

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEL CAMILLA AND NOLI PANTINOPE, ACCUSED-APPELLANTS.

Ponente: LOPEZ, J.

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LOPEZ, J.:

The sufficiency of evidence to establish guilt beyond reasonable doubt is the issue raised in this appeal[1] assailing the October 8, 2012 Decision[2] of the Regional Trial Court of Palawan and Puerto Princesa City convicting appellants Joel Camilla and Noli Pantinople of Homicide[3].

The facts are of record.

In the evening of July 11, 1996, Jocelyn Tindog went to Big-Big Canteen along Rizal Avenue, Puerto Princesa City to see her friend Chona who was working there.[4] When she entered the restaurant, she noticed that some men were drinking. At around 12:20 A.M., she saw Joel Camilla box Ramlito Pacaldo.[5] After hitting Ramlito, Joel went out of the canteen.[6] When Joel returned, he again boxed Ramlito.[7] Meanwhile, Noli Pantinople joined the fray and helped Joel beat Ramlito[8] for about half an hour.[9] Joel twisted Ramlito's neck, who then slumped to the floor.[10] When the policemen arrived, they rushed Ramlito to the hospital[11] where he expired. Jocelyn positively identified both Joel[12] and Noli[13] as the assailants.

Dr. Rudolph Baladad autopsied the body of Ramlito and found two wounds: hematoma on the left eye and dislocation of the spinal cord. He testified that the hematoma might have been caused by a hard object hitting the eye.[14] The spinal cord injury might have been due to a strong force applied on the neck of the victim.[15] He also said that the head of the victim could have been twisted.[16] The Autopsy/Post-Mortem Report stated that the cause of Ramlito's death was shock, secondary to cervical dislocation with injury to the cervical spinal chord[17](sic).

Both Joel and Noli denied the charge. Noli testified that on July 11, 1996, he, together with Joel and Toto went to the canteen to drink.[18] Except for the three of them and Ramlito, there were no other people at the canteen. He left their table for a while to play some music. When he returned, Joel told him that Ramlito blew his nose on a tissue paper and placed the tissue inside Toto's glass.[19] They decided to leave the place and left Ramlito alone. When they were about to leave, Ramlito blocked Joel's way by sticking his foot forward; Joel almost tripped.[20] Joel then boxed Ramlito once and went out of the canteen.[21] Noli followed Joel outside, but Ramlito chased and hit him.[22] He retaliated and boxed Ramlito once. Thereafter, he and Joel boarded a tricycle home.[23] When they left the canteen, Ramlito was running amok.[24] Later that morning, he was arrested by the police for Ramlito's death.

Joel essentially repeated Noli's testimony.[25] Except for the his statement that aside from them, there were five other people drinking at the canteen,[26] Joel and Noli's testimonies tallied in every material point.

The RTC convicted Joel and Noli of Homicide, ratiocinating as follows:

The evidence thus presented by the prosecution shows that the accused Joel Camilla and Noli Pantinople were

present at Big B, Rizal Avenue, Puerto Princesa City on July 11, 1996 at around 12:00 o'clock in the morning, and while thereat, Camilla and Pantinople helped each other in boxing Pacaldo and that Camilla delivered the fatal blow when he twisted the neck of Pacaldo leading to his death. The allegations of the witness for the defense to show that the accused Camilla was at home has been overcome by the credible and straightforward testimony of Jocelyn Tindog. And it has been held that: "The testimony of a single witness may be sufficient to produce conviction if it appears to be trustworthy and reliable."

The fact of death of Ramlito was proven and the cause thereof was described by the testimony of Dr. Baladad, and his findings confirmed the cause of death to be due to the dislocation of the spinal cord which may have been due to the twisting of the neck.

The evidence of the prosecution[,] as found to be convincing by this Court[,] does show that the accused Camilla and Pantinople jointly attacked Pacaldo as clearly described by the eyewitness Tindog. These acts show the unity of purpose to kill the victim. Even if it were only Camilla who twisted the neck of the victim, the joint design has been proven. And, conspiracy having been established, the act of one is considered the act of all.

