THIRD DIVISION

[G.R. No. 265058. July 28, 2025]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARK REY P. PAÑOSA, ACCUSED-APPELLANT.

D E C I S I O N

DIMAAMPAO, J.:

Brought before this Court for review via this Appeal[1] is the Decision[2] of the Court of Appeals (CA) upholding the conviction of accused-appellant Mark Rey P. Pañosa (Mark Rey) for the crime of murder, in CA G.R. CR-HC No. 02579-MIN. Mark Rey was charged with murder in an Information,[3] the inculpatory averments of which read:

> That in the afternoon of July 22, 2017 or thereabout in the Municipality of Mutia, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill by means of treachery, abuse of superior strength, cruelty and with evident premeditation, did then and there willfully, unlawfully and feloniously kill RAVEN V. RIVERA with no chance of the victim to defend herself in a sudden and unexpected manner, tended to ensure the execution of the crime, without any danger to the person of the accused by inflicting several injuries upon the victim in the different parts of her body and fatally strangled her neck that caused her instantaneous death as shown by the victim's Medico-Legal Report, that as a result of the commission of the said crime, the heirs of the herein victim suffered damages in the amount to be proven in court.
>
> CONTRARY TO LAW[.][4]

At his arraignment, Mark Rey pled not guilty to the charge hurled against him.[5]

The prosecution presented the following witnesses during the trial: 1) Analou Rivera Mosquera (Analou), the mother of Raven V. Rivera (Raven); 2) Police Superintendent Alex Rodriguez Uy (Dr. Uy); 3) Fermencio Guirra (Fermencio); and 4) Police Staff Sergeant Riclu Acbayan (Sergeant Acbayan).

Analou narrated that on March 17, 2017, Raven began living with Mark Rey in Buenasuerte, Mutia, Zamboanga del Norte. Raven was 16 years old when Mark Rey

asked for her hand in marriage. Following their engagement, Analou saw Mark Rey only three times; the last visit was on her birthday on July 9, 2017, when both he and Raven came to visit her in Sibutad. Mark Rey left that evening purportedly because he did not like staying there, but Raven stayed with her mother for a week. During such time, Raven had swimming and disco activities with her friends.[6]

According to Analou, Mark Rey sent a text message to Raven on July 17, 2017, asking her to return home on her own as he had been involved in an accident and would be unable to fetch her. Analou read the message on Raven's mobile phone and felt that something was amiss in the couple's relationship. Analou advised Raven to resolve any issues they had and to reach out to her if they encountered any problems. Later that day, Raven left for Mutia, and that was the last time Analou saw her alive.[7]

On the evening of July 22, 2017, Analou received a call informing her that Raven had committed suicide. Analou and her husband immediately went to Piñan Hospital, where they saw Raven's lifeless body. When Mark Rey's mother and sister informed her that Raven had taken her own life, Analou was stunned. She struggled to understand why Raven would do such a thing. Analou felt the need to talk to Mark Rey. However, when she spoke with him the following day, he denied having any knowledge of the incident. [8]

Unconvinced that her daughter committed suicide, Analou sought help from the police, who recommended that an autopsy be conducted. On August 1, 2017, Dr. Uy conducted the autopsy.[9] When he testified, Dr. Uy admitted having performed the autopsy at Gamalinda Funeral Homes in Dapitan City on August 1, 2017, shortly after his arrival from Manila. He described his findings, including a contusion on Raven's right eye and a round contusion on her right cheek, which he believed could have been caused by a blunt instrument, such as wood or a knuckle of a hand.[10] Additionally, Dr. Uy made the following findings—

> There was ligature mark caused by constriction manifested by a darker color [on] the face than [on] the body … noticed two loops ... demonstrated by tying a rope from the back to front then to the back of the neck and then crisscrossing on the right ... the cause of death could not be by "hanging" but strangulation because of the absence of the inverted V mark, absence of post mortem lividity of the legs, absence of Tardieu spots, no deformity or elongation of the neck, and the hyoid bone was not fractured ... a horizontal mark on the neck measuring 18 cm, hyoid bone was intact and livor mortis was concentrated ... the injuries were inconsistent with "hanging" ... the victim died while lying down.
>
> [F]ound internal injuries [on] her chest and abdomen. Intestines and mesentery (where blood vessels are located) of the abdomen were bloody and hemorrhagic which means that "something was done." Muscles in the neck were very dark. Trachea and esophagus were congested. Stomach was empty which indicates that the victim died in the afternoon or night[ ]time. [11]

