

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LITO LIMPANGOG AND JERRY LIMPANGOG, APPELLANTS.

G.R. Nos. 141438-40. February 03, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In every criminal prosecution, the State must prove beyond reasonable doubt all the elements of the crime charged and the complicity or participation of the accused. Where the evidence does not show beyond moral certainty that appellant was one of the perpetrators of the offense, acquittal necessarily follows. The constitutional presumption of innocence must be upheld.

Statement of the Case

Lito and Jerry Limpangog appeal the September 15, 1994 Joint Decision[1] of the Regional Trial Court (RTC) of Ormoc City (Branch 12) in Criminal Case Nos. 4375-0, 4376-0 and 4393-0, convicting them of murder and two counts of frustrated murder. The dispositive portion of the assailed Decision reads as follows:

“WHEREFORE, decision is hereby rendered in Criminal Cases Nos. 4375, 4376 and 4393 finding the accused LITO LIMPANGOG and JERRY LIMPANGOG guilty beyond reasonable doubt of Frustrated Murder in Criminal Case No. 4375; Murder in Criminal Case No. 4376; and Frustrated Murder in Criminal Case No. 4393 defined and penalized under Article 248 in relation to Article 6 of the Revised Penal Code. Appreciating the aggravating circumstance of nighttime with no mitigating circumstance to offset it, this court imposes upon the said Lito Limpangog and Jerry Limpangog the sentence of imprisonment for an indeterminate period of TEN (10) years of prision mayor, as minimum, to SEVENTEEN (17) YEARS of reclusion temporal as maximum in Criminal Case No. 4375; RECLUSION PERPETUA in Criminal Case No. 4376; and TEN (10) years of prision mayor, as minimum, to SEVENTEEN (17) YEARS of reclusion temporal, as maximum, in Criminal Case No. 4393, and to indemnify Pedro Casimero and Rene Boy Casimero the sum of TEN THOUSAND PESOS (P10,000.00) each and the heirs of Jose Cabanero the sum of FIFTY THOUSAND PESOS (P50,000.00) and to pay the costs.

“As both convicted accused are detention prisoners, the period of their detention shall be credited in full if they conform in writing with the rules and regulations of convicted prisoners, otherwise, only four[-]fifths thereof.”[2]

Three Informations[3] charged appellants as follows:

In Criminal Case No. 4375-0 --

“That on or about the 19th day of November, 1993, at Highway District, Poblacion, Merida, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, by conspiring and mutually helping each other with treachery and evident premeditation, did then and there wil[l]fully and feloniously attack, assault, stab and wound one RENY BOY CASIMERO, with the use of sharp pointed weapon, which the accused had provided themselves for the purpose, thereby inflicting upon him the following wounds, to wit:

- ‘1) Incised wound 1 cm. (L) posterior axillary line.
- ‘2) Incised wound 2 cm. lateral aspect thigh.
- ‘3) Incised wound 1.5 cm. (R) mid-clavicular line at the level of T6 T8 penetrating.’

which would have caused his death, thus performing all the acts of execution which would have produced the crime of Murder, as a consequence, but nevertheless did not produce the same, by reason of causes independent of the will of the accused, that is by the timely and adequate medical assistance rendered to the victim which prevented his death.”[4]

In Criminal Case No. 4376-0 --

“That on or about the 19th day of November, 1993, at Highway District, Poblacion, Merida, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, with treachery and evident premeditation, did then and there wil[l]fully, unlawfully and feloniously attack, assault, stab and wound one JOSE CABAÑERO, with the use of sharp pointed weapon which the accused had provided themselves for the purpose, thereby inflicting upon the latter the following wounds, to wit:

1)

Wound-clean cut, 5.5 cm. in length, bone deep, oblique in direction, cutting the lower lip, right side.

‘2)

Stab wound -- 2 cm[.] in length, muscle deep, vertical and upward in direction, first intercostal space, midclavicular line, right anterior chest wall.

‘3)

Stab wound -- 2 cm[.] in length, through and through, skin deep, verti[c]al in direction right shoulder.

‘4)

Stab wound -- 2 cm[.] in length, probably penetrating the chest cavity, oblique and downward in direction, first intercostal space, anterior axillary line, left anterior chest wall.

