived at the Pagayon house and they all boarded appellant Basalatan's jeepney and headed for appellant Pabiona's house at Dorillo where she and Popoy Pabiona alighted. Appellant Basalatan and the rest of the passengers then proceeded to the well at Barangay Agtambo.

The morning after, Marina went back to her house to attend to her grandson. At about 11 a.m., Popoy Pabiona and Annie Ardales arrived at her house and told her to go to Barangay Agtambo.[9] Upon arriving thereat, she saw appellants Pabiona, Metano, Silarca, appellant Pabiona's mother Avelina, and a certain Cheryl Pampag at Pabiona's nipa hut. She then saw the lifeless body of her son-the victim on the floor of the hut. She cried and asked appellant Pabiona what had happened. Appellant Pabiona told her that her son died after falling into the well at about 9 a.m. She then asked why they did not bring him to a hospital to which appellant Pabiona replied that the victim was already dead when they found him. Marina then noticed that her son's body was clean and he was wearing a pair of shorts which did not belong to him, prompting her to ask appellant Pabiona, "If he fell why is it there is no mud on the body and he is already clean." Appellant Pabiona replied that they already bathed Robert before she arrived.[10]

A jeepney from Funeraria Pamplona later arrived to take the victim's body. While on the jeepney, appellant Pabiona instructed Marina to keep quiet and not cry loudly as other people might hear her. He likewise instructed her to cover the victim with a blanket and made to sit beside the driver so that other people would not know that he was dead. Because the victim's body had already hardened, however, he was laid down on the jeepney. His body was then taken to Funeraria Pamplona.

As Marina had misgivings about the cause of her son's death, she went to appellant Pabiona's house to talk to him and ask him again about what really transpired before the victim died. Appellant Pabiona told her to accept that what happened was an accident and suggested that there be no autopsy conducted on the victim's body as it might cause trouble. Avelina, appellant Pabiona's mother, then told her that she should not be saddened as they would shoulder all the funeral expenses.[11] As she still could not think clearly, she agreed to everything that appellant Pabiona and his mother had told her.

Emma Pagayon (Emma), the victim's sister-in-law, testified that at about 6:30 a.m. on November 22, 1996, she was informed by Tessie Basalatan (Tessie), the wife of appellant Basalatan, and Gina Panerio (Gina), a member of CMJM, that the victim died after falling from the roof of appellant Pabiona's nipa hut in Barangay Agtambo.[12] Emma thus woke up her husband Renato Pagayon and they interrogated Tessie and Gina about the circumstances surrounding the victim's alleged fall from the roof. They were told that Robert fell face down on the ground and hit a hard object,[13] and that he was no longer brought to a hospital as he died immediately. Upon further questioning by the Pagayons, Tessie and Gina told them that nobody reported the incident to the police as all of them were "demoralized" by the victim's death.[14]

Emma thereupon repaired to Funeraria Pamplona and had photographs of her brother-in-law taken as she planned to request for an autopsy of his body. When she broached the idea of subjecting the victim's body to an autopsy to Marina, the latter initially refused because of appellant Pabiona's instructions. She later agreed upon Emma's prodding.

Emma then went to Dr. Leonardo Deza, the municipal health officer of Passi, Iloilo, and requested for an autopsy of the victim's body. Dr. Deza was astonished and told Emma that he had already released the victim's death certificate^[15] upon processing by an unidentified woman.^[16] He then immediately caused the cancellation^[17] of the death certificate at the Office of the Civil Registrar. Upon examination of the cancelled death certificate, Emma noticed that her mother-in-law's signature therein was forged.^[18]

On November 25, 1996, Emma went to Dr. Owen Jaen Lebaquin, medico-legal officer of the Philippine National Police Crime Laboratory Service in Camp Delgado, Iloilo City, and requested for an autopsy of the victim's body.

Gathered from the postmortem examination conducted on the body of the victim on December 2, 1996 by Dr. Lebaquin are the following:

FINDINGS:

Fairly nourished, fairly developed previously embalmed male cadaver. Embalming incision sites are noted at the right lateral of the neck and at the umbilical area.

