

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MAURO VERGES, ET AL., ACCUSED, GAVINO LUCAS, SIMPLICIO
OCAMPO, ADRIANO VILLARUEL, PABLITO ECHAVEZ, ERNESTO
TORRES, MARIANO...**

G.R. Nos. L-36882-84. July 24, 1981

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

The rivalry between the Sigue-Sigue Sputnik and Sigue--Sigue Commando gangs at the New Bilibid Prisons in Muntinlupa, Rizal, resulted in a stabbing rampage on May 4, 1969, wherein Alberto Rubiso, Pedro Trijo and Jaime Caballero, all Sputniks, were killed.

It was only in 1970 that three separate informations for murder were filed against the assailants of Rubiso, Trijo and Caballero, namely: Criminal Case Nos. 2008, 2009 and 2011 of the Court of First Instance of Rizal. Except for the names of the victims, all three informations are identical and read as follows:

"That on or about the 4th day of May, 1969, in the New Bilibid Prisons, municipality of Muntinlupa, province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating together and mutually helping one another, with intent to kill, with evident premeditation and treachery, armed with deadly weapons, to wit: sharp pointed instruments, did then and there willfully, unlawfully and feloniously attack, assault, hit and stab one (victim's name) on the different parts of his body, thereby inflicting multiple stab wounds on said (victim's name) which caused his death.

"That the accused herein are quasi-recidivists having committed the above-mentioned felony while serving their respective sentence, after having been convicted of final judgment by competent courts."

Accused in each of the three cases were the following:

1. MAURO VERGES
2. VIRGILIO QUINTANA
3. GAVINO LUCAS
4. SIMPLICIO OCAMPO
5. EDUARDO CASTRO
6. ADRIANO VILLARUEL
7. PABLO REYES
8. PABLITO ECHAVEZ
9. ERNESTO DE LA PEÑA

10. RODOLFO MANGUERA
11. ERNESTO TORRES
12. ORLANDO ABAD
13. MARIANO GUEVARRA
14. SANTIAGO POMIDA
15. FEDERICO PARIENTE
16. ALFREDO LARCADA
17. FORTUNATO CASILLAR
18. BRIGIDO LAMBINO

The cases against Mauro Verges, Virgilio Quintana, Rodolfo Manguera, Orlando Abad and Ernesto de la Peña were dismissed by the trial court on August 30, 1972, on account of their death. They were killed when they attempted to escape at Makati, Rizal, on July 5, 1972. (TSN, Oct. 26, 1972, p. 4.)

Eduardo Castro escaped from confinement while the cases against him were being tried. (Expediente, p. 309.)

Alfredo Larcada was tried separately and convicted of three separate crimes of murder. (Decision dated May 2, 1973, Expediente, p. 385.) He is not included in this automatic review of the decisions of the trial court dated April 13 and May 2, 1973. (Appellants' brief, dated Oct. 12, 1973, p. 120.) His case is under review in G.R. Nos. L-36436-8.

With regard to the rest of the accused, this is what happened:

Gavino Lucas, Simplicio Ocampo, Ernesto Torres, Mariano Guevarra, Santiago Pomida, Federico Pariente and Fortunato Casillar changed their former plea of not guilty to guilty in Criminal Case Nos. 2008, 2009 and 2011 after the prosecution had rested its case. (TSN, Oct. 26, 1972, pp. 34-36.)

Pablo Reyes in a decision dated April 13, 1973 was found guilty of the crime of murder in Criminal Case No. 2009, sentenced to death and ordered to indemnify the heirs of Pedro Trijo the amount of P12,000.00 plus a proportionate amount of the acosts. And in Criminal Case Nos. 2008 and 2011, Pablo Reyes also changed his plea of not guilty to guilty. (TSN, Oct. 26, 1972, pp. 34-35.)

The rest stood on their plea of not guilty and were convicted. However, Pablito Echavez died pending appeal and we dismissed the case against him on March 22, 1979.

