TERESITA P. BUENAVENTURA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 148079. June 27, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

Under consideration is this petition for review on certiorari under Rule 45 of the Rules of Court to nullify and set aside the following issuances of the Court of Appeals (CA) in CA-G.R. CR No. 21676, to wit:

1) Decision[1] dated December 21, 2000, affirming, with modification, an earlier decision of the Regional Trial Court (RTC) of Cebu convicting herein petitioner of the crime of homicide; and

2) Resolution[2] dated May 3, 2001, denying petitioner's motion for reconsideration.

Respondent People in its Memorandum[3] tersely summarized the prosecution's evidence in this manner:

> On October 12, 1992 at 9:00 o'clock in the morning, Benedicta Garcia eighty four (84) years old, told her daughter-in-law Alicia Garcia that she was going to the house of petitioner Teresita Buenaventura at Daan Tabuyon, Tabugon, Cebu (TSN, November 17, 1993, pp. 6-8; Petition, Annex A). According to Epifanio Comedido, petitioner's neighbor, he heard Benedicta and petitioner arguing inside the latter's house (TSN, September 14, 1993, pp. 5-12).
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> In the afternoon of that day, Florentino Gepiga had just finished loading six (6) gallons of water into his banca when he decided to buy a match at the store near the artesian well where he fetched water. The store was owned by petitioner's daughter, Maritess. Florentino was not able to buy a match because he was bothered by a thudding sound coming from petitioner's house which was connected to the store. Peeping through the house window, Florentino saw petitioner hit Benedicta Garcia twice on the head with a bottle. Benedicta fell on the floor. Petitioner then proceeded to strangle Benedicta while smashing her head on the floor. Not wanting to get involved, Florentino left and rushed home on board his banca (TSN, August 20, 1993, pp. 6-8; August 24, 1993; pp. 14-16; 20-21; August 26, 1993, pp. 23-24; September 8, 1993; pp. 14-19).
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> Epifanio Comedido was on his way home after fetching seawater to clean his pigsty (TSN, September 14, 1993, pp. 5-7, 11-12). He saw petitioner sitting on the first cemented stair of her house (ibid, pp. 12-13). Petitioner called him. Epifanio entered petitioner's yard and saw Benedicta leaning on the cemented bench with her legs, stiff, and her eyes open (ibid, p. 14). Concerned with the condition of Benedicta, Epifanio confronted petitioner what happened. Petitioner, who appeared drunk, informed Epifanio that it was nothing and that Benedicta was simply drunk (TSN, September 14, 1993, pp. 14-15; TSN, October 11, 1993, p. 13). Petitioner then requested Epifanio to assist her in lifting Benedicta. Benedicta, who appeared to be unconscious, was taken to the rear portion of Maritess' store where she was laid on a mat and provided with a pillow (TSN, September 14, 1993, pp. 17-18; TSN, October 11, 1993, pp. 14-19). Petitioner then requested Epifanio to watch over Benedicta. Epifanio refused and moments later, he left to inform the children of Benedicta about her condition (TSN, October 11, 1993, pp. 19-21).

> Elpedia Garcia and Alicia Garcia, daughter and daughter-in-law of Benedicta, respectively, repaired forthwith to petitioner's house to fetch Benedicta (TSN, November 17, 1993, pp. 8-9). Petitioner was no longer there (ibid, pp. 28-29). Benedicta, still unconscious, was brought home (TSN, November 17, 1993, p. 9).
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> The following day, October 13, 1992, Benedicta's condition was getting worse. Her neck swelled. She was not taking any food and could only speak in whispers (ibid, p. 10). She just shook her head when told to be brought to the doctor (ibid, p. 110). Her condition worsened further on the succeeding days (ibid, p. 52).
>
> On October 16, 1992, around 7 o'clock in the evening, Bendicta signaled for Alicia to come close to her, which the latter did. When Alicia was close enough, Benedicta motioned how she was held and choked in the neck and then struck, while uttering petitioner's nickname "Citas" (ibid, pp. 11-12; 31). Five minutes later, Bendicta died (ibid, p. 12).
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> On November 5, 1992, NBI Medico-Legal Officer Dr. Tomas Refe conducted an autopsy on the exhumed body of Benedicta (TSN, October 13, 1993, pp. 12-12). His postmortem findings, among others, reveal:Cause of Death: Hemorrhage, intracranial, extensive, severe, with skull fracture, traumatic.[4]

On March 25, 1993, in the Regional Trial Court (RTC) of Cebu, petitioner was indicted for homicide under an information which alleged as follows:

> That on October 12, 1992 at 1:00 o'clock in the afternoon, more or less, at Sitio Daan Tabugon, Municipality of Tabugon, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there willfully, unlawfully and feloniously with the use of an empty bottle attack and hit the head of BENEDICTA GARCIA, strangled and dragged her at the cement floor, thereby resulting the death of said BENEDICTA GARCIA.
>
> CONTRARY TO LAW.[5]

