



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 243024

Present:

PERALTA, C.J., Chairperson,  
CAGUIOA,  
REYES, J., JR.,  
LAZARO-JAVIER, and  
LOPEZ, JJ.

- versus -

Promulgated:

JEFFERSON BACARES,  
Accused-Appellant.

JUN 23 2020 *mtb/abulo*

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DECISION

PERALTA, C.J.:

For resolution of this Court is the appeal of accused-appellant Jefferson Bacares that seeks to reverse and set aside the Decision<sup>1</sup> dated July 11, 2018 of the Court of Appeals (CA), affirming and modifying the Decision<sup>2</sup> dated May 30, 2016 of the Regional Trial Court (RTC), Branch 29, San Fernando City, La Union, finding him guilty beyond reasonable doubt of the crime of Murder.

The facts follow.

Around 7:30 a.m. of December 19, 2013, Alvin Almoite went to the house of appellant in Cabaroan, Bacnotan, La Union to hang out with the latter. When Almoite arrived at the place, appellant was having a drinking spree with Dong Mapili, Benjie Delena and John Bacares, appellant's brother. Emily Chan, appellant's mother, was also there. The men finished drinking at 9:00 a.m., with the three companions of the appellant leaving the house one

<sup>1</sup> Rollo, pp. 2-15. Penned by Associate Justice Marie Christine Azcarraga-Jacob, with the concurrence of Associate Justices Celia C. Librea-Leagogo and Samuel H. Gaerlan (now an Associate Justice of the Supreme Court).

<sup>2</sup> CA rollo, pp. 66-74. Penned by Presiding Judge Asuncion Fikingas-Mandia.

by one. When Almoite, appellant and appellant's mother were the only ones left at the house, Almoite heard appellant whisper to his mother about his anger and intention to kill Clarita Lubian-Espero, the victim, saying, "*Putang inang matandang Caling na yan, papatayin ko ang matandang yan.*" Almoite knew that appellant was referring to the victim because he witnessed the said victim and appellant's mother having a heated argument several days before December 19, 2013. Almoite then saw appellant and his mother embrace each other. Thereafter, Almoite left appellant's house and stayed until 11:00 a.m. at Florante Espero's house, about 50 meters away. Almoite went back to appellant's house to ask whether the others who were in the drinking spree went back, but only appellant's mother was in the said house.<sup>3</sup>

On the same date, around 11:40 a.m., Michael Sibayan, a neighbor of the victim in Cabaroan, Bacnotan, La Union, was at the back of his house watering the plants when he suddenly heard a loud sound coming from the house of the victim, and then saw appellant come out of the victim's house swinging a pointed metal that he was holding. Sibayan was about two meters away from appellant when he saw the latter. Sibayan further noticed that appellant was wearing a light green shirt with red stains on the left portion, as well as what appears to be blood on appellant's hand. Thereafter, he saw appellant go to his own house. After a few minutes, Sibayan again saw appellant and noticed that the latter had already changed his shirt into a blue one. Sibayan and appellant walked together towards the same direction going to the cooperative. Sibayan then asked appellant why he looked worried and the latter kept silent. When they reached the cooperative, appellant asked his older sister to give him ₱20.00 because he said that he was going somewhere.<sup>4</sup>

Later that same morning, Almoite went to the house of the victim and noticed that the bamboo fence located at the back of the house was damaged. Almoite proceeded to call out to the victim but there was no response. Almoite then saw his brother, Dale Bryan, arriving at the victim's house, followed by Florence Espero, the victim's granddaughter.<sup>5</sup>

Florence came from her school Christmas party when she arrived at her grandmother's house, around 11:50 a.m. of December 19, 2013, where she saw Almoite and Dale Bryan at the victim's backyard and asked them if her grandmother was home. Almoite answered that the victim was not home but Florence still knocked at the front door, with no response. She proceeded to the back door and found that the said door was unlocked with the tie used to close it appearing to be cut by a knife. When she entered the room, she saw her grandmother unconscious and lying flat on the floor in her own blood. Florence tried to wake her grandmother up and noticed that the latter incurred stab wounds on her back. She then immediately cried for help.<sup>6</sup>


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<sup>3</sup> *Id.* at 68-69.

<sup>4</sup> *Id.* at 67-68.

<sup>5</sup> *Id.* at 69.

<sup>6</sup> *Id.* at 68.



