



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 258321*

Present:

- versus -

CAGUIOA, J., *Chairperson*,
INTING,**
GAERLAN,
DIMAAMPAO, and
SINGH,** JJ.

Promulgated:

JOMER ADONA y LLEMOS,
Accused-appellant.

October 7, 2024

DECISION

DIMAAMPAO, J.:

The ghastly offense of rape with homicide has no place in Philippine society. Alas, owing to the paucity of circumstantial evidence that satisfies the requisite moral certainty, the Court is impelled to uphold the primacy of the constitutional presumption of innocence¹ in favor of accused-appellant Jomer Adona y Lemos (Adona).

The Facts

The case has its precursor in the Information² dated April 24, 2012 lodged before the Regional Trial Court (RTC) and docketed as Criminal Case

* Pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017, the identities of the parties, records, and court proceedings are kept confidential by replacing their names and other personal circumstances with fictitious initials.

** On official business.

¹ See *People v. Velarde*, 434 Phil. 102, 123 (2002) [Per J. Panganiban, *En Banc*]. (Citation omitted)

² RTC records, pp. 1–2.

No. 12-2216, indicting Adona for rape with homicide in relation to Republic Act No. 7610.³ The inculpatory averments thereof read:

“That on or about 3:00 o’clock in the afternoon of April 23, 2012 at [REDACTED], Brgy. [REDACTED], municipality of [REDACTED], province of Camarines Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, motivated by bestial lust and by means of force, violence and intimidation and against her will, did, then and there, willfully, unlawfully and feloniously have carnal knowledge with minor victim [AAA], six (6) years of age, which by reason and on occasion of rape, with intent to kill, attack and stab the victim on her chest with a bladed weapon (knife), that resulted to (sic) her instantaneous death, to the damage and prejudice of the heirs of the victim.”

CONTRARY TO LAW.⁴

Arraigned on June 7, 2012, Adona pled not guilty to the solitary charge.⁵ During pre-trial, the prosecution and the defense stipulated on the jurisdiction of the court as well as the identity of Adona.⁶ Forthwith, trial on the merits commenced.

The testimonies of the prosecution’s witnesses tend to establish the following chronicle of events:

On April 23, 2012, at around 3 p.m., victim AAA, then 6 years of age,⁷ was playing with her siblings BBB and CCC, her cousin DDD, and EEE⁸ at the yard of their grandmother FFF situated in Barangay [REDACTED], [REDACTED], Camarines Norte. Out of the blue, Adona passed by and beckoned AAA over. After she approached him, Adona whispered something to her and showed her a PHP 5.00 coin. BBB and DDD then saw AAA grasping onto a coconut tree before being pulled away by Adona. Once Adona and AAA arrived at his house, which was close by the locale where she was taken, he carried her inside.⁹

Meanwhile, BBB and DDD trailed behind them. Upon reaching Adona’s residence, they saw Adona and AAA through the window in one of the rooms. Both BBB and DDD called AAA, but she did not respond. Then and there, the two rushed back to FFF and relayed what they witnessed.

³ Republic Act No. 7610 (1992), Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

⁴ RTC records, p. 1.

⁵ *Id.* at 21, Certificate of Arraignment; 22, Order dated June 7, 2012.

⁶ *Id.* at 25, Pre-Trial Order.

⁷ *Id.* at 13, Certificate of Live Birth.

⁸ TSN, BBB, November 21, 2012, pp. 6–7.

⁹ RTC records, p. 7, *Sinumpaang Salaysay*; TSN, BBB, November 21, 2012, pp. 8–9.

Eventually, BBB and DDD saw the lifeless body of AAA in a grassy area about 200 meters away from Adona's dwelling. Their neighbors helped transport AAA to the hospital. At the same time, Adona was seen kneeling before their GGG, uttering: "*Patawarin mo po ako, wala akong kasalanan.*"¹⁰

At the interstice, Barangay Kagawad Ernesto Daniel (Kagawad Daniel) received word from FFF that AAA had been purportedly raped by Adona. Acting upon this information, he immediately searched for Adona, but to no avail. Later on, Kagawad Daniel reported the incident to the [REDACTED] Municipal Police Station. After returning from the police station together with several officers, Kagawad Daniel learned that AAA's corpse had been found. The following morning, they were able to apprehend Adona in Barangay [REDACTED], [REDACTED], Camarines Norte, which is adjacent to the *locus criminis*.¹¹

