

## THIRD DIVISION

[ G.R. No. 141633, December 14, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REX T. CANLAS AND OTHER JOHN DOES, ACCUSED-APPELLANTS.**

### DECISION

**CARPIO, J.:**

Where the court relies solely on circumstantial evidence, the combined effect of the pieces of circumstantial evidence must inexorably lead to the conclusion that the accused is guilty beyond reasonable doubt. Conviction must rest on nothing less than moral certainty, whether it proceeds from direct or circumstantial evidence.

#### The Case

On appeal before us is the Decision<sup>[1]</sup> of the Regional Trial Court, Branch 59, Angeles City, dated January 19, 2000, in Criminal Case No. 98-755 finding appellant REX T. CANLAS guilty of the crime of robbery with homicide and sentencing him to suffer the penalty of *reclusion perpetua*.

#### The Charge

Appellant was charged together with six other unidentified men who were designated in the Information as Richard Doe, Peter Doe, Rommel Doe, Winston Doe, and Charlie Doe. The Information alleges:

"That on or about the 14<sup>th</sup> day of June, 1998, in Brgy. Palat, municipality (sic) of Porac, province (sic) of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent of (sic) gain, and with violence, did then and there willfully, unlawfully and feloniously take, steal and carry away with them merchandise consisting of assorted clothes worth P4,000.00 and cash money in the amount of P1,000.00, belonging to the deceased, Jing Garcia Flores, with a total value of FIVE THOUSAND PESOS (P5,000.00) Philippine Currency, and on the occasion of said robbery and for the purpose of enabling them to take, steal and carry away the said articles, accused in pursuance of their conspiracy, and taking advantage of their superior strength and with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the deceased, Jing Garcia Flores with the use of a lead pipe and a hunting knife, inflicting upon him mortal and fatal injuries which caused his death.

Contrary to law."<sup>[2]</sup>

## **Arraignment and Plea**

When arraigned on October 7, 1998, appellant, with the assistance of counsel, pleaded not guilty.<sup>[3]</sup> Trial then ensued.

## **The Trial**

The evidence of the prosecution consisted of the oral testimonies of SPO2 Henry Ayson (for brevity "SPO2 Ayson"), Jose Tamayo (for brevity "Jose"), Willie Silva (for brevity "Silva"), Ismael Victoria (for brevity "Victoria"), Dr. Olga Bausa (for brevity "Dr. Bausa"), and Dr. Lilia Panlilio, as well as documentary and object evidence. The defense for its part presented appellant as its lone witness.

## **Version of the Prosecution**

The prosecution through the Office of the Solicitor General narrates its version of the facts, as follows:

"On June 14, 1998, at around 2:00 o'clock in the afternoon, Willie Silva, Ismael Victoria, Daniel Flores and Jing Flores, all ambulant vendors, went to Palat, Porac, Pampanga to sell different kinds of clothes, such as t-shirts, shorts and sandos. Daniel Flores and Ismael Victoria were the first to be called by customers, while Willie Silva and Jing Flores went on their way to look for other customers. When Willie Silva was called by a customer to whom Willie showed his wares, Jing Flores continued walking and entered a small alley. After Willie Silva finished attending to his buyer, Willie followed Jing Flores at the small alley. Not finding Jing Flores, Willie asked the residents there if they saw where Jing went. After receiving negative replies, except from a deaf-mute who said that Jing was embraced by someone, Willie Silva went back to his companions. Willie, this time accompanied by Ismael Victoria and Daniel Flores, went back to the alley and looked for Jing Flores. They also searched the back of a house and the creek, but to no avail. At the time he disappeared, Jing Flores was wearing a white Hanes t-shirt, maong short pants, blue sandals, a cap with "Bench" marking and a red towel.

Thereafter, at around 3:00 o'clock in the afternoon, Willie Silva, Ismael Victoria and Daniel Flores went to Towking, Porac to continue selling their goods. The three of them returned to Palat an hour later. They continued looking for Jing Flores until 8:00 o'clock in the evening. Thereafter, they all went home to Dolores, Mexico, Pampanga.

