

FIRST DIVISION

[G.R. No. 126113, June 25, 2003]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONIO
GUIHAMA Y BARANDA, APPELLANT.**

DECISION

AZCUNA, J.:

This is an appeal from the decision^[1] of the Regional Trial Court of Pangasinan, Branch 38, in Criminal Case No. 40460, entitled "*People of the Philippines v. Antonio Guihama y Baranda*." The trial court found appellant guilty beyond reasonable doubt of the crime of rape with homicide committed against his sister-in-law, AAA.^[2]

On May 14, 1993, an information was filed against appellant as follows:^[3]

That on or about the 27th day of March, 1993, in the City of Iloilo, Philippines and within the jurisdiction of this Court, said accused, armed with a knife, by means of violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of AAA against her will, and by reason or on occasion thereof, with intent to kill, hit and wound AAA with the knife he was then provided at the time, thus causing upon said AAA various injuries on the vital parts of her body which caused her death.

Appellant pleaded not guilty to the information and trial ensued.^[4]

The Prosecution's Evidence

A total of ten witnesses were presented by the prosecution, namely: [REDACTED], [REDACTED], Mary Ann Aranas, Dr. Tito Doromal, Fernando Jaculina, and police officers Andres Magnitico, Evan Deramas, Rene Lauron, Cornelio Lopez and Rely Liza.

[REDACTED] ([REDACTED]) is the older half-sister of AAA (AAA) on her mother's side and is, consequently, also appellant's sister-in-law.^[5] [REDACTED] testified^[6] that on March 27, 1993, at about 6:30 p.m., she was on her way home and walking on top of a dike in San Isidro, Tabuc Suba, Jaro, Iloilo City when she came across her husband and appellant talking with each other. [REDACTED] invited her husband and appellant to go home with her. [REDACTED] husband went with her while appellant was left behind because, according to him, he was waiting for someone. As they left, appellant made a comment that AAA is very much loved by her mother and laughed out loud as if insinuating something. [REDACTED] later asked her husband what they talked about and her husband said that appellant had asked

him whether AAA would be going home early.

██████████ house is located just 1 meter away from her mother's house, where AAA was also residing. ██████████ testified that upon getting home, she and her husband prepared dinner. ██████████ saw from her house AAA arrive at her mother's house at around 7:00 p.m. However, AAA did not stay long. ██████████ heard their younger brother tell AAA to go to appellant's house as instructed by their mother, who was already there taking care of appellant's children. ██████████ then saw AAA leave for appellant's house, which is about 150 meters away from their house.

Later that evening, their mother arrived and asked where AAA was. Their younger brother informed her that AAA had already left. Their mother then assumed that they must have missed each other on the way and that AAA decided to sleep in the house of appellant.

The following morning, a child came to the house bringing a pair of slippers belonging to AAA. The child said he found the slippers on the pathway near some banana plants. ██████████ felt nervous and immediately went to where the slippers were found. It was then that she discovered the lifeless and naked body of AAA. The victim had multiple wounds on the body and was covered in blood. ██████████ immediately screamed for help.

When investigated by the police, ██████████ declared that she suspected appellant as the assailant because of the comment he made, the day before, about AAA being loved by their mother very much. ██████████ also told the police that AAA and appellant had previously quarreled because appellant kept watching AAA's whereabouts.

██████████ (██████████), AAA's mother, testified^[7] that on March 27, 1993, she went to appellant's house at around 7:00 a.m. to take care of appellant's children and do the housekeeping chores. Appellant and his wife were also in the house with ██████████. While thereat, appellant requested ██████████ to have AAA come to his house as he and his wife will be eating out. At around 5:00 p.m., ██████████ went to her house to leave a message for AAA, that she should go to appellant's house as soon as she comes home. ██████████ came back to appellant's house at around 5:30 p.m. Appellant was gone by that time.

██████████ went home at around 8:00 p.m. When she got home, she asked her husband why AAA did not go to appellant's house. Her husband answered that AAA had already left.

