

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. RODOLFO NICOLAS Y DE LOS REYES, ROQUE DILAO Y ADAYO AND GIL TAPONG Y ESGUERRA, ACCUSED, GIL TAPONG Y ESGUERRA, APPELLANT.

G.R. Nos. 88381-82. November 21, 1991

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

Whether or not the conviction of the accused-appellant for robbery with homicide based on circumstantial evidence meets the requirements provided under Rule 133, Section 4 of the Revised Rules on Evidence is the principal issue addressed to us by this appeal.

The accused-appellant, in two separate informations, was charged with the crimes of robbery with homicide and arson allegedly committed with two other co-accused, namely, Rodolfo Nicolas y delos Reyes and Roque Dilao y Adayo.

The information for the case of robbery with homicide docketed as Criminal Case No. 83-21313 reads:

"The undersigned accuses RODOLFO NICOLAS y DELOS REYES, ROQUE DILAO y ADAYO and GIL TAPONG y ESGUERRA of the crime of Robbery with Homicide, committed as follows:

That on or about October 4, 1983, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping one another, did then and there, wilfully, unlawfully and feloniously, with intent of gain and by means of force, violence and intimidation upon person, to wit: by then and there opening a steel vault with a key and then take and carry away the cash contents thereof in the sum of P26,000.00, belonging to Ong Tai, against his will, to the damage and prejudice of said owner in the aforesaid sum of P26,000.00 Philippine Currency; that on the occasion of said robbery, in pursuance of their conspiracy and taking advantage of superior strength, with intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault and use personal violence upon said Ong Tai, by then and there hacking the latter with a knife and stabbing him with an icepick, thereby inflicting upon him mortal stab wounds which were the direct and immediate cause of his death thereafter. (Rollo, p. 9)

In Criminal Case No. 83-22137, the same accused were charged with the crime of arson committed as follows:

"That on or about October 4, 1983, in the City of Manila, Philippines, the said accused conspiring and confederating together and mutually helping one another did then and there wilfully, unlawfully, feloniously and deliberately set fire to the storeroom owned by Ong Tai, located at 532 Ronquillo St., Sta. Cruz, this City, knowing it to be occupied at the time, thereby causing as a consequence a portion of the said storeroom together with stocks of goods and merchandise, and other furnitures, appliances and articles to burn, to the damage and prejudice of the said Ong Tai, represented by one Juanita Tan, in the sum of P80,986.00, Philippine Currency." (Rollo, pp. 32-33)

At the arraignment, the accused-appellant and his co-accused entered separate pleas of "not guilty" in both cases.

Upon motion by the complaining witness, Juanita Tan Vda. de Ong, the lower court ordered the consolidation of Criminal Cases Nos. 83-21313 and 83--22137 since the two cases were interrelated.

After trial, the Regional Trial Court of Manila, Branch 27, on February 17, 1989, rendered a decision, the dispositive portion of which reads:

"WHEREFORE, in Criminal Case No. 83--21313, the Court finds the prosecution has proven the guilt of the accused Gil Tapong y Esguerra beyond reasonable doubt of the crime as charged and the Court finds him CONVICTED of the crime of Robbery with Homicide under Article 294, paragraph (1) of the Revised Penal Code, and there being no mitigating nor aggravating circumstances to affect his penal liability, hereby sentences him to suffer the penalty of RECLUSION PERPETUA and he is hereby ordered to pay the heirs of the deceased Ong Tai the amount of P30,000.00 for the fact of death, the sum of P20,000.00 for moral damages to indemnify the heirs the amount of P61,000.00 for actual damages, the amount of P16,228.00, subject of the robbery, P9,772.00 having been recovered, and to pay the costs. He is hereby credited to the entire period of his preventive imprisonment in accordance with law.

"Accused Roque Dilao and Rodolfo Nicolas, are hereby ACQUITTED of the same charge for failure of the prosecution to prove their guilt beyond reasonable doubt, and are hereby ordered released from custody, unless detained for another offense.

