

### Title:

\*\*"Atizado and Monreal vs. People of the Philippines, G.R. No. 159302"

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### Facts:

\*\*1. Initial Incident and Charges:\*\*

On April 18, 1994, at about 8 PM, Salvador Atizado and Salvador Monreal allegedly attacked and shot Rogelio Llona, a Sangguniang Bayan member, at the house of Manuel Desder in Barangay Bogña, Castilla, Sorsogon. Llona sustained fatal gunshot wounds to his back, leading to his immediate death. Witnesses for the prosecution included Simeona Mirandilla, Major Saadra Gani, Dr. Wilhelmo Abrantes, Lawrence Llona, and Herminia Llona.

\*\*2. Arrest and Prosecution:\*\*

- **Witness Testimonies:** Mirandilla identified Atizado and Monreal as the perpetrators. She described seeing Atizado pointing a gun at the victim and subsequently witnessing Monreal pointing a gun at her while adjusting its cylinder.
- **Medical Findings:** Dr. Abrantes testified that Llona's gunshot wounds were the direct cause of his death.
- **Funeral Expenses:** The Llona family spent P30,000.00 on funeral expenses.
- **Arrest:** Major Gani arrested the petitioners and Danilo Atizado on May 18, 1994.

\*\*3. Defense's Claim:\*\*

The accused claimed an alibi, stating they were elsewhere during the incident. They argued they had been implicated because of their association with their uncle Lorenzana, who allegedly masterminded the killing.

\*\*4. Trial Court and Appellate Court Rulings:\*\*

- **RTC Ruling (May 4, 2000):** The Regional Trial Court (RTC), Branch 52, Sorsogon, convicted both Salvador Atizado and Salvador Monreal of murder and sentenced them to reclusion perpetua. Danilo Atizado was acquitted due to reasonable doubt.
- **Court of Appeals Decision (December 13, 2005):** The CA affirmed the conviction but modified the awarded damages. Petitioners were directed to pay P50,000.00 as civil indemnity, P30,000.00 in actual damages, and P50,000.00 as moral damages.

\*\*5. Petition for Review on Certiorari:\*\*

The petitioners challenged the CA's decision, claiming that the primary eyewitness,

Mirandilla, was not credible. They cited discrepancies in her testimony and circumstances that allegedly rendered her account unreliable.

**### Issues:**

**\*\*1. Credibility of Prosecution’s Witnesses:\*\***

- Whether the RTC and CA correctly relied on Simeona Mirandilla’s testimony to convict the petitioners.

**\*\*2. Evaluation of Treachery and Conspiracy:\*\***

- Whether the RTC and CA properly appreciated the treachery and conspiracy in the petitioners’ actions.

**\*\*3. Misappreciation of Minor Status:\*\***

- Whether Monreal’s minority at the time of the crime was duly considered in determining his penalty.

**\*\*4. Appropriateness of Damages Award:\*\***

- Whether the awarded damages to the victim’s heirs were consistent with prevailing law and jurisprudence.

**### Court’s Decision:**

**\*\*1. Credibility of Prosecution’s Witnesses:\*\***

- The Supreme Court affirmed the factual findings of the RTC and CA, giving high deference to the trial judge’s assessment of witness credibility. The Court found Mirandilla’s positive identification of the petitioners as credible and reliable. Positive identification prevails over mere denials and alibis.

**\*\*2. Evaluation of Treachery and Conspiracy:\*\***

- The Supreme Court agreed with the CA that the attack on Llona was carried out with treachery and evident premeditation. The sudden, unprovoked manner of the attack did indeed demonstrate an intent to ensure the killing without resistance. Conspiracy was established as the actions of both accused were coordinated towards the lethal assault on Llona.

**\*\*3. Misappreciation of Minor Status:\*\***

- The Supreme Court determined that Monreal’s age at the time of the crime should have been taken into account. Multiple pieces of evidence suggested that Monreal was indeed a minor—17 years old—when the crime was committed. Consequently, the appropriate

penalty should be the indeterminate sentence of six years and one day of prison mayor to fourteen years, eight months, and one day of reclusion temporal. Monreal, having served over 16 years in detention, warranted immediate release.

**\*\*4. Appropriateness of Damages Award:\*\***

- The Court modified the damages awarded to the heirs of Llona: increasing civil indemnity and moral damages to P75,000.00 each, awarding P30,000.00 in exemplary damages due to treachery, and upholding the P30,000.00 actual damages awarded by appellate courts.

**### Doctrine:**

- **Credibility Determination:** Trial courts' assessment of witness credibility, especially when affirmed by the CA, is binding on higher courts absent significant overlooked facts.
- **Treachery:** Defined under Article 14, paragraph 16 of the RPC; characterized by deliberate, sudden, and unexpected assault, depriving the victim of any chance of defense.
- **Conspiracy:** Established through concerted actions towards a common criminal goal.

**### Class Notes:**

- **Key Concepts:**
- Eyewitness Credibility
- Treacherous Intent in Homicide
- Conspiratorial Acts
- Juvenile Justice and Age Considerations
- **Relevant Statutory Provisions:**
- Article 248 and Article 63 of the Revised Penal Code.
- Republic Act No. 9344 (Juvenile Justice and Welfare Act of 2006)

**### Historical Background:**

The case reflects the serious judicial consideration given to elements of criminal liability particularly concerning minor offenders in the context of Philippine jurisprudence. It is illustrative of jurisprudential evolution, aligning with socio-legal reforms aimed at integrating restorative justice principles for juveniles conflicting with the law. The decision was a stepping stone in clarifying the procedural and substantial rights of young offenders established under Republic Act No. 9344, promoting a more compassionate legal approach toward minors involved in criminal activities.