

PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. FRANCISCO OCAMPO, ALIAS “ISKO,” ANTONIO GANTANG, ALIAS “TONY,” (AT LARGE) AQUILINO PEDILINO, (AT LARGE) NESTO VIZARRA, (AT LARG...

G.R. No. 83436. February 09, 1993

Ponente: ROMERO, J.

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ROMERO, J.:

Adjacent to a 46-hectare fishpond owned by Enrique Baluyot is the land owned by Jesus Segui which was traversed by a road constructed by the workers of Mr. Baluyot. On this land, Jesus Segui cultivated bananas and coconuts.[1] Enrique Baluyot's land was managed by accused-appellant Francisco "Isko" Ocampo, who had under his supervision co-accused Antonio Gantang[2] and Manolito Macaraig.[3]

Against this setting, at around 9:00 p.m. on the fateful night of February 27, 1986, three persons went to the house of Jesus Segui located at Barangay Kanlurang Calutan, Agdangan, Quezon, requesting him to accompany them to the Barangay Captain.[4] Purificacion Segui, wife of Jesus, lighted her flashlight and recognized two of the visitors as Francisco Ocampo and Antonio Gantang but could not recognize the third man since he was wearing a mask.[5] Purificacion advised her husband not to leave their home as it was already late at night. But the men threatened to cut Jesus' feet, eventually forcing him to accompany them.[6] Leaving the house, they proceeded towards the direction of the fishpond where on its side was situated a house.[7] Purificacion surreptitiously followed the men and heard her husband shout, "Diyos ko, bakit mo po ako ginaganito, anong kasalanan ko." [8] She heard the cries of her husband emanating from a house which was about 11 to 15 meters from a coconut tree where she hid.[9] Whereupon, at about 10:00 p.m., Purificacion fearing for the safety of her husband and together with her children, hurriedly sought the assistance of their Barangay Captain Buenaventura Altobar. But Altobar refused to accompany her since it was very late already and he could no longer summon policemen to their aid.[10] Fearful for her family's security, Purificacion and her children slept in the house of the barangay captain.[11]

Returning early the following morning, four (4) policemen with Barangay Captain Altobar arrived at 6:00 a.m. in the house of the Seguis. They remained in the vicinity for three hours and investigated the residents living around the fishpond concerning the incident.[12] They also searched for the body of the victim but the search proved futile.[13] After the police had left, Purificacion departed for Lopez, Quezon to inform Jesus' brother and sister of the events that transpired the night before.[14] She immediately returned to Barangay Kanlurang Calutan the day after.[15]

On March 1, 1986, three (3) days after the disappearance of Jesus Segui, his lifeless body was discovered floating near the mouth of the river near the fishpond.[16]

At 1:30 p.m. of the same day, Dr. Fabian Subire, Municipal Health Officer of Unisan, Quezon, conducted a post mortem examination on the victim's body which bore seventeen (17) hacking wounds and abrasions.[17]

On June 23, 1986, an information against the accused was filed by the Provincial Fiscal for the crime of murder, to wit:

"That on or about the 27th day of February 1986, at Barangay Calutan, Municipality of Agdangan, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, armed with bladed weapons, conspiring and confederating together and mutually helping one another, with intent to kill and with evident pre-meditation and treachery, and taking advantage of their superior strength, did then and there willfully, unlawfully and feloniously attack, assault, maul, and repeatedly hack with said weapons one Jesus Segui, thereby inflicting upon him fatal wounds, which directly caused his death.

Contrary to law.

Lucena City, 23 June 1986." [18]

Subsequently, on August 21, 1986, accused Francisco Ocampo pleaded not guilty. [19] Trial proceedings then commenced. On April 20, 1988, the court a quo rendered a decision finding Francisco Ocampo guilty of the crime of murder with the qualifying circumstance of evident premeditation. Taking into consideration the aggravating circumstance of taking advantage of superior strength with the aid of armed men with no mitigating circumstance and applying Article 65 of the Revised Penal Code, the court having weighed the evidence presented by both sides, imposed the penalty of reclusion perpetua on the accused and ordered him to indemnify the heirs of Jesus Segui the sum of P30,000.00. On the other hand, Manolito Macaraig was acquitted for lack of sufficient evidence. [20]

The defense of Francisco Ocampo consists of a mere denial that he was not among the three persons who forcibly took Jesus Segui in the evening of February 27, 1986. At the same time, he claims that when the murder was committed, he was working at the fishpond and he did not leave its premises the whole day. [21] For his part, Manolito Macaraig, Ocampo's co-accused, testified that on the night of the incident, he was in his house where he met accused Antonio Gantang, Nestor Vizarra and Aquilino Pedilino who invited him to go to the latter's house. After having taken two shots of liquor at Pedilino's house and upon reaching the house of Jesus Segui, Macaraig left the company of Antonio Gantang, Nestor Vizarra and Aquilino Pedilino and proceeded to the store of Aling Flor at Barangay Ilayang, Calutan to buy some more wine. On his way to Antonio Gantang's house where they intended to do their drinking, he saw Nestor Vizarra, Antonio Gantang, and Aquilino Pedilino carrying ("dala-dala") Jesus Segui. Macaraig adds that he saw Antonio Gantang and Nestor Vizarra poke a bladed weapon at Jesus Segui whom they urged to keep quiet lest something should happen to him and his family. Lastly, Macaraig alleges that he saw Nestor Vizarra stab Jesus Segui. [22]