Meanwhile, Fermencio testified that he was a close neighbor of Mark Rey in Buenasuerte, Mutia, living five to seven meters away from his family. On the afternoon of July 22, 2017, Fermencio was at home when Mary Joy Pañosa (Mary Joy), the sister of Mark Rey, came to him and ask for help. She claimed that Raven had taken her own life. Fermencio immediately went to the Pañosa residence and found Raven's lifeless body lying on a mat. Fermencio could not revive Raven despite efforts to do so. Several other people and neighbors were present, including Mark Rey, who was holding Raven. Raven was brought to the hospital even if Fermencio told the family that she was already dead.[12]

Fermencio narrated further that earlier that morning, he saw Raven taking a bath outside their house. Around 3:00 or 4:00 in the afternoon, he saw her buying brown sugar. Shortly after, he was called for assistance. He also recalled hearing an argument between Raven and Mark Rey at around 10:00 a.m. Rivera wanted to attend the *Araw ng Mutia* celebration but Pañosa did not allow her.[13]

Finally, Sergeant Acbayan testified that on July 22, 2017, he received a report from Mary Joy regarding a suicide incident. He responded promptly and went to the scene. Upon arrival, he, and his team investigated and discovered a rope tied to a beam, approximately ten feet above the ground, in the middle of the room. The victim had already been taken to the hospital.[14]

In an effort to secure Mark Rey's acquittal, the defense presented him as a witness along with Mary Joy, Erlito Sisi (Erlito), and Estrella Racho (Estrella). It espoused the following version of facts:

Mark Rey was the live-in partner of Raven for four months, beginning March 2017. On July 22, 2017, he was with Mary Joy, Rey Anthony Bengua (Rey), and Raven. According to Mark Rey, it was raining that day, so they decided to have porridge. After eating, Mary Joy went outside to wash her clothes, while Rey left to go home. Meanwhile, Raven went inside their room.[15]

Around 5:00 p.m., Mark Rey went to their room to sleep, but found the door locked. He knocked repeatedly, but Raven did not respond. Concerned, he climbed the door to see what Raven was doing. To his shock, he discovered Raven hanging from a rope. Panicked, he shouted, "*Te! Tabang, Te, kay gahikog si [Raven]!*" Mark Rey then climbed over the door, entered the room, and untied Raven from the rope. By then, Raven's face had already turned pale, and her eyes were closed.[16]

Mary Joy corroborated her brother's testimony, recounting that while she was washing clothes, she heard his shout and quickly rushed to the room. Upon entering, she saw Raven hanging.[17]

Meanwhile, Erlito and Estrella, who were also neighbors of Mark Rey and Raven, went to the room. Upon arrival, they saw Mark Rey cradling Raven in his arms, visibly crying. Erlito attempted to massage Raven in an effort to revive her, but it was clear

that she was already lifeless, so they decided to take her to the hospital. While massaging her, Erlito did not see any visible bruises.[18]

In due course, Branch 8, Regional Trial Court, Dipolog City (RTC), found Mark Rey guilty beyond reasonable doubt of murder.[19] The RTC disposed in this wise:

> **WHEREFORE,** premises considered, the accused [**PAÑOSA**], is found **GUILTY** beyond reasonable doubt of murder and sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. He is ordered to pay the heirs of Raven V. Rivera [PHP] 100,000 as civil indemnity, [PHP] 100,000.00 as moral damages, and [PHP] 100,000.00 as exemplary damages.
>
> Accused shall pay an interest of six percent (6%) [per annum] on the aggregate amount of the monetary awards computed from the time of finality of this Decision until full payment.
>
> The herein accused shall be credited the period of his detention (i.e. April 25, 2018) in accordance with existing laws and procedures.
>
> COSTS against the accused.
>
> **SO ORDERED.**[20] (Emphasis in the original)