HEAD, TRUNK AND EXTREMITIES:

- 1) Hematoma, left periorbital area, measuring 4 x 4 cm, 5 cm from its anterior midline.
- 2) Abrasion, left mandibular area, measuring 2 x 0.5 cm, 9 cm from its anterior midline.
- 3) Area of multiple abrasion, right infraclavicular area, measuring 11 x 6 cm, 5 cm from its anterior midline.
- 4) Area of multiple abrasion, sternal notch area extending to the left supraclavicular area, measuring 8 x 6 cm, 5 cm from its anterior midline.
- 5) Area of multiple abrasion, left parasternal area extending to the left clavicular area, measuring 24 x 6 cm, 13 cm from its anterior midline.
- 6) Area of multiple abrasion, right costal margin extending to the epigastric area, measuring 29 x 11 cm, 9 cm from its anterior midline.
- 7) Abrasion, left iliac area, measuring 6 x 5 cm, 11 cm from its anterior midline.
- 8) Abrasion, distal 3rd of the right thigh, measuring 9 x 3 cm, 7 cm medial to its anterior midline.
- 9) Abrasion, umbilical area, measuring 7 x 5 cm, 3 cm from its anterior midline.
- 10) Area of Multiple Abrasion, nape area along the paravertebral area extending to the lumbar area, measuring 30 x 13 cm bisected by its posterior midline.

A linear fracture is noted at the left sphenoid.

A blood clot measuring 2 x 1 cm at the parietal lobe of the brain left side is noted.

Scalp hematoma is noted at the occipital area of the head.

Hemorrhagic areas are likewise noted at the underlying tissue of the left clavicular area.

Stomach is ½ full of partially digested food consisting mostly of rice.

CONCLUSION:

Cause of death is Cardiorespiratory arrest due to shock and hemorrhage as a result of multiple traumatic injuries to the body.^[19]

Upon the other hand, the defense presented appellants and Rosalina Padernal whose testimonies follow after their respective names:

Appellant Pabiona testified that at about 7 p.m. on November 20, 1996, he was told by his mother that Marina went to their house earlier to inform him that her son-the victim would resume work at his well.[20] He thereupon asked his brother to accompany him in fetching the victim. On arrival at the Pagayon house at about 7:30 p.m., Marina told them to wait while she prepared Robert's belongings. In the meantime, appellant Basalatan, together with his wife Teresita, arrived. The six of them, on board appellant Basalatan's jeepney, then left for appellant Pabiona's house where Marina and appellant Pabiona's brother alighted as they were to spend the night there. The rest of them proceeded to appellant Pabiona's farm in Barangay Agtambo at about 9 p.m. as they planned to continue digging at the well the following day.[21]

Appellant Pabiona and company arrived at the farm at about 9:30 p.m. and proceeded to a nipa hut, ten (10) meters away from the well, where they met appellants Metano, Silarca and accused de los Reyes.[22] They took supper after which appellant Basalatan and his wife Teresita left for home. The five remaining men then slept at the nipa hut.

Appellant Pabiona woke up the next day at about 5:45 a.m. and joined his companions who were drinking coffee. At around 7 a.m., he told them to stay at the nipa hut while he walked around the farm. His companions then told him that they would start digging shortly after he leaves.

At around 11:00 a.m., when appellant Pabiona was about 500 meters from the nipa hut, he was startled to find appellant Silarca running towards him, shouting that the victim fell down the well.[23] Both of them thus repaired to the well and found appellant Metano crying while accused de los Reyes was inside the well cradling the victim. Appellant Pabiona then instructed appellants Metano and Silarca to help the victim. After much difficulty, the victim being heavy, they were finally able to lift him from the 15 meter deep well by spreading his legs, placing him astride appellant Silarca's shoulders, tying a blanket which was connected to a rope around his armpits, pulling the rope (by appellant Pabiona) as appellant Metano and accused de los Reyes helped appellant Silarca climb the bamboo ladder inside the well.

