

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EMMA DELA CRUZ Y DIAZ, ROGER LIAD Y PICAYO, RONNIE LOCUENSIO AND DOROTEO MICUL, ACCUSED.

G.R. Nos. 138516-17. October 17, 2000

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

A judgment of conviction may be based on circumstantial evidence provided that, as in the present case, the proven circumstances constitute an unbroken chain that leads to no other logical conclusion than the guilt of the accused beyond reasonable doubt.

The Case

Emma dela Cruz[1] appeals the January 22, 1999 Decision[2] of the Regional Trial Court (RTC) of Quezon City, which convicted her and Roger Liad of robbery with homicide and sentenced them to reclusion perpetua. The decretal portion of the Decision reads as follows:

"WHEREFORE, premises considered, judgment is hereby rendered in this case finding accused Roger Liad y Picayo and Emma dela Cruz guilty beyond reasonable doubt of the special complex crime of [r]obbery with [h]omicide punishable under par. 1, Art. 294 of the Revised Penal Code as amended by Sec. 9 of R.A. 7659, and sentences both accused to suffer the penalty of RECLUSION PERPETUA, and to pay private complainants as follows:

- a) P116,957.00 by way of actual damages;
- b) P100,000.00 by way of moral damages;
- c) P100,000.00 by way of exemplary damages; and
- d) P100,000.00 as indemnity for the death of the victims.

"Both accused should be credited in full of their preventive imprisonment.

"SO ORDERED." [3]

On January 1, 1999, an Information[4] was filed by Assistant City Prosecutor Edgardo T. Paragua indicting Roger Liad with robbery with homicide. Subsequently, a second Information[5] signed by Assistant City Prosecutor Ma. Aurora Escasa-Ramos charged Appellant Emma dela Cruz, together with two (2) others,[6] with the same crime. The latter charge reads:

"That on or about the 27th day of December 1994, in Quezon City, Philippines, the above-named accused, conspiring together, confederating with and mutually helping xxx their co-accused ROGER LIAD Y PICAYO, who is being charged [with] the same offense at the Regional Trial Court of Quezon City, Branch 79 and docketed as Crim. Case No. Q-95-59989, with intent to gain, and by means of violence and/or intimidation against persons, did then and there wilfully, unlawfully and feloniously rob the residence of NORMA

LOZANO Y DOMINGUEZ, located at # 25-C 11th Jamboree Street, Bgy. Sacred Heart, this city, in the manner, as follows: on the date and place aforementioned, the said accused pursuant to their conspiracy, entered the residence of the said Norma Lozano Y Dominguez, and at knife point, took, robbed and carried away the following:

one (1) Juvenia lady[']s wristwatch
one (1) Set 8-pcs. white metal bangles
one (1) gold lady[']s ring with white stone
one (1) pair of `dented' gold earrings
one (1) gold bracelet with flower design
one (1) set gold ring and earrings with pink stones
one (1) `fancy' child's ring & (1) pc. heart shape earrings and
one (1) red plastic fancy toy wallet and assorted sets of expensive jewelr[y] worth P600,000.00 and two (2) videocams, (Nikon Camera)

all in the total amount of P800,000.00, Philippine Currency, belonging to NORMA LOZANO Y DOMINGUEZ, and on the occasion thereof, the said accused, dragged Norma Lozano Y Dominguez and Lorgiza Cristal Velasco y Lozano to the bathroom, and then and there stabbed them on their throat and in different parts of their body, thereby inflicting upon them serious and grave wounds, which were the direct and immediate cause of their untimely death, to the damage and prejudice of NORMA LOZANO Y DOMINGUEZ, and her heirs, and the heirs of LORGIZA CRISTAL VELASCO Y LOZANO.

CONTRARY TO LAW."[7]

When arraigned on June 19, 1995, appellant pleaded not guilty.[8] After due trial, the lower court promulgated its assailed Decision.

Hence, this appeal.[9]

The Facts

Prosecution's Version

In its Brief,[10] the Office of the Solicitor General presents the following version of the facts:

"Private complainant Ma. Lourdes-Velasco is a single parent to her five-year old daughter Lorgiza Cristal Velasco. She lived with her parents Ruben and Norma Lozano and a sister at No. 25-C, 11th Jamboree St., Quezon City. Private complainant hired accused-appellant Emma de la Cruz as her maid sometime in September 1994 upon the recommendation of her officemate Rodolfo Guerrero. A month later, she also employed accused-appellant De la Cruz's sister Riza.

