

FIRST DIVISION

[G.R. No. 134572, April 18, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DIONISIO UMayAM Y CASTRO, ACCUSED-APPELLANT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

This is an appeal from the decision^[1] dated February 3, 1998 of the Regional Trial Court of Las Piñas City, Branch 255, in Criminal Case No. 92-1638, finding accused-appellant Dionisio Umayam y Castro, alias "Jawo", guilty beyond reasonable doubt of the crime of Murder and sentencing him to suffer the penalty of *reclusion perpetua*.

On March 10, 1992, accused-appellant was charged with the crime of Murder in an Information which alleged:

That on or about the 7th day of February, 1992, in the Municipality of Las Piñas, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, with intent to kill, with evident premeditation, and by means of treachery, did, then and there willfully, unlawfully and feloniously attack, assault, and stab with a bladed weapon one Emma Mendoza, thereby inflicting upon the latter serious and mortal stab wounds which directly caused her death.

CONTRARY TO LAW.^[2]

At his arraignment on October 28, 1992, accused-appellant pleaded not guilty^[3] to the charge; whereupon, trial ensued.

The evidence, as culled from the testimony of prosecution witness Rodolfo Velasquez, is as follows:

Dionisio Umayam (accused-appellant) and Emma Mendoza (victim), were living as husband and wife in a shanty they erected inside the compound owned by Rodolfo Velasquez located at San Jose St., Ilaya, Las Piñas City (p. 9, tsn, Feb. 10, 1993). This shanty is about ten (10) meters away from Velasquez's house located also within the compound (p. 4, tsn, *supra*) and where Velasquez maintains a poultry which he tends to everyday. Oftentimes, Velasquez entertains his friends/visitors within the compound and if too drunk, passes the night at his house therein (p. 11, *supra*). Velasquez's family residence however, is about a kilometer and a half away.

During Umayam and Mendoza's stay in the compound, Velasquez would notice them frequently quarreling (pp. 5 & 8, *supra*). On occasions, Mendoza would run to Velasquez for help for the beatings inflicted on her

by Umayam (p. 6, *supra*). Velasquez would advise Mendoza to refer the matter to the barangay (p. 13, *supra*). Velasquez described Umayam and Mendoza's relationship as "magulo." (p. 5, *supra*).

At about 7:00 p.m. of February 7, 1992, while Velasquez was inside the compound entertaining some friends, Umayam, Mendoza and a certain Zenaida Anzo arrived and went inside the shanty (p. 4, *supra*). Once inside, the radio was switched on a very loud volume which lasted until about 9:00 p.m. or 10:00 p.m., when Velasquez left the compound (pp. 10-11, *supra*). About noon of the following day, Velasquez went to his poultry to feed his chicken. Thereat, Velasquez noticed nobody at the shanty of the couple and its door was padlocked. Returning thereto on Sunday, Velasquez noticed a foul odor emanating from the couple's shanty which he thought to be that of "*kaning baboy*." (p. 13, *supra*). On Monday, Velasquez noticed that the foul odor from the couple's shanty became intolerable forcing him to report the incident to the barangay captain who immediately requested for police assistance (p. 7, *supra*). The responding policemen decided to break the walls of the shanty and once inside, saw the decomposing body of Emma Mendoza.^[4]

Dr. Valentin Bernales, a medico-legal officer of the National Bureau of Investigation, conducted a postmortem examination on the decomposing cadaver of the victim on February 10, 1992. His Autopsy Report yielded the following findings, to wit:

Body, in far advanced state of decomposition; with line maggots.

Contusion, reddish; arm, left, lower third, antero-lateral aspect, 3.0 x 2.0 cm. and antero medial aspect, 6.0 x 3.0 cm. knee, left, 4.0 x 3.5 cm.

Stab wounds, ovaloid in shape, modified by process of decomposition:

1) 1.0 cm., neck, left, antero-lateral aspect, 10.0 cm. From the anterior median line directed medially, upward and slightly anteriorly; involving among others the common carotid artery and jugular vein, with an approximate depth of 6.0 cm.

2) 1.0 cm., chest right, upper-outer quadrant, 17.0 cm. from the anterior median line, directed backward, downward and medially involving among others the lung, right, upper lobe, with approximate depth of 9.0 cm.

Hemothorax, right, 1000 c.c.

Visceral organs, in far advanced state of autolysis.

Stomach, empty.^[5]

Dr. Bernales concluded that the victim's stab wounds on her neck and chest were fatal and caused by a sharp pointed bladed weapon, and that the death occurred within seventy-two (72) hours prior to the autopsy. Furthermore, he opined that a hard object, such as fist, may have caused the contusions on the arms, thigh and knee of the deceased.^[6]

Accused-appellant, on the other hand, testified that from February 4 to 11, 1992, he

was at the house of his sister, Nida Vargas, in Sto. Niño, Ilaya, Parañaque. On February 4, 1992, his wife Emma Mendoza left their rented house at Balete, Las Piñas to visit her children at La Loma, and told him to wait for her to return and fetch him. Accused-appellant thus waited for Emma at his sister's house, but she never arrived. On February 11, 1992, two policemen came and informed accused-appellant that his wife had been killed. The policemen then brought him to the municipal jail of Las Piñas.^[7]