After lifting the victim from the well, appellant Silarca performed mouth to mouth resuscitation in order to revive Robert, but to no avail.[24] They thereupon brought him to the nipa hut. Appellant Pabiona instructed accused de los Reyes to look for a vehicle so they could bring Robert to a doctor. He likewise ordered him to inform Marina that her son was involved in an accident.[25]

At about 12 noon, Marina, together with Annie Ardales, arrived at the nipa hut. Appellant Pabiona left for home at about 2:30 p.m.[26] while appellants Metano and Silarca remained in the hut with Marina and Annie.

Appellant Silarca testified that at about 9:30 p.m. on November 20, 1996, he, together with appellant Metano and accused de los Reyes, was at appellant Pabiona's nipa hut at Barangay Agtambo to work on the nearby well when appellants Pabiona and Basalatan, Teresita Basalatan and the victim arrived.[27] He then substantially corroborated appellant Pabiona's testimony regarding the events that transpired that night.

The following morning, with appellant Metano, accused de los Reyes and the victim, appellant Silarca prepared to work on the well. An iron bar, two bamboo poles and a shovel were inside the well.[28] While the victim was going down the bamboo ladder, he slipped on one of the rungs and let out a cry.[29] Appellants Silarca and accused de los Reyes were about seven meters away while appellant Metano was about a meter away when the victim slipped. Accused de los Reyes and appellant Metano went down the well to help the victim who fell on the objects earlier placed therein while he ran to find appellant Pabiona. He then corroborated appellant Pabiona's

version of the events that transpired thereafter, adding only that they washed the victim's body after lifting him from the well in order to check his injuries, his body being covered by mud from the well.[30]

Appellant Basalatan corroborated his co-appellants' version of what happened on the night of November 20, 1996 and added that he and his wife Teresita left the nipa hut at Barangay Agtambo at about 11:30 p.m. and proceeded to their home.[31] The following day, at about 6:30 a.m., he traveled to Iloilo City for some business and went home to Passi, Iloilo at about 4 p.m. He was then informed by his wife that the victim died after falling from the well at appellant Pabiona's farm.[32]

Appellant Metano corroborated his co-appellants' testimonies.

Rosalina Padernal, the aunt of Michael Pagayon, testified that, contrary to her nephew's testimony, Michael did not spend the night at her house on November 20, 1996.[33] She likewise testified that sometime in April 1997, Michael, together with a companion, went to her house and told her that if anyone asks whether he spent the night at her place on November 20, 1996, she should answer in the affirmative.[34]

By Decision of May 30, 2000, the trial court found appellants guilty of murder. The dispositive portion reads, quoted verbatim:

WHEREFORE, premises considered and in the light of the facts obtaining and the jurisprudence aforecited, judgment is hereby rendered finding the accused Benjie Pabiona, Roselo Basalatan, Antonio Silarca and Roberto Metano GUILTY beyond reasonable doubt of the crime of MURDER hereby sentencing the aforementioned accused to a penalty of RECLUSION PERPETUA and further condemning all of the said accused to indemnify the heirs of the victim actual damages in the amount of P232,100.00 and death compensation in the sum of P50,000.00

The bail bond posted by the accused are ordered cancelled and their subsequent arrest and confinement is ordered. The Jail Warden, Iloilo Rehabilitation Center, is ordered to remit (sic) National Penitentiary, New Bilibid Prison, Muntinlupa City at the earliest opportunity.

Let there be issued an alias order of arrest to the accused Christopher de los Reyes who remained (sic) at-large up to the present time.

SO ORDERED.[35]

Dissatisfied with the decision, the four appellants filed their Notice of Appeal[36] on July 20, 2000.

