

ARTEMIO YADAO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 150917. September 27, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

For Review[1] is the 18 April 2001 Decision[2] and 13 November 2001 Resolution[3] of the Court of Appeals in CA-G.R. CR No. 19818, affirming in toto the 28 March 1996 Decision[4] of the Regional Trial Court of Bauang, La Union, Branch 33, in Criminal Case No. 1042-BG.

Petitioner Artemio Yadao (Yadao) prays for the reversal of the decision finding him "guilty beyond reasonable doubt of the crime of homicide as charged in the information x x x,"[5] defined and penalized under Article 249 of the Revised Penal Code for the death of Deogracias Gundran (Gundran), and sentencing him to suffer the "indeterminate penalty of FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of prision correccional in its maximum period, as Minimum to EIGHT (8) YEARS of prision mayor in its minimum period, as Maximum, x x x."[6]

On 21 April 1989, petitioner Yadao was charged with the crime of homicide before the Regional Trial Court (RTC) of Bauang, La Union, Branch 33, for allegedly mauling one Deogracias Gundran, in an Information,[7] the accusatory portion of which states:

That on or about the 1st day of October, (sic) 1989, in the Municipality of Bauang, Province of La Union, 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 attack, assault and maul one DEOGRACIAS GUNDRAN, thereby inflicting upon said victim several injuries on the different parts of his body which directly caused his death, to the damage and prejudice of the heirs of the victims.

CONTRARY TO ART. 249 of the Revised Penal Code.

The case was docketed as Criminal Case No. 1042-BG.

Upon arraignment, petitioner Yadao with assistance of a counsel de parte, pleaded "Not Guilty" to the crime charged. Thus, trial ensued, with the prosecution presenting four witnesses, namely 1) Carmelita Limon,[8] 2) Teofilo Gundran,[9] 3) Napoleon Estigoy[10] and 4) Dr. Arturo Llavore,[11] to establish petitioner Yadao's culpability beyond reasonable doubt of the crime charged.

To counter the evidence abovementioned, the defense offered the testimonies of the following defense witnesses: 1) petitioner Artemio Yadao, 2) Reynaldo Feratero,[12] 3) Dr. Magdalena Alambra,[13] 4) Calixto Chan[14] and 5) Evelyn Uy, as well as documentary evidence, i.e., the Autopsy Report of Dr. Alambra.

From a review of the record of the case, we cull the following established facts:

It was petitioner Yadao's birthday on 1 October 1988. As such, he had a few guests over at his house to help him

celebrate it. The guests included defense witnesses Reynaldo Feratero, Calixto Chan and Evelyn Uy. At around 9:00 a.m., petitioner Yadao noticed the victim, Gundran,[15] albeit not invited, to be milling around with the guests and was already drinking gin. At around 3:45 p.m. of the said day, while petitioner Yadao was sitting on one end of a bench, the victim, who happened to be lying down on the other end of the same bench, suddenly stood up. Because no one else was sitting on the middle, said bench tilted due to the weight of petitioner Yadao, thus, causing him to fall to the ground. Upon seeing him fall to the ground, the victim went over to petitioner Yadao and began boxing him on the stomach. Petitioner Yadao's wife tried to pacify her nephew but this merely enraged the latter who then got a can opener and tried to stab petitioner Yadao with it. The latter deflected said attempt and delivered a slap on the face of the victim in order to "knock some sense" into him. But because he was already intoxicated, as he had been drinking since early that morning, the victim lost his balance, hit his head on the edge of a table and fell to the ground landing on his behind. The other guest helped the victim to stand up and proceeded to show him to the door.

The victim, Gundran, left the house of petitioner Yadao, between 4:00 to 5:00 p.m., and proceeded to the house of Carmelita Limon who was the sister of one of his friends. At that time, Limon was inside her house doing the laundry. Upon seeing him, Limon noticed a one-inch in diameter lump on the victim's forehead. The victim told her that he came from the birthday party of petitioner Yadao and that the latter "mauled" him. While she treated the "wound" with "kutsay," an herb, the victim complained of pain on his breast/stomach area, the area where he claimed to have been hit by petitioner Yadao.