Nida Vargas corroborated accused-appellant's testimony. She stated that accused-appellant stayed at her residence from February 4, 1992 until he was arrested on February 11, 1992. She testified that her brother never left her house during his stay there because he was too busy doing carpentry work at her residence. Neither did accused-appellant go to his rented house at Balete, Las Piñas because according to him, Emma Mendoza would fetch him as soon as she arrived from Isabela.^[8]

Lastly, Beatriz Estupia, a neighbor of Nida Vargas, also testified that sometime in the month of February 1992, she noticed the presence of accused-appellant doing carpentry works in the house of his sister. She recalled that accused-appellant was arrested sometime on February 11, 1992. She cannot recall any instance when accused-appellant left the house of Nida Vargas.^[9] However, her testimony on cross-examination shows inconsistencies which led the trial court to conclude that she was lying, to wit:

Q: And you came to know that this accused Dionisio Umayam was charged before this court for murder in February 1992 yet, is it not?

A: Yes, Your Honor. That was the news.

Q: How come that it is only now, 1996, already June 1996 that you appeared before this court and volunteered to testify?

ATTY. MACINAS

This is the first time that we are presenting our evidence.

COURT Let the witness answer.

A: I did this because after so many years that he was incarcerated and I know he was not guilty so I appear (*sic*).

xxx
xxx

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Q: You also stated earlier that you went to Bicol, when did you go to Bicol?

A: May 5, 1994.

Q: When did you go back to Parañaque?

A: At the end of 1994.

Q: Did you not state earlier that the reason why you did not come to know, why the accused Dionisio Umayam was arrested (*sic*) because according to you immediately you went to Bicol in February 1992?

A: What I stated earlier was that I do not know the reason why he was arrested so I was surprised when he was arrested.

Q: You were asked whether later on you came to know the reason and according to you, you did not know because you went to Bicol, did you state that?

A: Yes, Your Honor.

Q: So that it was not in 1994 that you went to Bicol but in 1992, is it not?

A: May 1994, Your Honor.

Q: So that when you stated earlier that the reason why you did not come to know why Dionisio Umayam was arrested because you went to Bicol is not true?

ATTY. MACINAS

Misleading. That is not the reason why.

COURT I know this witness is telling a lie.^[10]

The testimony of Estupia was rejected by the trial court because while she claims to be the neighbor of accused-appellant's sister and to have allegedly witnessed accused-appellant's apprehension by the police in his sister's house in 1992, she only came to know the reason for accused-appellant's arrest in 1995.^[11]

After trial, the court *a quo* rendered the assailed decision, the dispositive portion of which reads:

WHEREFORE, and in the light of the foregoing, the Court finds the accused Dionisio Umayam y Castro GUILTY beyond reasonable doubt for the crime of Murder as charged in the information after applying the provisions of the Indeterminate Sentence Law, he is hereby sentenced to suffer the penalty of Reclusion Perpetua; to suffer the accessory penalties provided for by law; to indemnify the heirs of the deceased Emma Mendoza the sum of P50,000.00; and to pay the costs.

SO ORDERED.^[12]

Hence, this appeal anchored on the following assignment of errors:

I.

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED GUILTY OF THE CRIME CHARGED DESPITE THE INSUFFICIENCY OF EVIDENCE TO WARRANT CONVICTING BEYOND REASONABLE DOUBT.

II.

THE TRIAL COURT GRAVELY ERRED IN APPRECIATING THE AGGRAVATING CIRCUMSTANCES OF TREACHERY AND EVIDENT PREMEDITATION.^[13]

In the first assigned error, accused-appellant argues that his guilt has not been proven beyond reasonable doubt because there was no direct evidence linking him to the commission of the crime; rather, his conviction was based merely on the testimony of the prosecution's lone witness who did not actually see the killing.

Accused-appellant's argument deserves no merit.

Well-settled is the rule that direct evidence of the commission of the crime is not the only matrix wherefrom a trial court may draw its conclusion and findings of guilt. Direct evidence of the actual killing is not indispensable for convicting an accused when circumstantial evidence can sufficiently establish his guilt.^[14] If actual eyewitnesses are the only ones allowed to possibly identify a suspect or accused to the exclusion of others, then nobody can ever be convicted unless there is an eyewitness because of the rule that there can be no conviction until and unless an accused is positively identified. Such a proposition is absolutely absurd, because it is settled that direct evidence of the commission of the crime is *not* the only matrix. Indeed, conviction can be had on the basis of circumstantial evidence if the established circumstances constitute an unbroken chain leading to one fair and reasonable conclusion proving that the accused is the author of the crime to the exclusion of all others.^[15]

However, to support a conviction based on circumstantial evidence, the following must be present: a) there is more than one circumstance; b) the facts from where the inferences are derived are proven; c) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt.^[16]

The circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with any other hypothesis except that of guilt.^[17]

In the case at bar, the trial court considered the following circumstances in arriving at its conclusion that accused-appellant was the one who killed the victim to the exclusion of all others:

1. The *tumultuous or stormy relationship* between the accused-appellant and his deceased live-in partner when the latter was still alive.^[18]
2. The presence of just the two of them, accused-appellant and his wife, in their house on that fateful evening of February 7, 1992