In their joint brief of February 4, 2002, appellants Basalatan and Silarca assign the following as errors of the trial court:

I

THE HONORABLE TRIAL COURT ERRED IN GIVEN (sic) CREDENCE TO THE UNCORROBORATED TESTIMONY OF THE LONE WITNESS OF THE PROSECUTION MICHAEL PAGAYON

II

THE PROSECUTION EVIDENCE IS PURELY CIRCUMSTANTIAL AND DOES NOT SATISFY THE REQUIREMENTS FOR SUFFICIENCY OF CIRCUMSTANTIAL EVIDENCE TO CONVICT THE ACCUSED

III

THE PROSECUTION HAS NOT OVERCOME THE BURDEN OF PROVING THE GUILT OF THE ACCUSED BEYOND REASONABLE DOUBT[37]

In his brief of March 9, 2002, appellant Pabiona imputes the following errors:

I

THE HONORABLE TRIAL COURT ERRED IN GIVING WEIGHT AND CREDENCE TO THE UNCORROBORATED TESTIMONY OF LONE EYE-WITNESS MICHAEL PAGAYON

II

THE HONORABLE TRIAL COURT ERRED IN HOLDING THAT, IN THE ALTERNATIVE, THERE IS CIRCUMSTANTIAL EVIDENCE SUFFICIENT TO WARRANT CONVICTION OF THE ACCUSED

III

THE HONORABLE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY OF THE CRIME OF MURDER BEYOND REASONABLE DOUBT[38]

Per certification[39] dated April 9, 2003 issued by Assistant Director Joselito A. Fajardo of the Bureau of Corrections, Muntinlupa City, this Court was informed of the death of appellant Metano on August 30, 2002.[40]

In rendering its decision, the trial court disregarded appellants' version of what transpired and relied on circumstantial evidence culled from the testimonies of the prosecution witnesses, which it enumerated as follows:

- a) the accused Benjie Pabiona and Roselo Basalatan personally brought the victim Robert Pagayon to the crime scene in the evening of November 20, 1996 situated on the property of the Pabiona family;
- b) the presence of all the accused in the scene of the crime immediately before, during and immediately after the incident;
- c) no one reported the death of the victim to the police authorities nor to any barangay officials;
- d) the victim was not brought by the accused to the hospital immediately after the incident;
- e) the driver and a laborer of Pamplona Funeral Homes were instructed not to bring any casket when they got the cadaver of the victim from the crime scene;
- f) the cadaver of the victim was washed by the accused and seen by the victim's mother naked with his clothes nowhere to be found except for a stripe (sic) short pants on not belonging to the victim;
- g) the well where the victim accidentally fell as claimed by the accused is only five (5) meters deep with sandy soil and one (1) foot deep water at the bottom thereof; and
- h) no other person/persons were present before, during and after the incident except the five (5) accused.[41]

The trial court likewise relied upon the testimony of Michael Pagayon, the pertinent portions of which read:

Q:

Because you said you slept in the house of your aunt Rosalina Padernal because you were not able to catch up (sic) a ride at 6:00 o'clock, at 9:00 o'clock in the evening, where were you specifically at Brgy. Agtambo?

A: At around 9:00 o'clock I went to a store to buy cigarettes but the store was already closed.

Q: Because the store was already closed at 9:00 o'clock when you intended to buy cigarettes, what happened next?

A: I walked home because there was no cigarettes.

Q:

From the store where you intended to buy cigarettes from the house of your aunt Rosalina Padernal, how far is that in terms of meters, more or less?

A: About 300 meters.

x x x

Q:

When you were walking from the store where you intended to buy cigarettes back to your house, to the house of your aunt Rosalina Padernal, did you notice of (sic) any unusual incident?

A: Yes, sir.

Q: What was that about?

A: I heard a shout asking for help.

Q: When you heard a shout asking for help, what did you do?

A: I went near.

Q: From where [did] that shout of help came (sic) from?

A: From the river.

Q:

From where you were standing at that time towards the place in the river where the shout came from, how far from (sic) you?

A: 10 meters.

Q: Were you able to reach the river where the shout for help came from?

A: No, sir.

Q:

You said you were not able to reach the river where the shout came from, how many meters more or less were you from the place where the shout came from?

A: 10 meters.

x x x

Q:

You said you saw them mauling and kicking a person, why were you able to see those people mauling and kicking a person?

A: Because I went there.

x x x

Q: How many people were mauling that person?

A: Five.

Q: How many persons were being mauled and kicked?

A: One.