The subject of this appeal are two decisions of the lower court dated April 13 and May 2, 1973. Their respective dispositive portions are as follows:

"ACCORDINGLY, the Court finds the accused Brigido Lambino guilty beyond reasonable doubt of three (3) separate crimes of murder and hereby sentences him: (1) In Criminal Case No. 2008, to suffer the penalty of DEATH, to indemnify, jointly and severally with his co-accused, the heirs of the deceased Alberto Rubiso in the amount of P12,000.00, and to pay the proportionate costs; (2) In Criminal Case No. 2009, to suffer the penalty of DEATH, to indemnify, jointly and severally with his co-accused, the heirs of the deceased Pedro Trijo in the amount of P12,000.00, and to pay the proportionate costs; (3) In Criminal Case No. 2011, to suffer the penalty of DEATH, to indemnify, jointly and severally with his co-accused, the heirs of the deceased Jaime Caballero in the amount of P12,000.00, and to pay the proportionate costs.

"The Court likewise finds the accused Pablo Reyes guilty beyond reasonable doubt of the crime of murder in

Criminal Case No. 2009 and hereby sentences him to suffer the penalty of DEATH, to indemnify, jointly and severally with his co-accused, the heirs of the deceased Pedro Trijo in the amount of P12,000.00 and to pay the proportionate costs." (Decision of April 13, 1973.)

and

"ACCORDINGLY, the Court finds the accused Gavino Lucas, Simplicio Ocampo, Adriano Villaruel, Pablito Echavez, Ernesto Torres, Mariano Guevarra, Santiago Pomida, Federico Pariente and Fortunato Casillar guilty beyond reasonable doubt of three (3) separate crimes of murder and thereby sentences each and every one of them: (1) in Criminal Case No. 2008, to suffer the penalty of DEATH, to indemnify, jointly and severally with his co-accused, the heirs of the deceased Alberto Rubiso in the amount of P12,000.00, and to pay the proportionate costs; (2) in Criminal Case No. 2009, to suffer the penalty of DEATH, to indemnify, jointly and severally with his co-accused, the heirs of the deceased Pedro Trijo in the amount of P12,000.00, and to pay the proportionate costs; and (3) in Criminal Case No. 2011, to suffer the penalty of DEATH, to indemnify, jointly and severally with his co-accused, the heirs of the deceased Jaime Caballero in the amount of P12,000.00, and to pay the proportionate costs.

"The Court likewise finds the accused Pablo Reyes guilty beyond reasonable doubt of two (2) separate crimes of murder and hereby sentences him: (1) in Criminal Case No. 1008, to suffer the penalty of DEATH, indemnify, jointly and severally with his co-accused the heirs of the deceased Alberto Rubiso in the amount of P12,000.00, and to pay the proportionate costs; and (2) in Criminal Case No. 2011, to suffer the penalty of DEATH, to indemnify, jointly and severally with his co-accused, the heirs of the deceased Jaime Caballero in the amount of P12,000.00, and to pay the proportionate costs." (Decision of May 2, 1973.)

Two appeal briefs dated October 12, 1973, and November 13, 1974, were filed. Correspondingly, the State also filed two briefs dated March 25, 1974, and January 28, 1975.

In the appeal brief of October 12, 1973, counsel prays that Pablito Echavez be acquitted and that the others (except for Brigido Lambino who is the subject of the appeal brief dated November 13, 1974) be found guilty of homicide only. But as stated above the case against Pablito Echavez was dismissed on account of his death.

In the appeal brief of November 13, 1974, counsel prays that Brigido Lambino be acquitted on the ground of reasonable doubt or that he be found guilty of multiple homicide only.

The State's version of the facts in its brief of March 25, 1974, is succinct and amply supported by relevant citations. Hence we adopt it without prejudice to the arguments adduced by counsel for the appellants. It is as follows:

"Accused-appellants Brigido Lambino, Alfredo Larcada, Fortunato Casillar, Santiago Pomida, Federico Pariente, Mariano Guevarra, Rodolfo Manguerra, Orlando Abad, Ernesto Torres, Mauro Verges, Ernesto dela Peña, Pablo Reyes, Virgilio Quintana, Simplicio Ocampo, Gavino Lucas, Eduardo Castro, Adriano Villaruel and Pablito Echavez were confined at Dormitory No. 4-C of the New Bilibid Prisons, Muntinlupa, Rizal (p. 20, tsn., Jan. 29, 1973). On the eve of May 3, 1969, as members of the Sigue-Sigue Commando Gang, they met and planned to attack the members of the Sigue-Sigue Sputnik Gang to avenge the death of one of their members (pp. 47-48, tsn., Oct. 26, 1972; pp. 29-30, tsn., Jan. 30, 1973; Exhibits "B", "C", "D", "F", "G", "I", "J", "N", "U", "V", "W", "Z", Folder of Exhibits of joint trial of Crim. Case Nos. 2008, 2009 and 2011; Exhibits "E" and "F"; Folder of Exhibits of separate trial against accused-appellants Pablo Reyes and Brigido Lambino).