In ruling against Mark Rey, the RTC determined that the prosecution had proven beyond reasonable doubt that he was responsible for Raven's death, primarily based on the compelling testimony of Dr. Uy, the medico-legal officer who conducted the autopsy.[21]

The RTC was fully convinced that Mark Rey strangled Raven to death, with the cause of death classified as "asphyxia secondary to strangulation," ruling out the possibility of suicide. This conclusion was based on the expert testimony of Dr. Uy, who provided a detailed explanation of his post mortem examination during the trial, along with other circumstantial evidence presented by the prosecution witnesses. According to the RTC, Dr. Uy's findings, particularly regarding the victim's injuries, were inconsistent with the defense's claim of innocence. Dr. Uy also identified other internal and external injuries on Raven's body, further disproving the defense's argument.[22]

Mark Rey appealed to the CA,[23] primarily arguing that his conviction was erroneous as the prosecution relied heavily on circumstantial evidence to secure a guilty verdict, with no eyewitnesses to the incident.[24]

As it happened, the CA affirmed Mark Rey's conviction, ruling that although there was no eyewitness who directly identified Mark Rey as Raven's killer, the circumstantial evidence presented, when considered as a whole, was sufficient to support and justify his conviction beyond reasonable doubt.[25] The CA likewise highlighted that the

findings from the police crime laboratory made it clear that Raven could not have died by suicide or caused her own death by hanging.[26] Furthermore, the CA emphasized that Dr. Uy's post mortem examination confirmed the cause of Raven's death as asphyxia due to ligature strangulation, thereby eliminating suicide as the cause of death. [27]

The CA's discourse on Mark Rey's unusual behavior both during and after the discovery of his partner's death is quite telling—

> *First*, his sister tried to impress upon the trial court that [Mark Rey] did everything to save the victim, but Mary Joy's portrayal of her brother's innocence is ridiculous - that when she entered the room, a hysterical [Mark Rey] was already cradling [Raven], *at the same time* trying to loosen and remove the rope from her neck. How did [Mark Rey] have the superhuman strength to do all of this without using any chair, furniture, or ladder to bring the already lifeless Raven[] down to the floor?
>
> *Second*, when Analou reached Piñan hospital after having been informed of her daughter's death, [Mark Rey] was nowhere to be found; only his mother, Nancy, and sister, Mary Joy, were there. According to [Mark Rey] himself, he followed a stranger's advice to leave his dead girlfriend in the hospital. If he truly loved his partner and was innocent of the crime, he would have had the courage to face her forlorn mother and explain to her, in detail, the tragic loss of her beloved child. His unexplained flight is clearly an indication of guilt. The guilty flee when no man pursueth but the innocent are as bold as a lion.
>
> The Court also finds a very telling inconsistency in Mary Joy's testimony. She claimed that the door to the room where [Raven] allegedly locked herself in was initially locked. She was doing the laundry and when she heard her brother's scream for help, she rushed back to the house. However, the room remained locked because, according to Mary Joy, her brother climbed over the gap between the wall and ceiling to allegedly save [Raven]. Yet, when Mary Joy shouted for her brother to open the door, [Mark Rey] did open the door for her, and rushed back to carry the "hanging" [Raven].
>
> To *Our* mind, this situation is quite confusing – did [Mark Rey] leave [Raven] "hanging" for several seconds while he ran to open the locked door for Mary Joy? No one in the right mind would, not even for a split second, leave a person hanging from a rope, at the threshold of death, just to open a locked door. If he was truly in the middle of a life or death emergency, assuming that he was indeed carrying [Raven] to prevent the pull of gravity from killing her, [Mark Rey] could've instead screamed for his sister to just kick the door in, as it was made of light materials anyway, but according to Mary Joy, he literally ran to open the door for her while [Raven] was "hanging"? The question remains: did Mary Joy really see [Raven] "hanging" when she entered the room, as she initially claimed, or was this

> all an elaborate and fabricated lie to push for her brother's innocence? Regardless of what Mary Joy's version of the incident may be, her claims have been debunked by scientific evidence, and by no stretch of *Our* imagination can her painted scenario be considered believable.[28]

Professing his innocence, Mark Rey now seeks a reversal of the judgment of conviction from the Court through this Appeal.[29]

In compliance with the April 19, 2023 Resolution[30] of the Court, the Office of the Solicitor General manifested that in lieu of supplemental brief, it was adopting its Appellee's Brief submitted before the CA.

