

## FIRST DIVISION

[ G.R. No. 132870, May 29, 2002 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
OLEGARIO PASCUAL, JR. Y MARAMAG, ACCUSED-APPELLANT.**

### ***DECISION***

**YNARES-SANTIAGO, J.:**

At 9:30 in the evening of January 16, 1992, Henry de la Paz, a resident of Purok Maligaya, Mambugan, Antipolo, Rizal, noticed a taxicab parked near the dead-end portion of the road near his house. Moments later, the taxicab moved backwards and hit the wall of a nearby handicraft shop. Two men alighted from the vehicle, followed by the driver, Arnold Nuarin, who cried out, "*Tulungan po ninyo ako, sinaksak ako.*" The two men sprinted away. Henry left to call for help.<sup>[1]</sup>

Andro Paglinawan, together with a team of *barangay* watchmen patrolling the area, heard Arnold's cry for help. They found Arnold's lifeless body sprawled on the ground about four posts away from the taxicab.<sup>[2]</sup> They saw two men fleeing and ran after them.

Meanwhile, PO3 Amando Alfonso and PO3 Hidalgo Gomez of the Antipolo police received a report about the incident and proceeded to the scene.<sup>[3]</sup> They found several persons chasing two men towards the squatters' area. The two police officers joined in the chase. They caught up and apprehended accused-appellant Olegario Pascual, whose clothes were stained with blood. His companion, identified as alias "Johnny Bonglay," escaped. PO3 Alfonso searched accused-appellant and found a bloodied fan knife, measuring eight to ten inches in length, in his back pocket.<sup>[4]</sup> Further investigation disclosed that the victim had been robbed of his earnings.

The victim was rushed to E. Rodriguez Hospital in Marikina City, but he later expired.<sup>[5]</sup> According to the postmortem examination conducted by medico-legal officer Dr. Dario Gajardo, the victim suffered stab wounds in the cheek, neck, nape and chest. Judging from the nature of the wound, a single-bladed weapon was used. The cause of death was cardio-respiratory arrest due to shock and hemorrhage.<sup>[6]</sup>

On January 24, 1992, an information<sup>[7]</sup> was filed with the Regional Trial Court, Branch 72, Antipolo, Rizal, docketed as Criminal Case No. 92-7608, charging accused-appellant with violation of Presidential Decree No. 532, Section 3 (b), also known as the Anti-Highway Robbery Law, committed as follows:

That on or about the 16<sup>th</sup> day of January 1992, in the municipality of Antipolo, province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and

confederating together with one alias "Johnny", whose true identity and present whereabouts is still unknown and mutually helping and aiding each other, armed with a fan knife with intent to gain and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously hold-up, take and divest one Arnold Nuarin y Vila of cash money while the latter was driving a motor vehicle owned by R & E taxi along Mambugan, Antipolo, Rizal which is a Philippine Highway, to the damage and prejudice of the said owner in an undetermined amount; that on the occasion of said robbery and for the purpose of enabling them to take, rob and carry away the said cash money and in pursuance of their conspiracy with intent to kill, did then and there willfully, unlawfully and feloniously stab said Arnold Nuarin y Vila of cash money while the latter was driving a motor vehicle owned by R & E taxi along Mambugan, Antipolo, Rizal which is a Philippine Highway, to the damage and prejudice of the said owner in an undetermined amount; that on the occasion of said robbery and for the purpose of enabling them to take, rob and carry away the said cash money and in pursuance of their conspiracy with intent to kill, did then and there willfully, unlawfully and feloniously stab said Arnold Nuarin y Vila on the different parts of his body, as a result of which the latter sustained mortal stab wounds which directly caused his death.

CONTRARY TO LAW.

Accused-appellant pleaded not guilty when arraigned.<sup>[8]</sup>

In his defense, accused-appellant testified that he was a construction worker at Soliven Construction Company. At 8:00 in the evening of January 16, 1992, he was at the house of his supervisor, Lando Padilla, located in Francisville, Mambugan, Antipolo, Rizal, more than four kilometers from the scene of the crime.<sup>[9]</sup> While he was resting in the said house, six armed persons in civilian clothes arrived and arrested him.<sup>[10]</sup> Lando was asked to come along for questioning,<sup>[11]</sup> but he was later allowed to go home while accused-appellant remained in detention.

Accused-appellant claimed that during the investigation, he was tortured by the investigating officers into admitting responsibility for the crime.<sup>[12]</sup> Accused-appellant professed his innocence of the robbery and killing. He categorically denied that a bloodied fan knife was recovered from him at the time of his arrest, saying that the *balisong* presented in court was not his. Accused-appellant disavowed any association with "Johnny Bonglay" and insisted that he did not know any such person.<sup>[13]</sup>

The trial court rejected accused-appellant's defense and, on November 24, 1997, rendered judgment as follows:

WHEREFORE, this Court finds accused Olegario Pascual y Maramag, GUILTY BEYOND REASONABLE DOUBT of the crime of violation of the Anti-Highway Robbery as defined under Section 3 (b) of P.D. 532, he is hereby sentenced to suffer imprisonment of *Reclusion Perpetua* and to indemnify the relatives of the victim in the amount of P50,000.00 as actual damages, P28,000.00 as funeral expenses and P300,000.00 as

moral damages.

SO ORDERED.<sup>[14]</sup>

In this appeal, accused-appellant argues that there was no direct evidence linking him to the crime, considering that the pieces of evidence presented by the prosecution were circumstantial and not sufficient to overcome the presumption of innocence; and that the trial court should not have relied on the weakness of his defense, but on the strength of the prosecution.

The contention is untenable. 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 finding of guilt.<sup>[15]</sup> Even in the absence of direct evidence, conviction can be had if the established circumstances constitute an unbroken chain, consistent with each other and to the hypothesis that the accused is guilty, to the exclusion of all other hypothesis that he is not.<sup>[16]</sup>

The following circumstances as established by the prosecution *indicate* a high *indicia* of guilt of the accused-appellant, to wit: (1) he was present at the vicinity of the crime; (2) he was seen running away from the taxi followed by the wounded victim, Arnold Nuarin; (3) he was one of the two men chased by the patrolling *barangay* watchmen; (4) he was caught and apprehended by the responding *barangay* watchmen; (5) a bloodied fan knife was recovered in his possession; and (6) the medico-legal findings disclosed that the victim sustained stab wounds inflicted by a single-bladed weapon.

In the absence of an eyewitness, reliance on circumstantial evidence becomes inevitable.<sup>[17]</sup> Circumstantial evidence is defined as that which indirectly proves a fact in issue through an inference which the fact-finder draws from the evidence established.<sup>[18]</sup> Such evidence is founded on experience and observed facts and coincidences establishing a connection between the known and proven facts and the facts sought to be proved.<sup>[19]</sup>

The requisites of circumstantial evidence are: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.<sup>[20]</sup>

Contrary to accused-appellant's contention, the tapestry of circumstances presented by the prosecution created a strong impression of his guilt sufficient to overcome the mantle of presumptive innocence. Doubtless, it is not only by direct evidence that an accused may be convicted of the crime for which he is charged. Resort to circumstantial evidence is essential since to insist on direct testimony would, in many cases, result in setting felons free and denying proper protection to the community.<sup>[21]</sup>

Accused-appellant further argues that the trial court should not have relied on the weakness of his defense but on the strength of the prosecution's evidence. The argument deserves no merit. A review of the evidence extant on record shows that the testimonies of the prosecution witnesses were candid, straightforward,