

Title: People of the Philippines vs. Cesar Givera y Garote, G.R. No. 402 Phil. 547

Facts:

On May 2, 1993, at around 4:00 p.m. in Quezon City, Eusebio Gardon y Arrivas was attacked and killed. Two witnesses, the victim's daughter Milagros Gardon and his niece Melinda Delfin, provided detailed testimonies. Milagros testified that accused-appellant Cesar Givera y Garote and his companions harassed the victim by hurling stones at their house. They eventually lured him outside, savagely beating him. Givera allegedly stoned, boxed, and kicked the victim, while another companion, Maximo Givera, delivered the fatal stab. Delfin corroborated this testimony, describing similar events.

The procedural posture commenced with the filing of the criminal information on April 10, 1995. Cesar Givera's co-accused were prosecuted separately and convicted of murder. During his arraignment on April 10, 1996, Givera pleaded not guilty. The trial involved both prosecution witnesses and Givera's own defense, where he claimed alibi and denied involvement. Nevertheless, the Regional Trial Court (RTC), Branch 102, Quezon City, convicted him of murder on August 29, 1997. He was sentenced to reclusion perpetua and ordered to indemnify the victim's heirs. This led to the present appeal.

Issues:

1. Whether the evidence presented establishes beyond reasonable doubt the guilt of Cesar Givera.
2. Whether the conspiracy between Cesar Givera and the other assailants was sufficiently proven.
3. Whether treachery and evident premeditation should be appreciated as qualifying circumstances.
4. Whether the arrest of Cesar Givera was lawful.
5. Whether the testimony of the medico-legal officer from a separate case could be admitted as evidence.
6. The appropriate indemnity and damages owed to the victim's heirs.

Court's Decision:

1. **\*\*Establishment of Guilt:\*\*** The Supreme Court (SC) found the testimonies of Milagros Gardon and Melinda Delfin credible, noting their detailed and coherent accounts. Despite minor discrepancies, their consistency reinforced their reliability. Givera's defense was undermined by the lack of any motive for the witnesses to falsely implicate him; hence, the court affirmed the RTC's ruling of guilt beyond reasonable doubt.

2. **Conspiracy:** The SC upheld the trial court's determination of conspiracy, highlighting the coordinated actions of Givera and his co-assailants. All participants aimed to harm Gardon, collectively contributing to his death. The law views the acts of each conspirator as those of all, making Givera equally culpable.
3. **Qualifying Circumstances:** The SC did not find sufficient evidence of evident premeditation, as there was no clear proof of a preconceived plan. Treachery was also dismissed because the victim was aware of the impending danger and was prepared to confront it. Conversely, the qualifying circumstance of abuse of superior strength was recognized, given the numerical advantage and the victim's defenseless state.
4. **Lawfulness of the Arrest:** The SC confirmed that Givera was arrested following a valid warrant issued on April 27, 1995. His failure to object to the warrant before entering a plea resulted in a waiver of his right to contest the arrest's legality.
5. **Admissibility of Medico-Legal Testimony:** The SC ruled that the medico-legal officer's testimony from the previous trial could not be used since Givera had no opportunity to cross-examine the witness, rendering this evidence inadmissible. Nonetheless, the death certificate and eyewitnesses sufficiently established the cause of death.
6. **Indemnity and Damages:** The SC modified the RTC's award, increasing it by P50,000.00 in moral damages, making the total indemnity P50,000.00 as well as P50,000.00 in moral damages, plus costs of the suit.

#### Doctrine:

In cases of conspiracy, each conspirator's act in furthering a common purpose is legally an act of all conspirators. The absence of cross-examination renders a witness's incomplete testimony inadmissible. Qualifying circumstances such as evident premeditation require clear proof of a planned execution strategy decided on well in advance of the crime.

#### Class Notes:

- Elements of conspiracy in criminal law: coordinated actions, common unlawful purpose, collective culpability.
- Testimony reliability: corroborative details, spontaneous accounts, handling minor discrepancies.
- Qualifying circumstances: evident premeditation needs clear planning evidence; treachery requires surprise and defenselessness of the victim.
- Procedural conduct: objection to the validity of arrest warrants must be raised before

entering a plea.

- Evidentiary rules: cross-examination is essential for testimonial admissibility.

**Historical Background:**

The case of Cesar Givera y Garote reflects the judicial approach towards assessing witness credibility, the application of conspiracy principles, and the consideration of procedural fairness. It stands as a precedent on handling minor testimonial inconsistencies and scrutinizing the application of aggravating circumstances. The case exemplifies the complex balance in legal proceedings between safeguarding defendants' rights and ensuring justice for victims.