"At around 8:00 o'clock in the morning of May 4, 1969, a number of prisoners confined at Dormitory No. 5-B, who were members of the Sigue-Sigue Sputnik Gang, among whom were the victims Pedro Trijo, Jaime Caballero and Alberto Rubiso, were ordered to be transferred to Dormitory No. 4-D (p. 3, tsn., June 6, 1972; p. 15, tsn., Jan. 29, 1973; Exhibit "A", p. 1, Folder of Exhibits). However, when these prisoners were passing in

front of the main gate of Dormitory No. 4-C on their way to their new place of confinement, Dormitory No. 4-D, the prisoners confined at Dormitory No. 4-C, who were members of the Sigue-Sigue Commando gang, suddenly bolted out of their dormitory and immediately attacked the passing members of the Sigue-Sigue Sputnik gang with improvised weapons (p. 7, tsn., Jan. 11, 1973; p. 17, tsn., Jan. 29, 1973; p. 31, tsn., Jan. 30, 1973; Exhibits "A", "B", "C", "D", "F", "G", "I", "J", "N", "U", "V", "W", "Z", Folder of Exhibits of Joint trial of Crim. Case Nos. 2008, 2009 & 2011; Exhibits "E" and "F", Folder of Exhibits of separate trial against Brigido Lambino and Pablo Reyes).

"The attacking prisoners were accused-appellants Gavino Lucas, Simplicio Ocampo, Adriano Villaruel, Pablito Echavez, Ernesto Torres, Mariano Guevarra, Santiago Pomida, Federico Pariente, Fortunato Casillar, Pablo Reyes, Brigido Lambino, Alfredo Larcada, Mauro Verges, Virgilio Quintana, Eduardo Castro, Ernesto dela Peña, Rodolfo Manguera and Orlando Abad. As a result of the said attack which lasted for about two to three minutes, prisoners Jaime Caballero, Alberto Rubiso and Pedro Trijo, members of the Sigue-Sigue Sputnik gang, suffered stab wounds which caused their deaths (Exhibits "R" p. 24, "S" p. 26, "T" p. 30, Folder of Exhibits; p. 8, tsn., Jan. 11, 1973; p. 31, tsn., Jan. 30, 1973).

"Prison guard Juanito Acosta seeing that there was trouble blew his whistle for reinforcement and so the other prison guards and PC soldiers went to the scene of the crime to stop the attack against the prisoners (p. 7, tsn., Jan. 24, 1972, p. 32, tsn., Jan. 30, 1973). The attacking prisoners ran back to Cell No. 4 of Dormitory No. 4-C (pp. 9, 19, tsn., Jan. 11, 1973; p. 18, tsn., Jan. 29, 1973; p. 32, tsn., Jan. 30, 1973).

"Inspector Oscar Borja together with prison guard Juanito Acosta thereafter went to Dormitory No. 4-C and collected all the weapons used by the accused in the killing of the victims (Exhibits "F", "FF-1" to "F-17", inclusive; p. 20, tsn., Jan. 29, 1973).

"The victims were thereafter brought to the New Bilibid Prisons Hospital, Muntinlupa, Rizal (p. 30, tsn., May 9, 1972). Dr. Ester Cordero treated victim Pedro Trijo for stab wound but the next day, May 5, 1969, he died (pp. 32-33, tsn., May 9, 1972; p. 4, tsn., June 5, 1972). The other victim Alberto Rubiso, with 28 stab wounds, was dead on arrival at the hospital (p. 6, tsn., June 5, 1972; p. 34, tsn., May 9, 1972). Victim Jaime Caballero had 10 stab wounds on his body and died also (p. 12, tsn., June 5, 1972). The wounds of the victims were caused by sharp pointed instruments (pp. 33, 36, 37, tsn., May 9, 1972).