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WHEREFORE, premises considered, accused JOEL CAMILLA AND NOLI PANTINOPE are hereby found GUILTY as principals beyond reasonable doubt for the crime of Homicide defined and penalized under Article 249 of the Revised Penal Code. Considering the presence of the privileged mitigating circumstance of minority of accused Noli Pantinople, accused NOLI PANTINOPE is hereby sentenced to suffer the indeterminate penalty of imprisonment of from SIX (6) YEARS and ONE (1) DAY which is the maximum of Prison Correccional, as MINIMUM, to EIGHT (8) YEARS, which is the medium of Prison Mayor, as MAXIMUM. There being no mitigating or aggravating circumstance as to the accused JOEL CAMILLA, he is hereby sentenced to suffer the indeterminate penalty of from SIX (6) YEARS AND ONE (1) DAY, which is the minimum period of PRISION MAYOR, as minimum, TO FOURTEEN (14) YEARS AND FOUR (4) MONTHS, which is the medium period of RECLUSION TEMPORAL, as maximum. Accused (sic) Joel Camilla and Noli Pantinople are likewise found civilly liable and therefore ordered by this Court to pay the heirs of Ramlito Pacaldo the following:

- The amount of Fifty Thousand (Php50,000) pesos as indemnity for the death of Ramlito Pacaldo;
- The amount of Fifty Thousand (Php50,000) pesos as moral damages.
- The amount of Twenty Five (sic) PHP25,000) Pesos as temperate damages.

SO ORDERED.[27]

Aggrieved, Joel and Noli now appeal their conviction.[28] They argue that Jocelyn's testimony is incredible. The number of wounds sustained by Ramlito belie the accusations that Joel and Noli alternately boxed Ramlito for about half an hour. The RTC also completely disregarded the fact that Ramlito instigated the trouble, and they only retaliated. The prosecution failed to prove beyond reasonable doubt that they committed the crime charged.

The appeal is bereft of merit.

It is settled that the testimony of a lone witness – if found by the trial court to be positive, categorical and credible – is sufficient to support a conviction. This is so, especially if the testimony bore the earmarks of truth and sincerity and was delivered spontaneously, naturally and in a straightforward manner.[29] Corroborative evidence is necessary only when there are reasons to suspect that the witness bent the truth, or that his or her observation was inaccurate.[30] Evidence is assessed in terms of quality, not quantity. It is to be weighed, not counted.[31] Therefore, it is not uncommon to reach a conclusion of guilt on the basis of the testimony of a lone witness.[32]

In this case, the trial court found Jocelyn's narration of the incident credible and categorical:

x x x

PROS. SENSON:

Q: While inside that canteen visiting Miss Chona, did you notice if there was an unusual incident that happened?

A: Yes, sir.

Q: And will you please tell us, Madam Witness, what was that unusual incident?

A: Joel boxed Pacaldo, sir.

x x x

PROS. SENSON

Q: Madam Witness, if that person you just mentioned is in the courtroom, will you be able to identify him?

A: Yes, sir.

Q: Will you please identify Mr. Joel if he is inside this courtroom, Madam Witness?

A: He is that person sitted (sic) at the side (Witness pointing).

INTERPRETER:

The person pointed to by the witness who when asked identified himself as Joel Camilla.

x x x

Q: And after Joel boxed Pacaldo, what happened next, Madam Witness?

A: Then Joel left, sir:

Q: And after Joel left, what happened next, Madam Witness?

A: He went back, sir.

Q: And what happened next after Joel returned?

A: For the second time[,] he again boxed the victim and twisted his neck.

Q:

Whom did Joel box again Madam Witness?

A: Also Pacaldo, sir.

Q: And after Joel boxed again Pacaldo, what happened next?

A:

I saw Pacaldo slumped.

Q: And after seeing that the victim Pacaldo already slumped, what happened next, Madam Witness?

A: He was already brought to the hospial (sic), sir.

Q: And there is another accused in this case, Madam Witness, Mr. Noli Pantinople, do you know this accused in this case?

A: Yes, sir.

Q: Will you please tell this Court why you know Mr. Noli Pantinople?

A: They were together, sir.

Q: And who were these “sila” that you mentioned (sic)

A:

Joel and Noli were together, sir.