Two days later, or on 3 October 1988, Teofilo Gundran, the father of the victim was informed by his granddaughter that his son, the victim, was having difficulty breathing. Teofilo Gundran then proceeded to where the victim was, which happened to be in his (the victim's) sister's house, a short distance away from Limon's house. When he got to the house, Teofilo Gundran saw the victim sitting on an "arinola" gasping for breath. He then held the victim's two hands until the latter expired.

On the same day that he died, the body of the victim was autopsied by Dr. Magdalena Alambra, Medical Specialist II of the Rural Health Unit of Bauang, La Union. In her Autopsy Report, she made the following findings:

PERTINENT PHYSICAL FINDINGS:

- Hematoma suboponeurotic layer of the scalp rt. Fronto parietal area 10 cm. in length and 9 cm. in width.
- Fibrocaseous necrosis of the right lung with loss of lung parenchymal tissue and pleural adhesion of the rt. Lateral wall of the chest.

CAUSE OF DEATH: Cardio respiratory arrest due to pulmonary tuberculosis. Far advanced with massive pleural adhesion rt. side.[16]

During the trial of the case, Dr. Alambra testified for the defense. She stated under oath that immediately after the death of the victim, she conducted the autopsy of the body of said victim; that during the procedure, she made an internal, as well as external, examination of the body of the victim; that fibrocaseous meant that half of the victim's lungs, the right one in particular, was already gone; that she was only told that the victim had been mauled and that the latter became weak thereafter; that although a hematoma[17] was present on the victim's forehead, she did not consider it as the cause of death as hematoma alone will not cause the death of a person especially seven to eight days later; and, that when she opened the skull of the victim to study the latter's brain, she did not see anything unusual. Dr. Alambra then confirmed that the cause of death of the victim was cardio-respiratory arrest due to pulmonary tuberculosis that was already so far advanced with massive pleural adhesions. On cross, however, she stated that a person with only one lung left, with proper medication, would still

be able to live normally.

Disbelieving that cardiac arrest secondary to Tuberculosis was the cause of death of his son; Teofilo Gundran had the victim's body re-autopsied, this time by the National Bureau of Investigation. The re-autopsy was conducted by Dr. Arturo G. Llavore, a Medico-Legal Officer of the National Bureau of Investigation (NBI) Regional Office, San Fernando, La Union, on 11 October 1991, or eight days after the first autopsy.[18] Dr. Llavore's autopsy report stated:

AUTOPSY REPORT NO. 88-26-LU

POSTMORTEM FINDINGS

Cadaver, embalmed.

- Abrasions: Frontal region, left side. 0.9 x 0.2 cm.; Arm, left, upper third, anterior aspect, 2.0 x 0.6 cm.; Forearm, right, upper third, anteromedial aspect, 0.2 x 0.2 cm.; Elbow, left, posterior aspect, 0.6 x 0.4 cm., and right, posters-medial aspect, 2.0 x 0.5 cm. in size.
- Hematoma, Scalp, Interstitial; Fronto-temporo-parietal region, right side, 13.0 x 10.0 cms., massive, extensive; Frontal region, slightly to the right of the anterior medial line, 2.0 x 1.6 cms., mild; Occipital region, mid-aspect, 8.0 x 2.3 cms, moderate.
- Brain, markedly congested, with flattening and widening of gyri and narrowing of the sulci. Cerebral blood vessels markedly engorged.
- Lungs, Left lung intact; right lung previously dissected. Cut sections showed areas of fibrosis at the right lung (focal) surrounded by atelectatic and emphysematous changes, (Pleural Adhesions, right. - B-2)[19]
- Other internal visceral organs, markedly congested.
- Stomach, with approximately 60 cc of dark brownish fluid.

*** end ***

CAUSE OF DEATH: CEREBRAL EDEMA, SEVERE, SECONDARY TO TRAUMATIC INJURIES; HEAD/

REMARKS: Pls. see pathology Report No. P-88-339. Old healed scars noted at Chest, anterior and lateral aspects, right. Scalp incision, postmortem, extending from above left ear, over the superior midline and down to the front of right ear, 36.0 cms. long. Postmortem incision, Y-shaped, extending from anterior superior portion of Chest to abdominal area, lower quadrant, 53.0 cms. long.

