

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESUS DE GUZMAN Y ROCHA, DANILO CASTRO Y VILLAVICENCIO, AND DELFIN CATAP Y DIZON (AT-LARGE), ACCUSED. JESUS DE GUZMAN Y ROCHA ...

G.R. No. 92537. April 25, 1994

Ponente: PADILLA, J.

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PADILLA, J.:

Jesus de Guzman y Rocha, Danilo Castro y Villavicencio and Delfin Catap y Dizon were charged with Murder in an Information dated 12 December 1984, allegedly committed as follows:

"That on or about the 16th day of November 1984, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and abetting one another, and armed with deadly weapons, to wit: knives and rocks, did then and there wilfully, unlawfully and feloniously, attack and wound therewith a male Filipino (one John Doe) about 5'1" in height, weighs about 100 pounds and between 20-25 years old, in the different parts of the body, inflicting upon him several punctured wounds, fracture on the nasal bones and maceration of the brain with massive blood clots, with treachery and known premeditation, and as a result thereof, the said still unidentified Filipino male died instantly and the cause of his death is hemorrhage, massive intra-cranial, traumatic.

ALL CONTRARY TO LAW."^[1]

Only Jesus de Guzman and Danilo Castro were arrested and on 8 January 1985 both pleaded not guilty to the crime charged. Delfin Catap remains at-large.

On 28 May 1986, the Regional Trial Court, Branch 57, Angeles City, rendered a decision,* in Crim. Case No. 6915, the dispositive part of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered finding accused Jesus de Guzman y Rocha and Danilo Castro y Villavicencio guilty beyond reasonable doubt, as principals, of the felony of Murder (Article 248 of the Revised Penal Code) as charged in the Information, and the Court sentences both of them to suffer the penalty of imprisonment of Reclusion Perpetua; and to indemnify the Angeles City government in the amount of SIX THOUSAND (P6,000.00) PESOS for funeral services and burial expenses, plus costs.

SO ORDERED."^[2]

In this appeal, accused-appellants assign the following errors to the trial court:

"X X X IN CONSIDERING THE TESTIMONY OF ADELIA ANGELES AND CORNELIO DELOSO ON DELFIN CATAP'S ORAL CONFESSION AS COMPETENT EVIDENCE.

"X X X IN NOT CONSIDERING ACCUSED-APPELLANTS' ARREST AS ILLEGAL AS IT WAS EFFECTED WITHOUT A WARRANT OF ARREST.

"X X X IN FINDING ACCUSED-APPELLANTS GUILTY AS PRINCIPALS OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE AS FULLY AS THE CRIME ITSELF ITS ALLEGATIONS OF CONSPIRACY AND TREACHERY.

"X X X IN FINDING ACCUSED-APPELLANTS GUILTY OF THE FELONY OF MURDER DESPITE THE FAILURE OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT."[3]

Adelia Angeles, a witness for the prosecution, testified that at around ten o'clock in the evening of 16 November 1984 she was awakened by moaning sounds outside her house. Thinking that the person moaning was her brother-in-law, she went down to investigate and it was then that she saw an unknown person tied to an ipil-ipil tree being slapped by accused Delfin Catap alias "George." The accused-appellants, Jesus de Guzman and Danilo Castro, were with Delfin Catap. Adelia Angeles further stated that the unknown person was pleading for mercy and that the three (3) accused, upon seeing her, untied the man and brought him towards the direction of the Pasig river which was only three (3) houses away. She then called her husband Cornelio Deloso who was watching television in a neighbor's house. At around eleven o'clock of that same evening, Adelia testified, Delfin Catap returned to their house and told her and her husband that they killed the man by smashing his face with a stone. Catap warned them not to report to the authorities.

In the morning of 17 November 1984, Adelia Angeles and Cornelio Deloso reported the matter to the police. At around five o'clock in the afternoon of that same day, an unidentified person was found dead along the Pasig river. On the witness stand, Adelia Angeles identified the pictures of the dead man to be the same person she saw being maltreated by the three (3) accused on 16 November 1984.

Cornelio Deloso corroborated Adelia's testimony.

Dr. Joven Esguerra, the Medico-Legal Officer of Angeles City, conducted an autopsy of the victim in the afternoon of 18 November 1984. Dr. Esguerra determined the cause of death to be multiple stab wounds inflicted by a pointed instrument and maceration of the brain tissue caused by striking the victim's face with a blunt object. Dr. Esguerra estimated that the victim had been dead for at least forty-eight (48) hours.

Accused-appellant Jesus de Guzman denied any participation in the crime. He testified that on 16 November 1984 he arrived at their house at around six o'clock in the evening and did not leave the house that night. He admitted knowing Adelia Angeles since she is his neighbor and he further stated that Adelia was mad at him since he was accused of hurting her child.

Accused-appellant Danilo Castro likewise denied any participation in the crime. Danilo Castro alleged that in the evening of 16 November 1984 he arrived home at around seven o'clock and stayed there the whole night. Like de Guzman, he admitted knowing Adelia Angeles since they are neighbors and he allegedly had a misunderstanding with Adelia about finding a job for her husband Cornelio.