‘5)

Stab wound -- 2 cm[.] in length, bone deep, horizontal in level of the fourth intercostal space, midsternum.

‘6)

Stab wound -- 2 cm[.] in length, muscle deep horizontal, seventh intercostal space, left paravertebral line”

which caused his death.”[5]

In Criminal Case No. 4393-0 --

“That on or about the 19th day of November, 1993, at Highway District, Poblacion, Merida, Province of Leyte,

Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, by conspiring and mutually helping each other, with treachery and evident premeditation, did then and there wilfully and feloniously x x x attack, assault, stab and wound one PEDRO CASIMERO with the use of sharp pointed weapon, which the accused had provided themselves for the purpose, thereby inflicting upon him the following wounds, to wit:

‘1)

Stab wound 1.5 cm. (L) scapular area, non penetrating.

‘2)

Stab wound 1.5 cm. (R) scapular area, non penetrating[.]’

which would have caused his death, thus performing all the acts of execution which would have produced the crime of Murder, as a consequence but nevertheless did not produce the same, by reason of causes independent of the will of the accused, that is by the timely and adequate medical assistance rendered to the victim which prevented his death.”[6]

During their arraignment for Criminal Case Nos. 4375-0 and 4376-0 on April 20, 1994[7] and for Criminal Case No. 4393-0 on May 16, 1994,[8] appellants, assisted by counsel,[9] pleaded not guilty to the charges. After pretrial and trial in due course, the lower court rendered the assailed judgment.

The Facts

Version of the Prosecution

In its Additional Brief for the Appellee,[10] the Office of the Solicitor General (OSG) presents the prosecution’s version of the facts in this wise:

“Pedro Casimero testified that he was the driver of a Yamaha motorcab owned by Marilyn Barte, plying Cogon, Owak and Isabel, Leyte. On November 19, 1993, about 8:00 o’clock in the evening, while waiting for passengers at the Ormoc City terminal, appellants Lito and Jerry Limpangog approached him and told him that they wanted to hire his motorcab for P150.00 in going to Isabel, Leyte. Pedro refused and told appellants that they could hire his motorcab for P250.00. Pedro then told appellants that another passenger who turned out to be Jose Cabanero was also going to Isabel, Leyte and could pay the difference.

“While appellants were eating at a well-lighted restaurant, Pedro Casimero noticed that appellant Lito Limpangog had a tattoo on the left hand. Thereafter, appellants took the motorcab of Pedro going to Isabel, Leyte with Jose Cabanero sitting inside the motocab. As Jerry Limpangog was getting into the motorcab, someone called for Lito Limpangog and someone answered that he was urinating. They passed Barangay Puertobello, Merida, Leyte in order to fetch Pedro’s cousin, Ren[y] Boy Casimero. Reny Boy sat in the front portion of the motorcab.

“While they were negotiating the Highway of Merida, Leyte, appellant Lito Limpangog ordered Pedro to stop the motorcab as he wanted to urinate. Pedro was hesitant because it was a dark and secluded place. When Pedro turned his head to look behind, he saw appellant Lito Limpangog about to stab him with a hunting knife. Pedro was stabbed on the left and right scapular area. Pedro jumped off the still running motorcab and at the same time shouted at Reny Boy to tell him to jump off the motorcab. Pedro saw Reny Boy jump from the motorcab and stagger as he landed on the ground. With Jose Cabanero still inside the motorcab, Pedro and Reny Boy ran as fast as they could in order to ask for assistance from the police. Reny Boy and Pedro was able to ask for assistance at a nearby house and while inside the house, Pedro saw his motorcab pass by.

Afterwards, Pedro and Reny Boy went to the PNP Headquarters at Merida, Leyte to report the incident.

“Reny Boy Casimero narrated that while trying to escape, appellants stabbed him on the armpit, right thigh and back. Later, he and Pedro were taken by the police to the Ormoc District Hospital, Leyte, for treatment.

“PO2 Noel Igot of the PNP, Merida testified that in the evening of November 19, 1993, a barangay tanod and Pedro Casimero reported the carnapping of Pedro’s motorcab and the stabbing incident at Merida, Leyte. Igot brought Pedro for treatment to the Ormoc District Hospital at Merida, Leyte where he was joined by Reny Boy, who was also wounded in the incident. The following day, November 20, 1993, a civilian reported that a dead person was found on the creek at the Municipal Highway of Merida, Leyte. The police responded and found the dead body of Jose Cabanero.