The following morning, a child came to their house saying that he saw a pair of slippers belonging to AAA. ██████████ instructed ██████████ to go with the child to where he saw the slippers. Moments later she heard ██████████ shouting. ██████████ immediately went to where ██████████ was and saw the body of AAA lying slightly on her belly with no clothing below the waist. She also noticed semen scattered on AAA's buttocks and that her throat was severed. After seeing AAA's body, ██████████ fainted.

██████████ further testified that four days before AAA's death, the latter had complained to her that appellant kept watching or following her at the place where she worked.

Fernando Jaculina (Jaculina) testified^[8] that on March 27, 1993, at about 7:30 p.m., while he was on his way home, he saw appellant and AAA together. He observed that appellant was holding the hands of AAA and was pulling and dragging her towards a tomato plantation. He knew appellant and AAA as both were residents of Barangay San Isidro. Although it was already dark, Jaculina said that he was able to identify them because there was light coming from a lamp post 50 meters away. Jaculina said that he did not mind them because he knew that appellant and AAA were in-laws and assumed that they were just having some family problem.

Andres Magnitico (Magnitico) was one of the policemen who first arrived at the crime scene. He testified^[9] that on March 28, 1993, at around 7:00 a.m., the police received a report about a cadaver of a woman found in Tabuc Suba, Jaro, Iloilo City. Magnitico, along with Lauron, Deremas and Peciente, immediately proceeded to the reported location of the body.

At the crime scene, the police team first saw the victim's bloodied body with a bloody panty beside it. They surveyed the surrounding areas to look for evidence and found a bloody *Batangueño* knife about 10 meters away from the body. They also gathered information from people living in the nearby houses and learned that appellant was "interested" in the victim. They thus went to appellant's house, which was just 100 to 150 meters from the crime scene. Only appellant's wife was home, who told them that appellant left early that morning to drive a jeepney.

A search for appellant then commenced. Checkpoints were set up, but these yielded negative results. The policemen then decided to return to appellant's house. Upon reaching the house, the policemen noticed for the first time blood on the stairways that had already dried up. They also found appellant already inside the house with his left hand bandaged. The policemen asked him if he could help them identify the assailant of his sister-in-law. When appellant refused to cooperate, they "invited" him to the police headquarters.

At the police headquarters, the policemen questioned appellant about his injured hand. Appellant answered that his hand was struck by the hood of a jeepney he was driving. Police Officer Cornelio Lopez then took over in the interrogation. It was to him that appellant admitted killing the victim. Having obtained an oral confession, the policemen and appellant returned to the latter's house where appellant surrendered a bloody kitchen knife, his pair of bloody slippers and his brief.

Magnitico's fellow policemen, Evan Deramas and Rene Lauron, corroborated his testimony.^[10]

Cornelio Lopez (Lopez) took the witness stand and testified^[11] that appellant had confessed to him that he killed AAA. Thereafter, he asked appellant about the murder weapon and appellant said that it was in his house. Because of appellant's confession he sent a team of policemen to the house of appellant. When the policemen came back, they brought with them a bloody knife, a brief and a pair of slippers. Upon being shown these items, appellant confirmed that the kitchen knife was the weapon he used in killing AAA and that the brief and slippers were what he wore when he committed the crime.

Rely Liza was presented by the prosecution simply to identify a police blotter which contained two entries: ██████ report of the crime to the police and the arrest of appellant.^[12]

Mary Ann Aranas (Aranas) a forensic chemist of the National Bureau of Investigation (NBI) testified^[13] that her office received an endorsement from the Jaro Police Station in Iloilo City, requesting a blood typing of the blood found on the recovered panty, fan knife, brief, kitchen knife and slippers. Aranas said that the test conducted on the panty, fan knife and slippers showed that the blood found thereon was human, while the brief and kitchen knife proved positive for the presence of blood, but due to the insufficiency of the sample, it could not be determined if it was human or not.

In addition, Aranas testified that the NBI also received from the Jaro Police Station specimen taken from the victim's vagina and fingernails. The specimen tested positive for the presence of seminal stains and human tissues.

Dr. Tito Doromal testified^[14] that he conducted the autopsy on AAA's body at 10:45 a.m. on March 28, 1993. His findings were that AAA died of asphyxia by suffocation, secondary to stab wounds. He also placed the time of death at around 14 to 16 hours prior to the autopsy.

