

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO ASOY, LEOPOLDO ASOY, MAURINO OBIDOS AND MIGUEL PAJUTA, ACCUSED. EDUARDO ASOY, ACCUSED-APPELLANT.

G.R. No. 109764. December 29, 1995

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-109764/>

BELLOSILLO, J.:

EDUARDO ASOY appeals from the decision of the Regional Trial Court of General Santos City finding him guilty of murder and imposing upon him a prison term of reclusion perpetua and to pay P8,000.00 as actual damages, P10,000.00 for moral damages, P15,000.00 for death indemnity, P180,000.00 representing one-fourth (1/4) of the expected income of victim Jaime Sunga had he not been murdered, and P100.00 as costs.

The Information alleges that in the evening of 24 February 1989 in Purok Malakas, Lagao, General Santos City, conspiring with one another, the accused Eduardo Asoy, Leopoldo Asoy, Maurino Obidos and Miguel Pajuta, all armed with knives, with treachery and intent to kill, taking advantage of superior strength and nighttime, feloniously assaulted, stabbed and wounded one Jaime Sunga which caused his death.[1]

Only accused Eduardo Asoy was arrested, hence he alone was tried. He was convicted and now appeals his conviction. The other three (3) accused have remained at large.

On 24 February 1989 at eleven o'clock in the evening Hermelino Perez, his wife, and nephew Jaime Sunga were on their way home from the house of another nephew, Jun Castino, in Perez Subdivision about 150 meters from Hermelino's house. The house of Jaime was around 200 meters from Hermelino's. When they were nearing their house Maurino Obidos, one of the accused, tried to approach Hermelino and his companions but Miguel Pajuta, another accused, stopped Maurino. Maurino was engaged in a drinking session by the roadside with his co-accused Eduardo Asoy, Leopoldo Asoy and Miguel Pajuta some fifteen (15) meters away from Hermelino's house. The four accused were squatting while drinking beneath a street light. Sensing trouble Hermelino advised Jaime not to go home, instead, to spend the night with him. Hermelino knew that Maurino had a grudge against him, as in fact Obido's sister had previously filed a case of attempted rape against Hermelino. But Jaime ignored Hermelino's advice and insisted on going home.

Hermelino immediately went up his house and peeped through the jalousies of his window. He saw Eduardo, Leopoldo, Maurino and Miguel accost Jaime who said, "Huwag ninyo idaan sa init ng ulo." The four accused then surrounded Jaime and stabbed him. Maurino was the first to stab Jaime, followed by Eduardo who was in front of him.

Hermelino quickly rushed out of his house, picked up a bamboo pole and went towards the four accused to save Jaime. Hermelino struck Maurino who fell to the ground and crawled towards the cornfield while his three (3) companions fled. Finding Jaime moaning and dying, Hermelino shouted for help and brought the victim to the Doctor's Hospital where he expired soon after.

Dr. Virginia Ramirez, Assistant City Health Officer, conducted a post mortem examination of the victim. Dr. Ramirez found that Jaime sustained five (5) stab wounds, four (4) frontal and one (1) dorsal. A rounded stab wound about two (2) inches from the left nipple was determined to be the fatal wound. The doctor gave the cause of death as hemorrhage due to stab wounds.[2]

Appellant Asoy contends that the trial court erred in convicting him of murder since the prosecution failed to prove his guilt beyond reasonable doubt. He submits that the alleged eyewitness to the commission of the crime, Hermelino Perez, did not actually see the stabbing of the deceased and that it was only Maurino who stabbed the victim. Appellant claims that even if he be considered a co-conspirator he should be held liable only for the lesser offense of homicide as the trial court had disregarded the aggravating circumstances of treachery and nighttime.[3]

We do not view it the way appellant does. Hermelino Perez, lone eyewitness for the prosecution, testified in clear and unequivocal terms that he saw appellant Eduardo Asoy stab Jaime Sunga, to wit:

Q.

When Jimmy Sunga was already in that place where the four (4) persons were located, was there any conversation that took place?

A.

Yes, there was a conversation that took place.

Q.

What is that words (sic) that he said clearly from (sic) Jimmy Sunga.

A.

Huwag ninyo idaan sa init ng ulo.

Q.

.Then after you heard Jimmy Sunga saying those those words, "Huwag ninyo idaan sa init ng ulo," what happen(ed) next if any?

A.

They surrounded Jaime Sunga.

Q.

Who surrounded Jaime Sunga?

A.

Eduardo Asoy, Maurino Obidos, Leopoldo Asoy and Miguel Pajuta.

Q.

Then what happen(ed) after that if any?

A.

They help(ed) one another in stabbing the victim.

Q.

This Eduardo Asoy, did you see him clearly that night?

A.

I saw the four clearly that night.

Q.

What was . . . what did (sic) Eduardo Asoy doing that time when you said they help(ed) one another in stabbing your nephew Jaime Sunga?

A.

Eduardo Asoy stabbed Jaime Sunga.

Q.

Where was Eduardo Asoy specifically in relation to Jaime Sunga when you saw him stabbing Jaime Sunga?

A.

In front of Jaime Sunga.

Q.

After you saw the four helping one another in stabbing your nephew, what did you do if you did anything?

A.

When I saw that they were helping one another in stabbing my nephew successively, I went out and got a piece of bamboo.

x x x x x x x x

Q.

What did you do next if you did anything more as you got hold of that piece of bamboo?

A.