The Court's Ruling

In cases of disputed death, such as when it is unclear whether the cause was suicide or homicide/murder, the **circumstances surrounding the death** become pivotal in determining the truth.

People v. Lignes[31] is instructive—

> It is a settled rule that circumstantial evidence is sufficient to support a conviction, and that direct evidence is not always necessary. This Court has recognized the reality that in certain cases, due to the inherent attempt to conceal a crime, it is not always difficult to obtain direct evidence.
>
> . . . .
>
> No general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. All the circumstances proved 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.
>
> It has been said, and we believe correctly, that the circumstances proved should constitute an **unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person**. From all the circumstances, there should be a combination of evidence which in the ordinary and natural course of things, leaves no room for reasonable doubt as to his guilt. Stated in another way, where the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with innocence and the other with guilt, the evidence does not fulfill the test of moral certainty and is not sufficient to convict the accused.[32] (Emphasis supplied; citation omitted)

Lignes further teaches that the Rules of Court itself recognizes that circumstantial evidence is sufficient for conviction, under certain circumstances.[33]

Rule 133, Section 4 of the Rules on Evidence 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
> (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

In the case at bench, the Court finds that the prosecution established several circumstances, which, when considered together, lead to the conclusion that Mark Rey is responsible for Raven's death.

First, on the morning of July 22, 2017, Fermencio, a close neighbor of Mark Rey and Raven, overheard the couple arguing because Raven wanted to attend the *Araw ng Mutia* celebration, but Mark Rey refused to allow her to go.[34] Fermencio further testified that he saw Mark Rey slap Raven during the argument.[35] He also noted that the fight continued into the afternoon, and he was able to witness the entire confrontation because the window to the room where the couple was fighting was open.[36]

Second, the ten-foot distance from the beam to the ground, in contrast with Raven's height of 170 cm, raises doubts about her ability to tie the rope to a beam twice her height without using something to climb on. Sergeant Acbayan, the police officer who responded promptly after receiving a report from Mary Joy about the incident, testified that upon investigating the room where Raven's body was found, there was no bench or any furniture inside that could have been used by the victim to reach the high beam and tie the rope.[37]

Third, as observed by the CA, given the gap between the room's wall and ceiling, it seems logically impossible that Raven could have climbed up to the window or bridging area and forcefully propelled herself onto the beam so she could tie the rope to hang herself to death, without Mark Rey or Mary Joy hearing any noise. Furthermore, the striking blue color of the rope that Raven supposedly used would have been highly visible to anyone inside the small house, as the beam from which the rope hung could be seen from any vantage point—this is because the walls of the house did not extend all the way to the ceiling.[38]

Lastly, and perhaps the most compelling piece of evidence, are the post mortem findings of Dr. Uy, the medico-legal officer who conducted the autopsy on Raven's body. His findings revealed that the cause of her death was "strangulation" and not hanging. The Medico-Legal Report[39] stated:

> **POST-MORTEM FINDINGS**

….

HEAD AND NECK

1. Contusion, right orbital region . . .
2. Contusion, right maxillary region . . .
3. Ligature mark around the neck measuring 18x1cm direction was horizontal from the posterior to anterior going again to posterior and its (*sic*) below the hyoid bone, there is a crisscross mark at the right lateral posterior neck a second ligature mark same direction as the first one measuring 16x1cm, making a double at the anterior neck region.

Internal findings: no scalp hematoma and fracture of the skull was noted . . . but at the neck region, the strapped muscle[s] are contused while the trachea and esophagus were hemorrhagic and congested.

CHEST AND ABDOMEN

1. Contusion, right chest region . . .

Internal findings– there is hemorrhage and congestive [sic] of the intestine and mesentery.

. . . .