During the trial, prosecution witness Dr. Llavore testified that the cause of death of the victim was the collective effect of all the injuries sustained by the latter on the head. He explained that the forces that could have caused the injuries to the victim's head were also the same forces that could have caused the edema or swelling of the victim's brain. He illustrated further that a human fist applied with "sufficient" force on the fronto-temporo-parietal region of the head could cause an injury the same as that sustained by the victim on his forehead. Similarly, the injury found at the back of the head of the victim could have been caused by an edge of a palm applied with sufficient force or it could have been caused by hitting his head on the edge of a table as the shape of said injury is somewhat elongated. On cross examination, Dr. Llavore admitted that he did the re-autopsy seven (7)[20] days after the victim died but that his Autopsy Report failed to indicate that the cadaver had previously been autopsied by another physician; that the blow inflicted on the head of the victim was strong enough to have injured the "moorings" of the brain causing the destruction of the brain cells and the shifting of the fluid in the skull to one side; that the most serious wound between the two injuries sustained by the victim on the head is the one found on his right forehead; and that the process of swelling became irreversible when the

compression of the brain had caused its center to become "imbalanced," so that the victim's brain ceased to function.

After trial, in a Decision[21] promulgated on 28 March 1996, the RTC rendered judgment finding petitioner Yadao guilty of the crime of homicide, and sentencing him as follows:

WHEREFORE, in view of the foregoing, the Court, finding the accused guilty beyond reasonable doubt of the crime of Homicide as charged in the information, and after considering two (2) mitigating circumstances, hereby sentences him to suffer an indeterminate penalty of FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of prision correccional in its maximum period, as Minimum to EIGHT (8) YEARS of prision mayor in its minimum period, as Maximum, and to indemnify the heirs of the deceased the sum of P50,000.00 for the death of Deogracias Gundran and to pay the costs.

SO ORDERED.

The RTC held that:

After a careful consideration and examination of the testimonies of both medico-legal officers, this Court is inclined to give more weight on the testimony of Dr. Arturo Llavore that the cause of death of Deogracias Gundran was "cerebral edema, severe, secondary to traumatic injuries, head" and not "Cardio respiratory Arrest due to pulmonary tuberculosis. It is to be noted that Dra. Magdalena Alambra testified and even admitted that a person even if he has no (sic) lungs can still live. Hence, the injuries which the victim Deogracias Gundran sustained on his head caused his death as he did not immediately undergo medical treatment. And as testified to by Dr. Arturo Llavore x x x the blow inflicted was fatal or very serious that "if no medical intervention is made, it will be untreated (sic)" (T.S.N., September 25, 1991, p. 38).

x x x [g]ranting for the sake of argument that accused Artemio Yadao did not maul the victim but only slapped him slightly which caused him to fall down as he was very drunk, still accused is liable for the consequences of his act.

x x x x

The case involves the application of Article 4 of the Revised Penal Code, which provides that "Criminal liability shall be incurred: (1) By any person committing a felony (delito) although the wrongful act done be different from that which he intended. x x x "Pursuant to this provision, "an accused is criminally responsible for the acts committed by him in violation of law and for all the natural and logical consequences resulting there from". (sic) x x x.

x x x x

Under paragraph 1, Article 4, revised Penal Code, a person committing a felony is still criminally liable even if -"x x x

(c) the injurious result is greater than that intended-prater-intentionem. x x x

Indeed the act of the accused in slapping the victim Deogracias Gundran causing the latter to fall down hitting his head which caused his eventual death is something which the accused cannot escape. This Court does not favor making conjectures but looking at the body built (sic) of the accused who is tall and sturdy as compared to the body built (sic) of the victim who was described to be tall and lanky, it is not hard to believe that accused did not know that natural and inevitable result of the act of slapping the victim, considering the fact that accused even admitted that the victim was then very drunk.

Aggrieved, petitioner Yadao appealed the aforequoted decision to the Court of Appeals. The appellate court, in its Decision[22] of 18 April 2001, affirmed in toto the judgment of conviction rendered by the RTC. The fallo of

Court of Appeals decision states that:

WHEREFORE, FOREGOING PREMISES CONSIDERED, there being no reversible error but instead being in accordance with law and evidence, the appealed Decision dated March 28, 1996 of the Regional Trial Court, Branch 33, Bauang, La Union (sic) is AFFIRMED in toto. Costs against accused-appellant.

SO ORDERED.

Petitioner Yadao's ensuing motion for reconsideration was denied by the Court of Appeals in its Resolution of 13 November 2001, seeing as no "new matters or issues raised in (the) Motion for Reconsideration x x x." [23]

Hence, this petition for review on certiorari under Rule 45 of the Revised Rules of Court.