Q: Will you please tell us where they were together, Madam Witness?

A: At that restaurant, sir.

Q: And what was Mr. Noli Pantinople doing in that restaurant?

A: They were drinking, sir.

PROS. SENSON:

Q: And while drinking Madam Witness, what did, if any, Mr. Pantinople do?

A: He helped Joel, sir.

Q: And what help did the accused Noli Pantinople do with Joel, Madam Witness?

A: By boxing also, sir.

Q: Who were they boxing?

A: Pacaldo, sir.

PROS.SENSON:

Q: And do you know, Madam Witness, how long did the two accused box the victim?

A: For a long time, sir.

Q: Will you please give us an estimate of how long that (sic) this took place, Madam Witness?

A: About half an hour[,] sir.

Q: And while they were boxing the victim, Madam Witness, what were you doing all this time?

A: I was just standing at one side, looking at them, sir.

PROS. SENSON:

Q: And how far were you from them during that incident, Madam Witness?

A: Near only, sir.

Q: Will you please give us an estimate of (sic) how far were (sic) you (sic) from them?

A:

From the place where I'm sittid (sic) up to that wooden chair. (Distance estimated and agreed by Counsel and Prosecutor to be four (4) meters, more or less).

x x x

PROS. SENSON:

Q: Prior to this boxing incident on July 11, 1996, do you know the victim Pacaldo?

A: No, sir.

Q: How about the two accused, did you come o know them before this boxing incident?

A: No, sir.

x x x

We find no reason to disturb the factual findings of the RTC. The Supreme Court has repeatedly held that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. For, indeed, the emphasis, gesture, and inflection of the voice are potent aids in ascertaining the witness' credibility, and the trial court has the opportunity and can take advantage of these aids. These cannot be incorporated in the record.[33] The candid answer, the hesitant pause, the nervous voice, the undertone, the befuddled look, the honest gaze, the modest blush, or the guilty blanch[34] indicate if the witness is relating the truth or merely spinning a web of lies.

Too, it is a hornbook doctrine that the positive identification of the accused, when categorical and consistent and without any ill motive on the part of the eyewitness testifying on the matter, prevails over x x x denial which is negative and self-serving, undeserving of weight in law.[35] Undoubtedly, Jocelyn's testimony positively identified the appellants as the perpetrators of the crime. She had a clear view of the incident, as she was standing just four (4) meters from the victim and the assailants.

Also, a detailed testimony acquires greater weight and credibility when confirmed by autopsy findings.[36] Here, the medicolegal's testimony[37] and the Autopsy/Postmortem Report[38] corroborated Jocelyn's recollection of the specific details of the crime – Joel and Noli's act of beating Ramlito and Joel's act of twisting Ramlito's neck.

As to the penalty, the judgment of the RTC should be modified by imposing on Joel the indeterminate penalty of 6 years and 1 day of prision mayor, as minimum, to 14 years, 8 months and 1 day of reclusion temporal, as maximum. With regard to Noli, his Certificate of Live Birth[39] shows that he was born on August 3, 1978. At the time of the commission of the crime on July 11, 1996, Noli was only 17 years old. Sec. 6 of Republic Act No. 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, exempts a child above fifteen (15) years but below eighteen (18) years of age from criminal liability, unless the child is found to have acted with discernment, in which case, "the appropriate proceedings" in accordance with the Act shall be observed.[40] This provision, which took effect in 2006, is applied retroactively to the accused.[41]

Discernment is that mental capacity of a minor to fully appreciate the consequences of his unlawful act.[42] Such capacity may be determined by taking into consideration all the facts and circumstances afforded by the records in each case.[43] The surrounding circumstances must demonstrate that the minor knew what he was doing and that it was wrong.[44] In the present case, Noli's act of helping Joel in beating Ramlito to weaken the latter's defense,

and his testimony implying that Ramlito instigated the incident,[45] and that they only retaliated, are indicative of his mental capacity to fully understand the consequences of his unlawful action. Noli acted with discernment in the commission of the crime and must be held liable.