COD- Strangulation[40]

Dr. Uy likewise testified in court to shed light on the aforementioned medical findings —

Q: So[,] when you saw the ligature mark and you observed that it was a double loop, crisscross, what was your conclusion or your opinion regarding these marks?
A: Strangulation, ma'am. And also, ma'am, the other difference between strangulation and hanging is the position of the victim. I saw that the entire leg has no post mortem lividity. *Kasi ang "hanging," pagnakabitay ka, ang gravity ng dugo ay pababa. Hindi na aakyat 'yan kasi nakasara. Hindi na maka-circulate and one thing, in hanging, there is a tardieu spot*.

Q: So[,] what is the significance of tardieu spot?
A: *Minsan makikita ito sa dengue, lagnat, pero ito ay hindi. Wala siyang dengue. Isa sa mga significance niyan ang bursting of the blood vessel kasi hindi na makaakyat. So, ang pressure niya ay pababa*. The blood is liquid. *Diba kapag may breakage, doon siya lalabas. Iyon ang nangyari sa balat niya, ma'am.*

Q: You mean to say, there were tardieu spots or absence of tardieu spot?

A: Absence of tardieu spots.

Q: So, absence of tardieu spots?
A: So[,] it's not hanging.

Q: So[,] you're saying that the victim did not die by hanging. So, what was her possible position at the time of death?
A: *Nakita ko sa likod niya may maraming post mortem lividity, 'yung livor mortis. The importance of livor mortis is the position of the dead body. It is where the blood would stay because it will no longer circulate. Ibig sabihin, ang nangyari diyan ay habang nakatali 'to ay nakahiga siya.*

Q: So, you are saying that, when she was strangled, she was lying down?
A: Lying down, ma'am.

Q: So[,] it's not possible that she was hanging from the top using a rope? And you said this because not only with the ligature mark that you saw, but also because of the absence of tardieu spots and also the livor mortis which is concentrated at the back of the victim?
A: Yes, ma'am, and also in hanging, the injury will be above or below the hyoid bone. *So may breakage 'yan pagkatapos ang leeg kapag nakabitay ay mahaba.*

Q: Which one is elongated?
A: The neck, ma'am.

Q: But in this case, there was none? There was no deformity on the neck?
A: None, ma'am.

Q: How about the hyoid bone you mentioned earlier?
A: There is no fracture, ma'am.

Q: If it is death by hanging or if she hanged (*sic*) herself, then the hyoid bone will be fractured?
A: Yes, ma'am.

Q: In this case, what happened to her hyoid bone?
A: Intact, ma'am.

Q: Okay. Now, since this is an autopsy, you also made some internal findings. By internal findings, you mean what?
A: Sa autopsy, *hindi lang external ang titingnan natin kundi pati na rin sa loob. Kasi sa loob, dito natin makukumpirma kung tama ang hinala natin*.

Q: So[,] in this case, what did you find out when you opened the body of this victim?

A: They hyoid bone is not fractured and then *madugo* talaga ang dito. And also, when I opened up the body, I found out the intestine and mesentery of the abdomen is bloody, haemorrhagic. So, it means that something was done.

Q: Was it not because she was already embalmed that caused the injury of her stomach?
A: No, ma'am. The abdomen is clear if there is no injury.

Q: So[,] the injury in the abdomen was not caused by the embalming procedure?
A: No, ma'am.

. . . .

Q: And while the trachea and esophagus were haemorrhagic and congested. So, what do you mean by that?
A: The trachea is the airway and esophagus is the tube that connects the throat to the stomach.

Q: Haemorrhagic and congested. Please explain that in [layperson's] term.
A: *Madugo 'yong lalamunan kaya ibig sabihin ay nagkaroon talaga ng injury sa lalamunan niya, ma'am*.

Q: How about the congested, when you say congested?
A: *Pulang-pula tapos namaga*.

Q: Now, is that consistent also with hanging?
A: *Madalas sa hanging, ma 'am dito ang injury.*

Q: What is that?
A: Hyoid bone and there's also an injury in the trachea and more injury I the stapped muscle.

Q: So[,] that made you conclude that it was strangulation and not by hanging?
A: Yes, ma'am.

Q: Because these injuries were noted and these are inconsistent with hanging?
A: Yes, ma'am.

Q: And you also opened the chest and abdomen of the victim?
A: Yes, ma'am.

Q: So, you said in your findings contusion, right chest region. . . what must have caused this contusion?
A: Caused by blunt instrument, ma'am.

