

****Title:** People of the Philippines vs. Nelson Cariño et al.**

****Facts:****

On March 3, 1994, accused Nelson Cariño along with appellants Domingo Banhaon, Luis Corcolon, Rogelio “Boy” Corcolon, Joselito “Lito” Calong-Calong, and “Boy Pansit” were charged with the murder of Ruben Velecina. The case was transferred from the Regional Trial Court of Calamba, Laguna to the Regional Trial Court of Pasig City, Branch 160, under Criminal Case No. 107788-H.

The murder occurred on July 30, 1989, during a pre-nuptial party in Barangay Bayog, Los Baños, Laguna. Ruben Velecina was engaged in preparations for his son Isidro Velecina’s wedding. Witnesses Edwin Botero and Valentin Velecina testified that Nelson Cariño and his co-accused fired shots at the kitchen while Ruben emerged from a comfort room. Domingo Banhaon and “Boy Pansit” allegedly acted as lookouts.

The police arrested the accused, excluding Nelson Cariño and “Boy Pansit,” who remained at large. The prosecution presented Valentin Velecina, who testified about his eyewitness account, and Dr. Ruben Escueta, who conducted an autopsy revealing multiple gunshot wounds leading to Ruben Velecina’s death.

Appellants denied accusations, providing alibis. Rogelio Corcolon claimed he was elsewhere during the incident, while Luis Corcolon and Domingo Banhaon contended they had no involvement. Joselito Calong-Calong maintained innocence, claiming ignorance of the event.

On September 30, 1996, the trial court found the appellants guilty and sentenced them to reclusion perpetua, ordering indemnity to the heirs of the deceased.

****Issues:****

1. Did the trial court err in giving weight to the testimonies of the prosecution witnesses?
2. Was there sufficient evidence to prove that the appellants participated in the crime?
3. Can the presence of conspiracy, treachery, or abuse of superior strength be established in this case?
4. Is voluntary surrender applicable as a mitigating circumstance for appellant Banhaon?
5. Are aggravating circumstances such as nighttime or the presence of armed men applicable?

****Court’s Decision:****

1. **Credibility of Witnesses:** The Supreme Court upheld the trial court's assessment of witness credibility, citing the first-hand opportunity to observe their demeanor and the consistency of their testimonies. The Court saw no compelling reason to overturn the trial court's findings that relied heavily on eyewitness accounts by Edwin Botero and Valentin Velecina.
2. **Sufficiency of Evidence:** The Court affirmed that the prosecution's evidence, including eyewitness accounts and the autopsy report, sufficiently established the appellants' participation. In appellate review, the trial court's judgment was upheld based on credible identification by witnesses despite the delayed revelation due to fear of retaliation.
3. **Conspiracy and Treachery:** The Court found that conspiracy was evident as the appellants were seen arriving together, firing in concert, and leaving simultaneously. Moreover, treachery was established as the gunfire was sudden and Ruben Velecina was defenseless, ensuring no risk to the assailants.
4. **Voluntary Surrender:** The Court ruled against acknowledging voluntary surrender as an extenuating circumstance for Banhaon because his surrender was neither spontaneous nor immediate after the issuance of a warrant for his arrest.
5. **Aggravating Circumstances:** Nighttime and the use of armed men were not separately appreciated as aggravating circumstances due to their absorption by the element of treachery.

Doctrine:

- **Credibility of Witnesses:** Courts give deference to the trial judge's assessment of credibility unless overlooked facts substantively affect the outcome.
- **Conspiracy and Treachery:** Where co-accused act in concert, a communal design may be inferred. Treachery is present when an attack is deliberate and executed without warning.
- **Voluntary Surrender:** Requires spontaneity, demonstrating acknowledgment of guilt or to save authorities from search efforts; must occur before actual arrest

Class Notes:

- **Murder (Article 248 of the Revised Penal Code):** Requires proof of killing with intent, accompanied by qualifying circumstances such as treachery or conspiracy.

- **Positive Identification vs. Alibi:** Positive, unassailable identification by eyewitnesses generally trumps alibi unless clear evidence supports the latter.
- **Qualifying vs. Aggravating Circumstances:** Treachery qualifies the killing as murder; aggravating circumstances like abuse of superiority enhance severity but may be subsumed by treachery.
- **Voluntary Surrender:** Not recognized unless spontaneous surrender is clear without coercion or arrest warrant.

Historical Background:

The case draws from an era where political power and affiliations played a notable role in incidents involving law enforcement and perpetration of crimes. Mayor Antonio Sanchez of Calauan, Laguna, was a significant political figure implicated in various crimes by associates, highlighting the era's complex socio-political dynamics. The appeal underscores jurisprudential standards concerning evidence evaluation, witness testimony validity, and crime characterization under Philippine law amidst allegations of local political climates influencing criminal proceedings.