In a decision dated June 20, 1997, the trial court found petitioner guilty of homicide and sentenced her, thus:

> WHEREFORE, in view of all the foregoing premises, the Court hereby finds the accused Teresita Buenaventura GUILTY beyond reasonable doubt of the crime of homicide and, taking into account the rules of mitigating and aggravating circumstances and applying the Indeterminate Sentence Law, hereby imposes upon her the indeterminate penalty of imprisonment of ten (10) years and one (1) day of prision mayor, as the minimum of it, to seventeen (17) years and four (4) months of reclusion temporal, as the maximum thereof.
>
> The accused is also hereby ordered by the Court to indemnify the heirs of Benedicta Garcia in the sum of FIFTY THOUSAND PESOS (P50,000.00) as death indemnity.
>
> SO ORDERED.[6]

On December 21, 2000, the CA affirmed with modification the appealed RTC decision:

> WHEREFORE, we AFFIRM the appealed decision dated June 20, 1997 in Criminal Case No. CBU-29420 with modification as to the penalty imposed against accused Teresita Buenaventura in that she is sentenced to suffer an indeterminate penalty of 6 years and 1 day of prision mayor as MINIMUM to 12 years and 1 day of reclusion temporal as MAXIMUM.
>
> SO ORDERED.[7]

Undaunted, petitioner is now with us via the instant recourse raising the following issues:

> - Whether or not the CA committed a reversible error in affirming the trial court's decision, which denied petitioner's motion for new trial, despite the established fact that petitioner's former counsel was guilty of gross negligence and professional inefficiency resulting in deprivation of the petitioner's constitutional right to due process.

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- Whether or not the CA committed a reversible error in affirming the trial court's decision, which denied petitioner's motion for new trial, despite the fact that the proposed testimony of Rodrigo Gepiga constitutes a newly-discovered evidence.

- Whether or not the CA committed reversible error in affirming the conviction of the petitioner, despite the fact that the totality of the prosecution's evidence was grossly insufficient to prove beyond reasonable doubt the guilt of the petitioner of the crime charged in the Information.

A perusal of the record brings to mind the legal maxim: "mas vale que queden sin castigar dies reos presuntos, que se castigue uno inocente." [8]

We GRANT the petition.Basic is the doctrine that proof beyond reasonable doubt is needed to overcome presumption of innocence.[9] The guilt of the accused must be proved beyond reasonable doubt,[10] otherwise, the Court is left without any other recourse but to rule acquittal. Courts should be guided by the principle that it would be better to set free ten men who might be probably guilty of the crime charged than to convict one innocent man for a crime he did not commit. In this instance, while there are accusing fingers pointing to petitioner as the perpetrator of the crime, the circumstances obtaining in this case leave some probability that she is innocent.

For one, it is established that petitioner did not flee from the alleged scene of the crime, but rather even sought help from no other than the prosecution's witness, Epifanio Comedido himself, to give some aid and comfort to the alleged victim. As witness Comedido, on direct examination testified:

Atty. Creer:

Q - When you were there outside fetching sea water a few steps away from your house, what transpired.

A - When I climbed the sea wall after fetching water, Teresita saw me and called me.

Q - This Teresita whom you identified a while ago?

A - Yes, sir.

Q - When she called for you, did you answer her call?

A - Yes, sir.

Q - What transpired?

A - I put down the pail of water near the fireplace and went to her house.

x x x

A - I asked her what she wanted from me because she called me.

Q - What was her answer?

A - She pointed to Benedicta and said: "We will lift her".

Q - Were you able to lift her?

A - Yes we helped each other.

x x x

Q - What did you do next?

A - She told me not to go home. When I brought the mat we again lift Benedicta and placed the mat under her and let her lie down.

Q - After all these, what did you do next?

A - I was still there then she got a pillow for Benedicta.[11]

It is quite taxing for the Court to reconcile petitioner's actuation of not immediately abandoning her supposed victim, but instead laying said victim on a mat and even giving a pillow for her head, with a finding of guilt for the crime charged. It is rather unthinkable why petitioner would even call the attention of a potential eyewitness by seeking the latter's assistance in lifting the body of her supposed victim onto a mat, when the natural instinct of a person who has just committed wrong is to avoid being noticed by anyone in the vicinity of the crime scene. Non-flight may not necessarily indicate innocence, but under the circumstances obtaining in the present case, the Court recognizes the fact that while the guilty flees even as no one pursues him, the innocent remains as brave and steadfast as a lion.[12] This raises reasonable doubt as to whether petitioner indeed committed the crime charged.