Petitioner Yadao seeks the reversal of the decision of the RTC, as affirmed by the Court of Appeals, finding him guilty beyond reasonable doubt of the crime of homicide. Essentially, it is his contention that the evidence presented by the prosecution was not sufficient to establish his guilt beyond reasonable doubt as the perpetrator of the crime of homicide. He maintains that the existence of two autopsy reports entirely differing as to the cause of death of the victim is tantamount to reasonable doubt respecting his legal culpability thereto. Particularly, he argues that:

x x x [t]he trial court's finding "that the blow inflicted was fatal and very serious" is not in accord with the physical manifestations of Gundran in going to and while in the house of Carmelita. It is a matter of human experience that when a person is struck with a fatal or serious blow in the head to such an extent that his brain becomes swollen with its moorings injured as found by Dr. Llavore in this case, such person will suffer serious, disabling or painful consequences. Either he will be rendered comatose or unconscious or suffer severe pain in the head.

x x x x

And although Limon noticed a lump in (sic) his forehead, Gundran did not complain of any pain in the head and when asked what he felt he told Limon that he felt pain in his chest and stomach because that was where he was mauled.

The Office of the Solicitor General, for its part, asserts that:

It is clear from the record that Dr. Alambra failed to notice the brain injury sustained by the victim because she merely relied on "gross findings" of said organ during her autopsy. After opening the skull, she merely took a look at the brain, felt it, and found nothing unusual about the organ. She testified that she could not conduct further laboratory examinations on the victim's brain for lack of facilities (citation omitted).

This circumstance indicates that the findings of the two (2) medico-legal experts, although inconsistent, are not necessarily irreconcilable.

The threshold issue in this case, therefore, is whether or not the prosecution was able to prove the guilt of petitioner Yadao beyond reasonable doubt on the basis of the testimonies of the prosecution witnesses, especially Dr. Llavore's, and documentary evidence presented, i.e., the Dr. Llavore's Autopsy Report.

The petition has merit.

Article 249 of the Revised Penal Code (RPC) defines and punishes the crime of homicide, viz:

ART. 249. Homicide. - Any person who, not falling within the provisions of Article 246,[24] shall kill another without the attendance of any of the circumstances enumerated in the next preceding article, shall be guilty of homicide and be punished by reclusión temporal.

From the abovequoted provision of law, the elements of homicide are as follows: 1) a person was killed; and 2) the accused killed him without any justifying circumstance; 3) the accused had the intention to kill, which is presumed; and 4) the killing was not attended by any of the qualifying circumstances of murder, or by that of parricide or infanticide.[25]

The Constitution demands that every accused be presumed innocent until the charge is proved. Before an accused can be convicted of any criminal act, his guilt must first be proved beyond reasonable doubt.[26] In this jurisdiction, proof beyond reasonable doubt requires only a moral certainty or that degree of proof which produces conviction in an unprejudiced mind; it does not demand absolute certainty and the exclusion of all possibility of error;[27] it is that engendered by an investigation of the whole proof and an inability, after such investigation, to let the mind rest easy upon the certainty of guilt.[28]

Basic is the principle in criminal law that the evidence presented must be sufficient to prove the corpus delicti - the body or substance of the crime and, in its primary sense, refers to the fact that a crime has been actually committed.[29] The corpus delicti is a compound fact composed of two things: 1) the existence of a certain act or a result forming the basis of the criminal charge, and 2) the existence of a criminal agency as the cause of this act or result.[30] In all criminal prosecutions, the burden is on the prosecution to prove the body or substance of the crime. In the case at bar, was the prosecution able to prove the two components of the corpus delicti?

We think not.

Though it was established that petitioner Yadao slapped the victim, and as a result of which the latter fell down and struck his head on the edge of a table, the prosecution nonetheless failed to show the nexus between the injury sustained by the victim and his death. It failed to discharge the burden to show beyond a reasonable doubt that the death of the victim resulted from the use of violent and criminal means by petitioner Yadao.

The fact that the victim herein was wounded is not conclusive that death resulted therefrom. To make an offender liable for the death of the victim, it must be proven that the death is the natural consequence of the physical injuries inflicted. If the physical injury is not the proximate cause[31] of death of the victim, then the offender cannot be held liable for such death.