"On December 23, 1994, the De la Cruz sisters asked for a Christmas vacation which they planned to spend in Cavite with their mother. Private complainant readily agreed and gave them their salary and bonuses. They came back on Christmas day itself. Riza told private complainant that she would go home to the Visayas with her mother. Private complainant acceded and she left that evening. [O]n the afternoon of December 26, 1994, accused-appellant De la Cruz sought permission from Mrs. Norma Lozano to visit her mother in Marikina. She returned the following day, December 27, 1994, at around 6:00 in the morning.

"At 9:00 in the morning of December 27, 1994, private complainant, who was preparing to leave for the Bureau of Internal Revenue where she works, took a call for accused-appellant De la Cruz, who was then in the comfort room. The man identified himself as Roger and left the message that Riza and their mother are going to the Visayas. She relayed the message to her mother and left her P13,000.00 for the dining set she bought from SM to be delivered that day. On her way out, she saw Julio (sometimes Julius) Arguiluz (or Arguilus) in his car at the driveway. The latter was employed as project representative/driver of the White

Beam Home Corp., owned by a Korean and with office at No. 25-B.

"At noontime, private complainant tried to call her mother to find out whether the dining set was delivered. However, she could not reach her and all she could hear was the recorded message 'the telephone is under repair.' She made several attempts until about 2:00. Around that time, two (2) SM delivery boys came and knocked at the door repeatedly. When no one answered, the owner of the apartments came out and told them 'wala atang tao diyan' but the SM delivery boys replied 'meron po yata dahil nakabukas ang TV.' Still, when no one opened the door, they left. Thirty (30) minutes later, Arguiluz[11] who was in his car noticed three (3) men come out of No. 25-C one after another, at an interval of about two (2) minutes. The first man came out fixing his clothes, the second was carrying a bag, and the third was walking casually but glancing around. Meanwhile, after getting permission to leave early, private complainant left the office at past 3:00 in the afternoon.

"Upon reaching the place, private complainant saw Arguiluz in his car at the driveway. She asked him to move his car out so she could go in since No. 25-C [was] at the rearmost. He did and she was able to park her car in front of their unit. After alighting, she noticed that the front wooden door, the screen door and the windows were closed and the television was playing very loud. She passed through the side door leading to the maid's room, which she observed to be open and accused-appellant De la Cruz's personal belongings gone and the mattress folded. She proceeded to the living room and reduced the volume of the television. She found the telephone cord cut and the slippers of her mother and daughter scattered in front of the comfort room. She tried to open the door of the comfort room but something was obstructing it. She rushed upstairs and found the rooms in disarray and the cabinets ransacked. She raced downstairs to the comfort room and there discovered the lifeless and bloodied bodies of her mother and daughter. She came out of the apartment hysterical shouting 'pinatay, pinatay.' Arguiluz ran to her and brought her to their office to calm her. Fellow workers went inside the house to check what happened. Their boss directed Arguiluz to call the police and another was ordered to call private complainant's father. Arguiluz went to the nearest police detachment located at Roces Street.

"An on-the-spot investigation was conducted by the responding policemen, PO3 Ramon Bagacay and SPO1 Sobrepena. However, the Station Investigation and Intelligence Division (SIID) of Police Station 10 of the Central Police District dispatched SPO1 Salvador Buenviaje, SPO4 Lovino Acharon and SPO1 Jaypol Fulgencio for a more thorough investigation.

