

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO CANCERAN Y GUMMARO, ACCUSED-APPELLANT.

G.R. No. 104866. January 31, 1994

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-104866/>

PADILLA, J.:

Accused-appellant was charged with murder on 14 February 1989 in an Information which reads:

"x x That on or about December 1, 1988, at around 10:30 o'clock in the evening, in Brgy. Sta. Maria, Municipality of Camiling, Province of Tarlac, Philippines and within the jurisdiction of this Honorable Court, the said accused, Romeo Canceran y Gummaro, armed with a short handgun (stainless) with intent to kill and with treachery suddenly shot Pribert Doroja y Primero with the said firearm inflicting (a) gunshot wound on his head which resulted (in) his death.

Contrary to law."[1]

The accused-appellant pleaded not guilty upon arraignment and after trial the Regional Trial Court at Camiling, Tarlac, Branch 68, rendered a decision[*] dated 5 March 1992, the dispositive part of which reads:

"WHEREFORE, the Court finds and so holds, that the accused Romeo Canceran is guilty beyond reasonable doubt of the crime of Murder under Art. 248 of the Revised Penal Code and hereby sentences him to reclusion perpetua, to indemnify heirs of the victim the amount of Fifty Thousand (P50,000.00) Pesos, moral damages in the amount of Thirty Thousand (P30,000.00) Pesos and to pay the costs."[2]

The undisputed facts of the case are as follows:

On 30 November 1988, at around 10:00 o'clock in the evening, accused-appellant Romeo Canceran met the group of the victim Pribert Doroja, Arnold Bautista and Edralin Melindez on a street in Barangay Sta. Maria, Camiling, Tarlac. The group invited the accused-appellant to join them for a few drinks. After buying two (2) bottles of "Red Horse" beer, the group proceeded to the boarding house of Pribert Doroja and Edralin Melindez where they started their drinking session. The group sat on two (2) wooden beds which were perpendicular to each other. Edralin Melindez sat alone on one of the beds while the three (3) others sat on the other bed with the accused-appellant seated at the end closer to Melindez, followed by Arnold Bautista who sat in the middle and finally by the victim, Pribert Doroja who sat on the other end.

The group was conducting their drinking session in a manner locally termed "tagayan" where a single glass is used and each person takes his turn drinking a fixed amount of liquor from the glass. Arnold Bautista, who acted as the "tanggero," was the person who refilled the glass so the other persons present could take their turn in drinking. When the victim Pribert Doroja was about to take his second drink from the glass, a bullet struck him on the left side of the head, slightly above the left ear.

Arnold Bautista and Edralin Melindez, shortly there-after, went to the headquarters of the 188th PC Company at Malacampa, Camiling, Tarlac to report the incident. Based on the statements given by Bautista and Melindez, the

PC Investigating Team proceeded to the residence of a certain Atty. Juan Cerezo, the accused-appellant's employer, to invite Romeo Canceran for questioning about the incident. Bautista and Melindez alleged that it was Romeo Canceran who shot the victim. On the other hand, Romeo Canceran alleged that Arnold Bautista accidentally shot the victim while playing with a revolver.

At the instance of the PC investigators, Romeo Canceran and Arnold Bautista voluntarily submitted themselves to a paraffin test to determine who had fired a gun. Elvira Avena-del Rosario, a senior forensic chemist of the National Bureau of Investigation submitted Chemistry Report Nos. C-88-1402 and C-88-1403[3] which were the results of nitrate tests conducted on the paraffin casts taken from Romeo Canceran and Arnold Bautista. Elvira Avena-del Rosario testified that the nitrate tests made on the paraffin casts taken from Arnold Bautista gave negative results for both right and left hands while the same tests conducted on the paraffin casts taken from the accused-appellant Romeo Canceran indicated the presence of nitrates on the latter's right hand. Elvira Avena-del Rosario further stated that the positive results indicated the possibility that the accused-appellant Romeo Canceran had recently fired a gun.[4]

Arnold Bautista, testifying for the prosecution, stated that he actually saw the accused-appellant draw his gun and shoot the victim Pribert Doroja while they were all seated and having a drinking session.[5] Edralin Melindez testified that after the shooting, he saw the accused-appellant stand up, put the gun back in its holster and leave the locus criminis.[6] Francisca Doroja, the victim's mother, testified that the accused-appellant Romeo Canceran had on one occasion apologized to her and said, "Parang aksidente lang Ate, ang pagkabaril ko sa anak mo. Araw ng Viernes" (It was accidental, my shooting your son. It was a Friday)[7]

Accused-appellant assigns several errors to the trial court as follows:

"ASSIGNMENT OF ERRORS

I

THE TRIAL COURT GRAVELY ERRED IN RULING THAT THE ACCUSED'S DEFENSE IS ONE OF MERE DENIAL.

II

THE TRIAL COURT ERRED IN GIVING UNDUE WEIGHT AND CREDENCE TO THE IMPROBABLE, INCONSISTENT AND CONTRADICTORY TESTIMONIES OF THE TWO EYEWITNESS, ARNOLD BAUTISTA AND EDRALIN MELINDEZ.

III

THE TRIAL COURT ERRED IN NOT PUTTING PREMIUM ON MOTIVE CONSIDERING THAT THE POSITIVE IDENTIFICATION OF THE ACCUSED BY BAUTISTA AND MELINDEZ IS FLAWED.

IV

THE TRIAL COURT ERRED IN NOT ACQUITTING THE ACCUSED OUTRIGHT ON THE BASIS OF THE INCONSISTENCY BETWEEN BAUTISTA'S TESTIMONY AND THE NBI MEDICO-LEGAL FINDINGS.