It has been established in this case that on the afternoon of 1 October 1988, at around 3:45 p.m., petitioner Yadao slapped the victim once. This is based from the un rebutted testimonies of defense witnesses - the only eyewitnesses to the assault. It is also undisputed that the victim died on 3 October 1988, or two days later. What is in dispute, however, is the cause of the latter's death.

In convicting Petitioner Yadao, the RTC and the Court of Appeals principally relied upon the testimony of Dr. Llavore in addition to the latter's autopsy report, both essentially stating that the injury sustained by the victim in the head caused massive hematoma and/or cerebral edema. However, we find said testimonial and documentary evidence utterly insufficient on which to anchor a judgment of conviction for homicide. To our mind, his testimony, as well as the Autopsy Report containing his findings, vis-à-vis the first autopsy conducted by Dr. Alambra and the factual circumstances surrounding the conduct of two autopsies done on said cadaver, do not engender a moral certainty, much less a belief, that the injury sustained was the cause of his death. This Court's doubt is brought about by Dr. Llavore's failure to account the effects of the following facts: 1) that the cadaver had previously been autopsied; 2) that during the first autopsy, Dr. Alambra opened up the skull of the victim to physically examine his brain and did not see anything out of the ordinary, neither blood clot and/or pooling nor any swelling; 3) that the cadaver of the victim had already been embalmed; 4) that it had not been established for how long the embalming fluid was supposed to stave off or delay the decomposition of the cadaver of the victim; 5) that the re- autopsy was conducted eight (8) days after the death of the victim; 6) that when the cadaver of the

victim was re-autopsied, decomposition may have already set in despite the body having been embalmed; and 7) that the only hematoma noted inside of the cadaver's head was that on the "suboponeurotic layer of the scalp rt. fronto parietal region,"[32] or "scalp, interstitial; Fronto-temporo-parietal region, right side." [33] In layman's terms, the hematoma, noted by both physicians, was merely on the scalp, just below the skin, of the frontal right side of the head - nowhere near the brain as the area was still outside of the skull. Even Dr. Llavore recognized such fact as clearly stated in his Autopsy Report and testified to in open court, viz:

COURT:

Now, could you tell us - could you tell this Court what is the cause of that trauma?

x x x x

Witness:

A

x x x the cause of the trauma on the head is physical contact as shown in paragraph 3, there were injuries to these areas on the right side and actually there were two (2) and one (1) at the back of the head and the force or violence that was applied to these areas caused the brain to move suddenly also and the displacement of the substances, the brain substances, because the brain is very fragile, it is very soft, once they are displaced from their place, because they move, there is breaking of very minute blood vessels -the very minute blood vessels if the force is stronger, it could create breakage or rupture of larger blood vessels which you can say grossly as hemorrhage, but in this case, there is no hemorrhage, - there is no gross hemorrhage, there is only minute blood vessels and since there is destruction of the very minute blood vessels, they swell individually, they swell and collectively, the swelling becomes so great because it already involves the whole brain and the brain becomes swollen, it expands, it tries to expand, but it cannot. Therefore, it compresses in itself.

Consequently, the post mortem report and testimony of Dr. Alambra should not be easily discounted. The same is significant in that the testimony and the report on the autopsy, which was done immediately after the death, establishes the nature and extent of the "injury," sustained as a result of the assault, as well as the state of the brain and the surrounding area at the time of death. The significance of said evidence will lead to the precise nature of the injury sustained by the victim. From a legal perspective, therefore, the examination of a wound should lead to the determination as to the degree of danger of the wound and the danger it poses to the life or bodily function of the victim when the wound was inflicted.

Wharton and Stille's discussion on the importance of a thorough and painstaking post-mortem examination or assessment of the degree of injury sustained by the victim is highly instructive, it reads:

x x x [a] careful post-mortem examination will usually show the violent cause of death, and it is the duty of the physician whose opinion is desired, to make that examination most carefully, and to base his opinion entirely upon the findings of this examination; not upon previous notions of the probable nature and effects of the wound. Moreover, it is necessary not merely to make an examination of the regions apparently involved in the injury, but also a thorough examination of the entire body; for, notwithstanding the immediate cause of death may be evident, it is still advisable to be sure that there was no cause of death in any other part. [Emphasis supplied.]

