

## THIRD DIVISION

[ G.R. No. 136745, November 15, 2000 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RESTITUTO  
RENDAJE, APPELLANT.**

### D E C I S I O N

**PANGANIBAN, J.:**

In rejecting this appeal, the Court relies on the time-tested doctrine that the credibility of witnesses is best assessed by the trial court, which had the opportunity to observe their demeanor and conduct on the stand.

#### The Case

Before the Court is an appeal by Restituto Rendaje, challenging the April 6, 1998 Decision<sup>[1]</sup> of the Regional Trial Court (RTC) of Iloilo City (Branch 36) in Criminal Case No. 44086. The decretal portion of said Decision, which found him guilty of murder, reads as follows:

"WHEREFORE, the Court hereby finds the accused, Restituto Rendaje, **GUILTY** beyond reasonable doubt of the crime charged. Restituto Rendaje is hereby **sentenced** to suffer the penalty of **[r]eclusion [p]erpetua**. He is also hereby ordered to **pay** the family of Lennie Rendon the amount of P21,500.00 x x x as indemnity for actual damages, and P50,000.00 x x x as indemnity for moral damages."<sup>[2]</sup>

The Information,<sup>[3]</sup> dated September 27, 1994, charged appellant as follows:

"That on or about the 6th day of August, 1994 in the Municipality of Dingle, Province of Iloilo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with a bladed weapon, with deliberate intent and decided purpose to kill, with treachery and abuse of superior strength, did then and there, willfully, unlawfully and feloniously attack, assault and stab LENNIE RENDON, a fifteen (15) year old girl who is a deaf-mute, inflicting upon the latter multiple stab wounds on different parts of her body which caused her death thereafter."<sup>[4]</sup>

When arraigned on December 13, 1994, appellant pleaded<sup>[5]</sup> not guilty<sup>[6]</sup> After due trial, the lower court promulgated its assailed Decision.

Hence, this appeal.<sup>[7]</sup>

### **The Facts** **Prosecution's Version**

In its Brief,<sup>[8]</sup> the Office of the Solicitor General presents the prosecution's version of the facts as follows:

"On August 5, 1994, appellant Restituto Rendaje, Honorato Avenir, Jr., Bebot Abenir, Narsing Caro, John Dominado, Raymund Gelac, Eduardo Gorantes,<sup>[9]</sup> Jr. and Roger Rendaje went to Barangay Tinocuan, Dingle, Iloilo City to attend the healing ritual of a sick person named Felom[i]no Avenir. Since the healing ritual would be conducted by a `bab[a]ylan' or a quack doctor, food and drinks were prepared. Honorato, Garantes, Fred and Bebot helped in slaughtering two (2) pigs which would be used by the `babaylan' for the healing ritual. Meanwhile, appellant, who had a ten-inch knife tucked [in] his waist, was drinking liquor with his friends in another house, around fifty (50) meters away from the house of Felomino.

"At around 5:00 o'clock [o]n the morning of August 6, 1994, Gorantes, Dominado, Geloc, Caro, Roger Rendaje and Jonil Lagumbayan went to a store to smoke cigarettes. While they were on their way to the house of Felom[i]no, Gorantes noticed that appellant was not with them so he told his companions `I'll catch up with him first since his fare is with me.' When Gorantes saw appellant, who was then wearing a pink shirt, rubber shoes and had a towel wrapped around his head, he observed that the latter was wet. Gorantes then asked what happened and appellant replied that he took a short cut at the sugarcane field.

"On the other hand, twelve (12) year old Lodelyn Rendon was on her way home when she met her sister, Lennie `Dayday' Rendon, who was heading towards their farm in Barangay Buenavista, Dingle, Iloilo. Although Lodelyn noticed that Lennie was being followed by a man, whom she identified in court as appellant, she proceeded to their house. Since Lennie did not come home at noon, Lodelyn informed her mother, Mercedita Poblacion that her sister was being followed by appellant. Lodelyn and Mercedita searched for Lennie, who was found dead at the sugarcane field. The incident was then reported to the police authorities.

"Dr. Ricardo H. Jaboneta, medico-legal officer at the National Bureau of Investigation, Region 6, Iloilo City, conducted a post-mortem examination of the victim. Before the examination, he observed that the victim's `face is stained with dry blood, the right hand with [a] portion of weathered sugarcane leaf, dried grass leaves on the left chest and back.' Dr. Jaboneta found that the victim sustained the following injuries:

- 1) Abrasion -- two (2) abrasions which are located at the lower lip along the midline and at the left side of the forehead;

2) Contuso-abrasion -- two (2) contuso-abrasions which are located at the [r]ight forehead and at the back, along midline (level of the third rib);

3) Hematoma -- which is located at the left chest, at the level of the third rib along the midclavicular line; and

4) Eight (8) stab wounds

Wound No. 1 -- located at the left chest about 8 cm. from anterior midline; damaged the left lung, lower lobe and the left ventricle of the heart;

Wound No. 2 -- located at the back right side about 4.5 cms. from posterior back midline of the body and 114 cms. from the right heel (level of the sixth rib);

Wound No. 3 -- located at the right side of the back, about 1 cm. from the back posterior midline of the body and 112 cms. from the right heel; damaged the lower lobe of the right lung;

Wound No. 4 -- located at the left side about 6 cms. from the posterior midline and 113 cms. from the left heel; damaged the upper lobe of the left lung;

