

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VIRGILIO TAÑEDO, BERLITO LACHICA, AND DANILO MERCADAL, ACCUSED-APPELLANTS.

G.R. No. 110405. January 02, 1997

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-110405/>

BELLOSILLO, J.:

On 25 April 1982, at 6:00 o'clock in the evening, the brothers Domingo and Dominador Nepal passed by the store of Merly Pelago in Barangay San Isidro, General Luna, Quezon. At the store were Barangay Captain Pacito Agoncillo, Ruben Agoncillo, Eleno Agoncillo, Jesus Lachica and a certain Konsehal Francisco. They were having a drinking spree. Berlito Lachica and Danilo Mercadal were also with the group of the barangay captain but were not drinking.

Domingo was called by Ruben Agoncillo while Dominador went to the adjoining house of Nemesio del Mundo. While inside the house, Dominador heard shouts of women emanating from the store. He rushed to the store and saw Jesus Lachica kicking Ruben Agoncillo with his brother Domingo pacifying them. Dominador then saw Danilo Mercadal carrying a bolo and about to hack Domingo when the latter swiftly got hold of a piece of wood and drove Danilo away. Berlito Lachica, also armed with a bolo, followed his brother-in-law Danilo who was heading towards the mountain.

At about 7:00 o'clock that evening, as Domingo and Dominador were about to leave, they were asked by Ruben who was already drunk to accompany him to Barangay Captain Pacito Agoncillo to complain. Agoncillo had left the group earlier. But the Nepals just left Ruben with a certain Boy Revadavia before they proceeded home.

Domingo was walking ahead followed by Dominador some 4 meters behind when Virgilio Tañedo, Berlito Lachica, Jesus Lachica, Enrico Gepaya and Mercurio Lemina, all armed with bladed weapons, suddenly emerged from a banana grove and from Nuestro Tañedo's house nearby which was well-lit as there was an electric light coming from the balcony. Danilo boloed Domingo and hit him on the right side of his head causing the latter to stagger backwards. At that juncture, Virgilio, Berlito, Jesus, Mercurio and Enrico surrounded Domingo. Then Virgilio gave Domingo a final thrust with his balisong.

With his brother completely at the mercy of his assailants, Dominador shouted for help. It was all in vain. Mercurio and Gepaya encircled Domingo and then it was all over. The malefactors disappeared leaving Domingo prostrate on the ground. He was bleeding profusely from the hacking wounds he sustained, including one which went through his chest lacerating his right lung.

Maxima Remuyan, mother of Domingo, who was about five meters away, saw Domingo assaulted by the accused who were all armed and seemed to have come from all directions. Maxima cried out for help but her son was already slain when those who responded arrived.

Virgilio Tañedo, Berlito Lachica, Danilo Mercadal, Mercurio Lemina, Jesus Lachica and Enrico 'Boy' Gepaya

were charged with murder with the information alleging conspiracy, treachery and evident premeditation.

Except for Virgilio Tañedo, all the accused testified in court and disavowed any involvement in the killing of Domingo.

Accused Jesus Lachica alleged that while he was in the store of Merly Pelago drinking with Pacito Agoncillo, Francisco Luistro and Eleno Agoncillo, he heard Ruben Agoncillo berating his son-in-law Danilo Mercadal. So he told Mercadal to leave and then he asked Ruben what the trouble was. But Danilo snapped at him saying that it was none of his business. This angered Jesus, prompting him to kick Danilo. Jesus denied any participation in the slaying of Domingo, claiming that he was in the store of Merly Pelago until 10:00 o'clock that evening.

Accused Berlito Lachica corroborated the statement of his father Jesus. Berlito testified that at around 6:00 o'clock in the evening of 25 April 1982 he stopped at the store of Merly Pelago to buy cigarettes. There he saw his father drinking so he decided to wait for him until 10:00 o'clock.

Accused Danilo Mercadal likewise disclaimed complicity in the killing of Domingo. According to Danilo, he went to Merly Pelago's store to retrieve some dinner plates which Merly had borrowed earlier. He said that Ruben Agoncillo arrived at the store drunk and tried to hit him, so his father-in-law, Jesus Lachica, intervened and told him to leave the store. Obeying his father he left with his wife for home.