Q: Do you know these persons who mauled the person?

A: Yes, sir.

Q: Can you mention their names?

A: Yes, sir.

Q: Please tell the Court?

A:

Benjie Pabiona, Antonio Silarcan (sic), Roberto Metano (Witness pointing to persons seated on the accused bench), Roselo Basalatan, Christopher delos Reyes.

Q: This Benjie Pabiona that you mentioned, is he inside the Courtroom?

A: Yes, sir.

Q:

Please point to him? (Witness pointing to a person inside the Courtroom who when asked answered to the name of Benjie Pabiona).

Q: How about Antonio Silarca, is he inside the Courtroom?

A: Yes, sir.

Q:

Please point to the accused. (Witness pointing to a person when asked answered to the name of Antonio Silarca).

Q:

How about Roselo Basalatan? (Witness pointing to a person when asked answered to the name of Roselo Basalatan).

Q: How about Roberto Metano? (Witness pointing to a person who answered to the name of Roberto Metano).

Q: How about Christopher delos Reyes, is he inside the Courtroom?

A: No, sir.

Q:

You said that these people were mauling a person (sic), what was Benjie Pabiona particularly doing at that time you saw (sic)?

A: Holding a bamboo.

Q: What was he doing with the bamboo?

A: Striking.

Q: While he was striking the person with the bamboo, was he saying anything?

A: Yes, sir.

Q: What did he say?

A: What I have heard, "What did you tell, ha?"

Q: How about this Antonio Silarca, what was he doing actually?

A: Also holding a bamboo.

Q: What was he doing with the bamboo?

A: Striking with the bamboo.

Q: How about Roselo Basalatan, what was he doing at that time?

A: Also holding a bamboo.

Q: What was he doing?

A: Also hitting.

Q: How about Roberto Metano, what was he doing at that time?

A: Also the same.

Q: How about Christopher delos Reyes, what was he doing at that time?

A: Also the same.

Q: Have you seen how big is the bamboo being held by Benjie Pabiona?

A: Yes, sir.

Q: Will you please show?

A: As big as my wrist which is about 2 inches in diameter.

x x x

Q:

At thattime (sic), at about 9:00 o'clock in the evening that you saw these people mauling the person, do you know the person being mauled at that time?

A: No, sir.

Q: Because that night you did not know who the person being mauled (sic), what did you do?

A: I went home.

Q: You went home to whose house?

A: Antie (sic) Saling.

Q: The following morning what time did you wake up?

A: 6:00 o'clock.

Q: When you woke up where did you go?

A: I went back to Iloilo to my work.

x x x

Q: Were you present when Robert Pagayon died?

A: No, sir.

Q: So you do not personally know at what time did Robert Pagayon die?

A: No, sir.

Q: Also you do not know on what date Robert Pagayon died because you were not there?

A: I do not know the time, place on November 21 and November 20 when he died.

Q: Also you do not know the actual circumstances and how Robert Pagayon died because you were not there?

A: I know.

Q: You were there when Robert Pagayon died?

A: No, sir.

Q: So how did you know how Robert Pagayon died because you said you do (sic) were not there?

A: When he was mauled he is not yet dead.

Q: Did you see Robert Pagayon being mauled?

A: Yes, sir.

Q: You are very positive that you saw Robert Pagayon being mauled?

A: Yes, sir.

Q: You said that because you saw the person being mauled?

A: The one being mauled I do not know him when he was being mauled.

Q:

And you are saying that you are merely making a conclusion and your opinion that the person mauled was Robert Pagayon?

A: Yes, sir.

Q: That is your own belief?

A: Yes, sir.[42]

The fundamental issue in the instant appeal is whether or not there is sufficient circumstantial evidence to sustain the trial court's judgment finding appellants guilty beyond reasonable doubt.