"Dr. Florante Baltazar, the former chief of the PNP Laboratory Services conducted the autopsy. Per Medico-Legal Report No. M-2109-94, Lorgiza Cristal Velasco sustained ten (10) external injuries: eight (8) stab wounds, five (5) of which were fatal, and two (2) hematoma. The 5 fatal stab wounds pierced the upper lobe of the left lung. The cause of her death was multiple stab wounds on the anterior left neck and left supra-clavicular region. Medico Legal Report No. M-2110-94 on Norma Lozano [stated that she] sustained twenty six (26) external injuries: twenty three (23) were stab wounds, eighteen (18) of which [were] fatal, two (2) hematoma, and one (1) linear abrasion. The fatal stab wounds pierced the lungs, heart and liver. The cause of death was also multiple stab wounds. The stab wounds were caused by an 11-inch icepick, which was recovered on January 6, 1995 behind the washing machine as the family prepared to move out of the apartment." [12]

Defense's Version

On the other hand, appellant narrates the facts in this manner:[13]

"Accused Emma dela Cruz testified that as a housemaid she worked at the residence of the private complainant Malou (Ms. Lourdes Lozano-Velasco) located at No. 25-C 11th Jamboree St., Quezon City starting from October 5, 1994 up to December 25, 1994. That on December 24, 1994 her mother arrived to fetch her to go home at the province. Three days thereafter she went to a bus terminal at Pasay where her mother was waiting for her. That while at Matoguinao, Samar their province for about one (1) month, a reported by the name of Boy Lawin went to see her and asked if she could be a witness in a murder case involving her employer. Boy

Lawin told her that he will take of her if she will point to the men who killed the mother of the complainant. But when they were at the Quezon City Police Headquarters, the police incarcerated her and brought her inside their detention cell and that was in the presence of her former employee, that pity Malou who asked her to point the person who killed her daughter and mother, that she was not assisted by a counsel, thereafter, and she denied knowing her co-accused Roger Liad whom she for the first time at the Quezon City Jail, she was brought to Bicutan by Boy Lawin, she further asserted that her employer (Malou) gave her money and instructed her to point accused Liad as the perpetrator, she further denied that she was at the crime scene when the incident happened. And further denied the to know the persons of Doroteo Micul, Ronnie Lucuensio and Odie Guerrer, these three (3) persons appear to have been subject of police investigations suspect for the crime at bar, in-fact Ronnie Lucuensio and Doroteo Micul appears from the records as co-accused to the effect that the theory of the prosecution that they participated in committed the offense and were in conspiracy with Roger Liad and Emma dela Cruz."

Trial Court's Ruling

Finding that there was enough circumstantial evidence to prove the guilt of appellant and her co-accused, the trial court ruled thus:

"As gleaned from the evidence on record, no one actually saw how these dastardly and heinous acts were inflicted upon the victims. The prosecution built its case against both accused based primarily on circumstantial evidence.

x x x x x x x x

"After careful examination of the circumstantial evidence proved by the prosecution, the Court finds that the same constitute an unbroken chain of circumstantial evidence pointing unerringly to the culpability of accused Liad and Dela Cruz for the crime of Robbery with Homicide. The prosecution was able to establish the presence of conspiracy among accused Liad, Dela Cruz, and two (2) other male persons. Conspiracy can be inferred from and proven by the acts of the accused themselves when said acts point to a joint purpose and design, concerted action and community of interests. Circumstantial evidence is sufficient to prove conspiracy, if it shows a concerted plan, scheme or design to further common objective. In the case at bar, the culpability of accused Liad for the crime charged was clearly shown by the recovery of the jewelries of the victims in his possession. Furthermore, his presence at the crime scene was sufficiently established thru the categorical and positive testimony of witness Samuel dela Cruz that both accused together with two other male persons left the crime scene together. Likewise, it was established that accused Dela Cruz knew accused Liad and conspired with the latter's group as evidenced by the fact that accused Liad and his companions did not employ force upon things to effect entrance into the apartment. The records show that when Malou Velasco arrived at the crime scene [o]n the afternoon of December 27, 1994, the front door and windows of the apartment were closed but the side door leading to the room of accused Dela Cruz was open. This could only mean that the latter intentionally closed the front door and the windows in order to prevent discovery of their evil designs from the outside and she opened the side door leading to her room to give accused Liad and companions easy access to the apartment. More importantly, if accused Dela Cruz had no participation whatsoever in the commission of this crime, why then did she leave together with the other accused and fle[e] to Samar? Flight is another example of a collateral matter which is relevant as it may tend to establish the probability of guilt of the accused. Also, the fact that accused Dela Cruz who was a member of the household of the victims was not harmed by the group of accused Liad who incidentally are all natives of Samar is an added circumstance tending to establish her culpability. Thus, it can be clearly inferred that the acts and behavior of both accused Liad and Dela Cruz were in fact connected and cooperative with a view to the furtherance of the common design and purpose which was to rob the victims and on the occasion thereof Norma Lozano and Lorgiza Velasco were killed. Direct proof is not essential to establish conspiracy. Since by its nature, conspiracy is planned in utmost secrecy, it can rarely be proved by direct evidence. Consequently, the presence of the concurrence of mind which is involved in conspiracy may be inferred from proof of facts and circumstances,