In this direct appeal, accused-appellant argues that the lower court erred in giving weight to the circumstantial evidence presented by the prosecution. Accused-appellant points out inconsistencies in the testimonies of the witnesses for the prosecution. [23]

We affirm the conviction of the trial court. Admittedly, the prosecution's evidence is circumstantial since there were no eyewitnesses who testified as to the manner and exact identity of the person who killed Jesus Segui. Since nobody witnessed the accused-appellant commit the crime, what was presented before the trial court were pieces of circumstantial evidence which are admissible only if they satisfy the conditions set forth under Section 5 of Rule 133 of the Rules of Court which states:

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

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

Before a conviction is pronounced on the basis of circumstantial evidence, the circumstances proved should constitute an unbroken chain of events which lead to a reasonable conclusion, pointing to the accused-appellant to the exclusion of all others as the author of the crime.[24]

In the case at bar, although there were no eyewitnesses to the actual commission, there are evidences unmistakably linking the accused as the author of the crime. Gleaned from the following facts proven before the trial court, these circumstances are apparently inconsistent with the presumed innocence of the accused: there was animosity between Francisco Ocampo and Jesus Segui arising from a complaint of the latter before the barangay captain about his missing animals; that Jesus Segui planted bananas and coconuts along a pathway traversed by the workers of Francisco Ocampo leading to the fishpond under the supervision by the latter;[25] that Francisco Ocampo was seen as one of the three persons who forcibly took Jesus Segui from his house in the evening of February 27, 1986, the last time Jesus Segui was seen alive;[26] that Jesus Segui was brought towards the direction of the fishpond supervised by Francisco Ocampo; that immediately after Jesus Segui was forcibly taken from his house in the evening of February 27, 1986 by Francisco Ocampo, Antonio Gantang and another person, Purificacion Segui heard her husband cry, "Diyos ko, bakit mo po ako ginaganito, anong kasalanan ko;"[27] that the next day, Jesus Segui was missing and his dead body was found on March 1, 1986 floating in the river near the fishpond under the care of Francisco Ocampo.[28] These circumstances lead to a reasonable conclusion that Francisco Ocampo was one of the persons responsible for the death of Jesus Segui.

It bears emphasis that immediately prior to the commission, Purificacion positively identified and heard personally from Francisco Ocampo and Antonio Gantang the threats on her husband's life should he refuse to accompany them to the barangay captain.[29] Following surreptitiously his abductors, she again saw them outside a nipa hut from a distance of 11 to 15 meters where she could hear their raucous laughter as they inflicted pain on her husband.[30]

In his brief, accused-appellant assails the testimony of Purificacion Segui as being inconsistent on the following counts: a) that while on direct examination Purificacion stated that her husband was forcibly abducted by three persons from their house on the evening of February 27, 1986, on cross examination, she said that she could no longer remember the date of the aforesaid incident;[31] b) that the barangay captain from whom she sought assistance was her relative but she could not remember his name;[32] c) that she recognized accused-appellant as one of her husband's abductors because the moon was shining bright, but in her subsequent testimony, she stated that she focused her flashlight at the three intruders through the window of her house;[33] and d) that while she stated at first that she did not follow the group that abducted her husband, she later declared that she followed them to a house near the fishpond.[34]

A deeper analysis of the alleged inconsistencies reveals that they are not contradictory but are actually complementary to each other. It must be admitted that the illumination provided by the moon may still be insufficient for purposes of recognizing a person. Recognition may, however, be facilitated by the fact that in a small community such as Barangay Calutan, it is presumed that the inhabitants therein know each other. Purificacion Segui had known Francisco Ocampo for seven months.[35]

Furthermore, in ascertaining the exact date of the commission of the crime, corroborative testimony by Barangay Captain Altobar confirmed that the victim was abducted on the night of January 27, 1985.[36] As the head of the local government unit in said locality, his word deserves credence. On the other hand, the slight memory lapse of Purificacion as to the barangay captain's name is only a peripheral consideration in the resolution of this case.