"The cadavers of Pedro Trijo, Jaime Caballero and Alberto Rubiso were brought to the National Bureau of Investigation for autopsy (p. 38, tsn., May 9, 1972). Dr. Alberto Reyes, one of the medico-legal officers, conducted the autopsies on the bodies of Pedro Trijo, Alberto Rubiso and Jaime Caballero under the supervision of Dr. Ernesto Brion, Assistant Director for Legal Medicine, and submitted a Necropsy Report on the autopsy conducted on the deceased Pedro Trijo (Exhibit "R" p. 24, Folder of Exhibits), a Necropsy Report on the autopsy conducted on the deceased Alberto Rubiso (Exhibit "S" p. 26, Folder of Exhibits), a Necropsy Report on the autopsy conducted on the deceased Jaime Caballero (Exhibit "T" p. 30, Folder of Exhibits). Dr. Brion opined the victims died because of the stab wounds inflicted on them.

"On May 4, 1969, Panfilo Santos, supervising prison guard of New Bilibid Prisons, Muntinlupa, Rizal, investigated accused-appellants Santiago Pomida, Adriano Villaruel, Gavino Lucas, Ernesto Torres, and Pablito Echavez who gave their statements, Exhibits "B", "C", "D", "F" and "G", respectively (pp. 2, 3, 4, 5, 6, Folder of Exhibits).

"On May 4, 1969, Filomeno Mencero, a supervising prison guard of New Bilibid Prisons, Muntinlupa, Rizal, personally took the written statements of the following accused-appellants: Fortunato Casillar, Exhibits "I", "I-1", "I-2" (pp. 8-10, Folder of Exhibits); Mariano Guevarra, Exhibits "J", "J-1", "J-2" (pp. 11-12, Folder of Exhibits). He submitted also an investigation report, Exhibits "L", "L-1" to "L-6" (pp. 13-19, Folder of Exhibits).

"Felimon Olivera, who was a prison guard in the New Bilibid Prisons, Muntinlupa, Rizal on May 4, 1969,

investigated and took the statements of accused-appellants Federico Pariente, Exhibits "U", "U-1" (pp. 33-34, Folder of Exhibits); Pablo Reyes, Exhibits "V", "V-1" (pp. 35-36, Folder of Exhibits); and Exhibits "E" and "E-1" (pp. 11 & 12, Folder of Exhibits of Separate trial against accused Reyes & Lambino); and Simplicio Ocampo, Exhibits "W" & "W-1" (pp. 37-38, Folder of Exhibits).

"Avelino Letarco, a prison guard in the New Bilibid Prisons, Muntinlupa, Rizal took the written statements of prison guard Pedro Palparan, Exhibit "O" (p. 21, Folder of Exhibits); prison guard Pedro dela Cruz, Exhibit "P" (p. 22, Folder of Exhibits); prisoner Cesar Villesa, Exhibit "Q", (p. 23, Folder of Exhibits) and the supplementary written statement of Federico Pariente, Exhibit "N" (p. 20, Folder of Exhibits).

"Jesus Tomagan, prison guard of New Bilibid Prisons, investigated and took the statement of accused-appellant Brigido Lambino, Exhibits "F", "F-1", "F-2" (pp. 13-15, Folder of Exhibits of Separate trial against accused Lambino and Reyes).

"Panfilo Santos, prison guard also took the statement of accused-appellant Brigido Lambino, Exhibit "F-3" (p. 16, Folder of Exhibits).

"The written statements were all signed and sworn to before Julio Alcantara, Administrative Officer of the Bureau of Prisons (pp. 22, 26, tsn., Jan. 4, 1973; pp. 19, 32, tsn., June 5, 1972). Mr. Julio Alcantara also identified the prison records of all the accused-appellants, Exhibits II, II-1 to II-14, inclusive, (pp. 46-62, Folder of Exhibits), Exhibits "I", "J" (Folder of Exhibits of Separate trial against accused Lambino and Reyes).

"In their written statements, accused-appellants admitted having taken part in the plan to avenge the death of one of their members and the execution of the said plan on May 4, 1969 at around 8:00 o'clock in the morning by attacking the passing members of Sigue-Sigue Sputnik gang with improvised weapons (Exhibits "A", "B", "C", "D", "F", "G", "I", "J", "N", "U", "V", "W", "Z", Folder of Exhibits of Joint trial) (Exhibits "E" and "F", Folder of Exhibits of separate trial against Lambino and Reyes)."