which taken together, apparently indicate that they are merely parts of some complete whole. Moreover, the degree of actual participation in the commission of the crime is immaterial in conspiracy. Conspiracy having been established in the commission of this crime, the act of one is the act of all and everyone of the conspirators is guilty with the others in equal degree.

"On the whole, the prosecution's evidence was able to establish all the elements of robbery with homicide, x x x:

x x x x x x x x

"Contraposed against the strong and convincing evidence established by the prosecution, both accused could only offer the defense of denial and alibi. Accused Liad testified that on December 27, 1994 at around 12:30 p.m. he was in the house of his sister, Amy Aklan at Brgy. Mambugan, Antipolo, Rizal. He denied that he knew personally co-accused Dela Cru[z]. Upon the other hand, the latter claimed that she was already in Matuguinao, Samar on December 27, 1994. She claimed that she saw accused Liad for the first time when both of them were detained by reason of this case. The defense put up by both accused is not convincing and plausible given the facts obtaining in this case. Such defense is highly improbable in view of the testimonies of witnesses Samuel dela Cruz and Julio Arguillos who personally identified accused Liad as one of the persons who was seen coming out from the crime scene [o]n the afternoon of December 27, 1994. More importantly, his defense of denial crumble[d] when SPO1 Lim recovered from his possession the jewelr[y] of the victims. Likewise, the defense of denial and alibi is unavailing with respect to accused Dela Cruz particularly so in view of the testimonies of private complainants Malou Velasco and Ruben Lozano that said accused was still under their employ as housemaid on December 27, 1994 and she was with the victims on that fateful afternoon. Their testimonies were strongly corroborated by Julio Arguillos who saw accused Dela Cruz disposing [of] the garbage outside the apartment [o]n the morning of said date. The weakness of their defense was further aggravated by the fact that it rested solely on their sole testimony and remain[ed] uncorroborated.

x x x x x x x x

"On the civil aspect of this case, the Court finds both accused liable to pay private complainants P116,957.00 representing the funeral and burial expenses by way of actual damages. The related amounts claimed by the private complainants is denied since the same are not substantiated with receipts. Likewise, for failure of the prosecution to show proof as to what kind of jewelr[y], dresses and other items stolen by herein accused which remain unrecovered and the failure of the prosecution to prove the value of these stolen goods, the civil liability therefor pertaining to the unrecovered stolen goods cannot be sustained for lack of factual basis.

"The award of moral damages is proper because the private complainants definitely suffered moral shock, serious anxiety and wounded feelings by reason of the death of their loved ones. Hence, pursuant to Art. 2219 (5) in relation to Art. 2217 of the Civil Code, both accused are liable to pay moral damages to the complainants in the amount of P100,000.00. Considering the alarming upsurge of criminality in the Metropolitan Manila area, and in order to deter others from committing the same offense, the Court in the exercise of its discretion, orders both accused to pay exemplary damages in the amount of P100,000.00

"In addition, both accused are liable to pay the private complainants the amount of P100,000.00 as indemnity for the death of the two (2) victims."[14]

The Issues

Appellant submits that the court a quo committed the following errors:

"I

That the trial court erred in not acquitting the accused, specifically Emma dela Cruz on ground of reasonable doubt of her participation in the alleged special complex crime of robbe[r]y with double homicide levelled and

imputed against her and [her] alleged co-accused-

A) Glaring inconsistencies in the accounts of the incident by the prosecution[']s alleged eye and/or material witnesses, Samuel dela Cruz and Julio Arguiluz;

B) That the court erred in believing x x x the testimony of Samuel dela Cruz, who is a perjured, paid witness who[se] testimon[y] was unreliable;

C) That the identities of the suspects/accused w[ere] supplied to Samuel dela Cruz, and [that they were] coached by the police during the investigation, hence, [their testimonies] should not be accepted as evidence.