Thereafter, PO2 Vladimir Espero, the son of the victim, arrived at the latter's house after he was notified by his brother of what transpired. PO2 Espero saw his mother's body and, together with his brother, brought the victim to the Bacnotan District Hospital but was declared dead on arrival. PO2 Espero reported the incident at the Bacnotan Police Station.<sup>7</sup>

The victim's cause of death, as shown in the medico-legal report, was due to "blunt traumatic injuries of the head and chest and stab wounds at the back."<sup>8</sup>

As such, the victim's family incurred ₱29,000.00 as funeral expenses and ₱5,000.00 as burial costs.<sup>9</sup>

Consequently, an Information was filed against appellant for the crime of murder that reads as follows:

That on or about the 19<sup>th</sup> day of December 2013, in the Municipality of Bacnotan, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, and with cruelty and abuse of superior strength, did then and there willfully, unlawfully, and feloniously x x x attack, assault, and stab Clarita Lubian-Espero, thereby inflicting upon her blunt traumatic injuries of the head and chest and stab wounds at the back which caused her death, to the damage and prejudice of her heirs.

CONTRARY TO LAW.<sup>10</sup>

During his arraignment, appellant entered his plea of "not guilty." Thereafter, trial on the merits ensued.

The prosecution presented the testimonies of Almoite, Sibayan, Florence and PO2 Espero.

Appellant, during his testimony, raised the defenses of denial and alibi. According to him, on December 19, 2013, around 5:00 a.m., he was at their residence in Cabaroan, Bacnotan, La Union with his mother, Emily, who was not feeling well at that time. They were with his siblings — John Bacares, Jamaica Bacares and Jess Bacares — and his friends Almoite, Dong and Delena. They had a drinking spree the night before and, around 7:00 a.m., they all ate before he went to Manila. Around 8:00 a.m., he proceeded to the national highway to ride a tricycle going to the town proper. On his way to the town, he saw Sibayan and asked the latter for a light on his cigarette.<sup>11</sup>

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<sup>7</sup> *Id.* at 66-67.

<sup>8</sup> *Id.* at 67.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 66.

<sup>11</sup> *Rollo*, p. 6.

It was while he was in Antipolo that he learned about the death of the victim and, after six to seven months, he found out that he was the suspect. He, thus, intended to go back to Cabaroan to defend himself but was warned by his mother not to do so because his life was in danger.<sup>12</sup>

The RTC, on May 30, 2016, promulgated its Decision finding appellant guilty beyond reasonable doubt of the crime of murder, thus:

WHEREFORE, premises duly considered, the Court finds the accused Jefferson Bacares GUILTY beyond reasonable doubt of the crime of murder and hereby sentences him to suffer the penalty of *Reclusion Perpetua* and to pay the heirs of the victim civil indemnity in the amount of P75,000; moral damages in the amount of P75,000; exemplary damages in the amount of P30,000 and actual damages in the amount of P34,000. The period of his preventive imprisonment shall be credited in his favor.

SO ORDERED.<sup>13</sup>

The RTC ruled that the circumstantial evidence presented by the prosecution was sufficient to establish the fact that the victim was murdered by appellant because of the qualifying aggravating circumstance of abuse of superior strength.

Appellant elevated the case to the CA and, on July 11, 2018, it dismissed the appeal and affirmed the decision of the RTC with modifications, thus:

WHEREFORE, premises considered, the instant appeal is hereby DENIED for lack of merit.

The Decision dated 30 May 2016 of the Regional Trial Court (RTC) of San Fernando City, La Union, Branch 29, in Criminal Case No. 10329 is AFFIRMED subject to the following MODIFICATIONS respecting the proper penalty to be imposed and award of damages, viz.:

- a. Accused-appellant Jefferson Bacares is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole; and
- b. The awards of civil indemnity, moral damages, and exemplary damages are increased to Php 100,000.00 each.

Furthermore, interest at the rate of six percent (6%) *per annum* from the time of finality of this decision until fully paid is to be imposed on the civil indemnity, moral damages, exemplary damages, and actual damages.

SO ORDERED.<sup>14</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> *CA rollo*, p. 74.

<sup>14</sup> *Rollo*, pp. 13-14.

The CA ruled that the guilt of appellant was proven by the prosecution beyond reasonable doubt. According to the CA, the series of circumstances presented by the prosecution constituted an unbroken chain which led one to a fair and reasonable conclusion pointing to the appellant, to the exclusion of the others, as the guilty person. It also agreed with the RTC that the qualifying aggravating circumstance of abuse of superior strength was proven sufficiently by the prosecution.