Q: So, for example, if a person is hanged, can this be incurred or can this injury be sustained?
A: No, ma'am.

. . . .

Q: So, you said that there was a haemorrhage and congestion of the intestine and mesentery. So, as a doctor, what does that tell you?
A: That is an injury known as countercoup injury. *Ang countercoup injury, kunwari sinuntok ka dito pero wala kang makikitang pasa kundi nasa loob*[.]

. . . .

Q: But did you find any external injuries on her abdomen?
A: No, ma'am. *Kaya po binuksan natin ang katawan ng tao para makita natin kung may mga circumstantial evidence of injury doon sa loob.*

Q: So, in her case, you did not find any in her abdomen?
A: Kaya nga po, ma'am[,] *may countercoup injury.*

Q: So, the assailant, what did he do with the victim that caused the internal injury?
A: Maybe boxing, ma'am.

Q: So, that's the only possible way that a person would be able to sustain his kind of internal injury?
A: *'Yon lang ata, ma'am[,] kasi kung kahoy ang ginamit ay siguro makikita natin kasi malaking contusion niyan*.

Q: Okay. So, if it's a fist, it may not lead an external mark?
A: Yes, ma'am.

Q: If it's a fist or hand?
A: *Common sa suntukan yan, ma'am. Walang injury sa labas pero masakit. Pero noong inano ko ay matigas ang tiyan*.

Q: So if it's hard, what does that tell you?
A: There is an injury inside, ma'am.

. . . .

Q: So, considering, Doc[,] that you conducted the autopsy [on] August 1, 2017 and accordingly, she died on July 22, 2017. Does the length of time have an effect on the result of your autopsy?
A: No, ma'am.

Q: How about the medicine that was injected to the body caused by embalming?
A: The formalin, ma'am?

Q: Yes.
A: *Hindi makakaapekto po maliban lang kung ang kukunin natin ay DNA or ang probable cause ng kamatayan ay poisoning, ma'am*.

Q: So, what was your conclusion?
A: Strangulation, ma'am.

Q: What was used by the assailant in strangulating [sic] the victim?
A: *Nakita ko ang ligature mark ay may groovings. So, rope ang ginamit nito*.

. . . .

Q: So, based on the concentration of the blood at the back, what was your conclusion again?
A: That she died lying down.

Q: You also mentioned the absence of a tardieu spot.
A: Yes, ma'am.

Q: Where can you find tardieu spot if it's a suicide?
A: At the legs and thighs.

Q: . . . You did not find any?
A: None, ma'am.

....

Q: So, aside from these marks, ligature marks, liver mortis, no other significant injuries were found?
A: None, ma'am.

Q: So, that made you conclude that it was by strangulation.
A: *Oo, ma'am[,] at saka 'yong abdomen kasi walang magpapakamatay na madugo ang tiyan at ang 'yang injuries sa mata at maxillary*.

Q: So, what made you think that this is not a suicide?
A: : *Ma'am, magtatanong ako sa inyo. Kung magsu-suicide ka ba, kailangan ba may black eye?*[41] (Emphasis supplied)

There is nothing in the record to suggest that Dr. Uy had any improper motive to falsify his medical findings regarding Raven's death or to undermine Mark Rey's claim of innocence. As found by the RTC and affirmed by the CA, Dr. Dy's testimony is

deserving of full faith and credit. His clear, consistent, and straightforward statements demonstrate the hallmarks of credibility.

Thus, based on the results of the autopsy and the testimony of Dr. Uy, an expert witness whose opinion warrants the Court's respect and significant weight, the apparent absence of any manifestation (except the ligature mark) of hanging — such as an inverted V-shape mark, post mortem lividity of the legs, tardieu spots, deformity or elongation of the neck, injury of the hyoid bone or vertebral injury — along with other surrounding circumstances, *strongly indicate that this was **not** a case of suicide by hanging*. These factors decisively rule out the possibility of suicide, as claimed by Mark Rey.

Given the circumstances, the presumption of innocence that once shielded Mark Rey, is now shattered by the overwhelming weight of the physical and testimonial evidence against him. The circumstances laid bare before this Court form an unbroken chain, each link pointing inexorably toward one undeniable conclusion: ***he is responsible for Raven's tragic death***.

