

EN BANC

[G.R. No. 144422, February 28, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALDRIN LICAYAN Y SUCANO (AT LARGE), ACCUSED-APPELLANT.**

DECISION

PER CURIAM:

Five-year old Rowena C. Bangcong, the only girl among her siblings, was beaten, raped and killed. Her bruised and battered body which was flung into a nipa swamp was discovered the following morning after a massive search.

For the brutal rape-slay of Rowena, herein accused Aldrin Licaya y Sucano was charged with Rape with Homicide in an Information^[1] which alleges –

That on the 25th day of June 1999 at around 7:00 o'clock in the evening, more or less at Barangay Inobulan, Municipality of Salay, Province of Misamis Oriental, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with force and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge with (*sic*) a five year old Rowena C. Bangcong against her will and consent and with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and struck (*sic*) the different parts of the victim's body with the use of a hard object, which accused previously provided himself, thus causing lacerated wounds, abrasions hematomas and submerging the victim in water at the nipa swamp which caused her death.

CONTRARY TO and in violation of Section II, Chapter III, paragraph 5 of Article 266-B of R.A. 8353.

Upon arraignment, accused, assisted by counsel, pleaded "not guilty" to the offense charged.^[2] The case thereafter proceeded to trial. However, after the prosecution had rested its case and formally offered its evidence, accused escaped detention on April 26, 2000 by scaling the perimeter fence of the Provincial Jail.^[3] He has remained at large to date despite efforts to apprehend him.

Counsel for the defense submitted the case for decision without presenting evidence in behalf of the accused. Thereafter, the court *a quo* rendered judgment^[4] on June 14, 2000 imposing upon the accused the extreme penalty of death thus:

WHEREFORE, judgment is hereby rendered by the Court sentencing accused to suffer the supreme penalty of death, to indemnify the heirs of Rowena Bangcong in the sum of P75,000.00, to pay moral damages in the sum of P50,000.00 and to pay the costs.

Since accused is at large after he escaped detention while the case was still pending but after the prosecution had presented its evidence, let a warrant for his arrest, or alias warrant of his arrest issue.

Once arrested let his custodian ship his person to the National Penitentiary without delay as provided by law, there to await the result of the review of this case by the Highest Tribunal of the land.

SO ORDERED.

On automatic review, accused-appellant faults the trial court with a lone assignment of error, to wit:

THE COURT A *QUO* GRAVELY ERRED IN HOLDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE WITH HOMICIDE THEREBY SENTENCING HIM TO SUFFER THE DEATH PENALTY DESPITE THE GLARING INSUFFICIENCY OF THE CIRCUMSTANTIAL EVIDENCE AGAINST HIM.^[5]

On the other hand, the Solicitor General recommends affirmance of the appealed Decision *in toto*.

The prosecution's version of the incident is summarized thus in the People's brief:

Appellant Aldrin Licayan and Bernard Agcopra were friends from way back. On June 25, 1999, after years of absence, appellant went to Agcopra who had a machine shop in Barangay Inobulan, Salay, Misamis Oriental, to apply for work as a grinder of engine valves. On this occasion, they drank rum to celebrate their reunion. Romeo Bangcong, who was also Agcopra's friend, joined them later in their drinking bout. They finished drinking in Agcopra's shop at 5:00 p.m.

The group continued drinking in the house of Wenny Rajal also in Barangay Inobulan, Salay, Misamis Oriental. After consuming two bottles of Beer Grande, they bought a case of the same drink, which they brought to the house of Romeo. When they arrived, Romeo's wife Rosalinda and his children, Rey Oriente, Raymundo and five-year old Rowena were there. Agcopra did not stay long and did not drink beer anymore. He went with Romeo to the barangay captain leaving appellant in Romeo's house. When Romeo returned to his house, appellant was embracing and kissing Rowena, justifying it by saying that he missed his daughter.