Circumstantial evidence is that evidence which proves a fact or series of facts from which the facts in issue may be established by inference.[43] Such evidence is founded on experience and observed facts and coincidences establishing a connection between the known and proven facts and the facts sought to be proved.[44]

Section 4 of Rule 133 of the Rules on Evidence provides that circumstantial evidence is sufficient for conviction if the following requisites are complied with: (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. With respect to the third requisite, the circumstantial evidence presented must constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused, to

the exclusion of others, as the guilty person.[45] All the circumstances must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent and with every other rational hypothesis except that of guilt.[46]

From a considered scrutiny of the evidence in the case at bar in light of the standards set forth above, this Court holds that the evidence adduced by the prosecution does not prove the guilt beyond reasonable doubt of appellants.

The evidence does not rule out the possibility that there had only been an accidental death. Hitting one's head on a hard object such as an iron bar or shovel after accidentally slipping could account for the fracture, blood clot and scalp hematoma found on the back of the victim's head which, in turn, could have caused his death soon thereafter. As testified to by Dr. Lebaquin:

Q: Of these injuries mentioned, what could have been considered as the fatal injury which caused the death?

A: Fracture of the skull.

x x x

Q: In terms of minutes, how many minutes or hours will death occur after these injuries were sustained?

A: There was a blood clot. I think immediately, it is possible the victim could have died minutes after.

Q: 5 minutes?

A: Possible.

Q: 10 minutes?

A: Possible.[47]

The victim's injuries, contrary to the trial court's evaluation, are more consistent with appellants' version of the events that transpired on November 21, 1996. While the victim sustained a fracture, a hematoma and a blood clot on his head, the rest of the injuries on his body are mere abrasions.[48] Abrasions are injuries characterized by the removal of the superficial epithelial layer of the skin caused by rubbing or friction against a hard rough surface.[49] Such abrasions found on the victim's body are more likely to have been caused by his slipping from the bamboo ladder and falling into the well rather than by force applied by five able-bodied men striking him with bamboo poles and kicking him as claimed by the prosecution. As testified to by Dr. Lebaquin:

Q:

Next item, Injury No. 2. Abrasion, left mandibular area, measuring 2 x 0.5 cm. 9 cm. from its anterior midline. Please point to the Court where is this situated?

A: Left jaw.

Q: In the layman's language, please kindly explain to the Court this injury?

A: In our dialect this is called "gasgas", caused by rubbing in a rough surface.

Q: Please explain what could have caused this?

A: Rubbing of the skin at hard object.[50]

The mere presence of appellants at an alleged locus criminis does not suffice to implicate them in a crime,[51] more so as in the case at bar where appellants' presence was sufficiently explained to have been due to their

digging of the well on appellant Pabiona's property which commenced long before November 20, 1996.

While the motive of the accused in a criminal case is generally held to be immaterial, not being an element of the crime, motive becomes important when, as in this case, the evidence of the commission of the crime is purely circumstantial or inconclusive and there is some doubt on whether a crime has been committed or whether the accused has committed it.[52]

In the case at bar, the prosecution was unable to establish motive of the appellants in allegedly perpetrating the offense charged. In fact, prosecution eyewitness Michael Pagayon testified:

Q: Before November 20, 1996, do you know if there was any misunderstanding or quarrel between Robert Pagayon on the one hand and any or all of the accused here in Court?

A: No, sir, he has no enemy.[53]

The records reveal, on the other hand, that the Pagayons enjoyed close relations with appellants, Marina being, as reflected above, a co-member of the appellants in CMJM. It was even shown that she was accustomed to sleeping over at the Pabiona residence at every opportunity.[54]

This Court likewise notes prosecution eyewitness Michael Pagayon's inordinate delay in reporting what he allegedly saw on the night of November 20, 1996. Even after hearing the radio news report on his cousin-the victim's death on December 1, 1996 and deducing that he was the victim of the mauling that he claimed to have witnessed, he only reported such incident to his aunt Marina and the authorities two months later. It is but logical for a relative who was an eyewitness to a crime to promptly and audaciously take the necessary steps to bring the culprit into the hands of the law and seek justice for the poor victim.[55]

It may be relevant to note too that while in his direct examination, Michael categorically declared that he saw only five persons mauling an unidentified man,[56] in his cross examination, he testified that there were actually seven men:

Q:

In this affidavit of yours you stated that aside from the five accused here, there were 2 other persons because you said there were seven (7) persons mauling another, do you remember that?

x x x

A: I saw the two but I do not know them.

