

FIRST DIVISION

[G.R. No. 137599, October 08, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GILBERT BAULITE AND LIBERATO BAULITE, ACCUSED-
APPELLANTS.**

D E C I S I O N

PARDO, J.:

Appeal seeking to reverse the decision^[1] of the Regional Trial Court, Cotabato, at Kidapawan City, Branch 17 finding accused Gilbert Baulite and Liberato Baulite guilty beyond reasonable doubt of rape with homicide and sentencing each of them to *reclusion perpetua* and to indemnify the heirs of Delia Jacobo Lano in the sum of P50,000.00, with costs.

On December 1, 1993, Eddie Arguelles, a farmer, passed by a river on his way to Old Bunawan, Tulunan, Cotabato. In the river, he saw two men -- Gilbert and Liberato Baulite washing their bloodied hands. Eddie continued on his way after seeing them. Upon reaching the road, he heard a boy shouting that somebody was found dead.

Jonathan Cando, a civilian volunteer, was on horseback crossing a river on his way to Bunawan. He heard a woman crying "indi" "indi." He checked his left, and approximately six (6) meters away, he saw a person mounting somebody, as if choking the one mounted. He went to the barangay captain and related what he heard and saw. The barangay captain, however, dismissed the incident, speculating that the two were "only sweethearts."

Around 3 to 4 in the afternoon of the same day, a boy found the body of Delia Jacobo Lano. Delia was a public school teacher at Old Bunawan, Datu Paglas and a resident of Maybula, Tulunan, Cotabato. An examination of her body revealed that Delia suffered a three-inch-deep punctured wound between her eyes, a smashed face (left side) and a bruised neck (upper portion). Vaginal smear test also found her positive for (dead) spermatozoa. However, there were no indications that Delia's genitalia sustained any laceration. The medical examiner opined that Delia had probably delivered several children. The examination was conducted approximately five (5) to six (6) hours after Delia died.

On December 7, 1993, 2nd assistant provincial prosecutor of Cotabato Alfonso B. Dizon, Jr., filed with the Regional Trial Court, Cotabato, at Kidapawan an information for rape with homicide against Gilbert Baulite and Liberato Baulite, the two men caught washing their bloodied hands by the river. The information reads:

"That on or about December 1, 1993, at Barangay New Bunawan, Municipality of Tulunan, Province of Cotabato, Philippines, the above-named accused, with lewd design, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully and feloniously with the use of force and intimidation succeeded in having sexual intercourse with one DELIA JAGOBO LANO against her will, and thereafter said accused, with intent to kill, with personal violence, strangled the victim with the use of a hand as shown by finger nails marking which caused hematoma of the upper portion of the neck and likewise with the use of a sharp object, inflicted punctured wound (sic) located just above and between the eyes, three (3) inches deep, directed and posteriorly and superiorly and multiple fracture of the bone of the left face with hematoma of both eyes, which injuries' is (sic) the direct and proximate cause of death of said DELIA JACOBO LANO."^[2]

On June 23, 1994, the trial court arraigned the accused. They each pleaded not guilty.^[3]

After due trial, on November 25, 1998, the trial court rendered a decision finding the two accused guilty of rape with homicide, the decretal portion of which reads as follows:

"Prescinding from the foregoing facts and considerations, the Court finds accused Gilbert Baulite and Liberato Baulite guilty beyond reasonable doubt, of the crime charged, accused Liberato Baulite and Gilbert Baulite are hereby sentenced each to suffer the penalty of Reclusion Perpetua. Consonant with the recent jurisprudence, both accused are hereby ordered to indemnify the heirs of Delia Jacobo Lano the sum of P50,000.00.

"With costs de officio.

IT IS SO ORDERED.^[4]

On December 29, 1998, the accused filed a notice of appeal.^[5]

The issues in the appeal are: (1) Was the guilt of the accused-appellants proved beyond reasonable doubt? (2) Is circumstantial evidence sufficient to convict the accused-appellants?

The trial court convicted the accused on the basis of the following circumstantial evidence, namely:

- a) A witness saw accused-appellants Gilbert and Liberato Baulite washing their bloodied hands;
- b) A boy was heard shouting that somebody was found dead;