

EN BANC

[G.R. No. 137411-13, February 28, 2003]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SAMUEL LORETO, ACCUSED-APPELLANT.**

D E C I S I O N

CALLEJO, SR., J.:

Before the Court on automatic review is the Decision^[1] of Branch 50 of the Regional Trial Court of Palawan (stationed in Puerto Princesa City) convicting accused-appellant Samuel Loreto of murder, homicide and of slight physical injuries and meting on him the penalty of death for murder.

The Charges

On November 20, 1995, an Information was filed with the Regional Trial Court of Puerto Princesa City charging Samuel with murder. The accusatory portion of said Information, docketed as Criminal Case No.12719, reads:

That on or about the 9th day of November, 1995, at more or less 6:30 in the evening, at Purok United Homeowners Association, Barangay Tiniguiban, Puerto Princesa City, (sic) Philippines, and within the jurisdiction of this Honorable Court, the said accused, with treachery and evident premeditation, abuse of superior strength, with intent to kill and while armed with a bladed weapon, did then and there wilfully, unlawfully and feloniously assault, attack and stab therewith one Leah Rondona, thereby inflicting upon the latter multiple stab wounds in the different parts of her body, which was the direct and immediate cause of her death.

CONTRARY TO LAW with the aggravating circumstance of superior strength, treachery and evident premeditation.^[2]

A second Information, docketed as Criminal Case No. 12711, reads:

That on or about the 9th day of November, 1995, at more or less 6:30 in the evening, at Purok United Homeowners Association, Barangay Tiniguiban, Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with treachery and evident premeditation, abuse of superior strength, with intent to kill and while armed with a bladed weapon, did then and there wilfully, unlawfully and feloniously assault, attack and stab therewith one Lettymar Rondona, thereby inflicting upon the latter multiple stab wounds in the different parts of his body, which was the direct and immediate cause of his death.

CONTRARY TO LAW with the aggravating circumstance of superior strength, treachery and evident premeditation.^[3]

A third Information for Frustrated Murder, docketed as Criminal Case No. 12720 was filed with the said court, the accusatory portion of which reads:

That on or about the 9th day of November, 1995, at more or less 6:30 in the evening, at Purok United Homeowners Association, Barangay Tiniguiban, Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with treachery and evident premeditation, with abuse of superior strength and intent to kill, while armed with a bladed weapon did then and there wilfully, unlawfully and feloniously assault, attack and stab therewith one Princess Roan Rondina, a months (sic) old child, who as a result thereof suffered stabbed wounds in the different parts of her body, which ordinarily would cause the death of said Princess Roan Rondina, thus performing all the acts of execution which would have produced the crime of Murder as a consequence, but nevertheless did not produce it by reason or causes independent of his will, that is, by the timely and able medical attendance rendered to said Princess Roan Rondina which prevented her death.

CONTRARY TO LAW with the aggravating circumstance of superior strength, treachery and evident premeditation.^[4]

Upon arraignment, Samuel, assisted by counsel, entered a plea of not guilty to all the charges.^[5] A joint trial thereupon ensued.

The Evidence Adduced by the Prosecution

The prosecution adduced evidence that the spouses Venancio and Arsenia Rondina had two children, Leah Rondina, 12 years old^[6] and Lettymar Rondina, 9 years old.^[7] Arsenia's son, Rolando Rondina, a tricycle driver, is the father of Princess Roan Rondina, 3 months old.^[8] The spouses Venancio and Arsenia and their two young children resided in Barangay San Pedro, Puerto Princesa City. Rolando, his wife Wendy and their daughter Princess Roan, resided in Gold Street, Acacia World Compound, Barangay Tiniguiban, Puerto Princesa City. The house of Marites Bentula, a store owner, was located about 25 to 30 meters away from the house of Rolando and about 15 meters away from the house of Dan Loreto, the brother of accused-appellant. Two meters in front of the house of Rolando was a jetmatic pump used by the residents. Only a fence separated the houses of Dan and Rolando. Sometime in October, 1995, accused-appellant, his wife Nimfa and their three children left their residence in San Vicente, Palawan and lived with Dan and Susan in Puerto Princesa City.