Q: But during the direct examination you said there were five (5) persons who mauled (sic)?

A: Yes, sir.[57]

That appellants were the malefactors cannot be simply inferred from the mere fact that appellant Pabiona and his family offered to shoulder the expenses for the burial of Robert. As the victim was in appellant Pabiona's employ and died while working at his well, it was not unnatural for him to make an offer to bear the expenses that Marina would incur attendant to the burial of her son.

Nor can appellants' failure to report the victim's death to police authorities and barangay officials be considered as an indication of their guilt, as the records show that they, through their relatives,[58] immediately informed the victim's mother and brother that he died.

The other circumstances enumerated by the trial court are too equivocal to establish appellants' guilt beyond reasonable doubt.

In *People v. Capili*,^[59] this Court similarly ruled that the circumstantial evidence adduced by the prosecution was utterly inadequate to justify a judgment of conviction:

In fact, there is even some possibility that Badua's identification of accused-appellant as the perpetrator was a mere afterthought, there being no definite lead as to the identity of the author of the crime even after the lapse of several days following the finding of the cadaver of the victim by the riverside on October 7, 1994. The foregoing considerations taken together cast reasonable doubt on the culpability of accused-appellant as killer of Alberto Capili. The evidence which stands on record does not eliminate the possibility of absence of foul-play, i.e., that there had been only an accidental death by drowning. Striking a rock after accidentally slipping could cause contusions similar to those found at the back of the victim's head and shoulders and result in the loss of consciousness leading to drowning. Only by proof beyond reasonable doubt, which requires moral certainty, may the presumption of innocence be overcome. Moral certainty has been defined as "a certainty that convinces and satisfies the reason and conscience of those who are to act upon it". Absent the moral certainty that accused-appellant caused the death of the victim, acquittal perforce follows.^[60]

It is a basic principle in criminal law that where the evidence is capable of two or more inferences, one of which is consistent with the presumption of innocence and the other compatible with a finding of guilt, the court must acquit the accused because the evidence does not fulfill the test of moral certainty and therefore is insufficient to support a judgment of conviction.^[61] Where the evidence on an issue of fact is in equipoise or there is doubt on which side the evidence preponderates, the party having the burden of proof loses.^[62]

In the case at bar, two antithetical interpretations may be inferred from the evidence presented. The pieces of circumstantial evidence do not inexorably lead to the conclusion that appellants are guilty of the crime charged.

The circumstances proffered by the prosecution and relied upon by the trial court only create suspicion that appellants probably perpetrated the crime charged. However, it is not sufficient for a conviction that the evidence establishes a strong suspicion or probability of guilt.^[63]

The basis of acquittal in this case is reasonable doubt, the evidence for the prosecution not being sufficient to sustain and prove the guilt of appellants with moral certainty. By reasonable doubt is not meant that which of possibility may arise but it is that doubt engendered by an investigation of the whole proof and an inability, after such an investigation, to let the mind rest easy upon the certainty of guilt.^[64] An acquittal based on reasonable doubt will prosper even though the appellants' innocence may be doubted, for a criminal conviction rests on the strength of the evidence of the prosecution and not on the weakness of the evidence of the defense.^[65]

WHEREFORE, the May 30, 2000 decision of the Regional Trial Court of Iloilo City, Branch 23 is hereby REVERSED and SET ASIDE. Appellants Benjie Pabiona, Roselo Basalatan, and Antonio Silarca are ACQUITTED of the charge of murder on the ground of reasonable doubt. Their immediate release from custody is hereby ordered unless they are being held for other lawful causes.

SO ORDERED.

Sandoval-Gutierrez, and Corona, JJ., concur.
Vitug, (Chairman), J., on official leave.

[1] Rollo at 29-64.

[2] *Id.* at 13.

[3] Records at 206.