Upon learning that Jing Flores had not yet gone home, Willie Silva and his companions sought the help of their barangay captain and several barriomates. Their group, numbering twenty, went back to Palat, Porac to look for Jing Flores. Arriving midnight at Palat, the group sought the help of the barangay captain thereat and thereupon searched for Jing Flores. They searched the whole barangay for hours. At around 6:00 to 7:00 o'clock in the morning the following day, June 15, 1998, the lifeless body of Jing Flores was found in a creek with his head and upper body covered with animal feed sack.

Roberto Bautista, the Barangay Captain of Dolores, Mexico, reported to SPO2 Henry Ayson of the Porac Police Station that the dead body of Jing Flores was found in a creek at Palat, Porac. SPO2 Ayson, together with SPO2 Edilberto David and other policemen, went to the site where the cadaver of Jing Flores was found. SPO2 Ayson ordered the taking of pictures before and after retrieving the cadaver, which was positively identified by Roberto Bautista as that of Jing Flores.

Traces of blood were seen not only at the place where the lifeless body of Jing Flores was found, but also on the leaves of the different plants which lead to the backyard of the house, around 300 meters away from the creek, of Jose Tamayo. Since there were still traces of blood leading to the kitchen of Jose Tamayo's house, SPO2 Ayson asked the permission of Jose if the former could enter the latter's house. When said permission was granted, SPO2 Ayson, together with his policemen-companions and some barangay officials and members of the search party, entered the house and found traces of blood on the kitchen floor which was covered with sand. Traces of blood that lead to one of the rooms were also found. Upon entering the said room, SPO2 Ayson found underneath a bamboo bed a bag containing assorted clothes, some of which were soaked in blood. SPO2 Ayson likewise found inside the room a red sack containing a blue cap with "Bench" markings, a red towel wet with blood, a bed sheet with blood stains and blue sandals. At the corner of the bamboo bed was a lead pipe likewise stained with blood. A hunting knife inside one of the drawers in the house was also recovered.

Lucila, the wife of Jose Tamayo, told SPO2 Ayson that Rex Canlas is their grandson, and that the bag which was recovered inside the room belongs to Rex who used to occupy the bamboo bed. Upon further questioning by SPO2 Ayson, Lucila narrated that she saw Rex Canlas call Jing Flores to enter the house. Rex asked Lucila to get out of the house and, when she complied, Rex locked the door. Outside, Lucila heard someone was being beaten inside the house. After an hour, Lucila found the dead body of Jing Flores inside the house and Rex Canlas cleaning the kitchen floor.

In the course of his investigation, SPO2 Ayson also found that, at around 9:00 o'clock in the morning of June 14, 1998, Rex Canlas had a drinking spree with his cousins as it was the birthday of one of their relatives. That appellant attended said birthday celebration was admitted by appellant himself.

Willie Silva, who was among those who went inside the house of Jose Tamayo, also saw blood on the wall in the kitchen. Willie likewise found that the clothes inside the bag and the blue sandals which were recovered inside one of the rooms in the house were those of Jing Flores. He also saw Lucila Tamayo washing a white Hanes t-shirt stained with blood.

Ismael Victoria likewise identified the clothes that were placed inside the bag which was recovered underneath the bamboo bed as those being sold by Jing Flores, and that the blue sandals, cap and red towel were those worn by Jing Flores at the time he disappeared the day before.

Ismael recalled that the first time he and his companions looked for Jing Flores in the afternoon of June 14, 1998, Ismael saw Rex Canlas standing under a tree across the house of Jose Tamayo.

Dr. Olga Bausa, a forensic chemist of the PNP, Camp Crame, conducted an examination to determine the presence of human blood on the evidence (sic) the police gathered that led them to the house of Jose Tamayo and those that were recovered therein. According to Dr. Bausa, all except the bladed weapon, gave positive results for the presence of human blood.

Dr. Lilia Panlilio, the Municipal Health Officer of Porac, Pampanga, conducted an autopsy of the cadaver of Jing Flores. According to Dr. Panlilio, Jing Flores suffered numerous incised and lacerated wounds. She also found that all of the lobes of the brain of Jing's cadaver had blood, and that the most fatal wound inflicted upon Jing was the one which caused epidural hemorrhages in the brain. Dr. Panlilio concluded that Jing died of cardio-respiratory arrest secondary to intracranial hemorrhages, and that the weapon used in inflicting the aforesaid hemorrhages could have been a blunt object such as a lead pipe.