The medical evaluation performed by Dr. Pio Lizaso (Dr. Lizaso) at 6:10 p.m. that evening revealed that AAA died from cardiorespiratory failure, with a penetrating stab wound on the left anterior chest wall as the underlying cause. Likewise, he found vaginal blood clots and hymenal lacerations as well as bleeding on AAA's cadaver.¹²

Fulminating against the imputations hurled at him, Adona countered that on April 23, 2012, at around 3:00 p.m., he was laying on a hammock outside his abode. The next day, he went to his grandfather's home in Barangay [REDACTED], [REDACTED], Camarines Norte to help him harvest *palay*.¹³

After going over the countervailing evidence proffered by the prosecution and the defense, the RTC rendered the Decision¹⁴ adjudging Adona guilty of rape with homicide, thusly:

WHEREFORE, in view of the foregoing, the court finds the accused, [Adona], guilty beyond reasonable doubt of the special complex crime of [r]ape with [h]omicide and is hereby sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole. Accused is also ordered to pay the heirs of the victim civil indemnity of [PHP] 100,000.00, moral damages of [PHP] 100,000.00, exemplary damages of [PHP] 100,000.00 and temperate damages of [PHP] 25,000.00. All monetary awards for

¹⁰ RTC records, pp. 7, *Sinumpaang Salaysay*; 15, PNP Certification. *See also* TSN, BBB, November 21, 2012, pp. 9-21; TSN, DDD, June 19, 2015, pp. 4-7.

¹¹ RTC records, p. 6, *Sinumpaang Salaysay ng Pagaresto*; TSN, Kagawad Ernesto Daniel, April 12, 2018, pp. 3-6.

¹² RTC records, pp. 12, Certificate of Death; 14, Medical Certificate. *See also* TSN, Dr. Pio Lizaso, April 17, 2018, pp. 3-4.

¹³ TSN, Jomer Adona, May 30, 2018, pp. 2-4.

¹⁴ RTC records, pp. 115-122. The November 20, 2018 Decision in Criminal Case No. 12-2216 was penned by Presiding Judge Alma Balilla Operio of Branch [REDACTED], RTC, [REDACTED], Camarines Norte.

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damages shall earn interest at the legal rate of 6% per annum from the date of finality of this Decision until fully paid.

The Branch Clerk of Court of this court is hereby ordered to record the dispositive portion of this Decision in the criminal docket of the court. She is also ordered to prepare the Mittimus and the necessary documents for the immediate transfer of the accused to the custody of the Bureau of Corrections in Muntinlupa City, pursuant to OCA Circular No. 4-92-A.

SO ORDERED.¹⁵

The RTC held that these pieces of circumstantial evidence adequately demonstrated that Adona, the person with whom AAA was last seen alive, committed the crime: *first*, BBB and DDD saw Adona call AAA and bring her to his house; *second*, they followed them to Adona's residence and cried out for her, but to little effect; *third*, both witnesses later found the remains of AAA around 200 meters away from Adona's dwelling, which their neighbors brought to the hospital; *fourth*, Kagawad Daniel chased Adona towards the adjacent barangay; and *fifth*, the medical findings of Dr. Lizaso showed that AAA not only sustained vaginal blood clots and hymenal lacerations, but also died from a stab wound.¹⁶

On that score, the trial court gave significant credence to the testimonies of BBB and DDD, inasmuch as there was no indication that they had improper motive to falsely implicate Adona. Moreover, the supposed inconsistencies in their testimonies, such as who they were with at the time of the incident and where they actually found the body of AAA, were immaterial as they did not pertain to any essential element of the offense. In truth, these inconsistencies strengthened the credibility of BBB and DDD since they negated any notion that their testimonies have been rehearsed.¹⁷ Juxtaposed with the positive identification made by the prosecution witnesses, Adona's defenses of denial and alibi faltered.¹⁸

Distressed, Adona sought redress before the Court of Appeals (CA).¹⁹ He asserted in the main that the testimonies of BBB and DDD were riddled with material inconsistencies that undermined their credibility, such as the following: *one*, whether DDD was able to ask Adona if he knew the whereabouts of AAA after he stepped out of his abode; *two*, whether they went to FFF after finding AAA's corpse *or* when AAA did not respond to their calls to go home; and *three*, whether they were accompanied by someone else when they followed Adona and AAA. As a result, the RTC grievously erred in

¹⁵ *Id.* at 121.

¹⁶ *Id.* at 119–120.

¹⁷ *Id.* at 120.

¹⁸ *Id.* at 121.