The facts of this case clearly show that there is no direct evidence to link the three (3) accused to the killing of the unknown victim found in the Pasig river on 17 November 1984. Thus, any conviction of the accused would have to be based on circumstantial evidence.

The trial court relied on the testimony of Adelia Angeles who positively identified the accused-appellants Jesus de Guzman and Danilo Castro as the two (2) persons who were with Delfin Catap on 16 November 1984, while the three (3) were maltreating an unidentified person whom they had tied to an ipil-ipil tree. It was also established by the prosecution that after untying the unknown person, the three (3) accused took the latter towards the direction of the Pasig river where the unknown person was found the next day with multiple stab wounds and blows to the

face which caused his death. The trial court gave weight and credence to the testimony of Adelia Angeles and it is settled that the findings of the trial court on the credibility of witnesses should not be disturbed on appeal, unless some facts or circumstances might have been overlooked that may affect the decision of the case.[4] The accused-appellants have not shown any compelling reason to depart from this rule. The respective allegations of Danilo Castro that he had a mis-understanding with Adelia Angeles, and of Jesus de Guzman, that Adelia Angeles was mad at him since she suspected him of harming her child are unsupported by evidence other than the self-serving allegations of said two (2) accused-appellants.

The testimony of Adelia Angeles however was clearly not sufficient to overcome the constitutional presumption of innocence of the accused. Thus there was need to determine whether there was other evidence which established their guilt. The evidence in this case is circumstantial and Rule 133, Section 4 of the Rules of Court requires the concurrence of three (3) conditions before an accused can be convicted based on circumstantial evidence, namely: (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 conviction beyond reasonable doubt.

The records of this case establish the following circumstances:

1. The positive identification of the accused-appellants by Adelia Angeles as previously discussed.
2. The unidentified person who was found dead on 17 November 1984 along the Pasig river was the same person being maltreated by the accused-appellants and Delfin Catap on the night of 16 November 1984.
3. Dr. Joven Esguerra, who conducted an autopsy of the victim in the afternoon of 18 November 1984 determined the time of the victim's death to have been at least forty-eight (48) hours before discovery. This coincides with the time when the three (3) accused brought the victim to the Pasig river after untying him from the ipil-ipil tree.
4. Delfin Catap confessed to Adelia Angeles and Cornelio Deloso that they had killed the victim. Likewise, Danilo Castro admitted to Police Corporal Dominador Cunanan that it was Delfin Catap who killed the victim and that he and Jesus de Guzman acted only as look-outs.[5] There is no evidence to show that Corporal Cunanan had any motive to falsely testify against the accused-appellants. In *People vs. Molas*,[6] this Court stated:

While it is true that the appellant's extrajudicial confession was made without the advice and assistance of counsel, hence, inadmissible as evidence, it could be treated as a verbal admission of the accused established through the testimonies of persons who heard it or who conducted the investigation of the accused. (citations omitted)."

Moreover, in *People v. Alvarez*,[7] this Court had ruled that an extrajudicial confession is admissible against a co-accused when it is used as circumstantial evidence to show the probability of participation of said co-accused in the crime committed.

The above circumstances adequately establish beyond reasonable doubt the guilt of the accused-appellants.

The legality of the arrest need not be discussed, considering that in *People v. Rabang*,[8] this Court had held that any irregularity attendant to an arrest is considered cured when he (the accused) voluntarily submitted himself to the jurisdiction of the trial court by entering his plea and participating in the trial.

The alibi of the accused-appellants deserves scant consideration since both of them alleged being in their respective houses in the immediate vicinity of the crime scene.

As the Solicitor General correctly states, the mitigating circumstance of voluntary surrender should not be appreciated since both appellants were arrested. Likewise, it is correctly pointed out that the qualifying

circumstances of evident premeditation and treachery have not been proved - thus the crime committed is homicide and not murder.

Finally, the Solicitor General points out the error of the trial court in not awarding civil indemnity of FIFTY THOUSAND (P50,000.00) PESOS to the victim's heirs. That the victim in this case remains unknown and that no heirs have come forward does not warrant the elimination of the civil indemnity. The trial court should be made the depository of the civil indemnity for the death of the victim and the heirs of the victim should be given a period of ten (10) years to claim the amount otherwise the same will be escheated in favor of the State under Article 1144 of the Civil Code.

WHEREFORE, the decision appealed from is hereby MODIFIED. The accused-appellants Jesus de Guzman and Danilo Castro are convicted of the crime of Homicide and sentenced to imprisonment of eight (8) years and one (1) day of Prison Mayor to fourteen (14) years, eight (8) months and one (1) day of Reclusion Temporal, to indemnify the heirs of the victim in the amount of FIFTY THOUSAND (P50,000.00) PESOS and to pay the costs.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Puno, JJ., concur.

[1] Rollo, p. 14

* Penned by Judge Eliodoro B. Guinto

[2] Rollo, p. 26

[3] Rollo, p. 42

[4] People v. Kyamko, G.R. No. 95263, 18 December 1990, 192 SCRA 374

[5] Rollo, p. 19

[6] G.R. No. 97437-39, 5 February 1993, 218 SCRA 473

[7] G.R. No. 88451, 5 September 1991, 201 SCRA 364

[8] G.R. No. 73403, 23 July 1990, 187 SCRA 682

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