

EN BANC

[G.R. No. 131478, April 11, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RAYMUNDO CORFIN, ACCUSED-APPELLANT.**

DECISION

KAPUNAN, J.:

This an automatic review of the Decision, dated August 13, 1997, of the Regional Trial Court, Branch 35, 11th Judicial Region, General Santos City, finding accused-appellant Raymundo Corfin guilty beyond reasonable doubt of the crime of Rape with Homicide and imposing upon him the supreme penalty of death.

The Information filed against accused-appellant charged him with robbery with homicide committed as follows:

That on or about 12:30 P.M. of May 18, 1995, at Purok 17, Barangay Fatima, General Santos City, Philippines and within the jurisdiction of this Honorable Court, said accused, by means of violence and intimidation, did then and there wilfully, unlawfully, and feloniously have carnal knowledge of the daughter of complainant named Ad Jane Zabala, 4 years old, against her will and consent; that on the occasion of said rape, accused did then and there wilfully, unlawfully and feloniously attack and strike the victim with the use of stone hitting her on her head, thereby inflicting upon said Ad Jane Zabala injuries which directly caused her death.

CONTRARY TO LAW.^[1]

At his arraignment, accused-appellant, with the assistance of counsel, pleaded not guilty. Trial ensued.

The uncontroverted facts established during the trial are as follows:

Ad Jane Zabala, 4 years old, was the daughter of Rosemarie and Alejandro Zabala. The couple had five (5) children. They lived in 39.2 (now FVR Village), Barangay Fatima, General Santos City. In the morning of May 18, 1995, Rosemarie took her youngest child to the rural health center to avail of the government's immunization program. She came home at 11:00 in the morning and found that Ad Jane was not in the house. Rosemarie looked for her daughter in the neighborhood but she was nowhere to be found.^[2]

Rosemarie then requested a neighbor to fetch her husband, Alejandro, a fisherman, in Kabu to tell him that Ad Jane was missing. Alejandro immediately went home and thereafter, proceeded to the Makar Police Station to report their daughter's

disappearance. He also visited local radio stations to seek their help in finding Ad Jane.^[3]

The following day, Alejandro was awakened by a neighbor who told him that they found a child in the dry creek near the road leading to RFM and Nautica. Alejandro immediately rushed to said place. There, he found the body of her daughter lying on the ground with her face up, her hands raised above her head and legs spread apart. He wanted to hold her daughter but was instructed not to do so because the body had to be examined first. Although it was not yet in a state of decomposition, a stench was already emitting from Ad Jane's body. It was then 2:00 in the afternoon of May 19, 1995.^[4]

At the instance of his wife, Alejandro searched for Ad Jane's slippers and panty. He found the slippers and recognized them as Ad Jane's because they bore the initials "AZ." Alejandro said he engraved these letters on her daughter's slippers. He also found the panty and showed it to his wife. She confirmed that the same belonged to their daughter. He felt hurt and pain but could not do anything except to call the Purok Chairman, Antonio Armilla, to ask for his help.^[5]

Armilla immediately requested the local city government to send policemen to the place where Ad Jane's body was found. He also requested that the services of a funeral parlor be engaged. When they arrived, the police authorities took several pictures and thereafter, loaded the body into the funeral car.^[6] The victim's body was brought to the General Santos Health Office for autopsy. The post-mortem findings of Dr. Virginia Ramirez were as follows:

1. Body on the advance state of decomposition;
2. Lacerated wound at right inguinal area with eviscerations of intestine;
3. Child on lithotomy position, vagina very much inflamed [sic] with laceration at 6 o'clock and 5 o'clock.

Caused [sic] of death: Death was due to hemorrhage secondary to rape.^[7]

Dr. Ramirez substantially confirmed the foregoing findings when she testified in court. However, she (Dr. Ramirez) averred that she could not categorically state what caused the laceration in the victim's vagina. It could have been allegedly caused by an erect penis or any hard object.^[8]

There being no eyewitness to the dastardly act perpetrated against the defenseless child, the prosecution endeavored to inculcate accused-appellant based on the testimonies of the following prosecution witnesses: Imelda Arnado, Alma Lawas, Mariano Mahinay and Rosanna Rentillo.

