

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENJIE RAMILLA Y AUSENTE ALIAS “CHEM-CHEM,” ACCUSED-APPELLANT.

G.R. No. 101435. November 08, 1993

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-101435/>

CRUZ, J.:

The scene is familiar. A group of persons on a drinking spree. An unwary passerby. A drunken approach. A rumble. A stabbing. And one more human life is wasted on the street.

That is what the prosecution claimed to have happened on September 1, 1988, at about 9 o'clock in the evening, at Quirino street in Tondo.

As related by Edgar (Egay) Santos at the trial,[1] he and his friend William Santos were on their way home when they passed by a store where the herein appellant, Benjie Ramilla, and some companions were drinking. Upon seeing them, the group whispered among themselves and Ramilla then approached William. Ramilla grabbed William's hair and dragged him about five meters away. Demetrio Cabretino handed a knife to Roberto Castillo, who then started stabbing William as two others in the group held the helpless victim's arms. Ramilla kicked William several times before the stricken man fell to the ground.

Egay ran and reported the incident to William's father. They rushed to the hospital and learned that William was already dead. Cause of death per the subsequent autopsy report was massive hemorrhage due to the stab wound on his chest.[2]

From the hospital, Egay accompanied two policemen to Ramilla's house, where they were told by his mother that he was not in. They nevertheless entered and found Ramilla in the kitchen hiding behind a table and gathering his belongings.[3] He was invited to police headquarters for questioning.

Ramilla alone was charged with the murder of William Santos because his companions had all disappeared. He testified on his own behalf and presented several witnesses for corroboration.

His defense was denial. He swore that on the night in question, he was asleep in his house, being under orders from his parents not to go out late at night and thus avoid trouble. He swore that he was not hiding when the policemen came to arrest him. He also said Egay used to be his friend but they were no longer on speaking terms.[4]

Adelaida Ramilla corroborated her son's alibi. She also said her son and Ramilla had a falling-out a week before and that she herself had sent Egay out of her house because he had eaten her food. There was an exchange of invectives between them then and Egay had left with the threat "Tatandaan mo." She suggested that the incident explained the motive for his testifying falsely against her son.[5]

An alleged eyewitness, Arturo Esplago, testified that it was a stranger who stabbed William to death. The killer

came from an alley and immediately attacked William, who ran, shouting "Away! Away!" The wounded man was surrounded by people as a woman shouted "Tama na, tama na, tigilan mo na!" William then staggered toward the alley and fell before he reached the corner.[6]

Demetrio Mata swore he saw the same incident and also insisted that the killer was a stranger who came from the alley and then fled after stabbing William. There was a mob that surrounded William before he ran toward the alley and fell when he reached the corner as he clutched his stomach.[7]

In his decision dated April 8, 1991, Judge Procoro J. Donato of the Regional Trial Court of Manila found Benjie Ramilla guilty of the murder of William Santos and sentenced him to suffer the penalty of reclusion perpetua, to pay the victim's heirs P50,000.00 as civil indemnity and P10,000.00 as moral damages.[8]

The decision is now faulted by the defense for not applying the equipoise rule and for giving credence to the testimony of the lone eyewitness for the prosecution as against the alibi of Ramilla and the testimonies of his own witnesses.

The equipoise rule is applicable only where the evidence of the prosecution and the defense are so evenly balanced as to call for the tilting of the scales in favor of the accused who is presumed innocent under the Bill of Rights. The rule is not applicable here because there is no equipoise. The evidence of the prosecution is heavier than that of the defense and has overcome the constitutional presumption of innocence in favor of the appellant.

The trial court found that the testimony of Egay Santos was more convincing than the testimonies of the defense witnesses. We agree that the motive ascribed to him for testifying against Ramilla is far too insubstantial to deserve belief. More importantly, we find from the swift flow of events that night that it was not possible for Egay to concoct a malicious and false story for the purpose only of implicating the appellant.

The stabbing took place suddenly at about nine o'clock that evening. Egay immediately reported the attack to William's father and together they rushed to the hospital where they found William already dead. Egay was interviewed there by the investigating policemen, to whom he reported William's involvement in the killing, and then went with them to his house where he was picked up at about one o'clock the following morning. The group then proceeded to police headquarters, and there Egay submitted to investigation and made his sworn statement at about four o'clock the same morning. There was no time for fabrication. Egay merely narrated what he had actually seen. Notably, his sworn statement[9] conformed completely with his subsequent testimony at the trial, where he again recounted the killing of William Santos in the evening of September 1, 1989.

By contrast, the evidence for the defense suffers from many major flaws that dissuaded the trial court from accepting it. The alibi was far from convincing because Ramilla's house, where he claimed to have been sleeping at the time of the stabbing, was only a few minutes walk from the scene of the crime. Its inherent weakness is further debilitated by its corroboration from Ramilla's own mother, which must also be taken with a grain of salt because of its suspect bias and truthfulness. No other witness supported the alibi.

The testimonies of the alleged eyewitnesses, who claimed that the killer was a mysterious stranger, are not reliable either. The Court notes inter alia that whereas Esplago maintained that William fell in front of Mata's house, about three houses away from the corner of the alley,[10] Mata himself was sure that William fell at the corner.[11] Esplago said that when William was stabbed, he started running and shouted "Away! Away!" as the people milled around him. We find this reaction rather strange as a person in his condition would have said something more relevant like "Tulungan ninyo ako! Sinaksak ako!" or some such exclamation expressing his desperation. Instead, he acted like a town-crier announcing an objective news item affecting some distant and unknown person. We also wonder why, as narrated by Mata, William was clutching his stomach as he ran when,

according to the autopsy report, he had been fatally stabbed in the chest.