¹⁹ *Id.* at 126–127, Notice of Appeal.

anchoring his guilty verdict on insufficient circumstantial evidence.²⁰ Besides, Dr. Lizaso divulged during his cross-examination that he was uncertain if there were indeed lacerations on AAA's hymen.²¹ Lastly, Adona insisted that the RTC should have given weight to his defenses.²²

Through the impugned Decision,²³ the CA affirmed Adona's conviction, viz.:

ACCORDINGLY, the appeal is hereby **DENIED**.

The Decision dated 20 November 2018 of the [RTC], Branch ■■■, ■■■■, Camarines Norte, in Criminal Case No. 12-2216 finding accused-appellant [Adona] guilty for the crime of [r]ape with [h]omicide in relation to Republic Act No. [7610], is **AFFIRMED**.

SO ORDERED.²⁴ (Emphasis in the original)

The CA essentially echoed the factual findings of the trial court. Granting *ex hypothesi* that there was no evidence of hymenal lacerations, the CA explained that this did not diminish the prosecution's case since a medical examination and medical certificate, albeit corroborative, were not indispensable to the prosecution of rape cases.²⁵

Likewise, the CA agreed with the RTC that the circumstantial evidence pointed to Adona as the author of the crime, to the exclusion of everyone else. Strikingly, BBB and DDD consistently identified Adona as the person who approached the victim and brought her to his house on the same afternoon that her cadaver was found. In this regard, the CA held that the testimonies of children of sound mind were likely to be more truthful than those of older persons. Accordingly, once it was confirmed that they understood the nature of an oath, their testimonies should be given full weight.²⁶

Finally, the CA gave short shrift to Adona's defenses. Not only was he unable to substantiate his claim that he was home alone at the time of the subject incident, but he also failed to establish that it was physically improbable for him to execute the felony.²⁷

²⁰ CA *rollo*, pp. 43–49, Brief for the Accused-Appellant.

²¹ *Id.* at 49.

²² *Id.* at 50–51.

²³ *Id.* at 86–102. The September 24, 2020 Decision in CA-G.R. CR-HC No. 12409 was penned by Associate Justice Louis P. Acosta and concurred in by Acting Presiding Justice Remedios A. Salazar-Fernando and Bonifacio S. Pascua of the Special First Division, Court of Appeals, Manila.

²⁴ *Id.* at 101–102.

²⁵ *Id.* at 92–96.

²⁶ *Id.* at 97–99.

²⁷ *Id.* at 100–101.

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Now, before this Court,²⁸ Adona maintains his innocence, ingeminating the expostulations he raised before the CA.²⁹

The Court's Ruling

The Court finds merit in the Appeal.

Prefatorily, it bears emphasis that appealing a criminal case opens the entire case for review, and it becomes incumbent upon the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or not.³⁰ The appeal thereby confers the said tribunal with full jurisdiction over the case and renders it competent to examine the records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal statute.³¹

It is ingrained in this jurisdiction that rape with homicide is a special complex crime, or one that is expressly treated by law as a single indivisible and unique offense, as the constitutive acts are a product of a single criminal impulse.³² Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353,³³ provide:

Article 266-A. *Rape; When and How Committed.* – Rape is committed –

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a) Through force, threat, or intimidation;
 - b) When the offended party is deprived of reason or otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

²⁸ *Id.* at 106–108, Notice of Appeal.

²⁹ *Rollo*, pp. 47–50, Manifestation (In Lieu of Reply Brief).

³⁰ *See People v. Gabisay, Jr.*, G.R. No. 256301, March 1, 2023 [Per J. J.Y. Lopez, Second Division], p. 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

³¹ *See People v. Matias*, G.R. No. 247002, April 12, 2023 [Per J. Dimaampao, Third Division], p. 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

³² *See People v. Ramoy*, G.R. No. 212738, March 9, 2022 [Per J. Gaerlan, First Division], p. 14. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

³³ Republic Act No. 8353 (1997), The Anti-Rape Law of 1997.

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Article 266-B. *Penalty*. — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

....

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death[.]