Arnado is a resident of FVR Village, Barangay Fatima, General Santos City. She and the Zabalas were neighbors. She testified that in the morning of May 18, 1995, she went to house of her niece, Alma Lawas, to borrow laundry brush from the latter. Arnado left her house at about 10:00 in the morning. She just walked to her niece's

house. On the way, Arnado passed by an abandoned store by the road where she saw accused-appellant and Ad Jane talking to each other. They were seated in front of the store. Arnado overheard accused-appellant ask the child where her mother was. Arnado no longer heard the girl's reply. Arnado reached her niece's house at 11:00 in the morning. She only stayed there for a few minutes. As she was walking home, she saw, at a distance ahead of her, accused-appellant walking towards RFM. Ad Jane was walking closely behind him. Arnado learned later that Ad Jane was found dead.^[9]

Arnado described accused-appellant as then wearing short pants and a yellow "*sando*." She knew accused-appellant because he was the "conductor" of a jeepney that plied the FVR and Dadiangas route. She had been a passenger of said jeepney a few times in the past. On May 20, 1995, Arnado executed a sworn statement pointing to accused-appellant as the perpetrator of the crime.^[10]

Lawas, also a resident of FVR, Barangay Fatima, General Santos City, and the niece of Arnado, substantially corroborated her aunt's testimony. According to Lawas, she was at home in the morning of May 18, 1995. Her house was twenty (20) meters away from the abandoned store where she saw accused-appellant and Ad Jane talking to each other. A few minutes later, she (Lawas) saw them walking towards the direction of RFM. It was about 11:00 in the morning. The following day, she heard about the news of Ad Jane's death. On May 20, 1995, Lawas executed a sworn statement charging accused-appellant of the crime.^[11]

Mahinay is a resident of Diamond Valley, Barangay Tambler, General Santos City. On May 18, 1995, at about 11:00 in the morning, he went to see his daughter in her house in 39.2 (now FVR Village). He took the short cut route and while on said path, he met accused-appellant. He noticed that accused-appellant was carrying a child. Mahinay recognized the child as the daughter of Alejandro Zabala. The girl was still alive at the time. He knew Alejandro because they lived together in the same house in a sawmill at Calumpang sometime in 1985.^[12]

When Mahinay was already twenty (20) meters away from the place where he met accused-appellant, he (Mahinay) heard the crying of a child. He turned around to where the sound came from but he did not see anything. He then continued walking until he reached his daughter's house. The following day, he learned that Alejandro's daughter was found dead.^[13]

Rentillo testified that at about 1:00 in the afternoon of May 18, 1995, she was on her way home from the health center. While she was walking, she saw accused-appellant coming from Diamond [Village] and going towards the direction of Rentillo's house. She noticed that he was wearing a yellow sleeveless shirt and short pants. He looked very dirty and was perspiring profusely. He continued walking downhill away from Rentillo's house. The following day, Rentillo heard the news about Ad Jane's death.^[14]

The defense presented accused-appellant as its sole witness. To exculpate himself, accused-appellant interposed denial and alibi. He averred that he worked as "conductor" of a passenger jeepney. On May 18, 1995, at around 10:00 in the morning, he was in 39.2, Barangay Fatima, General Santos City. By 10:30, he rode the jeepney to go back to his house in Labangal. He was home by 1:30 in the

afternoon. His mother was in the house when he arrived. From 2:00 until 3:00 in the afternoon, he played cards with his neighbors, namely, Toto Sipagan, Jeser Mandawe and Willy Aba.^[15]

He admitted that on that day, he was wearing a yellow sleeveless shirt and short pants. He likewise affirmed that he sat down in front of the abandoned store on that particular morning. However, he denied ever talking to a little girl while he was there. Instead, he claimed that there were also other people in the abandoned store but he did not know any of them. From the store, he went directly to the jeepney terminal and proceeded to his house.^[16]

Accused-appellant further narrated that he was arrested in their house in the evening of May 19, 1995. He was first brought to 39.2 where he was mauled by Armilla, the Purok Chairman. He was then brought to the police station in Barangay Tamber. Later, he was transferred to the Makar Police Station.^[17]