II

That the trial court erred in its finding that there was conspiracy among the accused that [led] to the conviction of Emma dela Cruz." [15]

Restated for clarity, the issues hinge on the following: a) the credibility of the prosecution witnesses and b) the presence of conspiracy.

The Court's Ruling

The appeal has no merit.

First Issue:

Credibility of Witnesses

Questioning the credibility of the prosecution witnesses, appellant argues (1) that their accounts were inconsistent, (2) that Witness Samuel dela Cruz was paid to testify for the prosecution, and (3) that the identities of the assailants were supplied to said witness by the police investigators.

Appellant stresses that Judge Macapagal, the ponente of the assailed Decision, was not the one who heard the case.[16] We note, however, that he relied on the transcript of stenographic notes taken during the trial.[17]

No Inconsistencies

Appellant alleges certain "inconsistencies" between the testimonies of Prosecution Witnesses Julio Arguilus and Samuel dela Cruz.[18] She argues that there was an inconsistency between the statement of Witness dela Cruz that he saw three males and one female[19] standing along the street where the apartment units were located and that of Arguilus that he saw only three men emerge from the apartment unit. This alleged inconsistency, however, was more imagined than real. Be it noted that he was riding on a jeep that passed by the front gate - some distance away from Arguilus, who was sitting in a car in front of the apartment. Moreover, in his testimony which we quote below, the latter testified that he saw appellant come out of the house:

"PROS. MAYNIGO:

Q:

You said that you were inside your car during that time of interval[;] when you were there, what did you [observe]?

ATTY. GASAPOS: Objection, your Honor. It has already been clearly answered by the witness [who said] that he was there when he observed three (3) male persons.

PROS. MAYNIGO: No, your Honor. The defense is not listening. From 9:00 o'clock to the time the SM boys arrived, your Honor. That is the question. From that interval what did you observe?

COURT: Answer.

A:

I saw the maid [go] out [of] the apartment and throw x x x garbage in front of the house as her usual routine, sir.

PROS. MAYNIGO:

Q:

If that person, that maid whom you saw [take] out the garbage coming from that apartment[,] is present in the court room, would you be able to identify her?

A:

Yes, sir.

Q:

Q: Would you kindly step down from the witness stand and tap the shoulder of that person or that maid?

A:

(Witness stepped down from the witness stand and tapped the shoulder of a person who identified herself as Emma dela Cruz.)"[20] (emphasis ours)

Clearly, therefore, after Malou[21] Lozano left for work, which was around nine o'clock in the morning, appellant came out of the apartment, purportedly to throw away some garbage. That the latter went back inside was never claimed by Arguillus in his testimony, which we quote:

"Q:

After Malou left x x x Apartment-C, what did you observe next?

A:

I observed that when Malou left the apartment, sir, she [bade] goodbye to her daughter as she usually did before x x x leaving.

Q:

After Malou [bade] goodbye to her daughter, what did you observe next, Mr. Witness?

A:

In the afternoon I noticed some men come out [of] the house and I mistook them [for] visitors. Then, I noticed at around 1:00 P.M. the SM delivery boys come and they were knocking [on] the door. They were knocking repeatedly but nobody answered and the owner of the house said `wala atang tao diyan".

Q:

You said that these SM delivery men knocked at the apartment, what apartment?

A:

At apartment-C, sir.

Q:

You also stated that the owner of the house made a reply to those SM delivery boys `wala atang tao diyan,' where [was] this person at that time when she talked to the SM delivery boys and told them `wala atang tao diyan'?

A:

She [was] just right in front of the apartment, sir.

Q:

In showing to you this Exhibit U, would you kindly point to us where was this person at that time?

A:

(Witness pointing to the owner of the apartment just across Apartments A, B and C.)

PROS. MAYNIGO:

Q:

Mr. Witness, what happened after the owner of the apartment informed those SM delivery men that `wala atang tao diyan'?

A:

The SM delivery boys answered, `meron po yata dahil nakabukas ang TV.'

Q:

What happened next?

A:

The SM delivery boys left, sir.

Q:

How many delivery boys from the SM were there at that time?

A:

Two (2), sir.

