

****Title:**** *People of the Philippines v. SPO1 Jose Bangcado and PO3 Cesar Banisa*

****Facts:**** The incidents that led to this case unfolded on the evening of 27 June 1993 at the Skyview Restaurant, Baguio City. Pacson Cogasi, Julio Clemente, Leandro Adawan, and Richard Lino were socializing when SPO1 Jose Bangcado and PO3 Cesar Banisa, among others, arrived and occupied a nearby table. Post-drinking, as Cogasi's group was leaving, Bangcado and Banisa, identifiable by attire and physique, followed them out under the guise of a police frisk operation, leading to the tragedies in question. After a purported frisking operation, Bangcado, without provocation, shot at the group, resulting in the deaths of Adawan and Lino and injuries to Cogasi and Clemente. Following their release from the hospital, Cogasi and Clemente initiated a complaint against Bangcado and Banisa with the NBI, Baguio City, culminating in their identification among other police personnel during a rank inspection. This procedural narration encapsulates their subsequent conviction by the Regional Trial Court of Baguio City on two counts of murder and two counts of frustrated murder. The accused appealed to the Supreme Court, challenging the findings of the trial court.

****Issues:**** The Supreme Court deliberated on the reliability of witness identifications, the contention of alibi by the accused, the presence of qualifying and aggravating circumstances (such as treachery and abuse of public position), the valuation of damages and indemnities awarded, and the claim of an implied admission of guilt through attempted compromise.

****Court's Decision:****

The Supreme Court modified the trial court's decision, extensively analyzing witness credibility, dismissing the defense of alibi as untenable, and clarifying the application of legal principles concerning the qualifying circumstances of treachery and the absence of abuse of public position. In scrutinizing the evidence, the Court found Bangcado guilty as charged but acquitted Banisa due to insufficient proof of his direct participation in the shooting. It recalibrated the awarded damages based on jurisprudential guidelines and the specific contexts of the case, including traditional burial practices.

****Doctrine:**** This case reiterates the doctrine that the positive identification of the accused takes precedence over their denial and alibi, especially when such identification is unfaltering and corroborated by the circumstances. It also exemplifies the application of the doctrine that treachery can qualify an offense to murder if it is shown that the mode of execution was deliberately adopted to ensure the execution of the crime without risk to the

assailant arising from the defense that the victim might make.

****Class Notes:****

1. ****Positive Identification vs. Denial and Alibi:**** Positive identification where credible and positive, is sufficient for conviction even if uncorroborated. Alibi is the weakest defense, particularly where the locations in question are close by and there's no physical impossibility for the defendant to be at the crime scene.

2. ****Treachery as a Qualifying Circumstance:**** Treachery requires (a) the employment of means of execution that gives the person attacked no opportunity to defend himself or retaliate, and (b) the deliberate or conscious adoption of such means (Art. 248, Revised Penal Code).

3. ****Damages and Indemnities in Criminal Cases:**** The types of damages and when they apply, including civil indemnity for death (P75,000.00 as per current jurisprudence), moral damages for mental anguish (amount discretionary), and actual damages, which must be duly proven.

4. ****Doctrine of Implied Admission by Act or Omission (Qui Tacent Consentire Videtur):**** While a defendant's silence or failure to react in certain scenarios can be considered as an admission, this principle must be applied carefully, especially in contexts where rights to silence and against self-incrimination are applicable.

****Historical Background:**** This case represents a significant examination of law enforcement accountability in the Philippines, spotlighting the challenges in substantiating police misconduct amidst operational initiatives like Operation Kapkap. It underscores the judicial mechanisms available for scrutinizing alleged abuses, reinforcing the imperative for substantial evidence, including witness testimony, in the adjudication of justice.