



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee,*

G.R. No. 255496

Present:

GESMUNDO, C.J.,  
*Chairperson,*  
HERNANDO,  
ZALAMEDA,  
ROSARIO, and  
MARQUEZ, JJ.

- versus -

IRMA MAGLINAS y QUINDONG,  
*Accused-Appellant.*

Promulgated:

AUG 10 2022

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DECISION

GESMUNDO, C.J.:

This is an Appeal<sup>1</sup> from the September 8, 2020 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11476, which affirmed with modification the June 6, 2018 Judgment<sup>3</sup> of the Regional Trial Court of Virac, Catanduanes, Branch 43 (RTC), finding Irma Maglinas y Quindong (*accused-appellant*) guilty beyond reasonable doubt of Murder defined and penalized under Article 248 of the Revised Penal Code (RPC).

<sup>1</sup> *Rollo*, pp. 18-21.

<sup>2</sup> *Id.* at 4-17; penned by Associate Justice Victoria Isabel A. Paredes and concurred in by Associate Justices Japar B. Dimaampao (now a Member of the Court) and Walter S. Ong.

<sup>3</sup> *CA rollo*, pp. 56-74; penned by Presiding Judge Lelu P. Contreras.

### Antecedents

In an Information dated September 9, 2015, accused-appellant was charged with Murder, committed as follows:

That at around 2:30 in the afternoon on May 15, 2015 at Barangay District 3, Municipality of San Miguel, Province of Catanduanes, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, by taking advantage of superior strength, did then and there, willfully, unlawfully and feloniously inflict physical injuries on the different parts of the body of KRISHNA DIZON, a [ONE-YEAR AND FOUR MONTH-OLD] CHILD, and thereafter drown the aforesaid Krishna Dizon in Bator River, thereby causing the latter's death, to the damage and prejudice of the heirs of the said victim and the general public.

x x x x

CONTRARY TO LAW.<sup>4</sup>

During arraignment, accused-appellant pleaded not guilty to the charge. Trial ensued thereafter.

#### *Version of the Prosecution*

The prosecution presented the following witnesses: Jenelyn Dizon<sup>5</sup> (*Jenelyn*), Eufresina Teves<sup>6</sup> (*Eufresina*), Gemma Bernal (*Gemma*), Police Officer I Gelmar Domagtoy (*POI Domagtoy*), Emmanuel Tatel (*Emmanuel*), John Cesar Ogena, Dr. Elva Joson (*Dr. Joson*), Senior Police Officer IV Juanito Tevar (*SPO4 Tevar*), Lorna Olalo (*Olalo*), and Police Officer II Cathylene Taule. Their testimonies tended to establish the following:

On May 15, 2015, at around 9:30 a.m., in San Miguel, Catanduanes, Eufresina passed by the house of accused-appellant. Eufresina was about one and one-half meters away from the house of accused-appellant when she heard a crying child and the voice of accused-appellant yelling "*Tigil! Tigil!*" Thereafter, Eufresina heard a loud sound of someone being whipped/slapped five times followed by the crying which even got louder. Eufresina knew that the crying child was Krishna Dizon (*Krishna*), who was merely 1 year and 4 months old, since no other child was living with accused-appellant.

<sup>4</sup> Records, p. 1.

<sup>5</sup> Also referred to as "Jennilyn Dizon" and "Jennylyn Dizon" in some parts of the *rollo* and records (see CA *rollo*, p. 65; TSN, July 18, 2017, p. 4).

<sup>6</sup> Also referred to as "Eufrecina Teves" in some parts of the *rollo* (see CA *rollo*, p. 57).

Euftresina averred that there was nothing unusual with Krishna crying, thus, she just went home.<sup>7</sup>

At around 3:00 p.m. of the same day, Emmanuel, Jomar Boiseng (*Jomar*), and Ernie Maglinas, Jr., alias “Eboy”<sup>8</sup> (*Eboy*) were on their way to the river when they met Jiboy Maglinas<sup>9</sup> (*Jiboy*), son of accused-appellant. Jiboy asked the group of Emmanuel for help in looking for Krishna since the latter has been missing. Eboy directly proceeded to the river, which was about 100 meters away from accused-appellant’s house, while Emmanuel and Jomar went at the back of the house of accused-appellant. Shortly thereafter, Eboy returned to the house and informed everyone that he found Krishna face down and floating in the river. Emmanuel and Jomar then followed Eboy to retrieve the body of Krishna.<sup>10</sup>

After Eboy took the body of Krishna out of the river, Jomar shouted “*Tiya Irma naheling namo*,” which meant that the group already found Krishna. Accused-appellant then went out of her house and proceeded to the river where she took Krishna’s lifeless body from Eboy. Emmanuel commented that there was no way that Krishna could have walked by herself to the river considering that she was still an infant.<sup>11</sup>

Gemma, on the other hand, testified that she was on her way to the house of a certain Honesto Temporosa located at *Barangay* District 3, San Miguel, Catanduanes, when she was invited by Dolores Zambales<sup>12</sup> (*Dolly*) to go with her to the house of accused-appellant because she heard of the drowning incident. Upon reaching accused-appellant’s house, they saw the body of Krishna, lying on the floor mat wrapped in a white blanket. Further, Gemma testified that she saw wounds on both eyelids of Krishna. Gemma likewise averred that she had to wipe the mouth of Krishna since blood was continuously coming out from her mouth. Thereafter, a relative of accused-appellant, a certain Cecilia,<sup>13</sup> arrived and told accused-appellant to bring the body to the Rural Health Unit so that a death certificate could be issued. They then brought Krishna to the said health unit.<sup>14</sup>

For her part, Dr. Joson, then Municipal Health Officer of the Rural Health Unit of San Miguel, Catanduanes, issued the Death Certificate<sup>15</sup>

<sup>7</sup> CA rollo, p. 57.