The Defense's Evidence

Appellant anchors his defense on denial and alibi. In his testimony,^[15] appellant claimed that on March 27, 1993, he was on his way home with Romeo Baterna whom he met at the Jaro Plaza. Romeo Baterna accompanied appellant to his house because the former wanted to borrow appellant's jeepney the following week and needed to know where appellant lives. Along the way, near the small market, they met Hipolito Villegas. Appellant and Romeo Baterna arrived in appellant's house at about 7:00 a.m. Romeo Baterna stayed only for a few minutes and then left, while appellant stayed home and never left until 5:00 a.m. the next morning.

Appellant stated that at 5:00 a.m., he went to his father's house to drive his jeepney. While trying to start the engine appellant saw a loose bolt and tried to tighten it. His finger hit a sharp object in the process and was injured. Because of the wound, he decided not to drive anymore and instead went to the hospital for treatment. From the hospital, appellant headed home.

Appellant recalled arriving home by 10:00 a.m. While resting thereat, policemen came and began searching the house. One of the policemen told him that he was being arrested. Appellant said that the policemen took something from his house but could not tell what it was because it was wrapped. After the search, he was brought to the police station.

Appellant denied committing the crime charged. He also denied having met ██████ and her husband in the evening of March 27, 1993 and that he orally confessed to the police. He also asserted that Jaculina's testimony, that he was seen pulling and dragging AAA, is a mere fabrication. Appellant further claimed that his wife's family resents him because they think he is lazy and a lowly jeepney

driver, while his wife is an educated person.

Elnora Cahilig^[16] **Guihama** (Nene),^[17] wife of appellant, testified^[18] that on March 27, 1993, appellant left the house at 5:00 a.m. and returned at around 2:00 p.m. After resting for an hour, appellant departed for the repair shop where his jeepney was being repaired. Appellant returned at 5:00 p.m. At 5:30 p.m., Nene's mother arrived. Shortly after that, appellant went out again. At around past 7:00 p.m., Nene's mother went home. After a while, appellant returned, this time accompanied by Romeo Baterna. Romeo Baterna left a few minutes later, while appellant stayed home and did not leave anymore.

Nene said that appellant left the house the next morning at around 5:00 a.m. to drive his jeepney. At around 7:00 a.m., she received information that AAA had died. Later, her sister and brother-in-law came to their house looking for appellant. Policemen came afterwards also looking for appellant. Nene claimed that the policemen went to the kitchen and took a knife and a brief.

Nene also testified that her family does not like appellant and objected to their marriage.

Hipolito Guihama Villegas testified^[19] that he came across appellant on March 27, 1993 at around 6:30 p.m. in the market place. He said appellant had a companion whom he did not recognize. He further declared that he was also with appellant the following day when appellant injured his finger while testing the motor of his jeepney.

Romeo Baterna in his testimony^[20] corroborated appellant's claim that he accompanied appellant to his house on March 27, 1993.

After considering all the evidence presented, the trial court found appellant guilty in the aforementioned decision that has the following dispositive portion:^[21]

WHEREFORE, the court finds the accused, Antonio Guihama y Baranda, guilty beyond reasonable doubt for the crime of Rape with Homicide penalized under Article 335 of the Revised Penal Code as amended and sentences him to suffer a penalty of Reclusion Perpetua and to pay the heirs of AAA the sum of P6,800.00 as actual damages and P50,000.00 as civil indemnity by reason of her death.

The Court's Ruling

Appellant's conviction was based on circumstantial evidence. The trial court barred the admissibility of appellant's alleged oral confession as well as the evidence said to have been recovered in his house, *i.e.*, the bloody kitchen knife, brief and slippers, declaring all of these to have been obtained in violation of the constitutional rights of appellant. Regardless of said exclusion, however, the trial court found enough circumstantial evidence to prove beyond reasonable doubt the guilt of appellant.

The appeal rests largely on appellant's contention that the alleged circumstantial evidence is insufficient to convict him. Appellant primarily targets the testimonies of [REDACTED] and Jaculina, claiming that these were inconsistent and not in conformity with normal human reaction and experience.