This Court recognizes the fact that the most critical aspect of head trauma is what happens to the brain; that the immediate brain damage that results from head trauma is dependent upon the force applied to the head, the area of its application, and whether the head is fixed or freely movable; that when viable tissue receives an application of force strong enough to be injurious, it (the body) responds by alteration in intracellular and extracellular fluid content, by extravasation of blood, by increasing blood supply to the local area, and by mobilization of cells

capable of removing cellular debris and repairing any disruption.[34] Moreover, it is acknowledged that tissues of the nervous system, the brain being one of its components, and like any other tissue of the body, responds to injury by the formation of edema or the retention of fluid.[35] Hence, it is not quite farfetched that the victim may have had cerebral edema as a result of the injury he sustained in the head. But just the same, such a conclusion, as stated in the second post mortem report, does not necessarily preclude the fact that the swelling or edema noted in the tissues of the brain may have been due to other factors i.e., such as decomposition or the fact that the cadaver of the victim had already been embalmed. The foregoing uncertainty is all the more reinforced by the testimony of Dr. Alambra and her findings stated in the First Autopsy Report stating that there were no signs of damage to the brain, external or internal. This, by itself, is very much inconsistent with the allegation that the cerebral edema was the cause of death of the victim, which if it were so, would have already been manifest at the time of death.

From a medical perspective, the abovediscussed issues are essentially significant and must be established first before any correlation of the injury to the victim's cause of death is done. It is an established fact that during decomposition, numerous cellular changes occur in the body. A microscopic examination of the tissues (of the body) under the influence of "autolytic enzymes"[36] enzymes shows disintegration, swelling or shrinkage, vacuolization and formation of small granules within the cytoplasm of the cells.[37] Therefore, the swelling of the brain, along with the other organs of the victim as stated in the Pathology Report[38] by the NBI, which reads:

FINDINGS

MICROSCOPIC DESCRIPTIONS:

Brain (cerebral cortex): and cerebellum) : sections show markedly widened spaces in the virchow in the white matter of the cerebrum and collapsed walls of the capillaries. Cloudy swelling of neurons and interstitial edema, marked.

Kidneys: sections show focal infiltrations of chronic inflammatory cells in the interstitium accompanied by tubular atrophy and glomerular sclerosis. Cloudy swelling of tubules in the cortex, moderate. Medullary congestion, moderate. The cerebellum shows

Liver: sections show moderate congestion of red blood cells in the sinusoids and cloudy swelling of liver cells.

Lungs: sections show marked congestion of pulmonary septae exhibiting numerous macrophages containing hemosiderin pigments. Alternating atelectatic and hyperinflated lung alveoli with emphysematous and bullae formation can be noted. Fibrosis is diffuse in other areas with calcifications. The small bronchi are irregularly dilated.

Myocardium: congestion of capillaries and cloudy swelling of muscle fibers, moderate.

x x x x [Emphasis supplied.]

may have also been due to the decomposing state of the cadaver of the victim and not just that caused by the head injury he sustained from the hands of petitioner Yadao.

Additionally, to delay the onset of decomposition, cadavers are embalmed. Embalming is the artificial way of preserving the body after death by injecting 6 to 8 quarts of antiseptic solutions of formalin, perchloride or mercury or arsenic, which is carried into the common carotid and the femoral arteries.[39] However, a dead body must not be embalmed before the autopsy.[40] The embalming fluid may render the tissue and blood unfit for toxicological analyses.[41] The embalming may alter the gross appearance of the tissues or may result to a wide variety of artifacts that tend to destroy or obscure evidence.[42] Thus, in the case at bar, even if the cadaver of the victim may not have started decomposing at the time of the re-autopsy, all the same, the fact that such had already been embalmed, any examination will likely lead to findings or conclusion not at all accurate as to the true status

of the tissues of the body of the victim.

From the above, absent further clarifications, Dr. Llavore's conclusion that the victim's cause of death is cerebral edema is nothing but conjecture, being tenuous and flawed. Consequently, the findings as stated in said autopsy report is not decisive of the issue of whether or not injury sustained by the victim in his head when he was slapped by petitioner Yadao and/or when the victim hit his head on the edge of the table were the sole cause of the cerebral edema observed in the latter's brain during the re-autopsy conducted eight (8) days after his death. Again, it could have been caused by other factors, one of which could have been the decomposition or the breakdown of the cellular tissues of the body naturally occurring after death, or the fact that the cadaver of the victim had already been previously embalmed.