<sup>8</sup> Also referred to as “Iboy” in some parts of the records (see TSN, July 25, 2017, p. 4).

<sup>9</sup> Also referred to as “Jeboy” in some parts of the rollo (see rollo, p. 10).

<sup>10</sup> CA rollo, pp. 58-59.

<sup>11</sup> Id. at 59.

<sup>12</sup> Also referred to as “Dolores Sambales” in some parts of the rollo (see CA rollo, p. 66).

<sup>13</sup> Also referred to as “Ate Celia” in some parts of the rollo (see rollo, p. 5).

<sup>14</sup> CA rollo, p. 60.

<sup>15</sup> Records, p. 27.

indicating the cause of death as “Drowning, Freshwater, Accidental” since this was the information relayed to her by the relatives of Krishna. She further testified that “*if it is a community death, [they] don’t need to see the patient or the client or the victim. [They] based [their] cause of death merely from [their] interview of the relatives or from the one who brought the patient in the Rural Health Unit.*” Dr. Joson averred that “*if it is not a medico[-]legal case and it is accidental,*” she could sign the death certificate, as she did, but indicated with an “x” the portion that states “*I have not attended the deceased x x x.*”<sup>16</sup> Moreover, in the post-mortem examination, Dr. Joson noted that there were two blisters on the right hand and a small abrasion at the corner of the right eye<sup>17</sup> of Krishna. According to the testimony of Dr. Joson, she recommended that an autopsy be conducted to rule out foul play due to the suspicious circumstances surrounding the death of Krishna.<sup>18</sup>

#### *Version of the Defense*

On the other hand, the defense presented the following witnesses: accused-appellant, Eboy, and Arlene Tatel (*Arlene*). Their testimonies tended to establish the following:

On April 22, 2015, Jenelyn and her daughter, Krishna, came to Catanduanes and stayed in the house of accused-appellant. However, on May 13, 2015, Jenelyn left Krishna under the custody of accused-appellant to look for work in Legazpi City.<sup>19</sup>

According to accused-appellant, who was a manicurist, on May 15, 2015, at around 7:00 a.m., she was attending to a customer at their house while also taking care of Krishna. After her customer left, she attended to Krishna, cooked their lunch, and fed Krishna. At around 1:30 p.m., accused-appellant laid her down and slept with her. However, at around 2:00 p.m., while Krishna was still asleep, accused-appellant went to the store of Arlene to buy food for their dinner. Upon accused-appellant’s return to her house at around 2:14 p.m., she noticed that the door was already opened and Krishna was no longer in the place where she left her.<sup>20</sup> Accused-appellant searched for Krishna within the premises and even at the workplace of her husband to check if the latter or any of their children got Krishna. Accused-appellant then told her husband that Krishna was missing. Her husband directed her to

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<sup>16</sup> Id.

<sup>17</sup> Id. at 28.

<sup>18</sup> *CA rollo*, pp. 61-62.

<sup>19</sup> Id. at 65.

<sup>20</sup> TSN, July 18, 2017, pp. 8-9.

look around as Krishna might have been taken and brought around.<sup>21</sup>

While accused-appellant was searching around the premises, she heard that her grandson, Eboy, was already around and so she asked the latter to help her look for Krishna. Eboy then proceeded to the river where he saw a pink-colored dress and diaper which made him think that it might be Krishna. When he went nearer, he saw Krishna's hair and the child faced down as she was entangled with the rocks. Eboy immediately went to the house of accused-appellant and told her that he found Krishna. Eboy then ran back to the river to retrieve the body of Krishna and handed her to accused-appellant. Accused-appellant blew air into the mouth of Krishna and blood oozed from her nose.<sup>22</sup> Thereafter, accused-appellant brought Krishna to her house and changed her clothes. Later, they proceeded to the Rural Health Unit wherein Olalo, the Rural Sanitation Inspector, obtained the personal data of Krishna<sup>23</sup> and found the latter already lifeless.<sup>24</sup>

### The RTC Ruling

In its June 6, 2018 Judgment, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of murder. The dispositive portion of the decision, reads:

**WHEREFORE**, having proven the guilt of the accused beyond reasonable doubt for the crime of Murder, this Court, hereby, sentences IRMA MAGLINAS y QUINDONG to suffer the penalty of *reclusion perpetua* and to pay the heirs of Krishna Dizon the amount of SEVENTY-FIVE THOUSAND PESOS (Php75,000.00) as civil indemnity, SEVENTY-FIVE THOUSAND PESOS (Php75,000.00) as moral damages, SEVENTY-FIVE THOUSAND PESOS (Php75,000.00) as exemplary damages, and FIFTY THOUSAND PESOS (Php50,000.00) as temperate damages.

**SO ORDERED.**<sup>25</sup>

The RTC held that the circumstances surrounding the incident lead to no other conclusion than that accused-appellant could have intentionally hurt Krishna leading to her death. The RTC found that accused-appellant, while pacifying Krishna from her incessant cries, may have used force by whipping/slapping her repeatedly, which could have been fatal, rendering

<sup>21</sup> CA rollo, pp. 65-66.

<sup>22</sup> TSN, December 6, 2017, pp. 4-8.

<sup>23</sup> CA rollo, p. 61.

<sup>24</sup> Id. at 66.

<sup>25</sup> Id. at 73-74.

