

****Title: People of the Philippines vs. Ocimar and Mendoza****

****Facts:****

On October 19, 1986, Eduardo Labalan Ocimar, Alexander Cortez Mendoza, Alfonso Ramos Bermudez, Alberto Venzio Cruz, Venzio Cruz (alias “Boy Pana”), and John Doe (alias “Bunso”) were allegedly involved in a highway robbery on a Baliuag Transit bus on the North Expressway in Bulacan, Philippines. The group reportedly conspired to rob passengers and, in the process, attacked and killed Capt. Cirilo Cañeba, a passenger on the bus, causing his death by gunshot.

- ****October 19, 1986:**** Bermudez was taken by Ocimar and Mendoza and others to a supposed drinking place which turned out to be a hideout.
- ****Bus Attack:**** The group executed their plan by boarding a Baliuag Transit bus in Cubao, Quezon City, bound for Cabanatuan City. Once the bus passed the Malinta toll gate of the North Expressway, Mendoza announced the robbery and divested the passengers of their valuables.
- ****Gunfire Incident:**** Bermudez noted that Ocimar held a .22 caliber magnum revolver to Capt. Cañeba’s neck during the robbery, resulting in gunshots that killed Cañeba.
- ****Post-Robbery Actions:**** After the robbery, the group used a getaway vehicle and fled to Bunso’s house in Sta. Maria. Bermudez received a share of the loot.

Procedurally, on June 22, 1987, Ocimar and Mendoza were arraigned, pleaded “Not Guilty,” while Bermudez, later apprehended, pleaded “Guilty” but was subsequently discharged to become a state witness. After several witnesses testified, Bermudez’s testimony was admitted, leading to the regional trial court finding Ocimar and Mendoza guilty, each receiving a sentence of reclusion perpetua. The accused appealed to the Supreme Court challenging the conviction.

****Issues:****

1. Whether the discharge and subsequent use of Bermudez as a state witness were proper.
2. Whether the testimony of Bermudez was credible and legally sufficient for conviction.
3. Whether Ocimar and Mendoza’s alibis were valid defenses against the conviction.
4. Whether the conviction of Ocimar and Mendoza, considering the supposed lack of identification of who fired the gun, was justifiable.

****Court’s Decision:****

The Supreme Court upheld the decisions of the lower courts.

1. **Discharge of Bermudez as State Witness:** The Court found that the discharge complied with Rule 119, Sec. 9 of the 1985 Rules on Criminal Procedure since his testimony was pivotal; there was no other evidence, he was not the most guilty, and the testimony was corroborated by other evidence.
2. **Credibility of Bermudez:** The Court agreed with the trial court's assessment of Bermudez's testimony as credible, noting its corroboration by witnesses such as the bus driver and another army officer.
3. **Defense of Alibi:** The Court found the alibis of Ocimar and Mendoza unconvincing, as their alleged locations at the time did not sufficiently rule out their presence at the crime scene.
4. **Legal Sufficiency of Conspiracy:** Conspiracy being established through the actions and evidence provided meant individual roles in firing the fatal shots did not need to be distinctly outlined. The act of conspiracy in the crime subjected all members to equal liability.

The Court increased the indemnity awarded to the heirs of Capt. Cañeba to P50,000 from the original P30,000, consistent with current jurisprudence.

Doctrine:

The doctrine affirmed is that in conspiracy, the act of one is the act of all; hence, individual identification of who committed the killing is not essential once conspiracy is established. The discharge of a co-accused to be used as a state witness is within prosecutorial discretion, and such a witness's testimony, if credible and corroborated, can sustain a conviction.

Class Notes:

- **Conspiracy in Crimes:** All members are equally liable; individual roles do not need distinct proof if conspiracy is established.
- **Discharge as State Witness:** Rule 119, Sec. 9 allows this when testimony is indispensable, no other evidence exists, corroboration is possible, the witness is not the most guilty, and not previously convicted of moral turpitude.
- **Alibi:** Ineffective unless absolute impossibility to be at the scene is proven.

Historical Background:

The robbery and murder occurred during a period of political transition in the Philippines

post-Martial Law, underlining the state's concern with maintaining public order and addressing violent crimes. The Anti-Piracy and Highway Robbery Law of 1974 (P.D. 532) was enacted during this period to address such rising criminal activities, reflecting the socio-political climate's emphasis on rigorous legal enforcement.