

Title: People of the Philippines vs. Eleseo Cheng, Alejandro Malubay, and Salvador Sioco

Facts:

Initial Incident and Crime (February 21, 1989):

- February 20, 1989 (Night Shift):** Jail guards Edwin Ramos and Redentor Lamiao were on duty at the Manila City Jail. Around 4 A.M., Assad Aburawash, an Egyptian national and former detainee, along with Esperanza Viterbo, entered the jail premises without proper authorization.
- February 21, 4:00 A.M.:** Accused-appellant Eleseo Cheng, on duty, escorted detainee Patrolman Alex Malubay out of the jail without authorization, ignoring Jail Guard Ramos' objections.
- 4:30 A.M.:** Eyewitness Emma Ruth Ilocso, with companions, saw Yehia Aburawash and Esperanza Viterbo arguing with Cheng, Salvador Sioco, and a third man near a Burger Machine stand outside Manila City Jail.
- Shooting Incident:** Cheng shot Aburawash, followed by shots from Sioco and Cheng again, resulting in Aburawash's death. Viterbo, running from the scene, was chased to a cab and subsequently shot by Cheng and Sioco, who fled thereafter.
- Investigation:** Pat. Nelson Sarsonas, homicide investigator, examined the crime scene and autopsies revealed multiple fatal gunshot wounds on both victims.

Procedural History:

- Filing of Charges (June 6, 1989):** Two Informations for murder were filed against Cheng, Malubay, and Sioco.
- Arraignment (August 11, 1989):** Cheng and Sioco, represented by Atty. Arsenio de Leon, and Malubay, represented by Atty. Augusto Jimenez, all pleaded not guilty.
- Trial:** Conducted on the merits, resulting in Cheng and Sioco's conviction, whereas Malubay was acquitted due to insufficient evidence.
- Motions for Reconsideration:** Cheng and Sioco filed separate motions. Cheng argued (1) lack of jurisdiction by civil courts, asserting military jurisdiction, and (2) erroneous conviction despite reasonable doubt. The trial court denied these motions.
- Notice of Appeal:** Cheng filed an appeal on December 8, 1994. Sioco's appeal was denied due to escape and late filing.

Issues:

- Jurisdiction:** Whether the trial court had jurisdiction given Cheng's status as an active member of the Integrated National Police.

2. **Credibility of Eyewitnesses:** Whether the trial court correctly assessed Ilocso's credibility, given alleged inconsistencies and her character.
3. **Conspiracy:** Whether the evidence sufficiently established conspiracy between Cheng and Sioco.
4. **Qualifying Circumstances:** Whether treachery and evident premeditation were properly established as qualifying circumstances for murder.

Court's Decision:

Jurisdiction:

- **Court's Ruling:** The court maintained jurisdiction. Section 1 of P.D. 1850 did grant military jurisdiction, but Cheng was already separated from service as of May 18, 1989, evidenced by Special Order No. 65-P and his own admission. Thus, civil courts had jurisdiction.

Credibility of Eyewitnesses:

- **Court's Ruling:** Ilocso's alleged character flaws and minor inconsistencies did not discredit her testimony. The court emphasized that testimony from a witness, even of questionable repute, can suffice if reliable. Minor discrepancies were attributed to fear and did not pertain to her clear identification of Cheng and Sioco.

Conspiracy:

- **Court's Ruling:** The court found clear evidence of coordinated action between Cheng and Sioco, proving conspiracy. Both continuously participated in the acts of shooting Aburawash and Viterbo without desisting, demonstrating unity of purpose.

Qualifying Circumstances:

- **Treachery:** Confirmed—Cheng and Sioco's method ensured no retaliation from defenseless victims.
- **Evident Premeditation:** Overturned—lack of evidence showing a prior plan and sufficient reflection time.
- **Abuse of Superior Strength:** Overturned—already absorbed in treachery.

Doctrine:

- **Jurisdiction Exception:** Active-duty soldiers or police are under military jurisdiction unless separated from service before jurisdiction attaches (P.D. 1850).
- **Treachery Definition:** Murder committed with methods ensuring execution without risk to the perpetrator and without a chance for the victim to defend—qualifies as treachery

even without additional qualifiers.

Class Notes:

- **Jurisdiction over Military/Police Personnel:** Active status shifts jurisdiction to courts-martial unless separation occurs before jurisdiction attaches (Sections 1 of P.D. 1850).
- **Treachery (Art. 14 RPC):** Conditions require ensuring no retaliative act from the victim and conscious adoption of execution method, e.g., shooting defenseless victims.
- **Conspiracy (Art. 8 RPC):** Unified purpose in committing crime without any participant desisting—proof includes synchronized actions indicative of common intent.

Historical Background:

The case occurred within the context of the post-Martial Law era in the Philippines, reflecting ongoing transitions and the delineation of military versus civil jurisdiction. It provides jurisprudential insights into applying martial law decrees in a democratic framework, setting precedents in blending military personnel's legal treatments within the civil justice system.