

Title:

****Lumanog and Santos v. People of the Philippines; Fortuna v. People of the Philippines****

Facts:

On June 13, 1996, at approximately 8:40 a.m., Col. Rolando N. Abadilla was ambushed and murdered while inside his car on Katipunan Road, Quezon City. Security guard Freddie Alejo, stationed nearby, claimed to have witnessed the crime. Alejo initially reported seeing four suspects but later identified six men during court proceedings: SPO2 Cesar Fortuna, Rameses de Jesus, Lenido Lumanog, Joel de Jesus, and Augusto Santos. Following these events, the suspects were arrested and trial ensued.

Procedurally, the series of legal actions unfolded as follows:

1. ****Trial Court****: The defendants were convicted of murder based on the testimony of lone eyewitness, Freddie Alejo.
2. ****Court of Appeals (CA-G.R. CR-HC No. 00667)****: Affirmed the trial court's decision to convict, but made some modifications regarding the indemnity and damages awarded.
3. ****Supreme Court (Initial Appeal)****: The decision by the Court of Appeals was affirmed with slight modifications. The indemnity for Abadilla's death was increased, but the moral and exemplary damages awarded were reduced.
4. ****Motions for Reconsideration****: Filed by Lenido Lumanog and Augusto Santos, Cesar Fortuna, and Rameses de Jesus, which were taken up after the September 7, 2010 decision by the Supreme Court affirming their convictions.

Issues:

The motions for reconsideration raised several issues:

1. Credibility and reliability of eyewitness testimony by Freddie Alejo.
2. Whether Alejo's financial support from the victim's family compromised his testimony.
3. Discrepancies between Alejo's initial police statements and his in-court testimony.
4. Timing and validity of the ocular inspection by the trial court.
5. Alleged participation of Justice Mendoza in the deliberation and voting.
6. Inclusion of newly discovered evidence by defense witness Orencio G. Jurado Jr.
7. Impact of the fatal inconsistency in eyewitness identification and procedural irregularities on the conviction.

Court's Decision:

****1. Eyewitness Testimony****: The Court upheld Alejo's credibility, stating that discrepancies between his police affidavit and court testimony were not sufficient to invalidate his eyewitness identification. The Court deemed the minor inconsistencies as insufficient to negate the reliability of his identification.

****2. Financial Support and Credibility****: The Court acknowledged Alejo received support from Abadilla's family, but found no evidence to conclude it influenced his testimony. Alejo's unwavering identification under cross-examination justified the credibility accorded by the trial and appellate courts.

****3. Discrepancies in Testimony****: The Court found that Alejo's failure to initially note the two additional men walking before the ambush was not a fatal error to his account. This did not substantially affect the identification of the actual shooters.

****4. Ocular Inspection****: The Court dismissed the objection regarding timing, stressing the issue was not raised timely during trial or on appeal. The Court maintained that the records from the inspection corroborated Alejo's account.

****5. Justice Mendoza's Participation****: Rectified the oversight and confirmed that Justice Mendoza did not participate in the voting. It verified that the Clerk of Court already rectified the error regarding Justice Mendoza's participation.

****6. New Evidence (Jurado's Affidavit)****: The Court did not accept Jurado's affidavit as newly discovered evidence, noting it was not pursued diligently during trial. The Court found no merit in reopening the trial based on this affidavit as it would not significantly alter the judgment.

Doctrine:

- **Eyewitness Credibility****: Inconsistencies between affidavits and in-court testimonies do not automatically discredit an eyewitness, as affidavits are usually incomplete.
- **Positive Identification****: The identification by a single credible eyewitness can suffice for conviction.
- **Benefit of Affidavits and In-Court Statements****: The admissibility of in-court identification rectifies earlier identification flaws.
- **Ocular Inspections****: Legal importance is maintained if corroborated by trial records.

5. **Newly Discovered Evidence**: Must demonstrate due diligence during the trial and should likely change the outcome.

Class Notes:

1. **Credibility of Eyewitnesses**: Affidavit discrepancies versus in-court testimony; criteria under scrutiny (factual observations, opportunity to witness the crime).
2. **Positive Identification Requisites**: Single witness capability and legal substantiation (People v. Rodrigo precedent).
3. **Bench-Marked Evidence Parameters**: Fundamental principles regarding accepting new evidence outlined in Section 2, Rule 121 of the Revised Rules of Criminal Procedure.
4. **Judiciary Error Rectification**: Procedure for addressing judiciary participation errors within a ruling.

Historical Background:

In the mid-1990s, the high-profile assassination of former Philippine Constabulary officer Col. Rolando Abadilla took place during a period of political tension and numerous controversies regarding extra-judicial killings. The case exemplified the challenges in maintaining credibility and proper judicial process amidst public scrutiny and intense media influence. Moreover, procedural safeguards and rights of accused individuals were a focal point against the backdrop of high-stakes criminal investigations and allegations of coerced confessions during a turbulent political landscape in the Philippines.