Dr. Llavore's testimony that the cause of death of the victim was the collective effect of the blow sustained by the latter's head; that the blow was strong enough to have caused the displacement of the brain from its moorings and the resultant swelling. Such conclusion was brought about by the doctor's external and internal examination of the brain of the victim. The records of the case, however, is again bereft of any indication that the said inference or conclusion took into account the fact that the cadaver of the victim had been previously autopsied, more importantly, that his brain had been already been removed from its "moorings" by Dr. Alambra in order for her to take the same out of the skull when she examined it.

Indeed, the evidence of the defense might not, by itself, suffice to emphatically negate the causal relationship between the actions of petitioner Yadao causing injury to the victim and the cause of his death, but the same must be considered in conjunction with the weakness of the evidence given by the prosecution's witness discussed above. Defense witness Dr. Alambra's Autopsy Report, on top of her testimony that upon opening the skull of the victim, she found nothing out of the ordinary in the brain, tend to reinforce the doubt already engendered by the weakness of the prosecution's evidence about the fundamental correlation of the injury and the cause of death. It was incumbent upon the prosecution to demonstrate petitioner Yadao's culpability beyond a reasonable doubt, independently of whatever the defense has offered to exculpate the latter. Conviction must rest on the strength of the prosecution's evidence, not merely on conjectures or suppositions, and certainly not on the weakness of the accused's defense; otherwise, the phrase "constitutional presumption of innocence" will be reduced to nothing but an innocuous grouping of words; worse, to a conspicuous exercise in futility. As a rule, findings of fact of trial courts are accorded great weight, even finality, on appeal, unless the trial court has failed to appreciate certain facts and circumstances that, if taken into account, would materially affect the result of the case.[43] In this case, prescinding from the above discussion, it is arrantly manifest that the RTC, as well as the Court of Appeals, overlooked material and relevant facts that could affect the outcome of the case. The constitutional presumption of innocence aforementioned requires us to take "a more than casual consideration" of every circumstance or doubt favoring the innocence of the accused as court have the imperative duty to "put prosecution evidence under severe testing." [44]

The principle has been dinned into the ears of the bench and the bar that in this jurisdiction, accusation is not synonymous with guilt.[45] The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment.[46] If the evidence is susceptible of two interpretations, one consistent with the innocence of the accused and the other consistent with his guilt, the accused must be acquitted.[47] The overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt.[48] If there exist even one iota of doubt, this Court is "under a long standing legal injunction to resolve the doubt in favor of herein accused-petitioner." [49]

From the foregoing, the inevitable conclusion is that the guilt of petitioner Yadao has not been proved beyond reasonable doubt. The facts of the case, the autopsy reports, as well as the testimony of Dr. Llavore do not

definitely establish that the assault was the proximate cause of the death of the victim. Even assuming for the sake of argument that the blow inflicted on the head of the victim resulted in an edematous condition of the brain, petitioner Yadao would still not be held liable for the death as the prosecution failed to present proof that said act was the efficient and proximate cause of the victim's demise. An acquittal based on reasonable doubt will prosper even though the accused's innocence may be doubted.[50] It is better to free a guilty man than to unjustly keep in prison one whose guilt has not been proved by the required quantum of evidence. For only when there is proof beyond any shadow of doubt that those responsible should be made answerable.[51]

The heirs of the victim, however, have not completely lost their case. Settled in jurisprudence is the principle that a court may acquit an accused on reasonable doubt and still order payment of civil damages in the same case. [52] In this case, though petitioner Yadao is acquitted, nonetheless, his liability for damages is not considered extinguished since the judgment of acquittal is not based on a pronouncement that the facts from which civil claims might arise did not exist. Accordingly, this Court awards P50,000.00 as civil damages to the heirs of the victim.

WHEREFORE, the 28 March 1996 Decision of the Regional Trial Court of Bauang, La Union, Branch 33, as well as the 18 April 2001 Decision and 13 November 2001 Resolution both of the Court of Appeals are hereby REVERSED and SET ASIDE. Petitioner Artemio Yadao is ACQUITTED of the charge of homicide on the ground of reasonable doubt. His immediate release from custody is hereby ordered unless he is being held for other lawful causes. However, Petitioner Artemio Yadao is ordered to pay the heirs of victim Deogracias Gundran in the amount of Fifty Thousand Pesos (P50,000.00) as civil indemnity. Costs de oficio.