“The Certification dated November 19, 1993 issued by Celso S. Antiligando, Chief of Police, PNP, Isabel, Leyte, relative to the incident, reads:

REPORT ON ALLEGED CARNAP YAMAHA L2 100 COLOR RED WITH PLATE NR TCHV-5093 WITH SIDE CAR NO 515 BELIEVED TO BE STOLEN BY AN UNIDENTIFIED PERSON/S AND WAS ABANDONED AT OSMENA ST POBLACION ISABEL, LEYTE SUSPECTS FLED AWAY ON FOOT WHEN A TEAM LED BY SPO1 REGALADO B SINGZON PNP, PO111 REYNALDO B COSTAS PNP, PO111 PEDRO S AMODIA & PO1 TAN, ANTONIO I ALL MBRS [OF] THIS STATION WHO RESPONDED TO THE REPORT. SUBJ TRICYCLE WAS BROUGHT TO PNP ISABEL FOR FURTHER INVESTIGATION.

“The Certification dated July 4, 1994 issued by Simplicio D. Muertigue, PNP Record/Administrative Clerk and Virgilio N. Luna, Chief of Police, PNP, Merida, Leyte, relative to the incident, reads:

‘THIS IS TO CERTIFY that per records available this Headquarters and or Official entry of the Merida PNP Police Blotter as entered on pages 453 to 454, entry no. 1001 dated 19 November 1993 the following is found and quoted viz:

‘That on or about 192245H November 1993, [o]ne Pedro Casimero, of legal age, married, [F]ilipino a resident of Ormoc City Driver In-Charge of a passenger motor tri-cycle reported to this Station that while on board of said motor tri-cycle from Ormoc City bound for Isabel, Leyte two of his passengers one of which with tattoo on the left back hand aboard at the back seat of said motor tri-cycle suddenly stabbed him including his nephew Reny Boy Casimero and one of his passenger[s] x x x Jose Cabanero. Incident happened on or about 192230H Nov’93.

“Dr. Jesus A. Castro of the Ormoc District Hospital, who was Pedro Casimero’s attending physician, issued a Medical Report dated November 23, 1993 wherein he stated that Pedro sustained the following injuries:

Stab wound 1.5 cm. (L) scapular area, non penetrating.

Stab wound 1.5 cm. (R) scapular area, non penetrating.

Condition of patient on the date attended:

Conscious/Not admitted.

x x x require medical attendance for a period of fifteen (15) days.

“Dr. Jesus A. Castro was also Reny Boy Casimero’s attending physician. As to Reny Boy, Dr. Castro issued a Medical Report dated January 17, 1994 wherein the following was stated as the injuries sustained by Reny Boy:

- Incised wound 1 cm. (L) posterior axillary line.

- Incised wound 2 cm. lateral aspect thigh.

- Incised wound 1.5 cm (R) mid-clavicular line at the level of T6 T8 penetrating.

“As to Jose Cabanero, a Medical Report dated July 5, 1994 was issued by Dr. Jane Grace Espino-Solaña, Municipal Health Officer, Merida, Leyte wherein she stated the following as the injuries sustained by Cabanero and the probable cause of his death:

- Lividity -- marked, face and arms
- Rigid
- Approximately dead for more than 12 hours
- Wound-clean cut, 5.5 cm. in length, bone deep, oblique in direction, cutting the lower lip, right side.
- Stab wound -- 2 cm[.] in length, muscle deep, vertical and upward in direction, first intercostal space, midclavicular line, right anterior chest wall.
- Stab wound -- 2 cm[.] in length, through and through, skin deep, vertical in direction right shoulder.
- Stab wound -- 2 cm[.] in length, probably penetrating the chest cavity, oblique and downward in direction, first intercostal space, anterior axillary line, left anterior chest wall.
- Stab wound -- 2 cm[.] in length, bone deep, horizontal in level of the fourth intercostal space, midsternum.
- Stab wound -- 2 cm[.] in length, muscle deep horizontal, seventh intercostal space, left paravertebral line.

