

## EN BANC

[ G.R. No. 137404, February 14, 2003 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JOSE CASITAS JR.,  
APPELLANT.**

### DECISION

**PANGANIBAN, J.:**

Qualifying and aggravating circumstances must be proven as clearly as the crime itself. In any event, even if they are established beyond reasonable doubt, they cannot be appreciated unless they are alleged in the information, pursuant to the current Rules on Criminal Procedure. This is a requirement of due process.

#### The Case

For automatic review before this Court is the January 15, 1999 Decision<sup>[1]</sup> of the Regional Trial Court (RTC) of Tabaco, Albay (Branch 15) in Criminal Case No. T-2970, finding Jose Casitas Jr. y Cea guilty of murder and sentencing him to death. The dispositive portion of the Decision reads as follows:

"WHEREFORE, judgment is hereby rendered finding the accused JOSE CASITAS, JR. y CEA alias 'BOBOY' guilty beyond reasonable doubt of the crime of MURDER as defined and penalized under Art. 248 of the Revised Penal Code, as amended by Rep. Act 7659 with the aggravating circumstance of the commission of the crime in the dwelling of the offended party under par. 3 Art. 14, Revised Penal Code, and hereby sentences him to suffer the supreme penalty of DEATH.

"Additionally, the accused is hereby ordered to pay the heirs of Haide Marbella the sum of P50,000.00 as civil liability."<sup>[2]</sup>

In an Information dated June 25, 1998 and filed in the RTC on July 3, 1998,<sup>[3]</sup> appellant was charged in these words:

"That on or about the 25<sup>th</sup> of March 1998 at 8:00 o'clock in the morning, more or less, at Karangahan Blvd., Barangay Bombon, Municipality of Tobacco, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, while armed with a bladed weapon, with evident premeditation, taking advantage of superior strength, and with cruelty, did then and there willfully, unlawfully and feloniously assault, attack and stab HAIDE BOMBALES-MARBELLA, thereby inflicting upon the latter mortal wounds on the different parts of her body which caused her painful death, to the damage and prejudice of her heirs."<sup>[4]</sup>

During his arraignment on July 28, 1998, appellant, with the assistance of his counsel,<sup>[5]</sup> pleaded not guilty.<sup>[6]</sup> After pretrial and due trial, the court *a quo* rendered the assailed Decision.

## **The Facts**

### **Version of the Prosecution**

In its Brief, the Office of the Solicitor General (OSG) presents the prosecution's version of the facts as follows:

"At around 7:30 o'clock in the morning of March 2<sup>[5]</sup>, 1998, at Karangahan, Bombon, Tabaco, Albay, appellant Jose Casitas, Jr., also known as Boboy, was at the store of Romeo Briones. This store is located near the house of Mario Chan, the house where Haide Marbella was working as caretaker.

"Appellant and Romeo Briones were able to converse for about 20 minutes. During their conversation, appellant showed Romeo the 3 25-centavo coins which he had and said, 'and lakaw kong ini sapalaran x x x (this venture of mine is being taken on a chance).[']

"Thereafter, Romeo turned away and lay down on the table. He never noticed when appellant left his store.

"Nearby, Corazon Goyena passed by the store of Romeo Briones going towards the Jasmin Street for the purpose of dumping the sand piled at the side of the road on the drainage. This pile of sand was on the road beside the house of Mario Chan.

"While she was proceeding to the pile of sand, Corazon saw Haide standing in the middle of the road near the steel gate of the house of Mario Chan talking with Meriam Manzano.

"Seeing that Haide wanted to talk with her, Corazon went to the store of Romeo and waited there for Haide. At the store, Haide asked Corazon if the latter was willing to lend her P200.00 to which the latter agreed. Before Haide left to go back to the house of Mario Chan, she looked at appellant who was still at the store.

"Thereafter, Corazon followed Haide to borrow the shovel which she would use for the pile of sand. She then proceeded towards the pile of sand and began to shovel sand to a pail and dumped it on the drainage.

"After 3 trips, Corazon felt thirsty. As the house of Mario Chan was the closest house, she went there to ask Haide for cold drinking water.

"Calling out to Haide, Corazon decided to enter the compound as there was no answer from inside the house. Since the gate and the door to the house were not locked, Corazon entered the house to look for Haide. Again, she called for Haide but still she did not get any response.

"Looking inside the room of Haide, Corazon saw that there was nobody there. So, she proceeded towards the kitchen of the house of Mario Chan.

"At the kitchen, she saw Haide sprawled on the kitchen floor lying face down and bloodied. Surprised, Corazon ran outside and asked for help from Romeo.

"On the other side of the house of Mario Chan, Nemesio Capiz, the house boy of Gerardo Musa Jr., while bringing out a gas tank to the car of latter, saw a man inside the compound of the residence of Mario Chan.

"At a distance of about 25 meters, Nemesio saw the man looking from side to side and then jumped over the fence. Then, this man casually walked away from the house of Mario Chan tucking in his shirt inside his pants. Nemesio noticed that the man's shirt was bloodied and very red and the edge of his pants [was] red. Nemesio recognized this man to be appellant.

"However, Nemesio did not mind appellant. Instead, he went back to the house of Gerardo Musa and informed the latter that he saw a man jumping from the fence of the house of Mario Chan and that the man's shirt and pants were very red. Thereafter, he went to the pigsty and continued to work.