After the prosecution and the defense presented their respective documentary and testimonial evidence, the trial court rendered judgment finding accused-appellant guilty beyond reasonable doubt of rape with homicide and imposing upon him the supreme penalty of death. The dispositive portion of the trial court's decision reads:

WHEREFORE, premises considered, the Court finds the accused Raymundo Corfin, guilty beyond reasonable doubt of the crime of rape with homicide as defined and penalized under Article 335 of the Revised Penal Code as amended by Section 11, Republic Act 7659, and hereby sentences him to suffer the extreme penalty of death; to indemnify the heirs of Ad Jane Zabala for her unlawful death in the amount of P50,000.00, P30,000.00 and P20,000.00 respectively for moral and exemplary damages; P10,000.00 for actual damages and to pay the cost of this suit.

SO ORDERED.^[18]

In view of the imposition of the death penalty, this case was automatically elevated to this Court for review. In his appeal brief, accused-appellant made a lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT ON THE BASIS MERELY OF CIRCUMSTANTIAL EVIDENCE WHICH DO NOT, HOWEVER, PROVE WITH MORAL CERTAINTY THAT HE WAS THE PERPETRATOR OF THE CRIME CHARGED.^[19]

Accused-appellant mainly assails his conviction on the basis of circumstantial evidence. According to accused-appellant, the circumstantial evidence presented by the prosecution does not sufficiently establish his guilt beyond reasonable doubt. While the prosecution may have shown that accused-appellant was last seen with the victim, it (prosecution) allegedly failed to establish precisely where and what time the crime was committed. Thus, accused-appellant opines that this omission suggests the possibility that another person may have committed the crime.

Indeed, the pivotal issue that needs to be resolved in this case is whether or not there is sufficient evidence to hold accused-appellant guilty beyond reasonable

doubt of the crime of rape with homicide.

Concededly in this case, there was neither an eyewitness nor direct evidence linking accused-appellant to the crime for which he was charged and convicted. However, direct evidence is not the only matrix from which the trial court may draw its findings and conclusions of culpability. Resort to circumstantial evidence is essential when to insist on direct testimony would result in setting felons free.^[20]

Under the rules, circumstantial evidence is sufficient to convict an accused if the following requisites concur: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.^[21]

The corollary rule is that the circumstances proven must 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;^[22] i.e., the circumstances proven must be consistent with each other, consistent with the hypothesis that the accused is guilty and at the same time inconsistent with the hypothesis that he is innocent and with any other rational hypothesis except that of guilt.^[23]

Circumstantial evidence finds application in crimes such as rape with homicide. The nature of the crime of rape, where it is usually only the victim and the rapist who are present at the scene of the crime, makes prosecutions for the complex crime of rape with homicide particularly difficult since the victim can no longer testify against the perpetrator of the crime. In these cases, the pieces of evidence against the accused are usually circumstantial.^[24]

The trial court in this case appreciated the following circumstantial evidence to convict accused-appellant:

1. That accused Raymundo Corfin was seen conversing with the victim, Ad Jane Zabala, at an abandoned store (Exh. "C-3") on that fateful day of May 18, 1995 at 10:30 A.M. by witnesses Imelda Arnado and Alma Lawas wearing a yellow sando and short pants. He was positively identified by both witnesses as the conductor of a navigator jeep that services their area in going to Dadiangas and vice versa. The two knew the accused for at least six (6) months before the incident as such conductor.
2. Imelda Arnado and Alma Lawas, later on saw the accused and the victim leaved (sic) the abandoned store at 11:00 A.M. on the same day at a place (Exh. "C-4") passing the footpath (Exh. "C") and going towards RFM (Exh. "G-7").
3. At about the same time, i.e. at 11:00 A.M. on the same day, Mariano Mahinay, a Barangay Tanod, while coming from the Barangay Hall, and was also taking the same footpath (Exh. "C") going down to 39.2 (now FVR Village) to see his daughter, Elsa Tapaya, he met the accused carrying a child on his shoulder, "abba" position. The accused was duly identified by him as a conductor of a jeep whom he knew one month before the incident. He likewise