Romeo Barbo was a neighbor of Rolando and Dan. Romeo eked out a living as a driver of a tricycle owned by Ramie Pemias. When not driving the tricycle, Romeo would park the same in the garage near his house. Dan had at one time told Romeo that accused-appellant and his family left San Vicente and lived with Dan and his family because accused-appellant was charged with murder and the latter was settling the case for a certain amount which he had to pay by November 29, 1995.

On November 9, 1995, Rolando and his wife asked Venancio to allow his younger brother Lettymar and sister Leah to stay in Rolando's house and take care of Princess Roan while he drove the tricycle for the day and his wife went to the public market. Venancio agreed. He brought Leah and Lettymar to the house of Rolando and they took care of Princess Roan while the latter's parents were away.

At about 6:30 p.m. that day, Romeo arrived home on board his tricycle and parked the same in the garage near his house. Suddenly, he saw Leah exiting from the house of Rolando and fleeing towards the house of Dan nearby. Leah was frantic and shouted: "Uncle Sam! Uncle Sam!" Romeo next saw accused-appellant exiting from the door of the house of Rolando, holding in his right hand a knife about eight inches long and chasing Leah at a brisk pace. Petrified, Romeo hid himself behind a mangium tree but peeped from the side of the tree. He saw Leah entering the house of Dan through the main door followed by accused-appellant who entered said house through the kitchen door. Romeo rushed back to his house. Momentarily, Marites left her house on her way to the jetmatic pump to fetch water. She was dumbfounded when she heard the shrill cries of a woman coming from the house of Dan. Marites rushed to Dan's house and saw accused-appellant through the opened door. Accused-appellant was in the sala, holding the left arm of Leah and stabbing her breast and arms with a knife about 8 inches long. The lights in the house of Dan were on. Marites saw Susan shouting and fleeing from the sala through the door of the kitchen. Marites was so horrified that she rushed back to their house to drink water.

Not long thereafter, Purok President Wilfredo Nuñez and Purok Auditor Letecia Hular heard the shouts of Susan and rushed to the house of Dan to investigate. When Marites regained her bearings, she went back to the house of Dan to be of help. She saw Leah sprawled near the canal about two meters in front of the door of Dan's house. Wilfredo and Letecia lifted Leah, who was still alive by then, from the canal and helped her inside a tricycle which brought her to the hospital. Rolando and Wendy then arrived in their house and were shocked to see Lettymar near the door, bloodied all over and already dead. They also saw Princess Roan, who was still alive, lying near the cereza tree and the water pump inside the fence of their house.

Later that evening, Susan returned to their house took all their personal belongings and forthwith left the place. In the meantime, a manhunt was conducted for the arrest of Samuel. With the help of Marites who knew the location of the house of Elias Loreto, the brother of accused-appellant and Dan, policemen were able to arrest accused-appellant at the house of Elias at about 10:30 p.m. of the same day.

On November 10, 1995, at 11:00 p.m., Leah died. Dra. Ma. Carla Vigonte conducted an autopsy on the cadaver of Leah. The doctor prepared and signed a Medico-Legal Report containing the following findings:

POST MORTEM FINDINGS

1. Stab wound, sutured about 5 cm. length, at the proximal 3rd , lateral aspect of the right arm, directed medially, penetrating the right deltoid and the pectoralis major muscles up to the level of midclavicular line.