In his appeal with this Court, appellant raises the following assignment of errors:

## I

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED BY MERELY RELYING ON QUESTIONABLE CIRCUMSTANTIAL EVIDENCE PRESENTED BY THE PROSECUTION.

## II

THE COURT *A QUO* GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF MURDER DESPITE THE PROSECUTION'S FAILURE TO PROVE ALL THE ELEMENTS THEREOF.

## III

THE COURT *A QUO* GRAVELY ERRED IN DISREGARDING THE ACCUSED-APPELLANT'S DEFENSE OF DENIAL AND ALIBI.<sup>15</sup>

Appellant insists that his guilt was not proven beyond reasonable doubt by the prosecution.

The appeal is unmeritorious.

According to appellant, the circumstantial pieces of evidence presented by the prosecution do not collectively constitute a clear pattern and unbroken chain that would lead to a conclusion that he committed the crime charged against him. The argument deserves scant consideration.

The CA did not err in finding that the series of circumstances presented by the prosecution as evidence established appellant's guilt beyond reasonable doubt, thus:

After a thorough evaluation and scrutiny of the evidence on record, We arrive at the conclusion that the guilt of appellant of the crime charged was established beyond reasonable doubt. We shall discuss *in seriatim* the series of circumstances establishing his guilt, *viz.*:

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<sup>15</sup> *Id.* at 7-8.

First. Around 9:00 a.m. on 19 December 2013, or about a couple of hours before the lifeless body of Espero was found inside her house, Alvin Almoite overheard appellant whisper to his mother, "*PUTANG INANG MATANDA NA YAN PAPATAYIN KO YAN*".

Second. Between 11:00 a.m. to 12:00 noon of the same day, Michael Sibayan, who was then watering the plants at the backyard of the victim's house, heard a thud inside the victim's house. Thereafter, he saw a restless and nervous appellant coming out of Espero's house holding a pointed metal and swinging it and was going to the direction of his (appellant's) house. He also noticed that there was blood stain on the left portion of the light green shirt he was wearing. After watering the plants, Sibayan chanced upon appellant who was going to the direction of a cooperative. He observed that appellant had changed into a clean blue shirt. But when he asked him why he looked uneasy, appellant answered that nothing was bothering him.

Third. The autopsy report revealed that the victim died due to stab wounds inflicted on her back using a sharp object. She likewise suffered from traumatic injuries on her head, neck, chest, and extremities. Intent to kill is thus evident in the manner in which the victim was attacked, the weapon used, and the nature of the wounds sustained.

Fourth. After the incident, appellant deserted Bacnotan, La Union and went to Laguna allegedly to work for a trucking company as a truck helper. The Court is more convinced that appellant evaded arrest and went into hiding because despite learning that he was the primary suspect for the death of Espero, he never showed up to clear his name. In fact, he was apprehended only on 14 October 2015 in Antipolo City. While not an element of the crime of murder, flight is indicative of guilt.

Fifth. Appellant was positively identified by the prosecution witnesses in open court. Positive identification pertains essentially to proof of identity and not *per se* to that of being an eyewitness to the very act of commission of the crime. A witness may not have actually seen the very act of commission of a crime but he may still be able to positively identify a suspect or accused as the perpetrator of a crime as for instance when the latter is the person or one of the persons last seen with the victim immediately before and right after the commission of the crime.

Sixth. It was appellant who had the motive to kill the victim due to some previous quarrels and disagreements between appellant and the victim. In fact, a few days before the fateful incident, appellant threatened to kill Espero after the latter accused the former of stealing her chicken. On that occasion, the victim threatened to have appellant incarcerated should he fail to pay her Php25,000.00. While the motive of an accused in a criminal case is generally held to be immaterial, not being an element of the crime, motive becomes important, when, as in this case, the evidence of the commission of the crime is purely circumstantial.