These may be minor contradictions understandable in the narration by several witnesses of the same violent occurrence, but they are nevertheless useful and revealing in the comparison of such narrations with the testimonies of other witnesses for the other side. The trial judge obviously made such a comparison, and this comparison, added to his observation of their demeanor on the stand, persuaded him to believe Egay rather than Ramilla and his corroborating witnesses. We have said often enough that the assessment of the witnesses by the trial judge is received with considerable respect on appeal, if not indeed deemed conclusive on the reviewing court. The exception is where such assessment is tainted with arbitrariness, but we do not find that flaw here.

The evidence shows that there was, indeed, a conspiracy, as the trial court held. Thus, as William and Egay approached, Ramilla and his companions whispered to each other, then Ramilla dragged William by the hair, and as two of the group restrained his arms, William was stabbed by one man with a knife handed to him by another and was kicked several times by Ramilla as their victim fell. There was community of purpose among the group. There was concert of action in the killing of William. Ramilla was clearly part of the conspiracy and so must be held equally guilty with the rest of his companions even if it was not he who actually wielded the knife that killed William.

We agree that treachery attended the crime and qualified it to murder because the victim was completely taken by surprise when the group attacked him and he was rendered unable to defend himself when they held his arms and stabbed and kicked him. Abuse of superior strength was correctly not appreciated as a separate aggravating circumstance because it is deemed absorbed in treachery.[12]

But the prosecution failed to prove evident premeditation by Ramilla and his companions. Its essential elements are: (1) the time when the offender determined to commit the crime; (2) an act manifestly indicating that the culprit had clung to his determination; (3) a sufficient interval 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.[13] These elements have not been established by the People. It has not been shown that Ramilla's group was lying in wait for William and Egay that night to carry out a plan to kill him as earlier agreed upon by them. The plan seems to have been made on the spur of the moment, clearly without premeditation as above defined.

For this reason, we must correct the statement in the decision that "there is no need to discuss whether this qualifying circumstance is present because conspiracy has already been shown and conspiracy denotes premeditation." This generalization is not applicable to the case at bar because, as Chief Justice Ramon C. Aquino explained in his book:[14]

Under normal conditions, where conspiracy is directly established, with proof of the attendant deliberation and selection of the method, time and means of executing the crime, the existence of evident premeditation can be taken for granted. But in the case of implied conspiracy, evident premeditation may not be appreciated, in the absence of proof as to how and when the plan to kill the victim was hatched or what time elapsed before it was carried out, so that it cannot be determined if the accused had "sufficient time between its inception and its fulfillment dispassionately to consider and accept the consequences." There should be a showing that the accused had the opportunity for reflection and persisted in effectuating his criminal design.

The invocation of voluntary surrender as a mitigating circumstance is not acceptable. Ramilla did not surrender. The police went to his house, where he was found crouching behind a table in the kitchen and was invited to the police station. The fact that he did not resist but peacefully went with the policemen does not mean that he voluntarily surrendered. He did not present himself voluntarily to the police[15] and neither did he ask them to

fetch him at his house so he could surrender.[16] He was found skulking in the kitchen, after his mother had denied his presence in the house, and was apparently gathering his belongings at that time, possibly for flight.

William Santos was only 21 years old when he was killed. Benjie Ramilla is now 24 years old. Two young men have been doomed by this mindless murder, which has sent one to an untimely death and the other to a life behind bars.

And so another murder has been added to the long list of crimes committed in Tondo, hotbed of hoodlums and arena of thuggery. Lost in its notoriety are the quiet good works of the great majority of its inhabitants, who pursue the even tenor of their lives with goodwill toward each other and respect for the law, unflappable resilience in the face of misfortune, and an abiding faith in the providence of the Almighty.

WHEREFORE, the appeal is DISMISSED and the challenged decision is AFFIRMED, with costs against the appellant.

SO ORDERED.

Davide, Jr., Bellosillo, and Quiason, JJ., concur.

[1] TSN, pp. 2-5, December 14, 1988.

[2] Exhibit E, Original Records, p. 84.

[3] TSN, pp. 6-7, December 14, 1988.

[4] TSN, pp. 4, 6, June 6, 1991.

[5] TSN, pp. 14-16, May 30, 1989.

[6] TSN, pp. 3-4, May 30, 1989.

[7] TSN, pp. 5-6, May 31, 1989.

[8] Original Records, pp. 156-173.

[9] Original Records, p. 146.

[10] TSN, p. 4, May 30, 1989.

[11] TSN, p. 6, May 31, 1989.

[12] *People v. Centeno*, 172 SCRA 607; *People v. Manzanares*, 177 SCRA 427.

[13] *People v. Diwa*, 23 SCRA 468; *People v. Clamor*, 198 SCRA 642; *People v. Nabayra*, 203 SCRA 75.

[14] Aquino, *The Revised Penal Code*, Vol. 1, 1976 Ed., pp. 338-339.

[15] *People v. Adlawan*, 83 Phil. 194; *People v. Siojo*, 61 Phil. 307.

[16] *People v. Canoy*, 90 Phil. 633.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.