Noli, nonetheless, is entitled to the privileged mitigating circumstance of minority pursuant to Article 68(2)[46] of the Revised Penal Code, as amended. Applying the Indeterminate Sentence Law, he may be sentenced to 6 months and 1 day to 6 years of prision correccional as minimum to 8 years and 1 day to 10 years of prision mayor as maximum.

Section 38[47] of Republic Act No. 9344, warrants the suspension of sentence of a child in conflict with the law; however, the suspension of sentence applies only until the child reaches the maximum age of 21.[48] At present, appellant is already 35 years old, the suspension of sentence is already moot and academic.

Be that as it may, to give meaning to the legislative intent of Republic Act No. 9344, the promotion of the welfare of a child in conflict with the law should extend even to one who has exceeded the age limit of 21 years, so long as he/she committed the crime when he/she was still a child. The offender shall be entitled to the right to restoration, rehabilitation and reintegration in accordance with Republic Act No. 9344 in order that he/she is given the chance to live a normal life and become a productive member of the community. The age of the child in conflict with the law at the time of the promulgation of the judgment of conviction is not material. What matters is that the offender committed the offense when he/she was still of tender age.[49] Noli, therefore, shall be entitled to appropriate disposition under Section 51[50] of Republic Act No. 9344, which provides for the confinement of convicted children in agricultural camps and other training facilities.[51]

As to damages, the civil liability resulting from the commission of the offense is not affected by the appropriate disposition measures and shall be enforced in accordance with law.[52] This Court affirms the civil indemnity of P50,000.00, moral damages of P50,000.00 and temperate damages of P25,000.00 awarded by the RTC with 6% interest per annum from date of finality of judgment.

FOR THESE STATED REASONS, the judgment appealed from is AFFIRMED WITH MODIFICATION as follows: (1) There being no mitigating or aggravating circumstance, Joel Camilla is sentenced to suffer the penalty of 6 years and 1 day of prision mayor, as minimum, to 14 years, 8 months and 1 day of reclusion temporal, as maximum; (2) As to Noli Pantinople, he is sentenced to suffer 3 years of prision correccional as minimum to 8 years and 1 day as prision mayor as maximum without prejudice to the application of Section 51 of Republic Act No. 9344.

The award of civil indemnity, moral damages and temperate damages stands.

SO ORDERED.

Reyes, JR., J.C., (Chairperson) and Inting, JJ., concur.

[1] Rollo, pp. 20-24.

[2] Id. at 25-36.

[3] Records, p. 1.

That on or about the 11th day of July, 1996, early morning, along Rizal Avenue, Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, without any just motive, with intent to kill, did then

and there wilfully (sic), unlawfully and feloniously assault, attack, box and maul therewith one RAMLITO PACALDO, thereby inflicting upon the latter multiple injuries such as cervical vertebrae dislocation with injury to the cervical spinal chord (sic), which were the direct and immediate cause of his death.

CONTRARY TO LAW.

[4] TSN, Direct Examination-Jocelyn Tindog, August 16, 1999, pp. 39-40.

[5] Id. at 41.

[6] Id. at 43.

[7] Id. at 44.

[8] Id. at 47.

[9] Id. at 48.

[10] Id. at 50.

[11] Id. at 62.

[12] Id. at 42.

[13] Id. at 53.

[14] Id. at 27.

[15] Ibid.

[16] Id. at 30.

[17] Records, p. 97.

[18] TSN, Noli Pantinople, August 11, 2010, pp. 102-103.

[19] Id. at 104.

[20] Id. at 105.

[21] Ibid.

[22] Id. at 106.

[23] Id. at 107.

[24] Ibid.

[25] TSN, Joel Camilla, August 18, 2010, pp. 121-126.

[26] Noli testified that there were only four people at the canteen at that time: him, Joel, Toto and Ramlito.

[27] Records, 292-293.

[28] Id. at 20-24.

[29] People v. Navarro, 297 SCRA 331, October 7, 1998; People v. Villanueva, 284 SCRA 501, June 22, 1998; People v. Hayahay, 279 SCRA 567, September 26, 1997.

[30] People v. Hillado, 307 SCRA 535, May 24, 1999, citing People v. De la Cruz, 207 SCRA 632, March 31,

1992.