"In Criminal Case No. 83-22137, all the three (3) accused, Gil Tapong, Roque Dilao and Rodolfo Nicolas are ACQUITTED of the charge of arson for failure of the prosecution to prove their guilt beyond reasonable doubt. Accused Roque Dilao, Rodolfo Nicolas and Gil Tapong are hereby ordered released from custody unless detained for another offense." (RTC Decision, p. 9; Rollo, p. 40)

The antecedent facts as established by the prosecution are summarized by the trial court as follows:

"From the evidence adduced by the prosecution thru its six (6) witnesses, namely, Rodolfo Janer (Police Corporal, WPD), Solomon Bataller y Torres (Patrolman, Homicide Section, Investigation Division, WPD), Rodolfo Ilagan, (Patrolman, Homicide Section WPD), Abelardo Lucero (Medico-legal Expert) Edilberto T. Marcelino (Fire Sergeant, Fire District I) and Juanita Tan (widow of Ong Tai), it appears that on October 4, 1983, at 3:35 o'clock a.m., a fire occurred at Supreme Bazaar and Sporting Goods located at 532 Ronquillo St., Sta. Cruz, Manila; that said fire was reported to the night watch duty fireman of the Sta. Cruz Fire Station; that Edilberto T. Marcelino, together with the fire fighting units of the Sta. Cruz Fire Station went to the scene of the fire; that in order to put out the fire which originated at the ground floor which was being occupied by Supreme Bazaar and Sporting Goods, they forced open the front door of said store; that when the front door was finally opened the bloody body of Ong Tai, owner of the store was found sprawling on the floor (identified by Juanita Tan, wife of victim), that Edilberto T. Marcelino made an inspection of the place and interviewed a certain Adora and Juanita Tan, and later on the same date, reduced his findings in writing entitled "Advanced Fire Report" (Exhs. "L" and "L-1"); that the incident was reported to the police by a fireman from Sta. Cruz Fire Station and at 6:00 o'clock a.m. a team composed of Corporal Rodolfo Janer, Pat. Solomon Bataller, Pat. Cahn and Pfc. Ilagan went to the scene of the crime and conducted an ocular inspection of the place and interviewed some people about the incident; that they saw the corpse of Ong Tai on the floor and found the kitchen burned by a fire that started at the toilet being used as a bodega; that Pat. Bataller found a butcher's knife, a kitchen knife and an icepick, all bloodstained and submitted them to the NBI for examination; that they invited the employees of the store (among them are accused Roque Dilao, Rodolfo Nicolas and Gil Tapong) and Robert Yap; that Pat. Bataller took the statements of each of the employees and that of Robert Yap, a gay (Exh. "B", "B-1") who stated that he saw three persons outside the store at past midnight of October 4, 1983, that one of them is peeping at the store; that when asked to identify these three (3) persons from among the employees of the store he failed to do so, but he described the one peeping as tall, dark-complexioned, has curly hair and fat; that Pat. Bataller executed an advanced report regarding the incident (Exhs. "A" and "A-1"); that on October 8, 1983, about 12:00 o'clock midnight, Pfc. Rodolfo Ilagan received a phone call from Mrs.