Moreover, these alleged inconsistencies on minor details in the narration of facts by a witness do not impair the integrity of the prosecution witness as long as her whole story is coherent and intrinsically believable.[37] In fact,

minor inaccuracies may suggest that the witness is telling the truth. An unrehearsed witness is spontaneous in her answers and she is not expected to recall every single detail of an incident.[38]

Further impugning the testimony of the prosecution witness, accused-appellant contends that Purificacion's delay in implicating the accused only on March 3, 1986 should be taken as a point against her credibility. Such an argument is not persuasive. A witness' delay in revealing what she knows due to fear cannot weaken her credibility.[39] Note that on the night of February 27, 1986, she and her family slept in the house of the barangay captain for fear of their lives.

It is accused-appellant's denial of the crime that strains belief because at the time the crime was committed, he admitted his presence at the fishpond. Though he claims that he was engaged in a different activity, i.e., changing the waters of the fishpond, such allegation does not alter the indubitable fact that he was at the fishpond when the murder occurred. Accused has not convincingly shown that it was physically impossible for him to have been at the site of the crime at the time of its commission.[40] The alibi offered by him is not only inherently weak but it also lacks strong corroboration.[41] His alibi must therefore fail.

The contention of accused that the trial court failed to consider that on February 28, 1992, he left the fishpond to fetch a pig he purchased from the barangay captain of Tampus[42] is immaterial, since it does not pertain to a fact that occurred prior to or during the commission of the crime but one which occurred subsequent to the fateful night of February 27, 1986.

Accused-appellant argues that had he participated in the crime, his natural reaction would have been to flee.[43] We do not agree. Each culprit behaves differently in externalizing and manifesting his guilt. Others may escape or flee - which circumstance is strongly indicative of guilt,[44] while others may remain in the same vicinity so as to create a semblance of normalcy, careful not to arouse suspicion in the community.

WHEREFORE, the decision of the trial court finding the accused-appellant guilty and imposing the penalty of reclusion perpetua on him is hereby **AFFIRMED**.

SO ORDERED.

Bidin, Davide, Jr., and Melo, JJ., concur.

Gutierrez, Jr., (Chairman), J., on leave.

[1] TSN, pp. 14 and 17, September 18, 1987.

[2] At large.

[3] Acquitted.

[4] TSN, p. 10, September 9, 1986.

[5] TSN, p. 11, September 9, 1986.

[6] TSN, p. 8, October 14, 1986.

[7] TSN, p. 5, November 18, 1987.

[8] TSN, pp. 7-8, October 14, 1986; TSN, pp. 3-4, November 18, 1987.

[9] TSN, p. 5, November 18, 1987.

[10] TSN, pp. 8-10, October 14, 1986; TSN, pp. 9-11, September 18, 1987.

- [11] TSN, p. 12, September 18, 1987.
- [12] TSN, p. 28, September 18, 1987.
- [13] TSN, pp. 10-11, October 14, 1986.
- [14] TSN, pp. 7-8, November 18, 1987.
- [15] TSN, p. 12, November 18, 1987.
- [16] TSN, p. 13, October 14, 1986; TSN, p. 15, September 18, 1987.
- [17] Exhibit A; TSN, pp. 3-10, March 19, 1987.
- [18] pp. 2-3, Records.
- [19] Records, p. 47.
- [20] Rollo, p. 29.
- [21] TSN, p. 24, January 28, 1988; TSN, pp. 8-9, February 19, 1988.
- [22] TSN, pp. 11-14, January 28, 1988.
- [23] Rollo, p. 39.
- [24] *People v. Ganohon*, G. R. No. 74670-74, April 30, 1991, 196 SCRA 431; *People v. Ritter*, G. R. No. 88582, March 5, 1991, 194 SCRA 690.
- [25] TSN, p. 18, September 18, 1987.
- [26] TSN, pp. 10-11, September 9, 1986.
- [27] TSN, p. 3, November 18, 1987.
- [28] TSN, p. 13, October 14, 1986.
- [29] TSN, p. 10, September 9, 1986.
- [30] TSN, pp. 4-5, November 18, 1987.
- [31] Rollo, p. 41.
- [32] *Ibid.*
- [33] *Ibid.*
- [34] Rollo, p. 42.
- [35] TSN, p. 13, September 9, 1986.
- [36] TSN, p. 20, September 18, 1987.
- [37] *People v. Ansing*, G. R. No. 86641, April 26, 1991, 196 SCRA 374
- [38] *People v. Avila*, G.R. No. 82374, December 10, 1990, 192 SCRA 242.
- [39] *People v. Ferrera*, G.R. No. 66965, June 18, 1987, 151 SCRA 113.
- [40] *People v. Osias*, G. R. No. 88872, July 25, 1991, 199 SCRA 574.

[41] *People v. Lazo*, G. R. No. 75367, 198 SCRA 274.

[42] *Rollo*, p. 48.

[43] *Ibid.*

[44] *People v. Reunir*, No. L-73605, January 29, 1988, 157 SCRA 686; *People v. Melgar*, No. L-75268, January 29, 1988, 157 SCRA 718.

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