"Outside the house of Mario Chan, Remegio Almonte, Jr. saw the commotion and entered the house of Mario Chan. There, he saw the bloodied cadaver of Haide. He suggested that the cadaver be brought to the hospital and one man lifted the cadaver and brought it outside. Outside, people commented that there were many stab wounds on the neck of Haide. Remegio tried to look for clues about the murder but he found nothing. Then he decided to go home.

x x x

x x x

x

x x

"The autopsy report issued by Dr. Audwin Adaza enumerated around 17 wounds suffered by Haide Marbella. The cause of death was hemorrhagic shock secondary to multiple stab wounds. x x x"<sup>[7]</sup>

### **Version of the Defense**

On the other hand, appellant invokes denial and alibi as defenses. We quote from his Brief as follows:

"The defense presented the oral testimonies of Gerondina Casitas and Jose Casitas, Jr.

"[Gerondina Casitas] testified that on March 25, 1998, between 7:00 to 7:30 a.m., Jose Casitas, Jr. was preparing and packing his clothes because he was busy going to Manila. But before going to Manila, he will [pass] by Legaspi City where he will get the money she borrowed from Angelo Orenze. At around 9:30 to 10:00 a.m., two (2) policemen came

by the house to inquire about the whereabouts of Jose, to which she answered that he already left for Manila. The two (2) policemen came back at around 10:30 or 11:00 a.m. and asked for a picture of his son, to which she obliged and gave them an ID of her son. After the policemen left, she noticed a commotion outside. Upon inquiry, she learned from a neighbor that Haide was killed and that there was plenty of blood which caused her to be nervous.

"The last witness is Jose Casitas, Jr. He testified that at around 6:00 a.m., March 25, 1998, he woke up and ate his breakfast because he was leaving for Manila. But before proceeding to Manila, he dropped by Legaspi, Albay to get the money which his mother was borrowing from Angelo Orense[.] He waited for Angelo Orense up to 12:00 noon of the same day. He left Legaspi at around 6:00 p.m. and arrived in Manila at around 4:00 o'clock a.m. the next day, March 26, 1998. He proceeded to the house of his cousin, Benjur Camu, but since his cousin [was] not around, he proceeded to the house of his aunt Adoracion, in Cogeo. He stayed there for three (3) days. In the morning of March 28, 1998, while he was at the house of his half-brother, Roberto Casitas, two (2) men arrived and asked his aunt if he was around. The smaller of the two (2) men asked him whether he was 'Boboy Casitas' and he answered yes. They told him they have a warrant of arrest for him and he asked them to show him the warrant. When he was about to [approach] them, the big man fired at him and he was hit at his left leg. He decided to [run] because of fear and he entered a house to hide. The two (2) men found him inside the house while sitting beside the bed. He was brought to the E. Rodriguez Hospital for treatment of his wound and after which he was detained at the Quezon City jail. On March 28, 1998, he was brought back to Tabaco and detained at the Municipal Jail of Tabaco. He said that there are several persons in their neighborhood who [fit] the description given by Nemesio Capiz, Jr., of the person whom [the latter] saw jumping out of the Chan's compound, aside from [appellant]."<sup>[8]</sup> (Citations omitted)

### **Ruling of the Trial Court**

The RTC convicted appellant of murder on the basis of circumstantial evidence pointing to him as the perpetrator of the crime. To support its finding of guilt, the trial court enumerated specific factual circumstances relative to his whereabouts and actuations before and after the commission of the crime.

In particular, the trial court noted his presence in the immediate vicinity of the crime scene prior to the discovery of the victim's body. It noted, as well, that he was identified as the man who had jumped over the fence from inside the house where the body was found. It also took into account how he had precariously climbed over the fence and suspiciously looked from side to side to check if there were other people around.

Likewise, the trial court considered physical evidence like the bloodied lower front portion of the shirt of appellant who, while leaving the house, had been seen by one of the witnesses. It also mentioned that the main gate of the house was open, so the former could have conveniently exited through that gate, if he was not escaping

or hiding something.

Moreover, the trial court considered the following circumstances as indicative of the guilt of appellant: his hasty departure for Manila, his act of running away and hiding from the authorities for almost one hour after he was shown a warrant of arrest, and his restless demeanor before the witness stand.

The trial court ruled that the killing had been attended by the qualifying circumstance of superior strength. It also appreciated the aggravating circumstance of dwelling, since the victim had been killed inside the house where she was staying, as shown by traces of blood found in the kitchen.

Hence, this automatic review.<sup>[9]</sup>

### **The Issues**

In his Brief, appellant raises the following alleged errors for our consideration:

“I

“The lower court erred in relying mainly on circumstan[t]ial [evidence] presented by the prosecution as basis for the conviction of the accused.

“II

“The lower court erred in finding the accused guilty beyond reasonable doubt of the crime of murder as defined and penalized under Article 248 of the Revised Penal Code as amended by RA 7659.”<sup>[10]</sup>

### **The Court’s Ruling**

We affirm the trial court’s finding of guilt, but rule that the crime committed was only homicide and not murder.

#### **First Issue:**

#### **Sufficiency of the Prosecution’s Evidence**

Appellant argues that the prosecution’s evidence is insufficient to prove his guilt beyond reasonable doubt. While he does not deny the death of the victim, he disclaims any participation or involvement in it. Moreover, he avers that the trial court erroneously relied on circumstantial evidence in convicting him.

#### **Circumstantial Evidence**

#### **Sufficient to Convict**

At the outset, we may well emphasize that direct evidence of the commission of a crime is not the only basis on which a court draws its finding of guilt. Established facts that form a chain of circumstances can lead the mind intuitively or impel a conscious process of reasoning towards a conviction.<sup>[11]</sup> Certainly, rules on evidence and principles in jurisprudence sustain the conviction of the accused through circumstantial evidence.<sup>[12]</sup>