Appellant kept on embracing Rowena. At 6:00 p.m., more or less, Rowena asked that she be allowed to watch television at neighbor Dorbit's house fifteen meters away. An hour later, Romeo told Rey Oriente to fetch Rowena. Thereafter, appellant also left, saying that he would look for Agcopra. When the boy reached Dorbit's house, he saw appellant there with Rowena. Appellant told Rowena: "Day, come here because your father asked you to go home so you can eat your supper." Appellant then held the hand of Rowena and dragged her into a dark area. Rey Oriente, however, did not go with appellant and his sister,

thinking that they were heading for the Bangcong house.

When Romeo got tired of waiting for Rowena, he went to the Dorbit house to inquire about her. Rey Oriente told him what happened, which caused him to cry. Neighbors were alerted and immediately formed a *posse* to look for the girl. While searching for Rowena, they spotted appellant when they trained a flashlight to him. Appellant ran towards the ricefield. The *posse* chased him, but failed to catch him when he jumped into the deep Inobulan River. When appellant passed by a group of men who offered him a drink, his clothes were wet and his body was muddy. He had no slippers. That same night, appellant was arrested by the police.

The following morning, the dead and naked body of Rowena was found at the swamps, where appellant told Rogelio Dahilan, Jr., one of the searchers, she would be. Photographs were taken of the girl. A postmortem examination of the girl revealed that she had hematomas, lacerations, abrasions all over her body, as well as a deep incomplete hymenal laceration at the 6:00 o'clock position. The cause of death was asphyxia by submersion in water. Rowena died a painful death.^[6]

As stated earlier, after the prosecution had rested its case and formally offered its evidence, accused-appellant escaped detention and has remained at large despite efforts to apprehend him. Once an accused escapes from prison or confinement, he loses his standing in court and is deemed to have waived any right to seek relief from the court unless he surrenders or submits to the jurisdiction of the court.^[7] Accused-appellant's escape should be considered a waiver of his right to be present at the trial and the inability of the court to notify him of the subsequent hearings will not prevent the court from continuing with the trial because the escapee is deemed to have received notice.^[8]

The fact of escape made accused-appellant's failure to attend unjustified because he has, by escaping, placed himself beyond the pale and protection of the law. This being so, the trial against the fugitive should be brought to the ultimate conclusion. Thereafter, the trial court had the duty to rule on the evidence presented by the prosecution against the accused and to render its judgment accordingly. It should not wait for the fugitive's appearance or re-arrest,^[9] for the State as much as the accused has an interest in and is entitled to a speedy trial and disposition of the case.

In the case at bar, accused-appellant was convicted on the basis of circumstantial evidence. Direct evidence of the commission of the crime is not the only matrix wherefrom a court may draw its conclusions and findings of guilt.^[10] The rules on evidence^[11] and case law sustain the conviction of the accused through circumstantial evidence when the following requisites concur: 1.] there must be more than one circumstance; 2.] the facts from which the inferences are derived are proven; and 3.] the combination of all circumstances is such as to produce a conviction beyond reasonable doubt of the guilt of the accused.^[12]

In assaying the probative value of circumstantial evidence, four basic guidelines must be observed:

- 1) it should be acted upon with caution;
- 2) all the essential facts must be consistent with the hypothesis of guilt;
- 3) the facts must exclude every other theory but that of guilt; and
- 4) the facts must establish such a certainty of guilt of the accused as to convince the judgment beyond reasonable doubt that the accused is the one who committed the offense.^[13] The peculiarity of circumstantial evidence is that the guilt of the accused cannot be deduced from scrutinizing just one particular piece of evidence. It is more like a puzzle which when put together reveals a convincing picture pointing towards the conclusion the accused is the author of the crime.^[14]

The following circumstances pointed out by the trial court lead to the inevitable conclusion that the accused-appellant perpetrated the crime:

First, before 1:00 A.M. of June 25, 1999, accused drank rum with Bernard Agcopra, an automotive mechanic with whom he applied for work. June 26th was *anti-vesperas* of the fiesta of Inobulan, Salay, Mis. Or. Having consumed the rum, the duo decided to take a motorbike to Bernard Agcopra's shop in order to test accused's skill in grinding engine valve[s]. At Agcopra's shop, they drank some more rum where they were joined by Romeo Bangcong. At 5:00 P.M., the three proceeded to the house of the owner of the overhauled engine. While there, Agcopra ordered two bottles of *beer grande*, and after consuming these the group bought one case of the same *beer grande*. The 3 brought this to the house of Romeo Bangcong which is not far away.