V

THE TRIAL COURT ERRED IN GIVING UNDUE EMPHASIS ON THE INCULPATORY PORTIONS OF FRANCISCA DOROJA'S TESTIMONY CONSIDERING THE PRESENCE THEREIN OF CLEAR COUNTERBALANCING EXCULPATORY STATEMENTS.

VI

THE TRIAL COURT ERRED IN GIVING UNDUE EVIDENTIARY WEIGHT TO THE RESULTS OF THE PARAFFIN TEST CONSIDERING THE CRUDE MANNER BY WHICH IT WAS ADMINISTERED AND THE EXTREME LIKELIHOOD THAT THE PARAFFIN CASTS OF ACCUSED CANCERAN AND PROSECUTION WITNESS BAUTISTA HAVE BEEN INTERCHANGED.

VII

THE TRIAL COURT ERRED IN FINDING THAT THE ACCUSED RAN AWAY FROM THE SCENE OF THE CRIME.

VIII

THE TRIAL COURT ERRED IN NOT GIVING DUE CONSIDERATION TO THE FACT THAT ACCUSED WAS DENIED HIS CONSTITUTIONAL RIGHT TO COUNSEL MOST ESPECIALLY DURING THE MOST DELICATE STAGES OF THE PROCEEDINGS BELOW.

IX

THE TRIAL COURT ERRED IN NOT ACQUITTING THE ACCUSED ON THE GROUND OF REASONABLE DOUBT."^[8]

A close and careful perusal of the records of this case fails to reveal any error committed by the trial court which warrants a reversal of the judgment of conviction.

Two (2) witnesses for the prosecution, Arnold Bautista and Edralin Melindez, were able to adequately establish that it was the accused-appellant Romeo Canceran who shot and killed Pribert Doroja. The trial court found their testimonies credible and convincing. This Court will not disturb these findings absent any exceptional instances where they are clearly shown to be arbitrary.^[9]

Accused-appellant Romeo Canceran also alleges that certain inconsistencies and contradictions in the testimonies of Arnold Bautista and Edralin Melindez merit reversal of his conviction. The alleged inconsistencies however such as whether the "tagayan" was conducted in a clockwise direction as stated by Melindez or counter-clockwise as stated by Bautista or whether accused-appellant used his right or left hand in returning the gun to its holster, do not in any way refute the positive identification made by the two (2) eyewitnesses that it was Romeo Canceran who shot the victim.

The alleged inconsistencies and contradictions in the testimonies of Bautista and Melindez pertain to minor matters which instead of damaging their credibility should be considered badges of truth considering the natural fallibility of human perceptions.

The accused-appellant's lack of motive is immaterial since he was positively identified as the one who shot the victim.^[10] The rule is well settled that the prosecution need not prove motive on the part of the accused when the latter has been positively identified as the author of the crime.

The allegation of the accused that the results of the nitrate tests should be disregarded due to the possibility that the results of the tests conducted on the accused-appellant and Arnold Bautista may have been interchanged, deserves scant consideration. The defense failed to show even the slight possibility that the paraffin casts were interchanged. The Solicitor General correctly points out that "there is no possibility of interchange since the casts, when submitted to the NBI Manila for examination, were embedded or glued to the paper with proper identification."^[11] The presumption under Rule 131, Section 5(m) of the Rules of Court that official duty has been regularly performed has thus not been successfully overcome by the defense.

The accused-appellant also contends that the trial court gave undue credence to the testimony of Francisca Doroja, the victim's mother, who stated that the accused-appellant had talked to her inside the courtroom and admitted that he shot the victim accidentally.[12] This issue need not be discussed at length considering that Arnold Bautista had clearly and positively testified that it was the accused-appellant Romeo Canceran who shot the victim. Edralin Melindez corroborated his testimony by stating that right after the victim was shot, he saw the accused-appellant stand up and put a gun he was holding back into its holster. The defense failed to show any motive on the part of these two (2) witnesses to falsely testify against the accused-appellant.

The issue of violation of the accused-appellant's right to an attorney can be readily settled by reading the Origin-al Records of this case. During his arraignment on 21 March 1989, the accused-appellant was duly assisted by counsel de oficio, Atty. Hermogenes Manglicmot. The Order of the trial court dated 21 March 1989 directed the Citizens Legal Assis-tance Office to thereafter represent the accused Romeo Canceran. Clearly, no violation of the right to counsel was committed. The paraffin tests conducted without the pre-sence of counsel did not violate the right against self-incrimination[13] nor the right to counsel.

The other assigned errors need not be discussed since the guilt of the accused-appellant has been proved with the moral certainty required by law.

The prosecution having clearly proved that the accused-appellant Romeo Canceran y Gummaro shot the victim Pribert Doroja y Primero suddenly and without warning while the two (2) of them along with Arnold Bautista and Edralin Melindez were having a drinking session, the trial court was correct in holding Romeo Canceran y Gummaro guilty of murder qualified by treachery.

WHEREFORE, the decision appealed from is AFFIRMED in toto.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Puno, JJ., concur.
Nocon, J., on leave.

[1] Rollo, p. 9

[*] Penned by Judge Prudencio V.L. Ruiz

[2] Rollo, p. 34

[3] Exhibits "J" and "K"

[4] TSN, 20 July 1989, pp. 44-47

[5] TSN, 27 June 1989, p. 9

[6] TSN, 20 July 1989, p. 32

[7] TSN, 7 August 1989, p. 7

[8] Rollo, pp. 46-47

[9] People v. Liston, G.R. No. 63396, 15 November 1989, 179 SCRA 415

[10] People v. Kyamko, G.R. No. 95263, 18 December 1990, 192 SCRA 374

[11] Rollo, p. 104

[12] TSN, 7 August 1989, p. 7

[13] People v. Gamboa, G.R. No. 91374, 25 February 1991, 194 SCRA 372

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.