Krishna unconscious, worse, lifeless.<sup>26</sup> In trying to hide what she did to Krishna, she made it appear that Krishna accidentally drowned by bringing her to the river and placing her face down supported by rocks to keep her from being washed down by the stream.<sup>27</sup>

### The CA Ruling

In its September 8, 2020 Decision, the CA affirmed with modification the ruling of the RTC, *viz.*:

**WHEREFORE**, premises considered, the appeal is **DENIED**. The assailed *Judgment dated June 6, 2018* of the Regional Trial Court, Branch 43, Virac, Catanduanes, in Criminal Case No. 5609, is **AFFIRMED** but **MODIFIED** in that the monetary awards 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.**<sup>28</sup>

The CA held that all the elements of the crime of murder were present: (1) Krishna died as evidenced by her death certificate; (2) accused-appellant killed her; (3) the killing was attended by treachery; and (4) the killing was not parricide or infanticide.<sup>29</sup> It has been held that the killing of a child is characterized by treachery even if the manner of assault is not shown, for the weakness of the victim due to his or her tender years results in the absence of any danger to the accused.<sup>30</sup>

Hence, this appeal.

### Issues

Accused-appellant raises the following assignment of errors in her Brief:<sup>31</sup>

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF MURDER DESPITE THE INSUFFICIENCY OF CIRCUMSTANTIAL EVIDENCE.

<sup>26</sup> *Id.* at 72.

<sup>27</sup> *Id.*

<sup>28</sup> *Rollo*, pp. 16-17.

<sup>29</sup> *Id.* at 15.

<sup>30</sup> *Id.*

<sup>31</sup> *CA rollo*, pp. 38-55.

## II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF MURDER DESPITE HER DULY CORROBORATED TESTIMONY AND THE FAILURE OF THE PROSECUTION TO PROVE HER GUILT BEYOND REASONABLE DOUBT.<sup>32</sup>

On March 17, 2021, the Court issued a Resolution,<sup>33</sup> which notified the parties that they may file their respective supplemental briefs, if they so desired. In its May 31, 2021 Manifestation (In Lieu of Supplemental Brief),<sup>34</sup> the Office of the Solicitor General (*OSG*) manifested that it will no longer file a supplemental brief considering that the facts, issues, and applicable laws and jurisprudence had already been thoroughly and exhaustively discussed in its appellee's brief filed before the CA. In her June 28, 2021 Manifestation (In Lieu of Supplemental Brief),<sup>35</sup> accused-appellant averred that she would no longer file a supplemental brief since she had sufficiently refuted all the arguments raised in the appellee's brief.

In her Appellant's Brief<sup>36</sup> filed before the CA, accused-appellant maintains that there is insufficiency of circumstantial evidence to convict her of the crime of murder. Accused-appellant alleges that the Court should not decipher a pattern out of a single circumstance to support the conclusion that she killed Krishna. Particularly, the fact that Eufresina testified that at around 9:30 a.m. on the day of the incident, she heard Krishna crying and the sound of someone being whipped or slapped could not lead to the conclusion that accused-appellant killed Krishna. From 9:30 a.m. until 3:00 p.m. when the lifeless body of Krishna was found, several hours had already passed and this instance alone could not be the sole basis for accused-appellant's conviction.<sup>37</sup> The lower court's observation that accused-appellant's acts led to the death of Krishna was merely speculative.<sup>38</sup>

On the other hand, the *OSG* urges the Court to affirm accused-appellant's conviction of murder. The *OSG* emphasizes that the prosecution duly established the elements of the offense as charged. While it may be true that no one actually witnessed accused-appellant kill the victim, the pieces of evidence point to her as the person responsible for Krishna's death. The *OSG* emphasized that direct evidence is not the sole basis for

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<sup>32</sup> *Id.* at 40.

<sup>33</sup> *Rollo*, pp. 24-25.

<sup>34</sup> *Id.* at 28-32.

<sup>35</sup> *Id.* at 34-38.

<sup>36</sup> *CA rollo*, pp. 38-55.

<sup>37</sup> *Id.* at 48.

<sup>38</sup> *Id.* at 49.

establishing the guilt of an accused beyond reasonable doubt.<sup>39</sup>

### The Court's Ruling

The appeal is meritorious.

Accused-appellant is charged with the crime of murder under Art. 248 of the RPC which states:

Art. 248. *Murder*. — Any person who, not falling within the provisions of [A]rticle 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion temporal* in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.

The elements of murder are as follows: (a) that a person was killed; (b) that the accused killed that person; (c) that the killing was attended by any of the qualifying circumstances mentioned in Art. 248 of the RPC; and (d) that the killing is not parricide or infanticide.<sup>40</sup>

There is no need to dwell on the first and fourth elements. The death of Krishna, as evidenced by the Death Certificate<sup>41</sup> issued on May 18, 2015, was neither parricide nor infanticide. Thus, the Court will now determine the presence of the second and third elements of the crime, particularly, that it was supposedly accused-appellant who killed Krishna.

#### *Presumption of innocence; circumstantial evidence*

The judicial determination of guilt or innocence of the person necessarily starts with the recognition of his or her constitutional right to be presumed innocent of the charge he or she faces. *Apropos* is the case of *People v. Lumikid*,<sup>42</sup> wherein the Court held:

<sup>39</sup> Id. at 104.

<sup>40</sup> *People v. Kalipayan*, 824 Phil. 173, 183 (2018).

<sup>41</sup> Records, p. 27.

<sup>42</sup> G.R. No. 242695, June 23, 2020.