The next query leaps to the eye: is Mark Rey guilty of murder?

Murder is defined and punished by Article 248 of the Revised Penal Code, viz.–

> ARTICLE 248. Murder. — Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua* 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.
> >
> > 2. In consideration of a price, reward[,] or promise.
> >
> > 3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment[,] or assault upon a street car or locomotive, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin.
> >
> > 4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity.
> >
> > 5. With evident premeditation.
> >
> > 6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

In its ruling, the RTC concluded that the crime was committed with the qualifying circumstances of abuse of superior strength and treachery, ratiocinating as follows:

> [Raven] was weaker in built as she was only 16 and frail (as she was already pregnant that time) while [Mark Rey] was older and a strong man. Comparing their built and sex, [Mark Rey] possesses indeed a superior strength.
>
> [Raven] was caught off guard when Mark Rey finally used a rope to wrap it around in her neck twice and then finally strangled her to death. She was there inside the room trying to take some rest while relieving herself emotionally from the violent tendencies of [Mark Rey]. The swiftness by which the attack was carried gave out the victim no chance at all to evade when the accused beat her and finally strangled her with the rope nearby. To the mind of this court, this is still treachery. The fact that the victim was facing the accused when he hit her with his fist on her eye, cheek and abdomen and then strangled her is of no consequence. Even a frontal attack could be treacherous when unexpected and on an unarmed victim who would be in no position to repel the attack or avoid it. On said premises, this court hereby rules that indeed the crime of murder was committed.
>
> A man who professes love to a woman and who believes him to be her lover but then finally kills her, is treachery. A woman who even leaves her home to join his lover surely would not expect that she would suffer such a tragic fate. This is treachery to the utmost. Believing that [Mark Rey] really loved her, [Raven] did not really expect that he would kill her by strangulation. But perhaps, too much love, indeed, killed her.[42]

The Court could not agree less.

In the case of *People v. Miraña*,[43] this Court explicated that—

> [F]or 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.
>
> 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**.[44] (Emphasis in the original; citation omitted)

In the case at bench, the prosecution failed to present evidence that Mark Rey deliberately sought to exploit any advantage of superior strength. The testimonies of the witnesses, taken as a whole, do not establish that he consciously used his age, size, or strength to facilitate the commission of the crime. In fact, the significant disparity between the physical attributes of Raven and Mark Rey was not clearly demonstrated. Simply noting that Raven was younger and physically weaker than Mark Rey is insufficient to establish the qualifying circumstance of abuse of superior strength.

Meanwhile, with regard to the qualifying circumstance of treachery, the following elements must be established: (a) the employment of means of execution which gives the person attacked no opportunity to defend or retaliate; and, (b) said means of execution were deliberately or consciously adopted.[45] Evidently, both elements must be present.

However, in this case, neither element was proven by the prosecution. The facts presented indicate that the killing was more a consequence of a sudden impulse triggered by a prior argument, rather than a planned or deliberate action. There is no treachery when the assault is preceded by a heated exchange of words between the accused and the victim; or when the victim is aware of the hostility of the assailant towards the former.[46]

Since abuse of superior strength and treachery were not proved beyond reasonable doubt, this Court holds and so rules that ***Mark Rey can only be held liable for homicide***.

Pursuant to Article 249 of the Revised Penal Code, the penalty for homicide is *reclusion temporal*. In the absence of any modifying circumstance, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, the penalty next lower in degree is *prision mayor* with a range of six years and one day to 12 years.

Thus, applying the Indeterminate Sentence Law, the maximum penalty will be selected from the above range, with the minimum penalty being selected from the range of the penalty one degree lower than *reclusion temporal*, which is *prision mayor* [six years and one day to 12 years]. Hence, the indeterminate sentence of eight years and one day of *prision mayor*, as minimum, to 14 years, eight months, and one day of *reclusion temporal*, as maximum, should be hereby imposed.

Finally, in view of the downgrading of the crime to homicide, the Court's ruling in *People v. Jugueta*[47] directs that the damages awarded be modified to civil indemnity and moral damages only, of PHP 50,000.00 each.