Q:

Were they carrying anything when you saw them knocking at the door of Apartment-C?

A:

Yes, sir. They were supposed to deliver something to Apartment-C which [was] still in their van outside along the street.

Q:

When these delivery boys from SM left, what happened next?

A:

The[n], I noticed some men came out [of] Apartment-C, sir.

Q:

How many minutes [had passed] when you saw these men left after the SM delivery boys left the premises?

A:

About thirty (30) minutes, sir.

Q:

You said that you saw some men left Apartment-C thirty (30) minutes after the SM delivery boys left the place, how many men did you see?

W I T N E S S:

A:

Three (3), sir.

Q:

When these three (3) men left Apartment-C, were they together?

A:

No, sir. One by one.

Q:

What was the interval of time?

A:

About two (2) minutes.

Q:

What did you observe [about] the first man who came x x x out?

ATTY. GASAPOS: It calls for an opinion, sir.

COURT: No, it's not. He is being asked on what he saw on the person. Answer.

A:

A: He was fixing his dress, sir.

PROS. MAYNIGO:

Q:

How about the second man when he came out [of] Apartment-C?

A:

The second man just walked casually, sir.

Q:

Do you remember whether the second man was carrying something?

ATTY. GASAPOS: Leading.

PROS. MAYNIGO:

Q:

What did you observe [about] this man aside from [his] walking casually?

A:

He was carrying a bag, sir.

PROS. MAYNIGO:

Q:

How about the third person?

A:

The third person, he also walked casually, sir."[22]

The foregoing is consistent with Samuel dela Cruz's testimony that he saw three males and one female standing in front of the gate, trying to hail the jeepney he was riding on. Note that according to the testimonies of the witnesses and the diagrams in the records, there was a long curved driveway connecting these apartment units to the street, where dela Cruz saw the four while waiting for a ride. Thus, after coming out of the apartment, she must have waited at the gate for her three cohorts.

Appellant also harps on the fact that Arguiluz did not immediately give his statement to the police and, instead, waited a year before coming forward with his testimony. Suffice it to say that we have often observed the natural hesitancy of witnesses to testify regarding a crime.[23] As the solicitor general points out:

"Arguiluz' statements are not dubious simply because he did not give his statements during the investigation that immediately follow[ed]. He explained that he did not do so because he learned from the responding policemen that they were not the ones who had jurisdiction over the case, but the Station Investigation and Intelligence Division (SIID). Besides, this Court had taken judicial notice of the reticence of some Filipinos to be involved in a case. Though Arguiluz may be considered a reluctant witness, the undeniable fact was that he was at the vicinity of the crime scene when the crime occurred and he had actual participation after the crime was discovered."[24]

Not a Paid Witness

The allegation that Samuel dela Cruz was paid to testify against appellant and her co-accused is preposterous and baseless. Indeed, "[t]he amount of P85.00[25] cannot, by [any] stretch of imagination, be interpreted as 'witness fee' as [appellant] wanted to imply."[26]

Appellant further claims that dela Cruz erred in saying that the place where he saw appellant and the three other assailants was "near Apo." [27] She maintains that it "is public [knowledge] that there is no Apo Street within the vicinity of 11th Jamboree Street, in Quezon City." [28] That may be so, but there is a restaurant near that place called "Apo Duwaling." Moreover, we believe that, like the other alleged inconsistencies, it is a minor detail which does not impinge on the credibility of the witness.

Identities of Assailants Not Supplied to Witness

We find unavailing appellant's claim that the police officers supplied the identities of the assailants. In fact, the policemen, after conducting an investigation, were able to make cartographic sketches which were subsequently confirmed and identified by Samuel dela Cruz. In that light, there was no more need for the lawmen to ask him for the physical descriptions of the four assailants. As explained by the solicitor general:

"After the incident, the police interviewed several people who could provide lead[s] to the gruesome crime. One of these persons was Sarah Diaz y Liad, the cousin of accused-appellant who was the maid of private complainant's officemate. The police went to Mar[i]kina and obtained description of [Accused] Liad who unwittingly gave his name to private complainant when he called the morning of December 27, 1994. Thus, when dela Cruz went to the police station on December 29, 1994, there were already sketches of suspects. There was no need for him to describe them as what was left for him to do was identify the persons he saw from the sketches." [29]

Second Issue:

Conspiracy

Emma dela Cruz also questions the trial court's finding of conspiracy for lack of independent evidence. She argues that the witnesses' testimonies were inconsistent and unreliable, and that the stolen items seized from Roger Liad were inadmissible.