Accused Virgilio Tañedo presented Myrna Barretto, a barangay health worker, to testify in his defense. According to Myrna, at around 6:00 o'clock in the evening of 25 April 1982, Virgilio went to her house to ask medicine for his stomach ache. After taking the emital syrup[1] given him, Virgilio rested in her house. Later, at 8:30, she heard Domingo shouting, "all brave men, come out!" Then a woman cried out for help. Myrna did not go out of the house to investigate because according to her she was afraid. The next day she learned that Domingo had been killed. She claimed that Virgilio Tañedo could not have participated in the killing because he was with her in her house the whole night..

Defense witness Sofio Pollo pointed to Mercurio Lemina and Enrico Gepaya as the assailants of Domingo. Pollo claimed to have witnessed the incident and recounted that at around 8:00 o'clock that evening, while he was inside his house, he heard Domingo shouting, "lumabas ang barako, lumaban ng patayan!" Then, according to him, he saw Mercurio and Enrico, armed with a tagad and bolo respectively, approach Domingo. Enrico then hacked Domingo on the head causing the latter to fall. Mercurio likewise hit Domingo with his tagad. Sofio Pollo belied the participation of accused Virgilio Tañedo, Danilo Mercadal, Berlito Lachica and Jesus Lachica stressing that they were not at the locus criminis.

On 14 December 1990 the trial court rendered a decision the decretal portion of which reads —

WHEREFORE, judgment is hereby rendered CONVICTING the accused (MERCURIO LEMINA, DANILO MERCADAL, VIRGILIO TAÑEDO, BERLITO LACHICA, JESUS LACHICA and ENRICO 'BOY' GEPAYA) of the crime of MURDER as charged in the information and applying the Indeterminate Sentence Law, hereby sentences each of them to suffer the penalty of TWELVE (12) YEARS of prision mayor to TWENTY (20) YEARS of reclusion temporal. To indemnify the heirs of deceased Domingo Nepal in the amount of THIRTY THOUSAND PESOS (P30,000.00) and to suffer the accessory penalties of the law.

Accused Mercurio Lemina, a detention prisoner, is hereby credited in full of his preventive imprisonment.[2]

Of the accused only Virgilio Tañedo, Berlito Lachica, Jesus Lachica and Danilo Mercadal appealed their conviction to the Court of Appeals. Pending their appeal, however, Jesus Lachica died on 27 March 1991 at the New Bilibid Prison Hospital. Parenthetically, the appellate court in a resolution of 8 August 1991 declared the criminal and civil liabilities of Jesus Lachica extinguished pursuant to Art. 89 of the Revised Penal Code, and

deemed his appeal closed and terminated.

On 14 January 1993 the Court of Appeals affirmed the decision of the trial court with the modification that accused-appellants be sentenced to reclusion perpetua and ordered them to indemnify the heirs of Domingo Nepal in the amount of P50,000.00. Accordingly, it certified the case to us for review pursuant to Rule 124, Sec. 13, of the Rules of Court.[3]

Accused-appellants assign the following errors: (1) the misappreciation of the testimonies of the prosecution witnesses; (2) the declaration of their culpability for murder; and, (3) the declaration that the prosecution had proved beyond reasonable doubt that they committed the crime of murder.

Appellants argue that their conviction was based entirely on the testimonies of the prosecution witnesses. Had the testimonies of the defense witnesses been considered, there would have been no evidence to sustain a finding of guilt beyond reasonable doubt. They also contend that the trial court misappreciated the testimony of prosecution witness Maxima Remuyan and that of defense witness Sofio Pollo. Maxima testified that she was then 4 meters away when she heard her son Domingo utter the words, "tama na Mer, tama na Boy," referring to Mercurio Lemina and Enrico Boy Gepaya, thus corroborating the statement of Sofio Pollo that there were only 3 men fighting, i.e., Lemina, Gepaya and victim Domingo Nepal.

There is no merit in the appeal. It is settled that findings of fact of the trial court pertaining to the credibility of witnesses command great weight and respect since it had the opportunity to observe their demeanor while they testified in court.[4] There is no reason for us in this case to depart from this established rule. We agree with the People that the lower court did not disregard the testimonies of the defense witnesses. It simply found their testimonies unbelievable while those of the prosecution witnesses credible. Furthermore, appellants rely heavily on their alibis. This Court has consistently ruled that alibi is the weakest of all defenses, and for it to prosper the accused has the burden of proving that he was not at the scene of the crime at the time of commission and that it was physically impossible for him to be there.[5] The defense failed to satisfy these requirements in the case at bar.