I rushed towards them and brought the piece of bamboo and shouted at them, "Mga putang ina ninyo," and that time Eduardo Asoy and Miguel Pajuta were already at a distance from my nephew while Miguel Obidos and Leopoldo Asoy remain(ed) where my nephew was.

x x x x x x x x

Q.

Upon reaching the very place, what did you do if you did anything?

A.

I struck those persons. I struck Maurino Obidos and Leopoldo Asoy with that stick but I was not able to reach Leopoldo Asoy.

Q.

Was Maurino hit when you struck him with the bamboo pole?

A.

Yes, sir.

Q.

What happened to Maurino Obidos after he was hit by that bamboo pole?

A.

He fell down to the corn field and crawled.[4]

As between a positive and categorical testimony on one hand, and a bare denial on the other, the former is generally held to prevail.[5] The testimony of a single witness is sufficient to support a conviction even in a charge of murder where it is positive and credible. Witnesses are to be weighed, not numbered, hence it is not at all uncommon to reach a conclusion of guilt on the basis of the testimony of a single witness despite the lack of corroboration when such testimony is found positive and credible by the trial court.[6]

We thus sustain the credibility of the prosecution witnesses, more particularly Hermelino Perez whom the trial court found to have positively identified accused-appellant as one of those who stabbed Jaime Sunga. It is a fundamental legal aphorism that the conclusions of the trial judge on the credibility of witnesses command great respect and consideration especially when the conclusions are supported by the evidence on record, and will not ordinarily be disturbed or interfered with. The only exception to the rule is when the trial court plainly overlooked certain facts and circumstances of weight and influence which, if considered, will materially alter the result. Such exception does not exist in the case at bench.

Appellant's protestation of innocence is further belied by his subsequent actuations. Immediately after the incident, he ran towards the Stanfilco banana plantation where, he said, he hid himself for two (2) hours, then went to his sister's house to get his personal belongings after which he went back to the banana plantation where he stayed until 7:00 a.m. of the next day. From there he went to the Yellow Bus Line terminal and boarded a bus for Marbel, then a jeep to Cotabato City, to Pagadian City, and then to Dinas, Zamboanga del Sur. There is no doubt that he left the scene of the crime because of a guilty conscience. The rule is settled that flight evidences guilt.

The trial court did not err in finding appellant guilty of murder, and not for the lesser offense of homicide, even when it discarded treachery as an attendant aggravating circumstance in the commission of the crime. The victim Jaime Sunga was unarmed and thus defenseless when attacked by the four (4) accused who were all armed with bladed weapons. This is abuse of superior strength. As it has been held, if the felons took advantage of their collective strength to overwhelm their comparatively defenseless victim, the qualifying circumstance of taking advantage of superior strength was present.[7] This qualifying circumstance is alleged in the Information although omitted in the portion of the Information quoted in the decision of the trial court.[8] Thus even if the qualifying circumstance of treachery was ruled out by the trial court, there being present the qualifying circumstance of abuse or taking advantage of superior strength, the appellant was still properly convicted of murder.

To establish conspiracy, proof of concerted action on the part of the accused demonstrating a common design and objective is sufficient.[9] In this instance, conspiracy was clearly manifest. After the victim was accosted on the subdivision road by all the accused they surrounded him and took turns in stabbing him. Obviously, there was unity of purpose and design to kill him, and the superior number of the accused ensured the attainment of their objective.

Under Art. 248 of The Revised Penal Code, the prescribed penalty for murder is reclusion temporal in its maximum period to death. Other than taking advantage of superior strength, there is no other modifying circumstance which attended the commission of the crime, in which case, the penalty should be imposed in its

medium period, i.e., reclusion perpetua.

No issue is raised on the amounts of damages awarded by the court a quo as appellant only questions the propriety of his conviction for murder. However, conformably with existing jurisprudence, the death indemnity of P15,000.00 should be increased to P50,000.00.[10]

WHEREFORE, the decision appealed from convicting accused-appellant EDUARDO ASOY of the crime of murder and imposing upon him a prison term of reclusion perpetua plus P8,000.00 as actual damages, P10,000.00 for moral damages, P15,000.00 for death indemnity, P180,000.00 representing one-fourth (1/4) of the expected income of victim Jaime Sunga and P100.00 as costs, is **AFFIRMED** with the modification that the death indemnity of P15,000.00 is increased to P50,000.00. Costs against accused-appellant Eduardo Asoy.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Kapunan, and Hemosisima, Jr., JJ., concur.

[1] Rollo, p. 7.

[2] TSN, 22 October 1991, pp. 76-77.

[3] Rollo, pp. 40-41.

[4] TSN, 13 August 1991, p. 12-13.

[5] *People v. Bello*, G.R. No. 92597, 4 October 1994, 237 SCRA 347.

[6] *People v. Rayray*, G.R. No. 90628, 1 February 1995, 241 SCRA 1.

[7] *People v. Waggay*, G.R. No. 98154, 9 February 1993, 218 SCRA 742.

[8] Rollo, p. 7.

[9] *People v. Mortinado*, G.R. No. 92020, 19 October 1992, 214 SCRA 712; *People v. Villalosos*, G.R. No. 71526, 27 May 1992, 209 SCRA 304; *People v. Pajarit*, G.R. No. 82770, 19 October 1992, 214 SCRA 678.

[10] See *People v. Sazon*, G.R. No. 89684, 18 September 1990, 189 SCRA 700, 714. See also *People v. Mision*, G.R. No. 63480, 26 February 1991, 194 SCRA 432; *People v. de la Cruz*, G.R. No. 111568, 2 March 1995, 242 SCRA 129.

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.