Juanita Tan telling him that Gil Tapong, one of the employees of the victim failed to show up on that date at Funeraria Paz; that Pfc. Ilagan went to the building being occupied by the store's employees and conducted a search of the locker of Gil Tapong, and there he found Gil Tapong's bloody pants; that Pfc. Ilagan together with Esteban Acompañado, cousin of Gil Tapong, and the two (2) children of the victim went to Pasay to look for Gil Tapong; that when they found him, Pat. Ilagan informed him of his constitutional rights and frisked him for any weapon but instead found P4,000.00 from his pocket, which according to Gil Tapong was given to him by Roque Dilao as his share of the money stolen from Ong Tai; that Gil Tapong, the recovered bloody pants and the money were turned over to Pat. Bataller; that after informing Gil Tapong of his constitutional rights, Pat. Bataller took the statement (Exh. "C", "C-1", "C-2", "C-3", and "C-4") of Gil Tapong who admitted ownership of the pants and his presence at the store during the robbery and killing of Ong Tai and the burning of the store's bodega by Roque Dilao and Nicolas; that another amount of money was voluntarily returned by Gil Tapong's brother to the police making a total recovery of P9,772.00; that the bloody pants of Gil Tapong was turned over to the NBI and the money was returned to Juanita Tan; that Roque Dilao and Rodolfo Nicolas were arrested by the police after having been implicated by Gil Tapong; that on October 10, 1983, Pat. Bataller prepared three (3) Booking and Information Sheets for accused Gil Tapong, Dilao and Rodolfo Nicolas (Exhs. "F", "G", "H" and "H-1"); that Gil Tapong signed, but Roque Dilao and Rodolfo Nicolas refused to sign their respective Booking and Information Sheet; that on October 12, 1983, Gil Tapong gave his second statement (Exhs. "D", "D-1", "D-2", "D-3, and "D-4") in the presence of Atty. Alexander Yap of the Citizen's Legal Assistance Office affirming his first statement given on October 8, 1983; that on October 13, 1983, Pat. Bataller prepared a progress Report (Exhs. "E" and "E-1") of the results of their investigation; that on October 4, 1983, at 7:00 o'clock a.m., Dr. Abelardo Lucero, a medico-legal expert conducted an autopsy of the cadaver of Ong Tai duly identified by the victims daughter, Merrian Ong (Exh. "I"); that Dr. Abelardo Lucero made a human sketch showing the injuries inflicted on the victim (Exhs. "J" and "J-1") and prepared the Certificate of Death of Ong Tai (Exhs. "K" and "K-1") stating that the cause of death was shock and hemorrhage due to multiple hacking and stab wounds, blunt and impact injuries on the head, neck and back (Exh. "K-2"); that Roque Dilao and Rodolfo Nicolas-and Gil Tapong attended the wake for four (4) days; that according to Juanita Tan, Rodolfo Nicolas had worked with her husband for seven to eight (7-8) months, Gil Tapong for nine (9) months, while Roque Dilao, since 1971; that Roque Dilao sometimes does not report for work, or when he reports, is late; that Rodolfo Nicolas sometimes answers back, while Gil Tapong is always sleepy; that Juanita Tan spent P16,000.00 for the funeral (Exh. "N"), and she also bought a lot from the Chinese Cemetery for P45,000.00 (Exh. "O" and "O-1"); that she estimated the damage due to fire at P80,000.00 and that the store's daily income is P16,262.00 (wholesale) plus P5,844.00 (retail)." (RTC Decision, pp. 2-4; Rollo, pp. 33-35)

The version of the defense is likewise condensed by the trial court, to wit:

"From the evidence adduced by the defense thru its five witnesses, namely, Rodolfo Nicolas (accused), Roque Dilao (accused), Rolando Nicolas (brother of Rodolfo Nicolas), Librada Dilao (wife of Roque Dilao) and Jose Tapong (brother of Gil Tapong), it appears that Rodolfo Nicolas has been an employee of Ong Tai since January 1983, while Roque Dilao has been an employee of Ong Tai since 1971; that both Roque Dilao and Rodolfo Nicolas had a good relationship with Ong Tai whom they call papa; that on October 3, 1983, both Rodolfo Nicolas and Roque Dilao reported for work and Roque Dilao left the store at 7:30 p.m. while Nicolas left at 8:00 o'clock p.m.; that Gil Tapong was left behind; that upon arrival at his house at 2434 Severino Reyes St., Sta. Cruz, Manila, Rodolfo Nicolas ate and watched TV and then slept at 9:30 p.m. followed by his brothers Rolando and Aguinaldo who slept beside him; that Roque Dilao arrived at his house at Pinaglabanan, San Juan, Metro Manila at 9:00 o'clock p.m.; that upon arrival he ate and slept in the sala with his wife and children; that both Rodolfo Nicolas and Roque Dilao did not leave their houses during the evening of October 3, 1983 and early morning of October 4, 1983; that at 2:30 a.m. of October 4, 1983, when Rolando Nicolas urinated, he saw Rodolfo Nicolas still asleep; that on October 4, 1983, Rodolfo Nicolas and Roque Dilao reported for work, and were informed of the robbery and killing of their employer, Ong Tai, and the burning of the store; that when asked by the police about the incident, they told them that they know nothing about it, that

Rodolfo Nicolas, Roque Dilao, Gil Tapong, together with the other employees were brought to the police headquarters and there Roberto Yap (who told the police that at past midnight of October 4, 1983, he saw three persons outside Supreme Bazaar) was asked to identify from among the employees the three (3) persons whom he saw outside Supreme Bazaar, but he failed to identify them; that Rodolfo Nicolas and Roque Dilao attended the wake from October 4 to October 8, 1983; that on October 8, 1983, Esteban Acompañado and they were asked by Juanita Tan to accompany the policemen to look for Gil Tapong who failed to attend the wake on October 8, 1983; that when Gil Tapong was found and gave his statement, he implicated Rodolfo Nicolas and Roque Dilao; that Rodolfo Nicolas and Roque Dilao were not present when Gil Tapong gave his statement to the police; that when Roque Dilao and Rodolfo Nicolas learned about it, they denied their participation in the robbery and killing of Ong Tai and the burning of the store; that Gil Tapong, one of the three accused, was only 18 years old at the time of the commission of the crime as evidenced by his Birth Certificate (Exh. 1) showing his date of birth as September 21, 1965; that Gil Tapong did not take the witness stand to testify on his behalf." (RTC Decision, pp. 4-6; Rollo, pp. 35-37)