PROBABLE CAUSE OF DEATH:

Cardiorespiratory Arrest
Secondary to Hypovolemia
Secondary to Multiple Stab wounds.”[11] (Citations omitted)

Version of the Defense

In their Additional Brief,[12] appellants deny the charges and give their version of the facts thus:

“Lito Limpangog testified that on November 7, 1993 at around 7:00 o'clock in the evening, he was in his house when policemen arrived and invited him to the police station of Matag-ob, Leyte. He was invited together with his cousin Jerry Limpangog. They were detained at the police station because they were suspects in the stabbing incident at Matag-ob, Leyte. He requested the PNP of Matag-ob, Leyte to contact the PNP of Merida, Leyte. When the policemen of Merida arrived, Pedro Casimero was made to identify them. Pedro Casimero was asked by the police officer of Matag-ob whether or not the two (2) of them were his passengers on the night the stabbing incident happened. They were ordered to come out of the prison cell and Pedro Casimero was made to identify them. Pedro Casimero held his arms and ordered him to turn his back. The room was lighted with a fluorescent lamp. Pedro Casimero told the policemen of Merida: ‘These are not the persons because I can clearly identify that person who stabbed me.’ After Pedro Casimero made his remarks, the policemen of Merida left x x x[.] The [two] were released at 7:00 o'clock the following morning.

“Jerry Limpangog testified that on December 7, 1993 at around 7:00 o'clock in the evening, he was in the house of Lito Limpangog when policemen arrived and invited them to the police station of Matag-ob, Leyte. They were investigated at the police station. Pedro Casimero together with policemen from Merida, Leyte were present during the investigation. Pedro Casimero failed to identify them as his assailants. Pedro told everybody that he knew his assailants. Pedro held his hand to find out if there was any tattoo, but he found nothing. After Pedro told the police that they were not his assailants, they were released. He further testified that on November 19, 1993 at 7:00 o'clock in the evening he was at the bakery where he worked as a baker. He denied having gone to Ormoc City on November 19, 1993.

“Ronaldo Canete, an inmate of the Leyte Sub-Provincial jail claimed that Lito Limpangog was detained at the Leyte Sub- Provincial Jail. During Lito’s detention, he approached him and asked him to place tattoo markings on his body. He acceded to the request of Lito and made tattoo markings on the latter’s right hand. The design of the tattoo on right shoulder of Lito was that of a man, while that on the right hand is letter ‘S’.”[13] (Citations omitted)

Ruling of the Trial Court

The RTC ruled that appellants had been sufficiently identified as the perpetrators of the felonies described in the Informations. It gave credence to the testimony of Pedro Casimero that he had seen the faces of the perpetrators when they negotiated for a motorcab ride to Isabel and ate in a restaurant. The fact that, when he testified, Lito Limpangog was sporting an alleged identifying mark -- a tattoo on his left hand -- further convinced the lower court that he was indeed one of the malefactors.

The trial court also appreciated the aggravating circumstance of nighttime.

Hence, this appeal.[14]

Incidentally, in a letter[15] dated August 21, 2000, Penal Superintendent I Miguel R. Serrano of the Leyte Regional Prison informed this Court that Appellant Jerry Limpangog had died on January 17, 1996, while in detention.

The consequences of an appellant’s death are provided for in Article 89 (1) of the Revised Penal Code, which reads as follows:

“Art. 89. How criminal liability is totally extinguished. – Criminal liability is totally extinguished:

- By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.”

Applying the above to Jerry Limpangog, the Court holds that his death extinguished his criminal and concomitant civil liabilities. Accordingly, the criminal cases against him should be dismissed.

Consequently, only Lito Limpangog’s appeal is the subject of this Decision.

Issues

Appellant Lito Limpangog raises the following issues for this Court’s consideration:

“I

The trial court gravely erred in giving full weight and credence to the inconsistent and unbelievable testimony of Private Complainant Pedro Casimero and in completely disregarding the defense interposed by the accused-appellants.

“II

The trial court gravely erred in finding the accused-appellants guilty beyond reasonable doubt of the crimes of murder and two (2) counts of frustrated murder despite insufficiency of the evidence for the prosecution.

“III

The trial court gravely erred in appreciating nighttime as an aggravating circumstance despite failure of the prosecution to show that it was purposely sought to facilitate the commission of the crimes charged on the assumption that accused-appellants are really guilty.