Illegal Arrest and Fruit of the Poisonous Tree

We shall deal first with the arrest of Roger Liad and the seizure of some items from him.

The arrest of Liad, which the arresting officers ostensibly referred to as an "invitation," [30] was illegal; so was the subsequent search and seizure of the stolen items from him. He was already singled out as a prime suspect in the grisly deed, yet the police failed to obtain a warrant for his arrest. [31] His warrantless arrest did not fall under the exceptions provided for in the Rules of Court. Consequently, whatever was seized from him could not be used against him or Appellant Emma dela Cruz. [32] This conclusion is consonant with the *raison d'être* of the exclusionary rule. [33] The trial court's use of the "fruit of a poisonous tree" against appellant was thus erroneous. [34]

Be that as it may, we still do not agree with the contention that conspiracy was not proven by the other pieces of evidence on hand.

Circumstantial Evidence

In *People v. Geron*, [35] we held that circumstantial evidence was sufficient to warrant a finding of guilt, as follows:

"Doubtless, it is not only by direct evidence that an accused may be convicted of the crime for which he is charged. There is in fact consensus that resort to circumstantial evidence is essential since to insist on direct testimony would, in many cases, result in setting felons free and deny proper protection to the community. However, certain guidelines have been evolved for circumstantial evidence to be acceptable. Like a tapestry made up of strands which create a pattern when interwoven, a judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person. 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 rationale except that of guilt."

Thus, the relevant question before us now is this: Apart from the stolen items illegally seized from Liad, is there enough circumstantial evidence to prove appellant's guilt? We rule in the affirmative.

The following pieces of circumstantial evidence constitute an unbroken chain of events, which sufficiently establish the guilt of appellant as a conspirator in the crime: (a) she was employed as a maid by Malou Lozano who left the victims with her on that fateful day; (b) before Malou left the apartment, a certain Roger called,

asking for appellant who was then inside the toilet; (c) Witness Arguilus saw appellant coming out of the apartment, followed a while later by three males, one of whom was identified in open court as Roger Liad; (d) Samuel dela Cruz saw appellant leaving the place in the company of these three males, including Liad; (e) the apartment was constructed in such a manner that ingress and egress was either by the front door or by a path leading to the maid's quarters; (f) the door of the maid's quarters, which led to the kitchen of the apartment unit, was left open; (g) the maid's quarters itself was bare, the belongings of appellant having been taken, but her room was not ransacked;^[36] (h) the room of the victims and that of Malou were sacked and looted; (i) of the three who were left at the apartment when Malou had gone to work, appellant was the only one unharmed; and g) appellant fled to her hometown in Samar for no credible reason.^[37] From these proven facts, we can infer that appellant had conspired with three others in robbing the apartment unit and in killing the two victims.

Juxtaposing these circumstances with the defenses of denial and alibi, we are firmly convinced that appellant is guilty. Not only are her defenses inherently weak;^[38] they are negated by the testimonies of the prosecution witnesses who positively identified her and affirmed her presence at the locus criminis during that fateful day.^[39] Moreover, it is highly improbable that Malou Lozano, the mother of five-year-old Lorgiza Cristal Velasco and daughter of Norma Lozano, both victims in this horrible crime, would falsely accuse an innocent person of the crime. Her natural inclination would be to pinpoint the real culprit.^[40]

WHEREFORE, the appeal is hereby DENIED and the assailed Decision AFFIRMED. Costs against appellant.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

[1] Sometimes spelled "Dela Cruz," "de la Cruz" and "De la Cruz."

[2] Penned by Judge Demetrio B. Macapagal Sr.

[3] Decision, p. 14; rollo, p. 50; promulgated on February 2, 1999.

[4] Dated January 16, 1995. This was filed before Branch 79, RTC-QC.

[5] Dated February 24, 1995. This was filed before Branch 88, RTC-QC.

[6] Ronnie Locuensio alias "Enriquito" or "Enring," and Doroteo Micul alias "Dory" or "Edgar." Both remain at large.