Counsel for appellants Gavino Lucas, Simplicio Ocampo, Adriano Villaruel, Ernesto Torres, Mariano Guevarra, Santiago Pomida, Federico Pariente, Fortunato Casillar and Pablo Reyes in his brief dated October 12, 1973, does not dispute the finding of the trial court that the named appellants participated in the killing of Alberto Rubiso, Pedro Trijo and Jaime Caballero. But he claims that the killing was homicide only and not murder because there was neither evident pre-meditation nor treachery.

Was there evident premeditation? In the decision of May 2, 1973, convicting the above-named appellants, the trial court said:

"4. From their almost identical confessions, it was established that all the accused herein planned the retaliatory attack as early as the night before the incident; and that the actual attack was made by them at past 8:00 o'clock on the morning of May 4, 1969. It is very clear, therefore, that the killings were attended by the qualifying circumstance of evident premeditation considering that a sufficient time elapsed between the inception of their concerted plan and its fulfillment, for each of them to dispassionately reflect upon the consequences of their acts."

The State's brief of March 25, 1974, supports this finding of the trial court by arguing that, "The circumstance of evident premeditation is therefore very patent in this case, it being clear that the assailants were previously armed with deadly weapons and their assault was a concerted one thereby producing a group action. There was sufficient lapse of time between the determination to kill their victims and the actual execution thereof to allow them to reflect and meditate upon the consequences of their acts."

Evident premeditation as a qualifying circumstance requires proof of the following: (a) the time when the offender determined to commit the crime; (b) an act manifestly indicating that the culprit had clung to his determination;

and (c) a sufficient lapse of time between the determination and the execution of the crime to allow him to reflect upon the consequences of his act and to allow his conscience to overcome the resolution of his will. (People v. Beralde, L-32832, June 29, 1979, 91 SCRA 125, citing a long line of cases.) These elements cannot be inferred from the mere fact that the accused acted in concert.

However, an examination of the written statements of the appellants do not disclose that they specifically agreed in the evening of May 3, 1969, to kill members of the rival Sputnik gang the following day. Indeed, they could not have done so for there is no proof in the record that the appellants knew that on May 4, 1969, members of the Sputnik gang were to be transferred from Dormitory 5-B to Dormitory 4-D. True, all of the written statements spoke of getting even with the members of the Sputnik gang but such statements do not prove evident premeditation in the contemplation of the law. All that they prove is the existence of a gang war between the Sputnik and Commando gangs where revenge or retaliation would be a natural element. For evident premeditation to qualify the killing there should have been proof that the appellants had met the night before, discussed among themselves, and agreed to kill their rivals the following morning. The record is bereft of evidence in this regard.

The fact that the appellants were forearmed with bladed weapons does not prove evident premeditation. For in the light of the gang rivalry, it was to be expected that the members of the opposing gangs would arm themselves.

In our opinion the appellants merely took advantage of an opportunity which was suddenly offered to them to kill their rivals in the morning of May 4, 1969.

Was there treachery? We have to answer in the affirmative because the attack made by the appellants was sudden and unexpected such that it insured the accomplishment of their intention without any risk to them arising from the defense which the victims might have offered.

From their extra-judicial confessions, the appellants themselves state that when the members of the Sigue-Sigue Sputnik gang were passing in front of the main gate of Dormitory 4-C which the appellants occupied, on their way to Dormitory 4-D, members of the Sigue-Sigue Commando gang suddenly rushed from their dormitory and with improvised bladed weapons they attack the Sputniks. This was corroborated by Prison Guard Pedro Palparan. He testified that on May 4, 1969, he was ordered to escort prisoners from Dormitory 5-B to Dormitory 4-D when, "The prisoners from 4-C ambushed the prisoners we were going to transfer." (TSN, January 29, 1973, p. 12.) And on cross-examination he admitted that the ambush "was made in an abrupt manner." (Id., p. 18.)

It is manifest that the sudden and simultaneous attack on the unarmed and unsuspecting victims was one which they could not have reasonably expected. Moreover, it was made under conditions which made it impossible for them to mount an effective defense. Verily, treachery was present during the incident.