Second, the three, accused, Bernard Agcopra and Romeo Bangcong, reached Romeo's house. In the house then were Romeo's wife and children, Rosalina and Rowena, 5 years old. Accused was drunk. But no sooner than they arrived that accused and Romeo started drinking the case of *beer grande* that they had brought. Bernard Agcopra begged off. He went home. When Rey Oriente Bangcong, one of Romeo's children and elder brother of Rowena, arrived from school that afternoon of June 25th, which was Friday, he saw accused drinking with his father and while so doing he kissed and embraced Rowena, justifying it by saying that he missed his daughter. This happened in the presence of the Bangcong family. At about 6:00 o'clock, Rowena asked her father's permission to view t.v. at the nearby house of Dorbit, to which Romeo gave his permission. About an hour after that Romeo told Rey Oriente to fetch his sister at Dorbit's

Third, arriving at Dorbit's house, Rey saw accused telling Rowena "*Day come here because your father asked you to go home so that you can eat your supper.*" Accused was holding the hand of Rowena and was dragging her. Soon Romeo Bangcong also arrived at Dorbit's house looking for Rowena.

Fourth, the Bangcong's neighbors organized a search party. One group

spotted accused 20 meters away. He ran toward the direction of the rice field. They chased him but they failed to overtake him as he jumped into the Inobulan River which is 5 arms length wise but deep. The searchers lost him.

Fifth, at about 4:00 o'clock of June 26th accused told Jun-jun Dahilan who in turn told the searchers the location of the body of Rowena. Referring to the place they found the dead and naked body of the victim there.

Sixth, with muddy pants, wet and without slippers accused emerged at the place where Wilson Salvaña and companions were drinking at about 9:30 P.M. of June 25th. He wore [a] stripe[d] blue shirt. He accepted the offer to drink and then proceeded away from them.

Seventh, accused was the last person with whom Rowena was last seen.

[15]

Accused-appellant, however, insists that the foregoing circumstances are insufficient to prove his guilt. He argues that: 1.] the first three (3) circumstances do not point to accused-appellant's guilt; 2.] prosecution witness Hernando Zambrano who was among those who organized the search party, is not credible because he did not shout upon finding accused-appellant; 3.] the witnesses could not have seen accused-appellant in the darkness; 4.] the witnesses could have seen somebody else; 5.] assuming that accused-appellant was the one seen by the posse, he was not committing any wrong by running away; 6.] the claim of prosecution witnesses that Jun-jun Dahilan told them where Rowena's body could be found based on accused-appellant's admission is hearsay; 7.] granting that accused-appellant revealed where Rowena's lifeless body could be found, he never admitted having raped and killed her; 8.] the admission made by accused-appellant to Dahilan, Jr. is inadmissible; 9.] the circumstance that accused-appellant was seen with wet pants, muddy body and without slippers lacks probative value; and 10.] there were no tell-tale signs that accused-appellant was dragging Rowena to the swamp.

We disagree.

The series of events pointing to the commission of a felony is appreciated not singly but *together*. Like strands which create a pattern when interwoven, a judgment of conviction based on circumstantial evidence can be upheld if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused to the exclusion of all others, as the guilty person. [16]

The peculiarity of circumstantial evidence is that the guilt of the accused cannot be deduced from scrutinizing just *one* particular piece of evidence. It is more like weaving a tapestry of events that will culminate in a clear picture that will reveal a convincing scenario pointing towards the accused as the author of the crime. [17]

The credibility of prosecution witness Hernando Zambrano cannot be impeached by the mere fact that he failed to rouse other members of the search party when he found the accused-appellant. Suffice it to state that different people react