Wound No. 5 -- located at the left side of the back about 5 cms. from the midline and 110 cms. from the left heel, directed medially forward and upward;

Wound No. 6 -- located at the left chest, 8 cms. from the posterior midline, 98.5 cms. from the left heel, directed forward, medially upwards, penetrating the chest wall through the 10th intercoastal space into the thoracic cavity, perforating the lower lobe of the left lung;

Wound No. 7 -- located at the lumb[a]r area, left side about 3 cms. from posterior midline, 95.5 cms. from left heel, directed upwards, medially forward, penetrating the soft tissues and with an approximate depth of 3.5 cms; and

Wound No. 8 -- located at the left side, postero-lateral aspect at 12 cms. from the left elbow and penetrating the soft tissues; exit located at the left arm postero-medi[al] aspect about 13 cms. above the left elbow;

"According to Dr. Jaboneta, the abrasions and the contuso-abrasions could have been caused by forcible contact against a hard and rough surface while the hematoma could have been caused by a dull instrument or a fist blow. He opined that the stab wounds could have been caused by a single bladed pointed instrument. Dr. Jaboneta also examined the

vagina of the victim but he did not find any spermatozoa or semen."<sup>[10]</sup>  
(citations omitted)

### **Defense's Version**

On the other hand, appellant gave in his Brief<sup>[11]</sup> the following narration of facts:

"[H]e went to Brgy. Tinocuan, Dingle, Iloilo because he was invited by Eduardo Garantes, Jr. and Honorato Avenir, Jr., both residents of Brgy. Alibunan, Calinog, Iloilo to witness a healing ritual to be conducted by a local quack doctor. He was accompanied by several barangay mates, more than thirteen (13) among whom include four (4) women. He arrived in Brgy. Tinocuan only at around 4:00 o'clock [o]n the afternoon of August 6, 1994 and before that at around 3:00 o'clock of the same afternoon, he was still in Brgy. Alibunan, Calinog, Iloilo. He stayed at the house of the person to be healed, a certain Mino Avenir, uncle of Honorato Avenir. Thereafter, perceiving that the actual healing ritual may occur still later at around 12:00 o'clock midnight, he decided to sleep. The following day, August 7, 1994 at around 5:30 in the morning, he went back to Brgy. Alibunan, Calinog, Iloilo together with Eduardo Garantes Jr. because there was corn that had to be harvested thereat. The rest of the group remained in Brgy. Tinocuan, Dingle, Iloilo. He and Garantes arrived in Brgy. Alibunan at 10:00 o'clock in the morning and at around 3:00 o'clock in the afternoon of the same day, he was arrested by two (2) members of the Philippine Army whom he did not recognize. No warrant of arrest was presented to him during his arrest but they just asked him if he had killed a child in Brgy. Tinocuan, Dingle which he denied. Thereupon, he was brought to the Calinog police station where he was investigated. He denied having killed anybody so the police of Dingle were notified of his arrest. After his arrival at the Dingle police station, he was again asked about the killing of the child to which he always answered in the negative. All the while, he was being beaten by the policemen and when he could not anymore endure the beatings, he at last admitted the killing even though he did not really kill the child."

<sup>[12]</sup> (citations omitted)

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

The trial court ruled that the prosecution was able to prove by circumstantial evidence that appellant, to the exclusion of all other persons, was the one responsible for the victim's death. It also found that treachery attended the commission of the crime because appellant, aside from having deliberately acted with cruelty and used more force than necessary, clearly employed means and methods to ensure or afford impunity.<sup>[13]</sup>

### **The Issues**

Appellant submits that the court *a quo* committed the following errors:

"I

The trial court gravely erred in convicting accused-appellant of the crime of murder despite the fact that the circumstantial evidence adduced by the prosecution was utterly insufficient to sustain a criminal conviction beyond reasonable doubt.

"II

The trial court gravely erred in appreciating the qualifying circumstance of treachery despite the absence of an eyewitness pointing to the accused as the perpetrator of the assailed incident.

"III

The trial court gravely erred in not finding that the accused-appellant had no motive to commit the crime charged against the victim thus creating a big shadow of doubt on the criminal culpability of the accused-appellant.

"IV

The trial court gravely erred in relying on the vulnerability of the defense evidence rather than on the strength of prosecution evidence."

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

The appeal has no merit. The victim's heirs are, however, entitled to an award of indemnity *ex delicto* in the amount of P50,000.

#### **First Issue:**

#### **Sufficiency of Circumstantial Evidence**

Appellant contends that the trial court erred in convicting him of murder based upon a series of circumstantial evidence, which he attacks as insufficient.<sup>[14]</sup>

We hold, however, that the absence of an eyewitness makes the reliance on circumstantial evidence inevitable. Circumstantial evidence is defined as that which indirectly proves a fact in issue through an inference which the factfinder draws from the evidence established.<sup>[15]</sup> Resort thereto is essential when the lack of direct testimony would result in setting a felon free.<sup>[16]</sup>

Circumstantial evidence is sufficient if the following requisites are met: (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>[17]</sup> The totality of the evidence must constitute an unbroken chain showing beyond reasonable doubt the guilt of the accused, to the exclusion of all others.<sup>[18]</sup>

In the present case, it is not disputed that the victim died as a result of multiple wounds that could not have been self-inflicted. The only issue is the identity of the