Seventh. The Court sees no cogent reason to doubt the truthfulness of the incriminatory testimonies of the prosecution witnesses against the appellant considering that as admitted by the appellant himself, they had no ill-motive towards him.<sup>16</sup>

Circumstantial evidence may be characterized as that evidence that proves a fact or series of facts from which the facts in issue may be established by inference.<sup>17</sup> It is not a weaker form of evidence *vis-à-vis* direct evidence, as case law has consistently recognized that it may even surpass the latter in weight and probative force.<sup>18</sup>

Under Section 4, Rule 133 of the Revised Rules on Evidence, circumstantial evidence is sufficient for conviction if: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. *Almojuela v. People*<sup>19</sup> reiterated the following guidelines that the courts must observe when faced with circumstantial evidence in deciding criminal cases:

- a. Circumstantial evidence should be acted upon with caution;
- b. All the essential facts must be consistent with the hypothesis of guilt;
- c. The facts must exclude every other theory but that of the guilt of the accused; and
- d. The facts must establish with certainty the guilt of the accused so as to convince beyond reasonable doubt that the accused was the perpetrator of the offense. The peculiarity of circumstantial evidence is that the series of events pointing to the commission of a felony is appreciated not singly but collectively. The guilt of the accused cannot be deduced from scrutinizing just one (1) particular piece of evidence.

They are like puzzle pieces which when put together reveal a convincing picture pointing to the conclusion that the accused is the author of the crime.<sup>20</sup>

Thus, the determination of whether circumstantial evidence is sufficient to support a finding of guilt is a qualitative test and not a quantitative one. The proven circumstances must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt. In this wise, the Court has held that "[c]ircumstantial evidence is like a 'tapestry made up of strands which create a pattern when interwoven.' Each strand cannot be plucked out and scrutinized individually because it only forms part of the entire picture."<sup>21</sup>

Although appellant has also pointed out some inconsistencies in the witnesses' testimonies, such are insignificant and do not affect the credibility

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<sup>17</sup> *People v. Elever Jaen*, G.R. No. 241946, July 29, 2019.

<sup>18</sup> *Id.*

<sup>19</sup> 734 Phil. 636, 647 (2014).

<sup>20</sup> *Id.* at 646-647; citation omitted.

<sup>21</sup> *People v. Elever Jaen*, G.R. No. 241946, July 29, 2019.

of their entire testimonies. Minor inconsistencies and discrepancies pertaining to trivial matters do not affect the credibility of witnesses, as well as their positive identification of the accused as the perpetrator of the crime.<sup>22</sup> Moreover, time and again, this Court has deferred to the trial court's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of any clear showing that the trial court overlooked or misconstrued cogent facts and circumstances that would justify altering or revising such findings and evaluation. This is because the trial court's determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and their attitude under grilling examination, thereby placing the trial court in the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor.<sup>23</sup>

Appellant further raises the argument that the prosecution's failure to present as evidence the shirt that he was wearing and prove that the same was indeed stained with blood, as testified to by the witnesses, and the weapon used to kill the victim is fatal to the case. This, however, does not deserve merit.

*Corpus delicti* is the body, foundation or substance of a crime. It refers to the fact of the commission of the crime, not to the physical body of the deceased. Because *corpus delicti* may be proven by circumstantial evidence, it is not necessary for the prosecution to present direct evidence to prove the *corpus delicti*. Nevertheless, the prosecution must present the following elements: (a) that a certain result or fact has been established, *i.e.*, that a man has died; and (b) that some person is criminally responsible for it.<sup>24</sup> In this case, the prosecution was able to prove the death of the victim and that the circumstances presented proved that appellant caused such death.

Anent appellant's defenses of denial and alibi, such are inconsequential. Alibi and denial are inherently weak defenses and must be brushed aside when the prosecution has sufficiently and positively ascertained the identity of the accused as in this case. It is also axiomatic that positive testimony prevails over negative testimony.<sup>25</sup>

This Court, however, finds that the conviction of appellant for murder was flawed due to the erroneous appreciation of abuse of superior strength as a qualifying circumstance. The presence of the said circumstance in the commission of the crime was not sufficiently proven by the prosecution.

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<sup>22</sup> *People v. Cabtalan*, 682 Phil. 164, 168 (2012).

<sup>23</sup> *Medina, Jr. v. People*, 724 Phil. 226, 234-235 (2014).

<sup>24</sup> *People v. Peñafior*, 766 Phil. 484, 498 (2015).

<sup>25</sup> *People v. Las Piñas, et al.*, 739 Phil. 502, 528 (2014).



The RTC and the CA, in considering abuse of superior strength as a qualifying circumstance, took into account the gender and age of the victim, a sexagenarian female, and the appellant, a male in his early twenties. This Court, on the other hand, disagrees with such appreciation.