Dissatisfied with the trial court's finding of guilt beyond reasonable doubt of the crime of robbery with homicide in Criminal Case No. 83-21313 based on the prosecution evidence, the accused-appellant raises the following assigned errors for our consideration:

I

THE COURT A QUO ERRED IN CONSIDERING THE CIRCUMSTANTIAL EVIDENCE AS SUFFICIENT TO CONVICT THE ACCUSED.

II

THE COURT A QUO ERRED IN TAKING INTO CONSIDERATION THE EXTRAJUDICIAL CONFESSION OF THE ACCUSED WITHOUT TAKING INTO ACCOUNT THE REST OF THE STATEMENTS CONTAINED THEREIN.

III

THE LOWER COURT ERRED IN TAKING INTO CONSIDERATION AS ONE OF THE CIRCUMSTANTIAL EVIDENCE THE ALLEGED BLOODIED PANTS OF THE ACCUSED-APPELLANT.

IV

THE COURT ERRED IN ITS FINDING THAT THE ACCUSED-APPELLANT FLEE (SIC) FROM THE SCENE OF THE CRIME. (Appellant's Brief, pp. 6-9; Rollo, pp. 60-63)

Once again we examine the evidence on record to determine whether or not the required quantum of proof necessary for conviction beyond reasonable doubt for the crime of robbery with homicide is present, for time and again we have held that:

"x x x [t]he rule is firmly entrenched that a judgment of conviction must be predicated on the strength of the evidence for the prosecution and not on the weakness of the evidence for the defense. Accusation can never be made synonymous with guilt. It is incumbent on the prosecution to demonstrate that culpability lies and the freedom of the accused can be forfeited only if the requisite quantum of proof necessary for conviction is in existence." (People v. Anacleto Furugganan alias "Boy", G.R. Nos. 90191-96, January 28, 1991 citing People v. Nazareno, 80 SCRA 484 [1977]; People v. Go Bio, Jr., 142 SCRA 238 [1986]; People v. Rojo, 175 SCRA 119 [1989]).

In the case at bar, the trial court's conviction was based on circumstantial evidence gleaned from the following circumstances: (1) the accused-appellant's admission, during the custodial investigation, of his presence at the store when Ong Tai was allegedly being killed on the occasion or by reason of the robbery by Roque Dilao and Rodolfo Nicolas (Exhs. "C", "C-1", "C-2", "C-3", & "C-4"); (2) the recovery by the policemen of money from the accused-appellant and his brother and the accused-appellant's admission that the same was given to him by Roque Dilao as his share of the money stolen from Ong Tai (Exhs. "C", "C-1", "C-2", "C-3", & "C-4" and testimonies of Pat. Bataller and Pat. Ilagan); (3) the flight of the accused-appellant on the fourth day after the incident; and (4) the recovery by Pat. Ilagan of the bloodstained pants of the accused-appellant who admitted ownership of the same (RTC, Decision, pp. 6-7; Rollo, pp. 37-38)

Under Rule 133, Section 4 of the Rules on Evidence, it is provided that:

"Sec. 4. 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."

In the case of *People v. Aldeguer*, 184 SCRA 1 [1990], we stated that:

"x x x Time and again, the Court has held that:

‘Where the events constitute a compact mass of circumstantial evidence the existence of every bit of which was satisfactorily proved and the proof of each is confirmed by the proof of the other, and all without exception leading by mutual support to but one conclusion, the circumstantial evidence are sufficient to establish the culpability of the accused beyond reasonable doubt.