[7] Rollo, pp. 12-13.

[8] She was assisted by Counsel de Oficio Ross Bautista. See the lower court's Order dated August 2, 1995. (Records, Vol. I, p. 91.) Appellant's co-accused, Roger Liad, entered the same plea per Order dated February 3, 1995 (Records, Vol. I, p. 51)

[9] This case was deemed submitted for resolution on June 26, 2000, when the Court received the Appellee's Brief. The filing of a reply brief was deemed waived, as none was submitted within the reglementary period. Only Emma dela Cruz filed her Notice of Appeal dated April 24, 1999. (Rollo, p. 51; records, p. 356, Vol. I)

[10] Signed by Assistant Solicitor General (then Officer-in-Charge) Carlos N. Ortega and Solicitor Maria Belen P. Montes.

[11] Also spelled "Arguilus."

- [12] Appellee's Brief, pp. 4-9; rollo, pp. 118-123.
- [13] Appellant's Brief, pp. 6-7; rollo, pp. 71-72. This was signed by Atty. Jaime A. Gasapos of the Quezon City Public Assistance & Legal Aid Office, Office of the Mayor. This narration, including its typographical errors and omitted words, is reproduced verbatim.
- [14] Decision, pp. 8-13; rollo, pp. 44-49. Citations omitted.
- [15] Appellant's Brief, pp. 7-8; rollo, pp. 72-73.
- [16] The entire case was heard by Judge Godofredo L. Legaspi. The Decision, as mentioned above, was signed by Judge Demetrio B. Macapagal Sr.
- [17] See *People v. Espanola*, 271 SCRA 689, April 18, 1997; *People v. Pacapac*, 248 SCRA 77, September 7, 1995; *People v. Gazmen*, 247 SCRA 414, August 16, 1995.
- [18] Both identified appellant and Roger Liad as the persons who were at or near the scene of the crime.
- [19] Referring to Appellant Emma dela Cruz.
- [20] TSN, June 10, 1996, p. 6.
- [21] Also referred to as "Lourdes" in the records.
- [22] TSN, May 19, 1996, pp. 10-13.
- [23] *People v. Andal*, 279 SCRA 474, September 25, 1997.
- [24] Appellee's Brief, pp. 12-13; rollo, pp. 126-127.
- [25] Broken down to P35 and P50 on two occasions. The witness testified four times.
- [26] Appellee's Brief, p. 13; rollo, p. 127.
- [27] TSN, June 13, 1995, p. 12.
- [28] Appellant's Brief, p. 14; rollo, p. 79. (Emphasis ours.)
- [29] Appellee's Brief, pp. 14-15; rollo, pp. 128-129.
- [30] TSN, January 31, 1996, p. 9.
- [31] *Ibid.*, p. 13.
- [32] §2, Article III of the 1987 Constitution, provides:
- "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized."
- §3 (2), Article III of the 1987 Constitution, in turn provides:
- "Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding."
- [33] See Bernas, *The 1987 Constitution of the Republic of the Philippines: A Commentary*, 1996 ed., pp.

201-203.

[34] See *People v. Banola*, 274 SCRA 238, June 19, 1997; *People v. Salangga*, 234 SCRA 407, July 25, 1994. Compare with *People v. Alicando*, 251 SCRA 293, December 12, 1995.

[35] 281 SCRA 36, 46, October 17, 1997, per Romero, J.

[36] As opposed to the two rooms on the second floor which were left in disarray by the robbers.

[37] See *People v. Salas*, GR No. 115192, March 17, 2000; *People v. Sanchez*, 298 SCRA 48, October 14, 1998; *People v. Faco*, 314 SCRA 505, September 16, 1999; *People v. Guarin*, GR No. 125964, October 22, 1999. Cf. *People v. Parel*, 261 SCRA 720, September 16, 1996; *People v. Banola*, *supra*.; *People v. Geron*, *supra*.

[38] See *People v. Fabon*, GR No. 133226, March 16, 2000.

[39] See *People v. Guarin*, *supra*.

[40] See *People v. Rendoque et al.*, GR No. 106282, January 20, 2000; *People v. Quilang*, 312 SCRA 314, August 12, 1999.

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