SO ORDERED.

Panganiban, C. J. (Chairperson), Ynares-Santiago, Austria-Martinez and Callejo, Sr., concur.

[1] Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court.

[2] Penned by Court of Appeals Associate Justice Mercedes Gozo-Dadole with Associate Justices Fermin A. Martin, Jr. and Portia Aliño-Hormachuelos concurring; Annex "A" of the Petition; rollo, pp. 52-64.

[3] Annex "C" of the Petition; rollo, p. 79.

[4] Penned by Hon. Fortunato V. Panganiban, Presiding Judge, RTC Bauang, La Union, Branch 33; Annex "D" of the Petition; rollo, pp. 80-97.

[5] Dispositive of the RTC Decision, p. 18; rollo, p. 97.

[6] Id.

[7] Records, p. 2.

[8] 42 yr. old resident of Dili, Bauang, La Union; she testified that Gundran is considered a close family friend, the latter being a "kabarkada" of her brother.

[9] The father of the victim.

[10] Local Civil Registrar of San Fernando, La Union.

[11] The NBI physician who conducted the 2nd autopsy on the body of the victim.

[12] A guest at petitioner Yadao's birthday party.

[13] Id.

[14] Id.

[15] Deogracias Gundran happened to be a nephew of petitioner Yadao's wife.

[16] Records, pp. 43-45.

[17] Hematoma is the extravasation or effusion of blood in a newly formed cavity underneath the skin. It usually develops when the blunt instrument is applied in part of the body where bony tissue is superficially located, like the head, chest and anterior aspect of the legs. The force applied causes the subcutaneous tissue to rupture on account of the presence of a hard structure underneath. The destruction of the subcutaneous tissue will lead to the accumulation of blood causing it to elevate.

[18] Records, p. 12.

[19] Handwritten by Dr. Llavore.

[20] It was actually eight days after the first autopsy, or on 11 October 1988.

[21] Supra at note 4.

[22] Supra at note 2.

[23] Supra at note 3.

[24] The article in the RPC defining and punishing the crime of parricide.

[25] L. Reyes, THE REVISED PENAL CODE, Book Two, p. 470 (15th ed., 2001).

[26] Calimutan v. People, G.R. No. 152133, 9 February 2006, 482 SCRA 44, 57.

[27] REVISED RULES OF COURT, Rule 133, Section 2.

[28] People v. Dramayo, 149 Phil. 107, 112-113 (1971).

[29] R. Francisco, BASIC EVIDENCE, p. 38 of the Supplement (1999).

[30] 23 C.J.S. 264.

[31] Proximate cause is that cause, which in natural and continuous sequence of events, unbroken by an efficient intervening cause, produces injury or death, and without which the result would not have occurred.

[32] Dr. Alambra's autopsy report.

[33] Dr. Llavore's autopsy report.

[34] S. I. Schwartz, et al., PRINCIPLES OF SURGERY, p. 1787 (4th ed., 1984).

[35] Id. at 1790.

[36] Enzymes that digests the cell in which it is produced, usually marking the death of the cell. It is produced during autolysis - the process by which a cell, in dying tissues, self destructs (the cell then, in effect, digests itself).

[37] Id. at 136.

[38] By NBI pathologist Dr. Nieto M. Salvador; Records, p. 182.

- [39] P. Solis, LEGAL MEDICINE, p. 220 (Revised ed., 1987).
- [40] Id. at 169.
- [41] Id.
- [42] Id.
- [43] People v. Batidor, 362 Phil. 673, 681-682 (1999).
- [44] People v. Bautista, 368 Phil. 100, 120 (1999).
- [45] Dela Cruz v. People, G.R. No. 150439, 29 July 2005, 465 SCRA 190, 215.
- [46] People v. Mejia, 341 Phil. 118, 145 (1997).
- [47] People v. Manambit, 338 Phil. 57, 100 (1997).
- [48] People v. Vasquez, 345 Phil. 380, 399 (1997).
- [49] Supra at note 43.
- [50] People v. Fronda, 384 Phil. 732, 743 (2000).
- [51] People v. Vidal, G.R. No. 90419, 1 June 1999, 308 SCRA 1.
- [52] Padilla v. Court of Appeals, G.R. No. L-39999, 31 May 1984.

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