“IV

The trial court gravely erred in convicting accused-appellants of the crime of murder despite failure of the prosecution to prove the presence of any of the qualifying circumstance in the commission of the crimes charged.”[16]

“V

The trial court gravely erred in convicting accused-appellants despite failure of the prosecution to establish beyond reasonable [doubt] the identities of the perpetrators of the crimes charged.”[17]

In sum, the issues in this case boil down to three: (1) whether the identities of the perpetrators were sufficiently established, (2) whether qualifying circumstances were sufficiently established, and (3) whether the aggravating circumstance of nighttime was correctly appreciated.

The Court’s Ruling

The appeal is meritorious. Appellant must be acquitted.

Main Issue:

The Identities of the Perpetrators

Lito Limpangog does not dispute that the death of Jose Cabanero and the injuries sustained by Pedro Casimero and Reny Boy Casimero were the consequences of crimes perpetrated on the night of November 19, 1993.

Appellant contends, however, that he did not participate in any manner in the commission of those crimes. He questions the credibility of Pedro and Reny Boy, whose testimonies were offered by the prosecution to prove that he was indeed one of the malefactors.

As a general rule, the trial court’s evaluation of the testimonies of witnesses is accorded with the highest degree of respect on appeal. It is not to be disturbed in the absence of a clear showing that the lower court overlooked, misunderstood or misapplied any fact or circumstance of weight or substance that could alter the result of the case.[18] In the present case, however, the scant facts on record compel the reversal of the trial court’s findings.

Pedro Casimero testified that the men who hired his motorcab on the night of November 19, 1993 were the perpetrators of the crimes. He also said that he had never seen them before. In fact, he neither gave[19] nor was asked to give[20] a description of any one of them, when he reported the incident to the PNP headquarters at Merida, Leyte.

The records show that apart from the Report[21] of the recovery of a tricycle abandoned at Osmeña Street, Poblacion, Isabel, Leyte, no further investigation of the crimes was conducted by the police.

On December 7, 1993, almost three weeks after the incident, Pedro Casimero was called to the police station to identify the suspects. (Appellant Lito Limpangog was then in custody for allegedly causing trouble in a dance hall in Matag-ob, Leyte.[22]) Pedro recounted this incident on cross-examination:

“Q

In fact, Mr. Casimero, when the suspects were apprehended by the Matag-ob police sometime in the month of December, 1993, you were called upon by the Matag-ob police to come and identify the suspects, is that correct?

A

Yes, sir.

Q

When was that, Mr. Casimero?

A

I forgot the date, sir.

Q

But you arrived at the Matag-ob Police Station where these two suspects were detained in the evening?

A

Yes, sir.

Q

And before the Matag-ob police, you were made to identify these two whether these were your assailants or not, Mr. Casimero?

A

Yes, sir.

Q

And, it is a fact Mr. Casimero that you told the Chief of Police of Merida, Leyte Tabong that these two (2) suspects were not your assailants, is that correct?

A

Yes, sir.

Q

Because you were insisting before the Police Chief of Matag-ob that your assailant had a tattoo on the left hand?

A

Yes, sir.

x x x x x x x x

Q

But during that particular night, Mr. Casimero, the police of Matag-ob examined the left hand of these two (2) suspects together with you Mr. Casimero?

A

Yes, sir.

Q

And because they could not [find] any tattoo and you were not sure of their identity because you said that these were not your assailants, the police of Matag-ob released these two (2) suspects?

A

Yes, sir.

COURT

Q

That was how many days after the incident?

A

Two (2) weeks after, sir.

Q

And in that confrontation, you were about to meet the two (2) accused?

A

Yes, sir.

x x x x x x x x

Q

How long have you known this Lito Limpangog?

A

I do not know him, sir.

Q

When for the first time you know him?

A

I did not meet him, sir.

X X X X X X X X

COURT

Q

When for the first time you know this Lito Limpangog?

A

I do not know him, sir.

Q

Until now, you do not know him?

A

I know him only at the time of the incident.”[23]

The court a quo totally disregarded the above testimony of Pedro. Instead, it latched on to his in-court identification of appellant during the former’s direct testimony on July 5, 1994.