While an accused stands before the court burdened by a previous preliminary investigation finding that there is probable cause to believe that he committed the crime charged, the judicial determination of his guilt or innocence necessarily starts with the recognition of his constitutional right to be presumed innocent of the charge he faces. This principle, a right of the accused, is enshrined no less in our Constitution. It embodies as well a duty on the part of the court to ascertain that no person is made to answer for a crime unless his guilt is proven beyond reasonable doubt. Its primary consequence in our criminal justice system is the basic rule that the prosecution carries the burden of overcoming the presumption through proof of guilt of the accused beyond reasonable doubt. Thus, a criminal case rises or falls on the strength of the prosecution's case, not on the weakness of the defense. Once the prosecution overcomes the presumption of innocence by proving the elements of the crime and the identity of the accused as perpetrator beyond reasonable doubt, the burden of evidence then shifts to the defense which shall then test the strength of the prosecution's case either by showing that no crime was, in fact, committed or that the accused could not have committed or did not commit the imputed crime or, at the very least, by casting doubt on the guilt of the accused.<sup>43</sup>

To overcome this constitutional right in favor of the accused, the prosecution must hurdle two things: *first*, the accused enjoys the constitutional presumption of innocence until final conviction; conviction requires no less than evidence sufficient to arrive at a moral certainty of guilt, not only with respect to the existence of a crime, but, more importantly, of the identity of the accused as the author of the crime. *Second*, the prosecution's case must rise and fall on its own merits and cannot draw its strength from the weakness of the defense.<sup>44</sup>

Indeed, a crime is the doing of that which the penal code forbids to be done, or omitting to do what it commands. A necessary part of the definition of every crime is the designation of the author of the crime upon whom the penalty is to be inflicted.<sup>45</sup> An ample proof that a crime has been committed has no use if the prosecution is unable to convincingly prove the offender's identity. The constitutional presumption of innocence that an accused enjoys is not demolished by an identification that is full of uncertainties.<sup>46</sup>

The crime charged against accused-appellant is murder. It is a serious offense where the prescribed penalty is *reclusion perpetua* to death.<sup>47</sup> In this case, there is no direct evidence to establish the author of the crime.

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<sup>43</sup> Id.

<sup>44</sup> *Casilag v. People*, G.R. No. 213523, March 18, 2021, citing *People v. Mingming*, 594 Phil. 170, 185 (2008).

<sup>45</sup> *Ching v. The Secretary of Justice*, 517 Phil. 151, 177 (2006).

<sup>46</sup> *People v. Libunao*, G.R. No. 247651, March 24, 2021.

<sup>47</sup> REVISED PENAL CODE, Art. 248, as amended by Republic Act No. 7659; see Republic Act No. 9346 (2006), or the "Anti-Death Penalty Law," which prohibited the imposition of the penalty of death.

Evidently, there was no straightforward evidence to establish accused-appellant's participation or authorship in the commission of the crime charged. Nonetheless, direct evidence is not the only proof to establish the guilt of the accused beyond reasonable doubt. The Rules of Court do not distinguish between "direct evidence of fact and evidence of circumstances from which the existence of a fact may be inferred."<sup>48</sup>

As the Court held in *Dungo v. People*:<sup>49</sup>

While it is established that nothing less than proof beyond reasonable doubt is required for a conviction, this exacting standard does not preclude resort to circumstantial evidence when direct evidence is not available. Direct evidence is not a condition *sine qua non* to prove the guilt of an accused beyond reasonable doubt. For in the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden. Crimes are usually committed in secret and under conditions where concealment is highly probable. If direct evidence is insisted on under all circumstances, the prosecution of vicious felons who commit heinous crimes in secret or secluded places will be hard, if not impossible, to prove.<sup>50</sup>

Circumstantial evidence is evenly accepted in criminal cases to establish the guilt of the accused beyond reasonable doubt. "Direct evidence of the commission of a crime is not indispensable to criminal prosecutions; a contrary rule would render convictions virtually impossible given that most crimes, by their very nature, are purposely committed in seclusion and away from eyewitnesses."<sup>51</sup> Thus, our rules on evidence allow the conviction of an accused through circumstantial evidence alone, under certain conditions.

Section 4, Rule 133<sup>52</sup> of the Rules of Court provides:

Section 4. *Circumstantial evidence, when sufficient.* — 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

<sup>48</sup> *Bacerra v. People*, 812 Phil. 25, 35 (2017).

<sup>49</sup> 762 Phil. 630 (2015).

<sup>50</sup> *Id.* at 678-679.

<sup>51</sup> *People v. Pentecostes*, 820 Phil. 823, 833 (2017).

<sup>52</sup> As amended by A.M. No. 19-08-15-SC, entitled "2019 Amendments to the 1989 Revised Rules on Evidence," effective May 1, 2020.

- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

Inferences cannot be based on other inferences.

Generally, “an accused may be convicted when the circumstances established form an unbroken chain leading to one fair reasonable conclusion and pointing to the accused — to the exclusion of all others — as the guilty person.”<sup>53</sup>

Here, the courts *a quo* heavily relied on the testimony of Eufresina as circumstantial evidence that accused-appellant purportedly maltreated Krishna on the day of the incident. Eufresina testified that, while she passed by the house of accused-appellant, she heard Krishna crying and then the loud slapping or whipping sounds came from the house of accused-appellant. However, Eufresina admitted that she did not witness whether accused-appellant was indeed hitting Krishna. Conversely, she even assumed that accused-appellant was merely scolding Krishna.<sup>54</sup>

The prosecution’s theory that in the morning of the incident, accused-appellant was purportedly hitting Krishna, correlated with the fact that Krishna was subsequently found dead in the river, could lead to the conclusion that it was accused-appellant who authored the crime. On the other hand, the RTC held that it is doubtful that accused-appellant intentionally killed Krishna, but inferred that in trying to pacify Krishna, who cried incessantly, accused-appellant whipped or slapped her several times, which could have been fatal rendering Krishna unconscious or, worse, lifeless.<sup>55</sup>

However, the Court finds that there is insufficient circumstantial evidence to establish beyond reasonable doubt that accused-appellant was indeed the author of the crime regarding the death of Krishna.

#### *Medical findings*

The records disclose that the cause of death of Krishna was “Drowning, Freshwater, Accidental.”<sup>56</sup> Further, the post-mortem examination of Krishna’s body reveals that no substantial injury or wound was sustained, thereby greatly negating the prosecution’s theory that

<sup>53</sup> *People v. Pentecostes*, supra note 51.