"x x x In determining the sufficiency of circumstantial evidence to support a conviction, each case is to be determined on its own peculiar circumstances and all the facts and circumstances are to be considered together as a whole, and when so considered, may be sufficient to support a conviction, although one or more of the facts taken separately would not be sufficient for this purpose. No general rule has been formulated as to the quantity of circumstantial evidence which will suffice for any case but that matters not. For all that is required is that the circumstances proved must be consistent with each other, and at the same time inconsistent with the hypothesis that he is innocent and with every other rational hypothesis except that of guilt. (*People v. Madriaga IV*, G.R. No. 73057, March 8, 1989; Citations omitted.)" (At pp. 10-11)

Tested against the above standards, the trial court's finding of guilt beyond reasonable doubt based on circumstantial evidence must be reversed.

Firstly, the admissions made by the accused-appellant during custodial investigation as reflected in his sworn statement dated October 8, 1983 (Exhibit "C") cannot be admissible in evidence for his statement before Patrolman Bataller was given in gross violation of his constitutional rights as guaranteed under Article IV, Section 20 of the 1973 Constitution (now Article III, Section 12 of the 1987 Constitution).

Article IV, section 20 of the 1973 Constitution provides that:

"No person shall be compelled to be a witness against himself. Any person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right. No force, violence, threat, intimidation or any other means which vitiates the free will shall be used against him. Any confession obtained in violation of this section shall be inadmissible in evidence."

In the case at bar, the accused-appellant gave an uncounselled confession before the investigating officer who simply asked as one of the preliminary questions before the accused-appellant made his declarations relating to the crime of robbery with homicide that:

"06. T : Pumapayag ka ba na bago mo pirmahan at sumpaang ang salaysay mong ito ay ipababasa natin sa ABOGADO o Inquest Fiscal kaya bilang patunay na tutuo lamang lahat ang mga sinabi mo sa salaysay mong ito?

S : Opo." (Records, p. 245)

Inasmuch as the records are bereft of any proof that the accused-appellant knowingly rejected having a lawyer assist him during the taking of the extrajudicial confession in question, our ruling in the case of *People v. Jara*, 144 SCRA 516, 531 [1986] bears reiteration. Thus:

"Whenever a protection given by the Constitution is waived by the person entitled to that protection the presumption is always against the waiver. Consequently, the prosecution must prove with strongly convincing evidence to the satisfaction of this Court that indeed the accused willingly and voluntarily submitted his confession and knowingly and deliberately manifested that he was not interested in having a lawyer assist him during the taking of that confession. That proof is missing in this case."

The ban against uncounselled confessions is even more pronounced under the Bill of Rights of the 1987 Constitution which categorically states that:

"SEC. 12 (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

xxx xxx xxx

3) Any confession or admission obtained in violation of this x x x shall be inadmissible in evidence against him. (Article III, Section 12, subparagraphs (1) and (3) of the 1987 Constitution.)

Hence, after 1987 regardless of whether or not the confession of the accused is true, as long as it was given without the assistance of counsel, it becomes inadmissible in evidence although it was a product of the accused's own free will and volition in view of the current policy with respect to extrajudicial confessions based on the Bill of Rights. (See *People v. Malinis*, 167 SCRA 10 [1988] citing *People v. Pineda*, 157 SCRA 71 [1988], *People v. Guarnes*, 160 SCRA 522 [1988] and *People v. Newman*, 163 SCRA 496 [1988]).

Moreover, even granting *arguendo* that the extrajudicial confession of the accused-appellant is admissible in evidence, the accused-appellant's admission that he was merely present at the scene of the crime without any convincing proof that he participated in the particular crime of robbery with homicide falls short of the requisite quantum of proof to sustain a conviction. In his confession, Tapong charged the two other co-accused Rodolfo Nicolas and Roque Dilao (whom the trial court exonerated from the crime of robbery with homicide) as the authors of the aforesaid felony. He disclaimed any participation. He confessed only to being present as an eyewitness to the killing. He also admitted that the money recovered from him was given by Roque Dilao. The testimony of the wife of the deceased Ong Tai, Juanita Tan, as proof of the robbery to the effect that the money recovered by the police from the accused-appellant bore her husband's writings strains credulity (TSN, November 25, 1985, p. 8) in the absence of concrete proof in support of the statement. The money with alleged handwriting of the victim on the bills was not introduced as evidence. It is not shown why Ong Tai should scribble on money bills. Mere speculations and probabilities cannot substitute for the proof required by law to establish the guilt of

the accused beyond reasonable doubt inasmuch as the conviction for a criminal offense must be based on clear and positive evidence. (*Gaerlan v. Court of Appeals and People*, 179 SCRA 20 [1989]; *Macadangdang v. Sandiganbayan*, 170 SCRA 308 [1989]).