Counsel for the appellants also assail the application of Art. 160 of the Revised Penal Code by the trial court thus: "5. The accused Gavino Lucas, Simplicio Ocampo, Adriano Villaruel, Pablito Echavez, Ernesto Torres, Mariano Guevarra, Santiago Pomida, Federico Pariente, Fortunato Casillar and Pablo Reyes (insofar as Criminal Case Nos. 2008 and 2011 are concerned), are each liable for three separate crimes of murder which is punishable by reclusion temporal in its maximum period to death. It appearing that all of them were serving prison sentences at the time they committed these offenses, the maximum of the said penalty shall be imposed upon each of them pursuant to the provisions of Article 160 of the Revised Penal Code." (Decision of May 2, 1973.) It is claimed there was no proof that the appellants were serving sentence by final judgment at the time of the incident. On this point we quote with approval the reply of the Solicitor General: "In the instant case, the prison records of the accused-appellants, which were not objected to by the defense when presented by the prosecution, show that all of them were serving prison sentences upon conviction by final judgment at the time they committed these offenses (Exhibits "II", "II-1" to "II-14", Folder of Exhibits of joint trial; Exhibits "I" and "J", Folder of Exhibits of

separate trial against Lambino and Reyes). The defense is claiming now for the first time that the prison records are not admissible in evidence. It is too late to raise such issue now because the appellants had all the opportunity to object to its admission in the lower court but they failed to do so (p. 28, tsn., Oct. 26, 1972)."

Lack of instruction is claimed by the appellants as a mitigating circumstance. True none of them had gone beyond the elementary level. But we are not inclined to disturb the action of the trial court in denying them this alternative mitigating circumstance. (People vs. Magpantay, 12 SCRA 389 [1964].) For illiteracy alone will not constitute such circumstance; it must be accompanied by lack of sufficient intelligence and knowledge of the full significance of one's act. (People vs. Geronimo, 53 SCRA 246 [1973].)

Appellants also claim that the surrender of their weapons to the prison authorities should be considered as a mitigating circumstance. Suffice it to say that we are not prepared to consider surrender of weapons as analogous to voluntary surrender to a person in authority or his agents. Moreover, there is nothing in the record to show that the surrender was made voluntarily or with spontaneity. In fact the surrender of the weapons did not take place where the incident took place but in Dormitory 4-C which was occupied by the appellants.

In a separate brief, dated November 13, 1974, filed for Brigido Lambino only, it is prayed "that the judgment of the trial court x x x convicting Brigido Lambino be reversed and a new one be rendered acquitting him on grounds of reasonable doubt; or, in the alternative, if this Honorable Court finds that he is liable for the deaths of Alberto Rubiso, Pedro Trijo and Jaime Caballero, that he should be convicted only of multiple homicide as the Trial Court improperly appreciated against him the aggravating circumstances of treachery and evident premeditation."

In urging the acquittal of Lambino, his counsel leans heavily on Lambino's testimony during the trial that at the time of the stabbing incident he was inside Cell No. 4 of Dormitory 4-C and that although he was a member of the Sigue-Sigue Commando group he did not join his gangmates in attacking the Sputniks. Efren Barin likewise testified that during the incident Lambino was with him at the "pasillo" outside Cell No. 2 of Dormitory 4-C playing mahjong. However, as the trial court said and we agree: "These testimonies, however, cannot prevail over the fact that the aforesaid accused confessed his participation in the attack as shown by his written statements, Exhibits F and F-1, F-2 and F-3. There being no evidence whatsoever that was adduced by the accused to show that the confessions were extracted from him through force or intimidation, the presumption that they were voluntarily given must stand."

For the reasons we have already adduced, we also find Brigido Lambino guilty of three (3) counts of murder qualified by treachery and with the aggravating circumstance of quasi-recidivism. There was no evident premeditation.

The judgments of the trial court convicting each of the appellants of three counts of murder are hereby affirmed. However, we cannot affirm the death sentences for lack of the required number of votes. Some members of the court including the undersigned believe that the sub-human conditions which prevailed at the New Bilibid Prisons at the time of the incident were largely responsible for the brutalization of the inmates therein and because of such fact the imposition of the death penalty is not warranted.

WHEREFORE, the judgments of the trial court are hereby modified in that each of the appellants is sentenced to three (3) reclusion perpetua for three separate crimes of murder but affirmed in all other respects. Costs de oficio.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Aquino, Concepcion, Jr., Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

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