[31] *People v. Hillado*, supra, citing *People v. De Roxas*, 241 SCRA 369, February 15, 1995.

[32] *People v. Tulop*, 289 SCRA 316, April 21, 1998.

[33] *People v. Mangune*, G.R. No. 186463, November 14, 2012. quoting *People v. Sapigao, Jr.*, G.R. No. 178485, September 4, 2009.

[34] *People v. Bonito*, 342 SCRA 405, 420-421, October 10, 2000.

[35] *People v. Lovedorial*, GR No. 139340, January 17, 2001, citing *People v. Enriquez*, 292 SCRA 656, July 20, 1998.

[36] *People v. Leal*, GR No. 139313, June 19, 2001; *People v. Molina*, 312 SCRA 130, August 10, 1999; *People v. De Guia*, 280 SCRA 141, October 2, 1997.

[37] TSN, Dr. Rudolph Baladad, Sr., March 9, 1999, pp. 24-30.

[38] Records, p. 97.

[39] Id., p. 219.

[40] SEC. 6. Minimum Age of Criminal Responsibility. - xxx A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act.

xxx

[41] SEC. 68. Children Who Have Been Convicted and are Serving Sentence. - Persons who have been convicted and are serving sentence at the time of the effectivity of this Act, and who were below the age of eighteen (18) years at the time the commission of the offense for which they were convicted and are serving sentence, shall likewise benefit from the retroactive application of this Act. They shall be entitled to appropriate dispositions provided under this Act and their sentences shall be adjusted accordingly. They shall be immediately released if they are so qualified under this Act or other applicable law.

[42] *Madali v. People of the Philippines*, G.R. No. 180380, 4 August 2009, 595 SCRA 274, 296 citing the Rule on Juveniles in Conflict with the Law.

[43] Id. at 296-297.

[44] *Remiendo v. People of the Philippines*, G.R. No. 184874, 9 October 2009, 603 SCRA 274, 289.

[45] TSN, August 11, 2010, pp. 104-106.

[46] ART. 68. – Penalty to be imposed upon a person under eighteen years of age. – When the offender is a minor under eighteen years and his case is one coming under the provisions of the paragraph next to the last of article 80 of this Code, the following rules shall be observed:

x x x

2. Upon a person over fifteen and under eighteen years of age the penalty next lower than that prescribed by the law shall be imposed, but always in the proper period.

[47] SEC. 38. Automatic Suspension of Sentence. – Once the child who is under eighteen (18) years of age at the

time of the commission of the offense is found guilty of the offense charged, the court shall determine and ascertain any civil liability which may have resulted from the offense committed. However, instead of pronouncing the judgment of conviction, the court shall place the child in conflict with the law under suspended sentence, without need of application: Provided, however, That suspension of sentence shall still be applied even if the juvenile is already eighteen (18) of age or more at the time of the pronouncement of his/her guilt.

Upon suspension of sentence and after considering the various circumstances of the child, the court shall impose the appropriate disposition measures as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.

[48] SEC. 40. Return of the Child in Conflict with the Law to Court. – If the court finds that the objective of the disposition measures imposed upon the child in conflict with the law have not been fulfilled, or if the child in conflict with the law has willfully failed to comply with the conditions of his/her disposition or rehabilitation program, the child in conflict with the law shall be brought before the court for execution of judgment.

If said child in conflict with the law has reached eighteen (18) years of age while under suspended sentence, the court shall determine whether to discharge the child in accordance with this Act, to order execution of sentence, or to extend the suspended sentence for a certain specified period or until the child reaches the maximum age of twenty-one (21) years. [Emphasis supplied].

[49] People v. Jacinto, G.R. No. 182239, 16 March 2011.

[50] SEC. 51. Confinement of Convicted Children in Agricultural Camps and Other Training Facilities. – A child in conflict with the law may, after conviction and upon order of the court, be made to serve his/her sentence, in lieu of confinement in a regular penal institution, in an agricultural camp and other training facilities that may be established, maintained, supervised and controlled by the BUCOR, in coordination with the DSWD.

[51] People v. Jacinto, supra.

[52] People v. Sarcia, G.R. No. 169451, 10 September 2009.

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