

THIRD DIVISION

[G.R. Nos. 120622-23, July 10, 1998]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOEL AGUILAR Y AMISTUSO, ACCUSED-APPELLANT.

DECISION

ROMERO, J.:

Accused-appellant Noel Aguilar y Amistuso was charged with murder in an Information that reads:

“That on or about the 2nd day of December, 1994, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, and with treachery and evident premeditation, while armed with bladed weapon did, then and there, willfully, unlawfully and feloniously stab one HELEN A. REVILLA hitting the latter on different parts of her body which directly caused her death.”

In another Information, accused-appellant was charged with another count of murder in this wise:

“That on or about the 2nd day of December, 1994, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and with treachery, and evident premeditation, while armed with bladed weapons did, then and there, willfully, unlawfully and feloniously stab one ANGELINA PASCUA Y RANA hitting the latter on different parts of her body, which directly caused her death.”

Upon arraignment, accused-appellant pleaded “not guilty.”

The trial court found the following facts:

At around 3:00 o'clock to 6:00 o'clock in the morning of December 2, 1994, accused-appellant and two companions were having a drinking spree at the Virgo Pubhouse located along MacArthur Highway, Potrero, Malabon, Metro Manila. Two female receptionists, namely Helen Revilla and Angelaida^[1] Pascua, attended to and entertained the three.

At around 6:00 o'clock in the morning, accused-appellant paid the bill amounting to P587.00. Helen then told Dagalla, a waiter, that she would be leaving the place to sleep.

A few moments later, Roberto Laxa, a taxi driver waiting for passengers in front of the nearby Victoria Court, saw Helen, Angelaida and a male companion proceeding

to the then Lampara Hotel (now Diwata Hotel) which is 15 to 20 meters away from Virgo Pubhouse. Shortly thereafter, he saw Angelaida come out of the hotel and board a jeep going to Valenzuela only to return thereto after a short while.

Wanting to retrieve his "Ray-ban" glasses from Angelaida which he entrusted to her as security for a loan, Laxa waited for her and Helen to come out of the hotel. While waiting, Laxa went inside the Lampara Hotel and talked to some hotel employees at the counter, particularly to roomboys Inigo Malapitan, Jun Eusebio and Rodolfo Barreto, who guided Helen, Angelaida and their male companion to their room. Laxa learned that the trio checked-in at room 239 located at the lower portion of the hotel along a sloping parcel of land.

A short while later, the women's male companion came out of the room and hurried past the counter towards MacArthur Highway. He appeared to be pale making Laxa wonder why Helen and Angelaida were left behind. Roomboy Inigo Malapitan went to room 239 to start cleaning the same only to immediately come out of it shouting about the bloodied bodies of Helen and Angelaida lying on the floor. Barreto tried to chase the man but he was no longer to be found.

In the course of their investigation, Malabon policemen found a wallet containing the identification card of one Noel Aguilar, among others. The photograph appearing in said ID card was shown to Laxa and the hotel employees, particularly roomboy Barreto, who identified the man depicted in the photograph as the one who checked-in with Helen and Angelaida and as the man who most probably killed the two. The police later arrested accused-appellant Aguilar in Bahay Toro, Quezon City.

Roomboy Barreto confirmed the testimony of Laxa and the two of them identified accused-appellant Noel Aguilar in court as the male companion of Helen and Angelaida in Room 239.

Helen and Angelaida, per autopsy examination conducted by a Medico Legal Officer of the NBI, died of multiple stab wounds they sustained on different parts of their bodies. Helen, who was found to be six months pregnant, was stabbed fourteen times on the front, left side and on her back.^[2] Angelaida was stabbed twenty nine times on the front and back of her body.^[3]

The parents of Helen and Angelaida spent P35,000.00 and P67,850.00, respectively, in connection with their death and burial. They also sought moral damages for the pain and sorrow they suffered in amounts they were leaving to the court to determine.

Accused-appellant had a different version of the incident. He alleged that he and his two companions started their drinking session in Pasay City but afterwards went to Malabon where they could get women with whom they can have sex.

He confirmed that they drank at the Virgo Pubhouse from 3:00 o'clock to 6:00 o'clock in the morning. Further, he claimed that being too drunk, receptionists Helen and Angelaida volunteered to bring him to their sleeping quarters. It turned out that he was taken to a motel where he found himself lying on a bed.

He was allegedly awakened by the entry of someone into the room and by what he

felt was a sharp pointed object pressed against the right side of his body, near the armpit. Afterwards, someone went on top of him while another person tried to get his wallet containing P4,000.00 in cash.

Fearful for his life, accused-appellant fought back and was able to wrest possession of the sharp pointed instrument which he swung to his left and to his right, forward, downward and upward, in the course of which, he must have hit the persons who tried to kill and divest him of his wallet. Still dazed, Aguilar turned on the lights and got scared with what he saw. As it turned out, those persons who attempted to kill and rob him of his money were Helen and Angelaida and who, resultantly, sustained stab wounds at the back and other portions of their bodies because of his struggle. Thus, accused-appellant hurriedly left the place and it was at this point that he noted that he sustained a wound on his left hand, between the index finger and the thumb.

The trial court was not persuaded by accused-appellant's version and instead found him guilty as charged. It disposed of said case as follows:

"WHEREFORE premises considered, judgment is hereby rendered finding accused Noel Aguilar y Amistuso guilty beyond reasonable doubt of two (2) counts of murder which resulted in the deaths of Helen Revilla and Angelaida Pascua. He is hereby accordingly sentenced to two (2) prison terms of *reclusion perpetua*, together with all the accessory penalties thereof.

Accused Aguilar is also ordered to pay:

1) To the heirs of victim Helen Revilla, the sums of (a) P50,000.00 for the loss of the victim's life; (b) P35,000.00 for actual expenses incurred in connection with the death and burial of the victim, and (c) P50,000.00 by way of moral damages for the anguish and sorrow they suffered by reason of the victim's death;

2) To the heirs of Angelaida Pascua, the sums of (a) P50,000.00 for the loss of the victim's life; (b) P67,850.00 for expenses incurred in connection with the death and burial of the victim, and (3) P50,000.00 by way of moral damages for the anguish and sorrow they suffered by reason of the victim's death.

Costs against the accused in both cases."^[4]

Accused-appellant now assails the trial court's Decision with the following assignment of errors:

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THE TRIAL COURT ERRED IN ASSUMING THAT APPELLANT WAITED FOR HELEN AND ANGELAIDA OUTSIDE THE VIRGO PUBHOUSE AND IN NOT FINDING AS TRUE THE UNCONTROVERTED TESTIMONY OF THE ACCUSED-APPELLANT, THAT HE WAS SO DRUNK AND THAT HE WAS PRACTICALLY CARRIED BY THE TWO RECEPTIONISTS OF THE PUBHOUSE TO A ROOM OF THE LAMPARA HOTEL, WHICH HE THOUGHT WAS THE