

****Title:**** People v. Moreno, 214 Phil. 405 (1984)

****Facts:****

On the evening of April 13, 1973, during graduation exercises at the Central School of Lemery, Iloilo, Mayor Ramon Alcantara was shot in the head and killed. Eyewitness, Marlyn Beboso (a 17-year-old student) testified about the incident. Marlyn was positioned behind Alcantara, separated from him by a bamboo fence. Dante Moreno, 28, stood to Marlyn's right and close enough that she initially thought he might molest her. Moreno shot the mayor when Alcantara turned his head towards Zeus Doplayna, who was about to deliver an address. Alcantara's wife was also present.

The bullet entered the left back side of Alcantara's head, passed through his brain, and exited on the right side of his skull, resulting in instant death. A previous complaint against Alcantara by Moreno's mother for persecutory acts was dismissed two months prior to the shooting.

Moreno and his brother Francisco were charged with murder. At trial, Moreno admitted his presence at the scene but denied shooting Alcantara, claiming he was with Resurreccion Paciente and Emiliana Cordero at a distance. The trial court convicted Dante Moreno of murder and sentenced him to reclusion perpetua while absolving Francisco Moreno due to reasonable doubt.

Moreno appealed the conviction, asserting that the trial court should have believed his evidence over the prosecution's, raising issues about Marlyn Beboso's credibility due to discrepancies in her name and arguing about the ballistic trajectory of the bullet.

****Issues:****

1. Whether the trial court erred in giving credibility to Marlyn Beboso's testimony over Dante Moreno's.
2. Whether the discrepancy in Marlyn Beboso's name affects her credibility.
3. Whether the ballistic facts presented by the defense mitigate Moreno's criminal liability.
4. Whether the prosecution proved Moreno's guilt beyond reasonable doubt.
5. Whether the killing was qualified by the circumstances of alevosia (treachery).

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

1. ****Credibility of Marlyn Beboso's Testimony:**** The Supreme Court upheld the trial court's ruling, emphasizing that Beboso's positive identification of Moreno outweighed his alibi. Her testimony was deemed credible as she had no improper motive and clearly recalled

Moreno's distinguishing features.

2. ****Discrepancy in Name:**** The Court ruled that the use of "Marlyn Beboso" by the eyewitness did not undermine her credibility. The name discrepancy was explained as Beboso was her maternal grandmother's surname, which she used at the time for her safety.
3. ****Ballistic Argument:**** The Court dismissed Moreno's argument about the shooting angle, noting that there was no evidence proving he was right-handed. It was feasible that the shot was fired when the mayor's head was turned to the left.
4. ****Proof Beyond Reasonable Doubt:**** The Court found the evidence presented by the prosecution sufficient to prove Moreno's guilt beyond reasonable doubt. The positive identification by an eyewitness was pivotal.
5. ****Treachery (Alevosia):**** The Court affirmed the finding of treachery, as the attack ensured its execution without risk to Moreno, a fact that elevated the killing to murder.

The Supreme Court affirmed the trial court's decision with a modification to increase the indemnity payable to Mayor Alcantara's heirs from P12,000 to P30,000.

****Doctrine:****

1. ****Credibility of Eyewitness Testimony:**** Positive identification by an eyewitness without motive to lie holds significant weight, even if discrepancies in minor details exist.
2. ****Treachery (Alevosia):**** Treachery is present when the method of attack ensures execution without risk to the aggressor and without any chance for the victim to defend himself.

****Class Notes:****

- Key Elements in Murder: Intent to kill, means ensuring execution without risk to the assailant (treachery).
- Relevant Provisions: Article 248 of the Revised Penal Code (RPC) on Murder; Article 14(16) of the RPC on treachery as a qualifying circumstance.
- Eyewitness Reliability: Positive identification trumps alibi unless clear evidence shows the impossibility of the accused's presence at the crime scene.
- Indemnity in Criminal Cases: Indemnity awarded in criminal cases can be adjusted by the higher court as appropriate.

****Historical Background:****

In the 1970s, political tensions and local disputes often culminated in violent acts. This case underscores the volatile nature of local politics in provincial settings during the era, influenced by social and familial ties. The case illustrates the judiciary's role in addressing extra-judicial killings within such a context, ensuring adherence to penal codes and reinforcing the rule of law amidst social unrest.