

Title: *People of the Philippines vs. CIC Loreto Gapasin, et al.*

Facts:

On October 6, 1979, in Barangay San Jose, Roxas, Isabela, Jerry Calpito was shot and killed. CIC Loreto Gapasin was accused, alongside Nicanor Saludaes, Lorenzo Soriano, Amor Saludaes, Frank Saludaes, Bel Saludaes, and Nick Saludaes. The incident was reported to have begun after a “pamisa” at Enteng Teppang’s house. Alberto Carrido testified that Gapasin, using an Armalite rifle, shot at Calpito multiple times, leading to his death. Additionally, Amor Saludaes allegedly planted a revolver at the scene, attempting to mislead investigators.

Procedural Posture:

Initially, warrants of arrest were issued against all accused on December 14, 1980. Only two, Gapasin and Nicanor, were apprehended by January 10, 1980, and were later released on bail. Proceedings including multiple arrests, escapes, motions, and a transfer to a Military Tribunal under Letter of Instruction (LOI) No. 947, took place before the case returned to the Regional Trial Court. Several motions for bail and custody transfers were filed by Gapasin but denied by the trial court. Finally, the Intermediate Appellate Court allowed Gapasin’s custody transfer to his military commander. Eventually, Gapasin and Lorenzo Soriano were tried while the others remained at-large or were re-captured and released on bail.

Issues:

1. The credibility of prosecution witnesses, often contested due to their relationship to the victim.
2. Whether the plea of self-defense by Gapasin is tenable.
3. The determination of the crime committed, considering qualifying and aggravating circumstances.

Court’s Decision:

1. **Credibility of Witnesses**: The Supreme Court upheld the findings of the trial court on the credibility of the prosecution witnesses, emphasizing their testimonies were consistent and untainted by ill motive. The relationship between the witnesses and the victim did not undermine their credibility.
2. **Self-defense**: The Court found the plea of self-defense untenable. The direction and number of wounds on Calpito indicated he was shot from the side, contradicting Gapasin’s

claim of a frontal confrontation.

3. ****Qualification of Crime****: The Supreme Court affirmed the murder conviction, citing treachery and evident premeditation. Nonetheless, the claim of evident premeditation was viewed as a generic aggravator rather than a qualifying circumstance. Considering the constitutional prohibition against the death penalty, Gapasin was sentenced to reclusion perpetua.

Doctrine:

The case affirmed the principle that findings of the trial court regarding witness credibility are accorded great respect unless there is a clear proof of an overlooked material fact. It also reiterated the conditions to establish treachery, the impact of premeditation as an aggravating circumstance, and the preferential application of reclusion perpetua over the constitutionally barred death penalty for murder convictions.

Class Notes:

- Elements of Murder: (1) Killing of a person, (2) attended by any of the qualifying circumstances like treachery, taking advantage of superior strength, and evident premeditation.
- R.A. 3815 (Revised Penal Code), Articles 248 and 64(3): Treachery qualifies the killing as murder; evident premeditation can be considered an aggravating circumstance.
- Defenses of Justification: To successfully mount a self-defense claim, the accused must plausibly prove unlawful aggression, reasonable necessity of means to prevent or repel it, and lack of sufficient provocation on his part.
- Relationship of Witnesses: The relationship between witnesses and the victim is not necessarily detrimental given the lack of evidence of biased motives.

Historical Background:

This case occurred during a period when the Philippines' political climate and judicial procedures were highly influenced by martial law under President Ferdinand Marcos. Military Tribunals were given jurisdiction over certain crimes, reflecting the centralization of authoritative control pervasive in that era. The case also illustrates the complexity of procedural justice during the regime, with shifts between civil and military jurisdictions.