- [4] TSN, August 12, 1997 at 8.
- [5] Id. at 15.
- [6] Id. at 62.
- [7] Id. at 19-20.
- [8] Id. at 25.
- [9] TSN, October 7, 1997 at 23.
- [10] Id. at 31.
- [11] Id. at 37.
- [12] TSN, August 25, 1997 at 4.
- [13] Id. at 6.
- [14] Id. at 7.
- [15] Exhibit “G”, Records at 7.
- [16] TSN, August 26, 1997 at 6.
- [17] Exhibit “I”, Records at 9.
- [18] TSN, August 25, 1997 at 15.
- [19] Exhibit “A”, Records at 1-2.
- [20] TSN, August 3, 1999 at 6.
- [21] Id. at 10.
- [22] Id. at 12-13.
- [23] Id. at 20-21.
- [24] Id. at 25, TSN, November 12, 1998 at 21.
- [25] TSN, August 31, 1999 at 4.
- [26] TSN, August 3, 1999 at 28.
- [27] TSN, November 12, 1998 at 4-5.
- [28] Id. at 18.
- [29] Id. at 10.
- [30] Id. at 20-21.
- [31] TSN, May 4, 1999 at 19.
- [32] Id. at 21.
- [33] TSN, September 15, 1998 at 7.
- [34] Id. at 8.

[35] Rollo at 63-64.

[36] Id. at 65.

[37] Id. at 166.

[38] Id. at 112.

[39] Id. at 361.

[40] Id. at 362.

[41] Id. at 62-63.

[42] TSN, August 12, 1997 at 7-82.

[43] People v. Ayola, 364 SCRA 451, 461 (2001), People v. Lugod, 352 SCRA 498, 515 (citation omitted), People v. Rondero 320 SCRA 383, 396 (1999) (citation omitted).

[44] People v. Ayola, 364 SCRA 451, 461 (2001) (citations omitted).

[45] People v. Sevileno, G.R. No. 152954, March 10, 2004 (citation omitted), People v. Leaño, 366 SCRA 774, 786 (2001), People v. Balderas, 276 SCRA 470, 483 (1997) (citation omitted).

[46] People v. Espina, 326 SCRA 753, 763 (2000) (citations omitted), Abad v. Court of Appeals, 291 SCRA 56, 61 (1998) (citations omitted), People v. De Guzman, 250 SCRA 118, 125-126 (1995) (citations omitted).

[47] TSN, August 11, 1997 at 22-23.

[48] Exhibit "A", Records at 1.

[49] P. Solis, Legal Medicine 260 (1987).

[50] TSN, August 11, 1997 at 10.

[51] Abad v. Court of Appeals, 291 SCRA 56, 62 (1998) (citations omitted), People v. Parel, 261 SCRA 720, 734-735 (1996).

[52] People v. Leaño, 366 SCRA 774, 791 (2001), People v. Galano, 327 SCRA 462, 473-474 (2000).

[53] TSN, August 12, 1997 at 80.

[54] TSN, August 3, 1999 at 9-10.

[55] People v. Capili, 333 SCRA 354, 365 (2000).

[56] TSN, August 12, 1997 at 12.

[57] Id. at 77.

[58] TSN, August 25, 1997 at 3, TSN, October 7, 1997 at 23.

[59] 333 SCRA 354, 366 (2000).

[60] Id. at 366 (citations omitted).

[61] People v. Cañete, G.R. No. 128321, March 11, 2004, People v. Leaño, 366 SCRA 774, 791 (2001), People v. Ayola, 364 SCRA 451, 463 (2001) (citation omitted), People v. Mijares, 297 SCRA 520, 531 (1998) (citation

omitted), *People v. Cawaling*, 293 SCRA 267, 307 (1998) (citation omitted), *People v. De Guzman*, 250 SCRA 118, 126 (1995) (citation omitted).

[62] *Tin v. People*, 362 SCRA 594, 605 (2001) (citation omitted).

[63] *People v. Morada*, 307 SCRA 362, 380 (1999).

[64] *People v. Cañete*, G.R. No. 128321, March 11, 2004.

[65] *People v. Leaño*, 366 SCRA 774, 792 (2001).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.