It has been stressed that for abuse of superior strength to be properly appreciated as a qualifying circumstance, it must be shown that the advantage of superior strength was purposely and consciously sought by the assailant, viz.:

Abuse of superior strength is present whenever there is a notorious inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor selected or taken advantage of by him in the commission of the crime. The fact that there were two persons who attacked the victim does not per se establish that the crime was committed with abuse of superior strength, there being no proof of the relative strength of the aggressors and the victims. The evidence must establish that the assailants purposely sought the advantage, or that they had the deliberate intent to use this advantage. To take advantage of superior strength means to purposely use excessive force out of proportion to the means of defense available to the person attacked. The appreciation of the aggravating circumstance depends on the age, size, and strength of the parties.<sup>26</sup>

To take advantage of superior strength means to purposely use excessive force out of proportion to the means of defense available to the person attacked.<sup>27</sup> However, as none of the prosecution witnesses saw how the killing was perpetrated, abuse of superior strength cannot be appreciated in this case.<sup>28</sup> The testimonies of the witnesses do not establish that appellant made any conscious effort to use his age, size, or strength to facilitate the commission of the crime. Thus, the prosecution failed to prove that appellant purposely sought advantage of his superior strength. It is established that qualifying circumstances must be proven by clear and convincing evidence.<sup>29</sup> It also bears reiterating that a qualifying circumstance must be proven as clearly as the crime itself.<sup>30</sup> Corollarily, every element thereof must be shown to exist beyond reasonable doubt and cannot be the mere product of speculation.<sup>31</sup>

Therefore, this Court must rule out abuse of superior strength as a qualifying circumstance and, there being no other circumstance alleged and proven to qualify the crime to murder, appellant can only be liable for

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<sup>26</sup> *People v. Roland Miraña y Alcaraz*, G.R. No. 219113, April 25, 2018; citation omitted.

<sup>27</sup> *People v. Cezar Cortez*, G.R. No. 239137, December 5, 2018.

<sup>28</sup> See *People v. Eugene Villanueva y Cañales*, G.R. No. 218958, December 13, 2017.

<sup>29</sup> *People v. Cesar Villamor Corpin*, G.R. No. 232493, June 19, 2019.

<sup>30</sup> See *People of the Philippines v. Dadivo*, 434 Phil. 684, 689 (2002).

<sup>31</sup> *Martiniano B. Saldua v. People*, G.R. No. 210920, December 10, 2018.

homicide.<sup>32</sup> Under Article 249 of the Revised Penal Code, homicide is defined as follows:

Art. 249. Homicide. — Any person who, not falling within the provisions of Article 246, shall kill another without the attendance of any of the circumstances enumerated in the next preceding article, shall be deemed guilty of homicide and be punished by reclusion temporal.

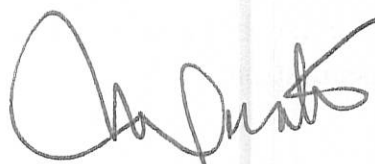
Applying the Indeterminate Sentence Law, the appellant should be sentenced to suffer the indeterminate penalty of six (6) years and one (1) day of *prision mayor* to twenty (20) years of *reclusion temporal*.

As a consequence, the award of damages must also be modified in conformity with *People v. Jugueta*,<sup>33</sup> where the Court laid down the rule that in crimes where the death of the victim resulted and the penalty is divisible, such as in homicide, the damages awarded should be ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages.

**WHEREFORE**, the Decision dated July 11, 2018 of the Court of Appeals is **AFFIRMED** with **MODIFICATION** in that accused-appellant Jefferson Bacares is found **GUILTY** beyond reasonable doubt of the crime of Homicide under Article 249 of the Revised Penal Code, as amended; and is hereby sentenced to serve the indeterminate penalty of ten (10) years and one (1) day of *prision mayor*, maximum, as the minimum term, to seventeen (17) years and four (4) months of *reclusion temporal*, medium, as the maximum term.

He is also ordered to pay the heirs of the victim the following amounts: ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages. The award of damages shall earn interest at the rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

**SO ORDERED.**



**DIOSDADO M. PERALTA**  
Chief Justice

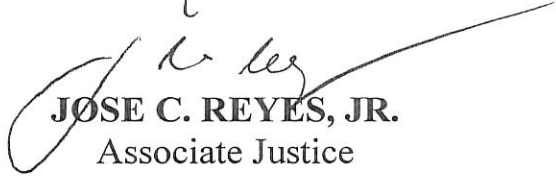
<sup>32</sup> *People v. Rodel Magbuhos y Diola*, G.R. No. 227865, November 7, 2018.

<sup>33</sup> 783 Phil. 806 (2016).

**WE CONCUR:**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO V. LOPEZ**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**DIOSDADO M. PERALTA**  
Chief Justice