It is doctrinal that all damages awarded to the heirs of Raven should earn legal interest at the rate of six percent per annum from the date of finality of this Decision until full payment.

ACCORDINGLY, the Appeal is **PARTIALLY GRANTED**. Accused-appellant Mark Rey P. Pañosa is adjudged GUILTY of homicide, for which he is **SENTENCED** to

suffer the indeterminate penalty of eight years and one day of *prision mayor*, as minimum, to 14 years, eight months, and one day of *reclusion temporal*, as maximum.

Accused-appellant Mark Rey P. Pañosa is further **ORDERED** to **PAY** the heirs of Raven V. Rivera the amount of PHP 50,000.00 as civil indemnity and PHP 50,000.00 as moral damages. All monetary awards shall earn interest at the legal rate of 6% per annum from the date of the finality of this Decision until fully paid.

SO ORDERED.

Inting[**] and *Gaerlan, JJ.*, concur.
Caguioa[*] *(Chairperson), J.*, on official business.
Singh,[***] *J.*, on leave.

---

[*] On official business.

[**] Acting Chairperson.

[***] On leave.

[1] *Rollo*, pp. 4-8.

[2] *Id.* at 10-33. The December 20, 2021 Decision was penned by Associate Justice Loida S. Posadas-Kahulugan, with the concurrence of Associate Justices Edgardo A. Camello and Anisah B. Amanodin-Umpa of the Twenty-First Division, Court of Appeals, Cagayan de Oro City.

[3] RTC records, pp. 1-2.

[4] *Id.* at 1.

[5] *Id.* at 58-60.

[6] TSN, Analou Rivera Mosquera, February 18, 2019, pp. 3-6.

[7] *Id.* at 6.

[8] *Id.* at 7-8.

[9] *Id.* at 8.

[10] TSN, P/Supt. Alex Rodriguez Uy, March 18, 2019, pp. 6-7.

[11] RTC records, p. 124, RTC Decision.

[12] TSN, Fermencio Guirra, June 3, 2019, pp. 3-6.

[13] *Id.* at 6-7.

[14] TSN, PSS Riclu B. Acbayan, July 2, 2019, pp. 3-4.

[15] *Id.* at 18-19, Judicial Affidavit of Mark Rey Pañosa.

[16] *Id.* at 20-21.

[17] *Id.* at 26-29, Judicial Affidavit of Mary Joy Pañosa.

[18] *Id.* at 37-38, Judicial Affidavit of Erlito Sisi; *id.* at 42-43. Judicial Affidavit of Estrella Racho.

[19] *Id.* at 123-133. The April 13, 2020 Decision was penned by Judge Ric S. Bastasa.

[20] *Id.* at 133.

[21] *Id.* at 130-131.

[22] *Id.*

[23] *Id.* at 135-137.

[24] CA *rollo*, pp. 26-30.

[25] *Rollo*, p. 20.

[26] *Id.* at 21.

[27] *Id.* at 28.

[28] *Id.* at 30-31.

[29] *Id.* at 4-8.

[30] *Id.* at 47-48.

[31] 874 Phil. 530 (2020) [Per C.J. Peralta, First Division].

[32] *Id.* at 539-540; 541.

[33] *See id.* at 540.

[34] TSN, Fermencio Guirra, June 3, 2019, p. 7.

[35] *Records*, p. 9, Judicial Affidavit of Fermencio Guirra.

[36] *Id.*

[37] TSN, PSS Riclu B. Acbayan, July 2, 2019, p. 5.

[38] RTC records, p. 93. Exhibit B-5.

[39] *Id.* at 90.

[40] *Id.*

[41] TSN, P/Supt. Alex Rodriguez Uy, March 18, 2019, pp. 11-17.

[42] RTC records, p. 133.

[43] **People v. Miraña**, 831 Phil. 215 (2018) [Per J. Martires, Third Division].

[44] *See id.* at 226.

[45] *See* **People v. SPO2 Menil**, 855 Phil. 352, 361 (2019) [Per J. Caguioa, Second Division]. (Citation omitted)

[46] *Id.* at 362.

[47] 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

Source: Supreme Court E-Library | Date created: January 06, 2026
This page was dynamically generated by the E-Library Content Management System