<sup>54</sup> TSN, May 23, 2016, pp. 11-12.

<sup>55</sup> CA *rollo*, p. 72.

<sup>56</sup> Records, p. 27.

accused-appellant's acts of hitting the child caused her death. The said findings of Dr. Joson were reduced into writing, the Post-Mortem Examination Report<sup>57</sup> which indicates:

Name of Victim: KRISHNA DIZON

x x x x

A. DESCRIPTION OF CADAVER:

The victim is a child, female, graying in color, 86 cm in length wearing off white laced dress. **She was on the 5<sup>th</sup> day post-injection with formalin.** The skin of the hands was corrugated, eyes and mouth were half-opened and hands half-clenched. Stomach was bloated. Labia majora were well coaptated.

B. EXTERNAL PHYSICAL EXAMINATION

1. Abrasion, 0.5 x 1 cm at the corner of the right eye
2. Blister 0.5 cm x 1 cm, 4<sup>th</sup> digit, hand, right
3. Blister, 1 cm x 1 cm, 5<sup>th</sup> digit, hand, right

C. CAUSE OF DEATH

**Drowning freshwater**

**Abrasion and blisters secondary to alleged drowning**

Remarks: Because of the effects of formalin in the body of the victim there was limitation in the examination of the hymen.

Suggest autopsy to rule out possible foul play.<sup>58</sup> (Emphases supplied)

In *Daayata v. People*,<sup>59</sup> the Court held that physical evidence is evidence of the highest order. It speaks more eloquently than a hundred witnesses. They have been characterized as "that mute but eloquent manifestations of truth which rate high in our hierarchy of trustworthy evidence."<sup>60</sup> Hence, in *People v. Vasquez*,<sup>61</sup> the Court refused to obtusely give credence to the incriminating assertions of prosecution witnesses as to an alleged mauling, and stated that "[t]his Court cannot be persuaded by the prosecution's claim of perpetration of physical violence in the absence of any marked physical injuries on the various parts of the victim's face and body."<sup>62</sup>

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<sup>57</sup> Id. at 28.

<sup>58</sup> Id.

<sup>59</sup> 807 Phil. 102 (2017).

<sup>60</sup> Id. at 114.

<sup>61</sup> 345 Phil. 380 (1997).

<sup>62</sup> Id. at 395.

The findings of Dr. Joson, the physician who examined the cadaver of Krishna, as reflected in the post-mortem examination report, was confirmed when she testified before the trial court. She revealed that there was no basis to conclude that Krishna was maltreated considering that there were no significant injuries that would support said claim. As the following excerpt from Dr. Joson's cross-examination reveals:

Q: Based on your experience doctor, if a person intends to drag a child like in this particular case, what are the usual external injuries that may appear on his or her body?

A: It could be hematoma, the part of the body where the client was found or pressed to the water.

**Q: Based on the [Post-Mortem] Examination Report, during the external physical examination, there are abrasion and blisters, in this particular case are those injuries that you referred earlier present in this particular case?**

A: No, sir.<sup>63</sup> (Emphasis supplied)

During her redirect examination, Dr. Joson explained:

PROS. VALEZA

Q: Dr. Joson, you mentioned that you were informed by a nurse of the death of the child in this case, were you, likewise, informed of the nurse that the blood was continuously dripping from the nose of the deceased?

A: Yes, sir. There [was blood] but I was not informed that it was coming from the nose because there was an abrasion here at the corner of the eye, so I thought the blood was coming from the abrasion.

Q: Now that you were informed that the blood was continuously dripping from the nose of the victim and according to the one who brought the child to the clinic it started even when the child was still at the house and the child was brought at the clinic and then, the child [was] brought home. Now, for this case of drowning as deceased in this case, this continues dripping of the blood from the nose of the child is a symptom of accidental drowning?

A: If the child fell prior to the drowning it could be possible. If the head hit a hard object that could also be possible, there could be an internal bleeding that could cause the oozing of blood from the nose.

**Q: What is the possibility of that [continuous] dripping of the blood of the child being hit intentionally by someone?**

**A: That could be possible but I did not see any markings that could tell me that the deceased was hit in her nose or at the back of her**

<sup>63</sup> TSN, September 27, 2016, p. 3.

**head, I even touched it and I did not find any fracture but fracture cannot be seen.**

**Q: So, doctor, what is, likewise, the possibility of the child hit by a hard object, supposing that she fell on the river based on your examination to the child?**

**A: When I saw the client, the only thing was that I saw the abrasion and the blisters in her hand and I think if she hit a hard object, there could be other visions on the face of the client or the head of the client if [she fell].<sup>64</sup> (Emphases and underscoring supplied)**

This was reiterated by Dr. Joson during her re-cross-examination, viz.:

**Q: It was clear from your testimony during the [redirect] that there is no evidence supporting the possibility that the victim's head was purposely hit, do you agree with me?**

**A: Yes, sir.**

**Q: And the age of the victim in this particular case is 1 year and 4 months?**

**A: Yes, sir.**

**Q: If there was a deliberate intention to hit the head, there must be fractures even to this young bone or skull?**

**A: Yes, sir.<sup>65</sup> (Emphases supplied)**

While Dr. Joson also testified that she indicated in the death certificate that the cause of death of Krishna was drowning, since this was the information relayed to her by the relatives of Krishna and that she recommended the conduct of an autopsy,<sup>66</sup> it does not erase the indisputable fact that there was no significant external injury on the body of Krishna. Neither can it be assumed that Krishna suffered from an internal injury as Dr. Joson admitted that internal bleeding could occur if the head hit a hard object, but she did not see any markings that could lead to the conclusion that Krishna was indeed hit in the head.<sup>67</sup> Dr. Joson categorically admitted that there is no evidence supporting the possibility that the victim's head was purposely hit.