As regards the averment of appellants that the lower court misappreciated the testimonies of both prosecution witness Maxima Remuyan and defense witness Sofio Pollo, we find the same unacceptable. The fact that Maxima heard her son call out the names of Mercurio Lemina and Enrico Gepaya during the assault does not preclude the participation of the other accused. She categorically named the persons she saw ganging up on her son. Thus —

Q. Who are those persons who ganged up (on) your son?

A. Jesus Lachica, Berlito Lachica, Danilo Mercadal, Mercurio Lemina, Virgilio Tañedo and Boy Gepaya.[6]

Appellants also argue that assuming their participation in the killing of Domingo Nepal is established, the crime committed can only be homicide and not murder. They contend that alevosia cannot be appreciated since the fatal assault was the result of a casual encounter with the accused having no time to reflect on their modus operandi; in addition, the evidence presented by the prosecution does not show how the aggression took place or how the killing began and developed.

We are not moved. The records speak eloquently of the manner by which Domingo was slain. His assailants hid behind the banana grove as well as in the house of Nuestro Tañedo where they waited for their quarry. Upon seeing him they all came out from their hiding places and simultaneously assaulted Domingo with their bladed weapons. Surprised and outnumbered, Domingo was easily overcome by the coordinated moves of the felons who made sure that he would not be able to put up a shred of defense. Thus the killing could not be described as the result of a casual encounter. [7] Treachery may be considered to have attended the killing. As we have repeatedly

held, there is treachery when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from any defense which the offended party might make.[8]

The trial court as well as the appellate court correctly ruled that treachery qualified the killing of Domingo Nepal to murder committed by the accused in conspiracy with one another. Thus, according to the trial court —

The crime committed by all the accused is murder qualified by treachery. The concerted action of the armed attackers who lay in wait at that place for the unsuspecting victim to pass by, unarmed, insured the killing without any risk to the assailants. It rendered the victim completely unable to defend himself. Abuse of superior strength and nighttime, although present, are deemed absorbed by alevosia (People v. Orongan, G.R. No. L-32751, 21 December 1988)

ACCORDINGLY, the conviction of accused-appellants VIRGILIO TAÑEDO, BERLITO LACHICA and DANILO MERCADAL by the courts a quo for MURDER qualified by treachery is AFFIRMED and, conformably with Art. 248 in relation to Art. 14, par. 16, of the Revised Penal Code, they are each sentenced to reclusion perpetua together with its accessory penalties, and to indemnify the heirs of Domingo Nepal in the amount of P50,000.00. Costs against accused-appellants.

SO ORDERED.

Padilla, Vitug, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] TSN, 12 February 1987, p. 11.

[2] Decision penned by Judge Antonio V. Mendez, Sr., RTC - Br. 62, Gumaca, Quezon; Records, pp. 856-857.

[3] CA Decision penned by then Associate Justice Vicente V. Mendoza (now Member of this Court), concurred in by Justices Jorge S. Imperial and Quirino D. Abad Santos, Jr., Records, pp. 141-152.

[4] People v. Garde, G.R. No. 103968, 11 July 1996.

[5] People v. Ramos, G.R. No. 110600, 7 August 1996; People v. Namayan, G.R. No. 106539, 18 July 1995, 246 SCRA 646; People v. Espinosa, G.R. No. 113795, 28 March 1995, 243 SCRA 7; People v. Rivera, G.R. Nos. 88298-99, 1 March 1995, 242 SCRA 26; People v. Lopez, G.R. No. 112448, 30 October 1995, 249 SCRA 610.

[6] TSN, 22 March 1984, p. 7.

[7] Serrano v. Court of Appeals, G.R. No. 97484, 11 August 1995, 247 SCRA 203; People v. Ronquillo, G.R. No. 96125, 31 August 1995, 247 SCRA 793.

[8] Art. 14, par. 16, The Revised Penal Code; People v. Beltran, G.R. No. 119306, 31 July 1996.

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.