We believe that the RTC committed a grave error. The credibility of the in-court identification made by Pedro on July 5, 1994 -- more than seven months after the incident -- is questionable in the light of his failure to identify Lito and Jerry Limpangog when they were presented to him on December 7, 1993, barely three weeks after the attack; and of his repeated categorical statements that they were not the perpetrators of the crimes. Though he claimed to have remembered the faces of the malefactors, the records reveal that his sole clue to their identities was the tattoo mark on the left hand of the man who stabbed him on November 19, 1993.

It follows that that attacker could not have been Appellant Lito, who acquired his tattoo only in 1994.[24] The absence of a tattoo on the left hand of either Lito or Jerry Limpangog when the two were presented to Pedro on December 7, 1993 is consistent with the explanation of Lito that he had the tattoo done on his left hand only after he had been arrested and detained for the present case.

In *People v. Teehankee Jr.*[25] the Court explained that “while eyewitness identification is significant, it is not as accurate and authoritative as the scientific forms of identification evidence such as the fingerprint or the DNA test result. Some authors even describe eyewitness evidence as ‘inherently suspect.’”[26] Known causes of misidentification have been identified as follows:

“Identification testimony has at least three components. First, witnessing a crime, whether as a victim or a bystander, involves perception of an event actually occurring. Second, the witness must memorize details of the event. Third, the witness must be able to recall and communicate accurately. Dangers of unreliability in

eyewitness testimony arise at each of these three stages, for whenever people attempt to acquire, retain, and retrieve information accurately, they are limited by normal human fallibilities and suggestive influences.”[27]

When we take all of the above factors into consideration, the probability that Pedro erred in identifying appellant as one of the perpetrators of the crimes becomes clearer.

We now examine the testimony of Reny Boy positively identifying appellant as one of the assailants. This witness testified that he got a brief glimpse of them on the night of November 19, 1993.[28] They were allegedly the men seated on the motorcycle of the tricycle, whose sidecar he boarded when Pedro picked him up on the way to Isabel.

There is no evidence that shows Reny Boy faithfully took note of, much less accurately memorized, the facial features of the other passengers. In the natural course of events, he could not have done so the very first time he saw them, since nothing particularly interesting was happening then. Furthermore, he could not have seen their faces clearly during the attack, because it was dark and he was in a hurry to get out of the tricycle and escape.

Reny Boy did not give to the police any description of the perpetrators on the night of the incident. Yet in his Affidavit[29] dated January 13, 1994, he claimed to have seen the tattoo on Lito’s left hand. Upon cross-examination, however, he admitted that he did not actually see the tattoo, but was only told about it by his cousin Pedro.[30] Indeed, the records show that the former was present in the courtroom when the latter identified appellant as one of the perpetrators.

The above circumstances fail to persuade us that the in-court identifications made by Reny Boy were based upon his observations of the suspects during the time of the incident, and not upon suggestive influences thereafter. We are not convinced beyond reasonable doubt that he accurately acquired, retained and retrieved sufficient information to have properly identified the assailants.

Aside from the shaky and unreliable identification testimonies of Pedro and Reny Boy, there is no other evidence to prove that appellant was guilty of the crimes charged. Since these testimonies cannot be given weight, the evidence that he was one of the malefactors falls short of the proof beyond reasonable doubt required in criminal cases.[31] Consequently, the constitutional presumption of innocence must be upheld.[32]

The rationale behind the constitutional presumption of innocence has been explained by the Court in *People v. Godoy*[33] as follows:

“The presumption of innocence . . . is founded upon the first principles of justice, and is not a mere form but a substantial part of the law. It is not overcome by mere suspicion or conjecture; a probability that the defendant committed the crime; nor by the fact that he had the opportunity to do so. Its purpose is to balance the scales in what would otherwise be an uneven contest between the lone individual pitted against the People and all the resources at their command. Its inexorable mandate is that, for all the authority and influence of the prosecution, the accused must be acquitted and set free if his guilt cannot be proved beyond the whisper of a doubt. This is in consonance with the rule that conflicts in evidence must be resolved upon the theory of innocence rather than upon a theory of guilt when it is possible to do so.”

Indeed, the State, aside from showing the existence of a crime, has the burden of correctly identifying the author of the crime. Both requisites must be “proved by the State beyond reasonable doubt on the strength of its evidence and without solace from the weakness of the defense. Thus, even if the defense of the accused may be weak, the same is inconsequential if, in the first place, the prosecution failed to discharge the onus on his identity and culpability. The presumption of innocence dictates that it is for the people to demonstrate guilt and not for the accused to establish innocence.”[34]

In view of the foregoing, we find no further need to address the two other issues raised by appellant.