Jose Tamayo declared that he is the father of appellant's mother, Remedios. After Remedios died, Jose Tamayo and his wife took care of appellant. When appellant would come home from work, he would sometimes sleep in (sic) the bamboo bed in the house of Jose Tamayo.

The heirs of Jing Flores spent sums of money totaling P54,000.00 for Jing's funeral, burial and related expenses. They also suffered emotional pain, sleepless nights and mental anguish as a result of Jing's death."<sup>[4]</sup>

### **Version of the Defense**

In his testimony in court, appellant denied any involvement in the commission of the crime. The trial court summarized appellant's testimony in this wise:

"Accused Rex Canlas testified that he was working at Maybunga, Pasig on the date of the incident as a factory worker. He went home to his father's house at Palat, Porac in the evening of June 13, 1998. At 7 o'clock of the following morning, June 14, 1998, and when he was about to return to Pasig for work, he was invited by his cousin Dexter Canlas to attend the latter's birthday. He went to Dexter's house which is near the house of his grandfather, Jose Tamayo. He left the house of Dexter at 10:30 a.m. and proceeded to the jeepney terminal at barangay Tokwing. The jeepney that he boarded left the terminal at 11:30 a.m. and he arrived at Angeles City at noon where he boarded a Philippine Rabbit bus that brought him to Manila. He arrived in Manila at 2:30 p.m. and boarded a passenger jeepney going to Pasig. He arrived at his place of work at around 4:30 p.m. of the same day. He denied the charge made against him as he already left barangay Palat when the incident happened. He likewise denied that he lives with Jose Tamayo and alleged that he was living in his father's house which was also located at barangay Palat. He admitted, however, that he sometimes slept at the house of Jose Tamayo. He

denied though, that he slept on the wooden bed as he only slept on the sofa. He further alleged that he had nothing to do with the death of Jing Garcia Flores."<sup>[5]</sup>

### **The Trial Court's Ruling**

After trial, the trial court rendered the now assailed judgment convicting appellant, thus:

"WHEREFORE, premises considered, accused Rex Canlas is hereby found GUILTY beyond reasonable doubt of the crime of Robbery with Homicide and is hereby sentenced to suffer the penalty of reclusion perpetua.

Accused Rex Canlas is further ordered to pay the heirs of Jing Garcia Flores the sum of P54,000.00 as actual damages, P50,000.00 as civil indemnity for the death of the victim and P50,000.00 for and as moral damages.

SO ORDERED."<sup>[6]</sup>

### **The Issues**

In this appeal, appellant continues to profess his innocence and seeks his acquittal based on these errors allegedly committed by the trial court:

"I. THE LOWER COURT IS (SIC) ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME AS CHARGED THRU (SIC) CIRCUMSTANTIAL EVIDENCE.

II. THE LOWER COURT FAILED TO APPRECIATE THE EVIDENCE OF THE ACCUSED-APPELLANT IN ORDER TO ACQUIT HIM."<sup>[7]</sup>

### **The Court's Ruling**

After a careful and thorough review of the facts and evidence on record, we rule for appellant's acquittal.

There is no direct evidence in this case that could link appellant to the commission of the crime. As stated by the trial court, "(N)obody actually saw how the victim was killed and how the robbery was committed."<sup>[8]</sup> The trial court was thus compelled to rely solely on circumstantial evidence. The trial court enumerated the pieces of circumstantial evidence that justified its finding of guilt:

- "1. Jing Garcia Flores was last seen alive at around 2 o'clock in the afternoon of June 14, 1998 entering a small alley leading to the house of Jose Tamayo.
2. The victim was wearing a blue "Bench" cap and a pair of blue "Beach Walk" sandals, with a red towel and carrying assorted merchandise when last seen entering a small alley.
3. While conducting the search for Jing Garcia Flores in the afternoon of June 14, 1998, prosecution witness Ismael Victoria saw accused Rex Canlas standing under a tree across