Accordingly, the medical findings equivocally negate the theory of the prosecution, which was sustained by the trial court, that in the morning of the incident, accused-appellant was hitting and slapping Krishna, based on the circumstantial evidence from Eufresina's testimony, and that Krishna's

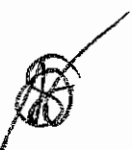
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<sup>64</sup> Id. at 8-9.

<sup>65</sup> Id. at 12-13.

<sup>66</sup> Id. at 7.

<sup>67</sup> Id. at 8-9.



lifeless body was subsequently taken by accused-appellant to the river to make it appear that Krishna drowned. Again, Dr. Joson testified that there were no alleged signs of hitting, slapping or whipping in the parts of Krishna's body or head. The examination report contained no significant signs of external physical injuries, particularly on the face and on the head, if accused-appellant allegedly hit Krishna as recounted by witness Eufresina. If it were true that Krishna was hit hard and that caused her death, there should have been some evidence of substantial physical violence on Krishna's body or head. This belies the prosecution's theory that Krishna was maltreated before she was drowned or placed in the river by accused-appellant.

In *People v. Vasquez*,<sup>68</sup> the Court explained that in forensic medicine, the appearances of drowning are similar regardless of its cause, to wit:

It is true that the study of forensic medicine tells us that the appearances of drowning are the same whether the deceased fell in ([i.e.], accidental drowning), jumped in ([i.e.], suicidal drowning) or was thrown into the water (homicidal drowning). So, the circumstances of the case will decide the question as to the real cause of death when one's body is fished out of a body of water. Telltale external evidence decides whether injuries were inflicted before drowning or the drowning was the cause of death.<sup>69</sup>

Indeed, the physical evidence showed that there was no purported maltreatment of Krishna. The only injuries on Krishna's body was the abrasion at the corner of her right eye and blisters on her right hand. But Dr. Joson did not consider those findings significant enough. She categorically stated that she did not see any markings that would indicate that the deceased was hit in her nose or at the back of her head. The findings of Dr. Joson are given great weight considering that she is the medical expert that could properly determine the injuries suffered by the child-victim and whether these injuries are sufficient to cause the death of Krishna. It must likewise be emphasized that the photographs of Krishna<sup>70</sup> reveal that there was indeed no other abrasions or blisters, other than those noted in the post-mortem examination report.

In the present case, since the physical evidence on record opposes the theory of the prosecution, presumptions as to physical evidence should prevail. The Court reiterates in *People v. Vasquez* that "physical evidence is that mute but eloquent manifestations of truth which rate high in our hierarchy of trustworthy evidence. Injuries of the victim other than those

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<sup>68</sup> Supra note 61.

<sup>69</sup> Id. at 395.

<sup>70</sup> Records, pp. 214-215.

testified to by the prosecution witnesses, if at all, could have been caused by stones or other hard objects along the river which the victim's body could have bumped into as a result of the river's current."<sup>71</sup> Therefore, the Court, *sans* any significant physical injuries on the various parts of Krishna's face and body, cannot be persuaded by the prosecution's claim of perpetration of physical violence or maltreatment.

*Inconclusive proof that  
accused-appellant was the  
author of the crime*

The Court notes the testimonies of the prosecution witnesses<sup>72</sup> Gemma, Emmanuel, and SPO4 Tevar, essentially stating that all of them saw the body of Krishna after the incident. Consistent with the medical findings, their testimonies reveal that there were no other injuries on the body of Krishna aside from an abrasion in her right eye and blisters in her right hand. They could not firmly state that Krishna was maltreated to death by accused-appellant, instead of just merely drowning. Hence, the allegation that it was accused-appellant who maltreated and killed Krishna, since there was no other person who purportedly hurt her, remains a mere speculation. Accused-appellant could not undeniably be considered as the author of the crime.

Notably, the prosecution has not completely ruled out the probability that another person, other than accused-appellant, may have committed the crime. The testimony of the investigating officer, SPO4 Tevar, reveals:

Q: But you did not consider any other person other than the accused to ask or investigate them?

A: I conducted investigation and asking possible witness including the [Punong Barangay] but nobody saw the actual crime.

Q: So, it means that aside from those persons that [you investigated], were all witnesses but not a suspect to the crime?

A: I investigated them and Irma Maglinas as a witness that time.

Q: She was the only one you investigated as a suspect in that particular crime?

A: No, ma'am. I investigated Irma Maglinas during that time as a witness[,] not [as] a suspect.<sup>73</sup>

<sup>71</sup> Supra note 61.

<sup>72</sup> See TSN, June 27, 2016, p. 12; TSN, August 1, 2016, p. 14; TSN, November 22, 2016, pp. 19-20.

<sup>73</sup> TSN, November 22, 2016, p. 17.



Q: You mentioned a while ago that the river where the body of the child was recovered is more or less 100 meters away from the house of the accused, correct?

A: Yes, ma'am.

Q: And that is very far and would you agree with me that if the accused would carry something heavy she might have difficulty in reaching that place?

A: Not much, ma'am because the slope is only fifty (50) degrees, she can reach the river.

**Q: Would you agree with me that the accused[,] if she would have a child carried with her while going to a fifty (50) degrees slope, its almost impossible to pass by that slope?**

A: Yes, ma'am.

Q: If ever that a person passed by, let's say the accused pass by there, there could have been a possibility that she might have accidentally fall down there?

A: [If you are carrying a child weighing more or less 7 kilos but not more than 10 kilos, you would not get into an accident by that. We can all certainly do that.] (*Kung ang karga mo ay isang bata, more or less 7 kilos not more than 10 kilos, hindi ka naman maaksidente don. Kayang-kaya naman natin yon.*)

Q: It depends on the built of a person. There is a person who can carry 10 to 20 kilos[,] but considering the built of the accused, she could not have possibly passed by [in that 50-degree slope carrying] a child?