WHEREFORE, the assailed Decision is REVERSED and SET ASIDE. Appellant Lito Limpangog is ACQUITTED on reasonable doubt. The director of the Bureau of Corrections is ordered to cause his immediate release, unless he is being lawfully held for another cause; and, within five (5) days from notice of this Decision, to inform the Court of the date of his release or the reasons for his continued confinement. The criminal cases against Jerry Limpangog are DISMISSED on account of his death during the pendency of the appeal. No costs.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Penned by Judge Francisco H. Escano Jr.

[2] Assailed Decision, p. 9; rollo, p. 30.

[3] Signed by Provincial Prosecutor I Rosario D. Beleta.

[4] Dated March 14, 1994; rollo, pp. 10-11; records, Vol. I, pp. 1-2.

[5] Dated March 14, 1994; rollo, pp. 12-13; records, Vol. II, pp. 1-2.

[6] Dated March 28, 1994; rollo, pp. 14-15; records, Vol. III, pp. 1-2.

[7] See Order dated April 20, 1994; records, Vol. I, p. 30; records, Vol. II, p. 28.

[8] See Order dated May 16, 1994; records, Vol. III, p. 30.

[9] Atty. Oliver during the arraignment on April 20, 1994; and Atty. Wenceslao Vanilla on May 16, 1994.

[10] Signed by Assistant Solicitor General Carlos N. Ortega, Assistant Solicitor General Mariano M. Martinez and Solicitor Ismael G. Miaral.

[11] Additional Brief for the Appellee, pp. 11-18; rollo, pp. 98-105.

[12] Signed by Attys. Bartolome P. Reus, Amelia S. Garchitorena and Elpidio C. Bacuyag of the Public Attorney's Office.

[13] Additional Brief for the Accused-Appellants, pp. 9-11; rollo, pp. 70-72.

[14] This case was deemed submitted for decision on April 27, 2001, upon receipt by this Court of the Additional Brief for the Appellee. The Court received the Additional Brief for the Accused-Appellants on December 11, 2000.

[15] Rollo, p. 47.

[16] Additional Brief for Appellants, pp. 5-6; rollo, pp. 66-67. Original in upper case.

[17] Ibid., p. 1; rollo, p. 62. Original in upper case.

[18] People v. Balacano, 336 SCRA 615, July 31, 2000; People v. Pedroso, 336 SCRA 163, July 19, 2000; Tale v. Court of Appeals, 208 SCRA 266, April 23, 1992.

[19] TSN, July 5, 1994, p. 20.

[20] Ibid.

[21] Exhibit “C”; exhibits folder, p. 5.

[22] TSN, July 13, 1994, pp. 11-12.

[23] TSN, July 5, 1994, pp. 33-40.

[24] TSN, July 13, 1994, p. 20.

[25] 249 SCRA 54, October 6, 1995.

[26] *Id.*, p. 94, per Puno, J.

[27] *Id.*, pp. 94-95.

[28] TSN, July 6, 1994, pp. 19-20.

[29] Records, Vol. I, p. 4.

[30] TSN, July 6, 1994, p. 28.

[31] *People v. Amestuzo*, GR No. 104383, July 12, 2001; *People v. Mijares*, 297 SCRA 520, October 8, 1998; *People v. Qutorio*, 285 SCRA 196, January 28, 1998; *People v. Libag*, 184 SCRA 707, April 27, 1990.

[32] *People v. Dela Cruz*, 356 SCRA 704, April 19, 2001; *People v. Mansueto*, 336 SCRA 715, July 31, 2000; *People v. Cupino*, 329 SCRA 581, March 31, 2000; *People v. Mariano*, 345 SCRA 1, November 17, 2000.

[33] 250 SCRA 676, 727, December 6, 1995, per Regalado, J. See also *People v. Alicante*, 332 SCRA 440, May 31, 2000; *People v. Ablaneda*, 314 SCRA 334, September 14, 1999.

[34] *People v. Arapok*, 347 SCRA 479, 498, December 8, 2000, per Gonzaga-Reyes, J.

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