To successfully convict an accused of rape with homicide, the following elements must concur: *first*, the accused had carnal knowledge of the victim; *second*, carnal knowledge of the victim was achieved by means of force, threat, or intimidation; and *third*, by reason or on occasion of such carnal knowledge by means of force, threat, or intimidation, the accused killed the victim.³⁴ When the case involves a minor victim, it is sufficient that the evidence proves that the accused had sexual intercourse or bodily connections with the victim.³⁵

On that point, it is axiomatic that rape—be it simple, qualified, or complexed with other crimes—is quite difficult to establish because it is generally unwitnessed and perpetrated in seclusion. The prosecution of such crime becomes all the more convoluted if homicide is committed since the victim could no longer testify.³⁶ Thus, the Court has permitted convictions for rape with homicide to stand based on circumstantial evidence—

The evidence against an accused for the crime of rape with homicide is usually circumstantial. The nature of the crime, in which only the victim and the rapist-killer would have been around during its commission, makes the prosecution of the offense particularly difficult because the victim could no longer testify against the perpetrator. Thus, resorting to circumstantial evidence is almost always inevitable. To demand direct evidence to prove the modality of the offense and the identity of the perpetrator would be unreasonable.³⁷

Circumstantial evidence pertains to “proof of collateral facts and circumstances from which the existence of the main fact may be inferred

³⁴ See *People v. Leocadio*, G.R. No. 227396, February 22, 2023 [Per J. M. Lopez, Second Division], p. 5. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citations omitted)

³⁵ See *People v. Villarino*, 628 Phil. 269, 280 (2010) [Per J. Del Castillo, Second Division]. (Citation omitted)

³⁶ See *People v. Leocadio*, G.R. No. 227396, February 22, 2023 [Per J. M. Lopez, Second Division], p. 5. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

³⁷ *People v. Rama*, G.R. No. 253467, June 27, 2022 [Per J. Lazaro-Javier, Second Division], p. 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

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according to reason and common experience.”³⁸ To this end, the 2019 Revised Rules on Evidence lays down the requisites for circumstantial evidence to be sufficient for conviction, *viz.*:

- (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.³⁹

Invariably, a judgment of conviction based on circumstantial evidence can be sustained only if the verified circumstances constitute an unbroken chain which leads one to the fair and reasonable conclusion pointing to the accused, *to the exclusion of all others*, as the malefactor. Simply put, “all the circumstances must be consistent with each other, compatible with the hypothesis that the accused is guilty and in conflict with the notion that he or she is innocent.”⁴⁰

Pitted against the foregoing standards, the confluence of the circumstances adduced by the prosecution in this case ultimately failed to convince the Court that Adona is the culprit.

To recapitulate, there was no direct eyewitness to the rape-slay of AAA.⁴¹ The only circumstances to implicate Adona in the crime are the following: (1) Adona called on AAA while she was playing with BBB and DDD;⁴² (2) Adona brought AAA to his residence;⁴³ (3) BBB and DDD pursued them and hollered at AAA to come home with them;⁴⁴ (4) when AAA did not respond, BBB and DDD went to FFF to tell her what transpired;⁴⁵ (5) FFF approached Kagawad Daniel for help in locating AAA;⁴⁶ (6) AAA’s remains were found about 200 meters away from Adona’s dwelling on the same afternoon that Adona summoned her;⁴⁷ and (7) based on the post-mortem examination conducted by Dr. Lizaso, AAA’s body showed not only

³⁸ *Id.* at 9. (Citation omitted)

³⁹ RULES OF COURT, Rule 133, sec. 4, as amended by A.M. No. 19-08-15-SC, May 1, 2020.

⁴⁰ *People v. Leocadio*, G.R. No. 227396, February 22, 2023 [Per J. M. Lopez, Second Division], p. 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citations omitted)

⁴¹ TSN, BBB, November 21, 2012, p. 14; TSN, DDD, June 19, 2015, pp. 3–4.

⁴² TSN, BBB, November 21, 2012, pp. 4, 16, 25; TSN, DDD, October 29, 2015, p. 3.

⁴³ TSN, BBB, November 21, 2012, p. 6; TSN, DDD, June 19, 2015, p. 4.

⁴⁴ TSN, BBB, November 21, 2012, pp. 8–13; TSN, DDD, June 19, 2015, p. 4; TSN, DDD, October 29, 2015, pp. 3–4.

⁴⁵ TSN, BBB, November 21, 2012, pp. 14–15; TSN, DDD, June 19, 2015, p. 4; TSN, DDD, October 29, 2015, pp. 5–6.

⁴⁶ TSN, BBB, November 21, 2012, pp. 24–25; TSN, Kagawad Ernesto Daniel, April 12, 2018, p. 3.

⁴⁷ TSN, BBB, November 21, 2012, pp. 22, 25–26; TSN, DDD, June 19, 2015, pp. 6–7.