A: *Hindi naman siguro dahil dinadaan yon ng mga tao kasi doon naglalaba. Yong residente ng barangay District III doon dumadaan. Kung maaaksidente sila doon hindi na sila dadaan doon.*

**Q: You mentioned that some of the residents there took laundry in the area. However, when Irma Maglinas, let's say she went there, no one saw her there at that time?**

A: No, ma'am, walang pumunta doon pero kung mayroon mang nakakita ayaw magtestigo.<sup>74</sup> (Emphases supplied)

From the foregoing narration of SPO4 Tevar, it can be gleaned that there was a 50-degree slope going to the river from accused-appellant's house and it may be difficult for her, albeit not entirely impossible, to go to the river carrying a child. However, SPO4 Tevar also narrated that the place where the lifeless body was found is not a remote area; instead, some residents usually go there to do laundry. But on the date of the incident, nobody saw accused-appellant take the lifeless body of the victim to the river. SPO4 Tevar merely inferred that either nobody indeed saw accused-appellant carry the victim to the river, or that somebody saw accused-

<sup>74</sup> Id. at 17-19.

appellant but was not willing to testify in court. Again, this is another inference of guilt against accused-appellant that the Court cannot sustain.

The fact that accused-appellant was purportedly heard as the last person who was with Krishna in the morning of the incident is not conclusive proof that she was the author of the crime. Significantly, accused-appellant testified that on the day of the incident, she left Krishna sleeping alone in her house to go to a nearby store to buy their dinner. Arlene corroborated accused-appellant's testimony that she went out of the house to buy food at around 2:00 p.m. Arlene was the storekeeper who attended to accused-appellant at the time she bought from the store.

Indeed, the gap between the time accused-appellant left the house and the time she returned and found Krishna missing, could not discount the possibility that some other person may have taken Krishna to the river.

Again, even the prosecution has not completely ruled out the probability that another person, aside from accused-appellant, may have committed the crime considering that other persons from the community usually go to the river to do their laundry. Hence, there may be some other persons who may have been near the river at the time of the incident. Glaringly, SPO4 Tevar could not point to the cause of death of the victim; he merely surmised that it was not drowning even though he could not even observe any significant physical injury on the body of the victim. The testimony of SPO4 Tevar provides:

Q: And after your investigation, SPO4 Tevar[,] based on the evidence, as well as the information that you gathered from the witnesses, as well as from inspection of the place where the crime supposedly happened, what was your conclusion with respect to the death of Krishna Dizon?

A: My conclusion is that, in the pictures there were no bruises, so [she] was not drowned.

Q: You mentioned that Irma Maglinas was investigated not [as] a suspect but as a witness, after your investigation[,] what was your conclusion, SPO4 Tevar?

A: After the investigation, I concluded that she is the suspect of the crime.

Q: And this is based on?

A: Based on the evidence, sir *at yong kanyang pabago-bago ng statement.*<sup>75</sup>

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<sup>75</sup> Id. at 19-20.

Notably, SPO4 Tevar initially treated accused-appellant as a witness. However, she became a suspect of the investigation simply because she gave conflicting statements, even though, as explained earlier, the evidence presented were not credible. Evidently, the Court cannot find accused-appellant guilty of the crime of murder just because she gave conflicting statements during the investigation of the police. It is the State, through the prosecution, that has the burden of proof to establish the guilt of the accused beyond reasonable doubt.

The prosecution's evidence is miserably tainted with inherent improbabilities in the testimonies of the principal witnesses bearing on essential details of the murder charged against accused-appellant. The evidence cannot categorically and conclusively point to accused-appellant as the true author of the crime. The prosecution cannot resolve the loose ends in its theory that accused-appellant repeatedly hit and slapped Krishna, which led to her death.

*Defense of alibi in light of the  
prosecution's weak evidence*

For accused-appellant's part, she essentially gave a defense of alibi. She stated that on the date of the incident, at around 2:00 p.m., while Krishna was still asleep, she went to the store of Arlene to buy food for their dinner. Again, Arlene corroborated accused-appellant's testimony that, indeed, accused-appellant went to the store at around 2:00 p.m. and bought food for their dinner. Upon accused-appellant's return to her house at around 2:14 p.m., she noticed that the door was already opened and Krishna was no longer in the place where she left her.<sup>76</sup> Thus, according to accused-appellant, it was not possible for her to commit the crime as she was not at the river at the time of the incident.

Considering the weakness in the prosecution's case, the alibi of accused-appellant bears credence and importance. While alibi is a weak defense and the rule is that it must be proved to the satisfaction of the court, the said rule has never been intended to change the burden of proof in criminal cases. Otherwise, an absurd situation will arise wherein the accused is put in a more difficult position where the prosecution evidence is vague and weak as in the present case.<sup>77</sup> The burden of proof rests on the prosecution to prove that accused-appellant was responsible for the killing.

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<sup>76</sup> TSN, July 18, 2017, p. 8.

<sup>77</sup> *People v. De Guzman*, 690 Phil. 701, 717 (2012).

Indeed, while “appellant’s defenses of alibi and denial are admittedly weak, the same being easy of fabrication or concoction. There are nonetheless settled pronouncements of this Court to the effect that where an accused sets up alibi, or denial for that matter, as his [or her] line of defense, the courts should not at once look upon the same with wary eyes for, taken in the light of all the evidence on record, it may be sufficient to reverse the outcome of the case as found by the trial court and thereby rightly set him [or her] free again.”<sup>78</sup>

In the vast realm of possibilities, it may be probable that accused-appellant committed the crime. But based on the evidence presented in court, it is equally probable that someone else, other than accused-appellant, committed the crime. This nagging and inescapable possibility that a different individual, other than the person charged, is the author of the crime escapes the moral certainty required to convict accused-appellant of the crime of murder.