The Court further noted that despite having allegedly witnessed petitioner hit Benedicta Garcia on the head, the supposed eyewitness, Florentino Gepiga, did not bother to report what he saw to the latter's children or immediate relatives while Benedicta was still alive. Neither did he report the incident to the authorities before the victim's

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death or immediately thereafter. It was only after almost two (2) months when he allegedly went to the victim's relatives to relate the circumstances surrounding Bendicta's death. It was only after Benedicta's relatives brought him to the Criminal Investigation Section of the Philippine National Police (CIS-PNP) did he execute a sworn statement dated December 10, 1992[13] which, among other affidavits, led to the filing of a Complaint before the Municipal Circuit Trial Court of Borbon-Tabugon, Cebu, for purposes of preliminary investigation. His lame excuse that he was "afraid to be involved in the case"[14] is simply unacceptable.

The Court likewise cannot help but give weight to the accusers' tendency to coach their very own alleged eyewitness, Florentino Gepiga, to wit:

Atty. Bragat:

Q - Before you testified here on August 19, Thursday of last week, you told the court that you were able to talk with Gloria Garcia. My question reiterated is: Did Gloria Garcia tell you what to testify here in relation to this case?

A - I was told by Gloria.[15]

This admission of prosecution eyewitness, Florentino Gepiga, during cross-examination that private complainant Gloria Garcia coached him on what to testify in court, his unjustified delay to report the incident to anyone, not even to the victim's relatives, coupled with the fact of petitioner's non-flight, give the Court cogent reasons to doubt petitioner's guilt of the crime charged.

Besides, it is even harder to believe that a sixty-four (64) year-old woman, as the petitioner was at the time of the alleged incident, would actually kill an elderly eighty-four (84) year-old woman in cold blood by hitting the latter with a bottle on her head, and after her victim fell, choke her and hit her head on the floor. Only a mad woman is capable of such an act of extreme violence upon a person of that age as the deceased for no apparent motive whatsoever.

For more than half a century now, the Court had repeatedly ruled that "evidence to be believed must not only proceed from the mouth of a credible witness, but it must be credible in itself – such as the common experience and observation of mankind can approve as probable under the circumstances."[16] There can never be a better gauge by which a witness' testimony may be evaluated and analyzed than the ordinary common human experience. This becomes even more important in this case when, as found by no less than the CA, the judge who rendered the decision of conviction was not the same judge who heard the case on trial, thus not having been afforded the opportunity to personally observe the demeanors of the witnesses.

For sure, the Court is not satisfied that the constitutional presumption of innocence which petitioner is entitled to, was adequately overcome. Petitioner's guilt beyond reasonable doubt was not duly established. While it does not require absolute certainty, it is necessary that after the Court reviews the whole record, the prosecution's evidence in its totality produce moral certainty of petitionerï¿½s culpability in the Court's unprejudiced mind. It signifies such proof that will convince and satisfy reason and conscience that the accused may be punished and sentenced accordingly.

As held in People vs. Beltran:[17]

> x x x 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 could be laid the responsibility for the

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offense charged; that not only did he perpetrate the act but that it amounted to a crime.

In the light of the foregoing disquisition, the Court finds it unnecessary to dwell into the other arguments raised by the petitioner.

WHEREFORE, the petition is hereby GRANTED and petitioner is ACQUITTED of the crime charged. No costs.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

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[1] Penned by then Associate Justice Alicia Austria-Martinez (now a member of this Court), with Associate Justices Hilarion L. Aquino (ret.) and Mercedes Gozo-Dadole (ret.), concurring; Rollo, pp. 47-63.

[2] Id. at 64.

[3] Id. at 103-107.

[4] Record, p. 18.

[5] Record, p. 1.

[6] Record, p. 199.

[7] Rollo, p. 62.

[8] People vs. Cunanan, G.R. No. L-17599, April 24, 1967, 19 SCRA 769.

[9] People vs. Reyes, G.R. Nos. L-36874-76, September 30, 1974, 60 SCRA 126.

[10] People vs. Maliwanag, G.R. No. L-30302, August 14, 1974, 58 SCRA 323.

[11] TSN, 14 September 1993, pp. 12-13, 15-16, 18.

[12] People vs. Capili, 388 Phil. 1026 (2000).

[13] Record, pp. 8-9.

[14] Record, p. 23.

[15] TSN, August 26, 1993, p. 15.

[16] People vs. Lacson, 83 Phil. 574 (1949); People vs. Macatangay, 107 Phil. 188 (1960); People vs. Baquiran, GR No. L-20153, June 29, 1967, 20 SCRA 451; People vs. Beltran, GR No. L-31860, November 19, 1974, 61 SCRA 246; People vs. Santos, GR No. L-38512, November 16, 1979, 94 SCRA 277; People vs. Peruelo, GR No. L-50631, June 29, 1981, 105 SCRA 226; People vs. Joyno, G.R. No. 123982, March 15, 1999, 304 SCRA 655.

[17] G.R. No. L-31860, November 29, 1974, 61 SCRA 246.

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