Secondly, anent the flight of the accused on the fourth day after the incident in question, the trial court erred in appreciating the accused-appellant's absence on the fourth day of the victim's wake as indicative of flight. As correctly pointed out by the Solicitor General who concurs in this assigned error, the flight contemplated by jurisprudence must be immediate to the commission of the crime (*People's Brief*, p. 13). In the case at bar, there is clear indication that the accused-appellant never intended to go into hiding since he was among the employees who stayed in the deceased's store when told to do so by Juanita Tan in order to be available for questioning by the police investigators. (TSN, November 21, 1986, pp. 10-11; 21-23). He even attended the wake of the deceased for the first three days (TSN, *Ibid*, pp. 29-32; July 8, 1987, p. 6; TSN, November 25, 1985, p. 8). Hence, we find the legal maxim "the guilty flee when no man pursueth but the innocent are as bold as a lion" inapplicable in this case. (*People v. Ablao*, 183 SCRA 658 [1990] citing *People v. Espinosa*, 180 SCRA 398 [1989]).

Thirdly, the recovery by Patrolman Ilagan of the bloodstained pants of the accused-appellant who admitted ownership does not have any probative value. The Solicitor General agrees with this assigned error and points out that the pants were never introduced in evidence. The records show that the pair of pants and the contents were brought by the police to headquarters but it is inexplicable that only the hearsay testimony of a policeman on the matter was adduced. There is no evidence of the blood-type matching of the said stains on the pants and the blood of the victim. Our pronouncement in the case of *People v. Padilla* (177 SCRA 129 [1989]) is relevant. Thus:

"x x x the bloodstains on the polo, shirt and pants of appellant without any corresponding evidence of the blood type matching that of the victim will not be sufficient to convict the appellant (Cf. *People v. Tolentino*, L-50103 November 24, 1986; 145 SCRA 597)."

In fact, it is not even shown that the blood was human and not that of animals or fowl used for food. Only one circumstance remains from the admission - the money given by Dilao, which is not proof of participation in the killing.

Considering that circumstantial evidence, as a basis for conviction of a crime should be acted on and weighed with great caution, (*People v. Jara*, *supra*) particularly when the law metes the highest imposable penalty under the present state of the law which is reclusion perpetua, we are constrained to depart from the well-entrenched rule that the trial court's findings must be accorded great respect. We repeat our pronouncement in the case of *People v. Aldana* (175 SCRA 635, 650 [1989]) that:

"While the court generally desists from disturbing the findings of the trial court, considering that the latter is in a better position to pass upon the matter of credibility of witnesses, the Court will not hesitate to take exception to this rule in order to keep faith with the principle that every criminal conviction must be supported by proof beyond reasonable doubt. (*People v. Ola*, 152 SCRA 1 [1987]; *People v. Mejias*, 168 SCRA 33 [1988]). The proof against the accused must survive the test of moral certainty. The conscience must be satisfied that on the defendant could be laid the responsibility of the offense charged. (*People v. Dramayo*, 42 SCRA 59 [1971])."

Trial courts, as trier of facts, are bound by the hard and fast rule in evidence that before there can be conviction based on circumstantial evidence, the circumstances proved must constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the defendant, to the exclusion of all others, as the authors of the crime (*People v. Conrado de la Cruz, et al.*, G.R. Nos. 90907-12, August 7, 1991 citing *People v. Tolentino*, 166 SCRA 469 [1988]; *People v. Torre*, 184 SCRA 525 [1990] citing *People v. Colinares*, 163 SCRA 313 [1988]). The police investigators and the prosecution did not show the degree of professionalism, competence and thoroughness so essential in the light of the leads staring them in the face. We have advanced in our appreciation

of human rights but the police have unfortunately not kept pace with modern developments and techniques in the investigation of crimes. The trial court in this case should also have exercised extreme caution in the light of the circumstances which prosecution failed to prove. The prosecution failed to overcome the constitutional presumption of innocence.

WHEREFORE, in view of the foregoing, the appealed decision of the Regional Trial Court of Manila, Branch 27 dated February 17, 1989 is REVERSED and the accused-appellant is hereby ACQUITTED on reasonable doubt. His immediate release from confinement is ordered unless he is being held on other legal grounds.

SO ORDERED.

Fernan, C.J., (Chairman), Bidin, Davide, Jr., and Romero, JJ., concur.

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