2. Stab wound, sutured, 2 cm. length and 1.5 cm deep, at the proximal 3rd , anterior aspect of right arm.
3. Stab wound, sutured, 4 cm. length and 5 cm deep, at the proximal 3rd, lateral aspect of right forearm, through and through, producing a 2 cm length wound at the posterior aspect.
4. Incised wound, sutured, 2 cm length and 1 cm deep at the distal 3rd, anterior aspect of the right forearm.
5. Incised wound, sutured, 4 cm length and 1.5 cm deep, at the proximal 3rd, posterior aspect of the right forearm.
6. Stab wound, sutured, 4 cm length and 12 cm deep, at the 2nd ICS, Right anterior axillary line, directed medially, penetrating the upper lobe of the right lung.
7. Stab wound, gaping, about 2 cm length and 10 cm deep at the 7th ICS, right midaxillary line, directed upwards and medially, penetrating the lower lobe of the right lung.
8. Stab wound, sutured, about 3 cm length and 10 cm deep at the 7th ICS, right midclavicular line, directed downwards and posteriorly, penetrating the diaphragm and the anterior lobe of the liver.
9. Stab wound, sutured, about 2.5 cm length and 8 cm. deep, at the 5th ICS, left Midclavicular line, directed downwards and laterally, penetrating the lower lobe of the left lung.
10. Stab wound, sutured, about 2 cm length and 6 cm deep, at the 4th ICS, left midclavicular line, directed downwards and posteriorly, penetrating the lower lobe of the left lung.
11. Stab wound, sutured, about 4 cm length and 10 cm deep, at the 7th ICS, left anterior axillary line, directed downwards and medially, penetrating the peritoneal cavity and the spleen.
12. Stab wound, sutured, about 3 cm length and 2 cm deep, at the middle 3rd, anterior aspect of the left arm.
13. Stab wound, sutured, about 2 cm length and 1 cm deep, at the middle 3rd, medial aspect of the left arm.
14. Incised wound, sutured, about 4 cm length and 2 cm deep, at the middle 3rd, posterior aspect of left arm.
15. Stab wound, sutured, about 3 cm length and 2.5 cm deep, at the left midscapular line, level of T4.

16. Stab wound, sutured, about 4 cm length and 3 cm deep, at the right paravertebral portion, level of T10.
17. Stab wound, sutured, about 5 cm length and 2 cm deep, at the right midscapular line, level of T5
18. Incised wound, about 2 cm length and 0.5 cm deep at the anterior aspect of the left knee.

CAUSE OF DEATH: Shock, Hypovolemic, secondary to Hemorrhage, massive, secondary to Multiple Stab Wounds.^[9]

Wound numbers 6, 7, 8, 9, 10 and 11 were fatal. The most fatal wound was number 8.^[10]

Dra. Vigonte also conducted an autopsy on the cadaver of Lettymar. She prepared and signed an autopsy report which reads:

POST MORTEM FINDINGS

1. Stab wound, gaping, about 3.5 cm length at the 5th intercostal space (ICS), right midclavicular line, directed upwards and medially, penetrating the lower lobe of the right lung, the pericardium and the right auricle and right ventricle of the heart
2. Stab wound, gaping, about 4 cm length and 8 cm deep at the right anterior axillary line, level of 2nd ICS directed upwards and medially, penetrating the pectoralis major muscle, and producing an incomplete fracture at the middle 3rd portion of the right clavicle.
3. Stab wound, about 4 cm length and 1 cm deep, subcutaneously, level of 2nd ICS, right midclavicular line, directed medially, through and through, producing a 2 cm-length wound at the right parasternal line.
4. Stab wound, about 4 cm length at the lumbar portion of the abdomen, left side, penetrating the peritoneal cavity producing a herniation of the intestine.
5. Stab wound, gaping, about 6 cm length at the dorsum of the right hand, between the 4th and 5th metacarpal bones, producing a through and through 3-cm-wound at the palmar aspect.
6. Incised wound, about 3 cm length and 2 cm deep at the medial aspect of the right wrist.
7. Stab wound, gaping, about 5 cm length and 6 cm deep, at the distal 3rd, anterior aspect of the left arm, directed upwards and laterally, penetrating the deltoid muscle.