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a penetrating stab wound to the chest, but also vaginal blood clots and multiple hymenal lacerations.⁴⁸

At best, the prosecution was able to show that AAA was last seen alive in the company of Adona. However, the Court had occasion to rule that the fact that the accused was the last person seen with the victim does not necessarily prove that they actually killed the victim.⁴⁹ All the more in this case where several factors whittle down the cohesiveness of the narrative weaved by the prosecution.

One. Due to undisclosed reasons, BBB—a key prosecution witness—was not subjected to cross-examination. From a plain reading of the narration of facts in the RTC’s judgment,⁵⁰ it can readily be deduced that of the prosecution’s five witnesses, only BBB was not cross-examined by the defense. However, it is not perceptible from the record whether the defense waived its right to cross-examine BBB.

In relation thereto, it should be emphasized that “the ultimate purpose of cross-examination is to test the truth or falsity of the statements of a witness during direct examination.”⁵¹ Ergo, Adona was deprived of the chance to ascertain the veracity of BBB’s statements in open court since his examination was never completed. While BBB’s testimony may have been given under oath and before a court of justice, if it is offered against a party who is afforded no opportunity to cross-examine him, it is hearsay just the same.⁵² Under Rule 130, Section 37 of the Rules of Court, as amended,⁵³ hearsay evidence is generally inadmissible. Since it was not shown that BBB’s testimony falls under any of the exceptions to the hearsay rule, it should not have been accorded weight at all.

Two. The findings of Dr. Lizaso do not bolster the theory that Adona had carnal knowledge of AAA. The only pertinent statements he made concerning AAA’s body are as follows:

[PROS. MANLAPAZ:]

Q: For the record, can you tell us in layman’s term the injuries sustained by the victim based on this examination?

A: She was stabbed on the left chest penetrating the lungs so there was blood inside caused the death but in examining the vagina it was also bleeding and **the hymen is lacerated in all quadrants and it**

⁴⁸ TSN, Dr. Pio Lizaso, April 17, 2018, p. 4. *See also* RTC records, p. 14, Medical Certificate.

⁴⁹ *See People v. Tajada*, 442 Phil. 369, 379 (2002) [Per J. Ynares-Santiago, *En Banc*]. (Citation omitted)

⁵⁰ RTC records, pp. 115–117.

⁵¹ *People v. Monje*, 438 Phil. 716, 725 (2002) [Per J. Bellosillo, *En Banc*].

⁵² *See Patula v. People*, 685 Phil. 376, 394 (2012) [Per J. Bersamin, First Division]. (Citation omitted)

⁵³ SC Administrative Matter No. 19-08-15-SC dated October 8, 2019.

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accepts my fingers although a 6-year[-]old hymen cannot accept it is almost close.⁵⁴ (Emphasis supplied)

Regrettably, the presence of hymenal lacerations, without nothing more, does not prove penile penetration. It is only when such finding is corroborated by other evidence proving carnal knowledge that rape may be deemed to have been established.⁵⁵ In *People v. Villarino*,⁵⁶ the Court cited tell-tale signs of rape such as the description of the victim's pieces of clothing, especially her undergarments, the position of the body when found, and the like.⁵⁷ Here, nary an iota of evidence was proffered to evince the state or condition of AAA's corpse when it was found.

Three. The prosecution was unable to rule out the probability that another person carried out the heinous offense since there was sparseness of proof as to the whereabouts of Adona from the time when he was last seen with AAA until the discovery of her cadaver near his abode on the same afternoon. To be sure, there is no indication that the "grassy portion"⁵⁸ where AAA's remains were found was closed off or inaccessible to the public at large.

Four. There is dearth of evidence to demonstrate that Adona had motive to rape or kill AAA. At this juncture, it bears stressing that motive assumes importance when the evidence on the commission of the crime and the identity of the perpetrator is purely circumstantial.⁵⁹

Curiously, FFF executed a *Sinumpaang Salaysay*⁶⁰ containing the following noteworthy avowals:

Na, sa paglabas ko sa likod bahay ay natanaw ko mula sa kinatatayuan ko si Jomer Adona na pasanpasan ang aking apo na si [AAA] papunta sa ilog kaya sinundan ko ito at sa paglapit ko sa ilog ay nasalubong ko na si Jomer na may dalang isang kutsilyo at [nang] malapit na ito sa[jakin ay tinanong [ko ito] kung saan nito tinapon ang aking apo[.]⁶¹

Still and all, for reasons known only to the prosecution, FFF was not placed on the witness stand. Her testimony could have filled vital gaps in the evidence; and the prosecution's misstep relative thereto casts serious doubts

⁵⁴ TSN. Dr. Pio Lizaso, April 17, 2018, p. 4.