### *Conclusion*

In criminal cases, the overriding consideration is not whether the court doubts the innocence of the accused, but whether it entertains a reasonable doubt as to his or her guilt. If there exists even one *iota* of doubt, the Court is under a longstanding legal injunction to resolve the doubt in favor of the accused.<sup>79</sup>

In this case, the prosecution’s theory that accused-appellant continuously hit and slapped Krishna because of her incessant crying, which may have led to her death, and that accused-appellant merely placed Krishna’s body in the river to make it appear that she drowned, was based on a singular circumstantial evidence — that while Eufresina passed by the house of accused-appellant, she heard Krishna crying and the loud slapping or whipping sounds coming from the house of accused-appellant. However, the Rules of Court explicitly state that before circumstantial evidence may sustain a conviction, it must consist of more than one circumstance.<sup>80</sup>

More importantly, it is required that the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.<sup>81</sup> However, as pointed out earlier, the medical findings refute that Krishna was indeed repeatedly hit and slapped by another person, and it is unlikely that

<sup>78</sup> *People v. Vasquez*, supra note 61 at 399-400.

<sup>79</sup> *Suarez v. People*, G.R. No. 253429, October 6, 2021.

<sup>80</sup> RULES OF COURT, Rule 133, Sec. 4(a).

<sup>81</sup> *Id.*, Rule 133, Sec. 4(c).

she suffered from either an external or internal injury which would have caused her death. Further, the prosecution's evidence showed that it may be possible that other persons, aside from accused-appellant, were present at the river considering that it is used as laundry area by the members of the community. Thus, the horrific act of killing Krishna cannot solely be attributed to accused-appellant as its author.

The inference made by the trial court that accused-appellant whipped or slapped Krishna several times, as what Eufresina heard, which may have resulted to the death of Krishna, cannot be sustained. When dealing with circumstantial evidence, an inference cannot be based on another inference.<sup>82</sup> Moreover, inferring that accused-appellant is immediately guilty without sufficient proof is against the presumption of innocence. The case of *People v. Lumikid*<sup>83</sup> is instructive:

This rule places upon the prosecution the task of establishing the guilt of an accused by relying on the strength of its own evidence, and not banking on the weakness of the defense of an accused. Requiring proof beyond reasonable doubt finds basis not only in the due process clause of the Constitution but, similarly, in the right of an accused to be "presumed innocent until the contrary is proven." "Undoubtedly, it is the constitutional presumption of innocence that lays such burden upon the prosecution." Should the prosecution fail to discharge its burden, it follows, as a matter of course, that an accused must be acquitted.<sup>84</sup>

While the Court firmly condemns the senseless and gruesome crime and sincerely commiserate with the suffering and emotional stress suffered by the bereaved family of the victim, the Court, nevertheless, finds the pieces of circumstantial evidence insufficient to prove the guilt of accused-appellant beyond reasonable doubt. The circumstantial evidence presented do not pass the requisite moral certainty, as they admit of the different presumption that other persons, not necessarily the accused-appellant, may have perpetrated the crime. Where the evidence admits of two interpretations, one which is consistent with guilt and the other with innocence, the accused must be acquitted. Indeed, it would be better to set free ten persons who might be probably guilty of the crime charged than to convict one innocent person for a crime he or she did not commit.<sup>85</sup>

It is heartbreaking and inconceivable that Krishna, who was merely 1 year and 4 months old, senselessly lost her innocent life. No amount of reason can justify her death. But her demise does not warrant the unbridled

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<sup>82</sup> Id., Rule 133, Sec. 4, par. 2.

<sup>83</sup> Supra note 42.

<sup>84</sup> Id.

<sup>85</sup> See *People v. Ortillas*, 472 Phil. 723, 747-748 (2004).

license to haphazardly throw away the life of another just to satisfy the meaningless death of a child. This is not the justice contemplated by the courts. Indeed, the presumption of innocence of the accused was exactly placed in the fundamental law as a safeguard so that We will not act as Gods among humans in indiscriminately condemning an equally breathing and living person. Only when the moral certainty of guilt has been fulfilled, may the laws of mortals warrant the punishment of a transgressor.

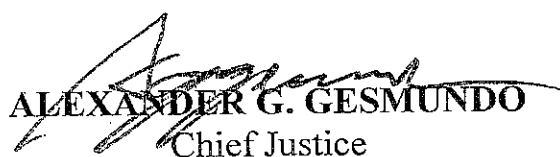
Nevertheless, the acquittal of accused-appellant of the crime of murder does not signify that the Court affirms her absolute innocence of the charge. It simply means that the prosecution failed to present sufficient amount of evidence to establish her guilt beyond reasonable doubt. This task of absolving the accused, where the evidence presented is suspect, is resolutely exercised by the Court in its constitutional order to abide by the unceasing and everlasting *fiat* of the rule of law.

**WHEREFORE**, the appeal is **GRANTED**. The September 8, 2020 Decision of the Court of Appeals, in CA-G.R. CR-HC No. 11476, is **REVERSED** and **SET ASIDE**. Accused-appellant Irma Maglinas y Quindong is hereby **ACQUITTED** of the crime charged against her for failure of the prosecution to prove her guilt beyond reasonable doubt.


The Superintendent of the Correctional Institution for Women, Mandaluyong City is **ORDERED** to **IMMEDIATELY RELEASE** accused-appellant from detention, unless she is being lawfully held in custody for any other reason, and to **INFORM** the Court of the action taken hereon within five (5) days from receipt of this Decision.


Let entry of judgment be issued immediately.

**SO ORDERED.**


  
ALEXANDER G. GESMUNDO  
Chief Justice

**WE CONCUR:**

  
**RAMON PAUL L. HERNANDO**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JOSE MIDAS P. MARQUEZ**  
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.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