⁵⁵ See *People v. Domantay*, 366 Phil. 459, 479 (1999) [Per J. Mendoza, *En Banc*]. (Citation omitted)

⁵⁶ 628 Phil. 269 (2010) [Per J. Del Castillo, Second Division].

⁵⁷ *Id.* at 286. (Citations omitted)

⁵⁸ TSN, DDD, June 19, 2015, p. 7.

⁵⁹ See *People v. Cadenas*, 842 Phil. 608, 625 (2018) [Per J. Peralta, Third Division]. (Citation omitted)

⁶⁰ RTC records, p. 8.

⁶¹ *Id.*

as to the guilt of Adona. Worse, the RTC admitted FFF's affidavit⁶² even if her testimony was never presented. Upon this point, it must be underscored that affidavits are not admissible for being hearsay, unless the affiants themselves are placed on the witness stand.⁶³

Given the above disquisitions, the prosecution's circumstantial evidence undeniably evoked suspicion against Adona's innocence. However, it is hornbook doctrine that mere suspicions or speculations, no matter how strong they may be, are not sufficient to sustain conviction.⁶⁴ "Truly, the sea of suspicion has no shore, and the court that embarks upon it is without rudder or compass."⁶⁵ More than raising the possibility or probability of guilt, the circumstantial evidence must engender moral certainty.⁶⁶

While the Court empathizes with the grieving family of the victim over the tragedy that befell them, it is beyond cavil that the prosecution miserably failed to discharge its *onus probandi* of proving with moral certainty that Adona perpetrated the odious act. Hence, Adona is no longer called upon to disprove what the prosecution has not proved.⁶⁷

In epitome, the Court rules and so holds that the totality of the circumstantial evidence in this case does not measure up to the quantum for conviction. Inevitably, Adona must be exonerated. After all, "[j]urisprudence teaches that it is preferable for the guilty to remain unpunished than for the innocent to suffer unjustly."⁶⁸

ACCORDINGLY, the Appeal is **GRANTED**. The Decision dated September 24, 2020 of the Court of Appeals in CA-G.R. CR HC No. 12409 is **REVERSED** and **SET ASIDE**. Accused-appellant Jomer Adona y Llemos is **ACQUITTED** of rape with homicide on the ground of reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being held for some other lawful cause.

Let a copy of this Decision be **FURNISHED** to the Director General of the Bureau of Corrections, Muntinlupa City, for immediate implementation. Furthermore, the Director General is **DIRECTED** to **REPORT** to this Court, within five days from receipt of this Decision of the action taken in compliance therewith.

⁶² RTC records, p. 118, Decision.

⁶³ See *BLEMP Commercial of the Philippines, Inc. v. Hon. Sandiganbayan*, G.R. Nos. 199031 et al., October 10, 2022 [Per J. Leonen, Second Division] p. 62. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

⁶⁴ See *People v. Ochate*, 434 Phil. 575, 584 (2002) [Per J. Austria-Martinez, *En Banc*]. (Citations omitted)

⁶⁵ See *People v. Cadenas*, 842 Phil. 608, 622 (2018) [Per J. Peralta, Third Division]. (Citation omitted)

⁶⁶ See *People v. Poras*, 626 Phil. 526, 539 (2010) [Per J. Brion, Second Division].

⁶⁷ See *People v. Monje*, 438 Phil. 716, 736 (2002) [Per J. Bellosillo, *En Banc*].

⁶⁸ See *People v. Velarde*, 434 Phil. 102, 122 (2002) [Per J. Panganiban, *En Banc*]. (Citations omitted)

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Let entry of judgment be **ISSUED IMMEDIATELY**.

SO ORDERED.



JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On official business
HENRI JEAN PAUL B. INTING
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

On official business
MARIA FILOMENA D. SINGH
Associate Justice

A T T E S T A T I O N

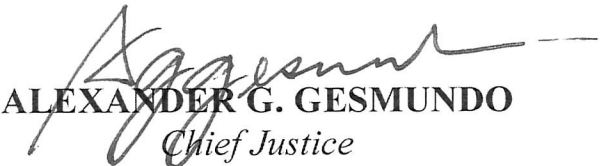
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, 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 this Court.


ALEXANDER G. GESMUNDO
Chief Justice