

EDDIE TALAY, BAYANI TALAY AND EDGARDO MAIGUE, JR., PETITIONERS, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 119477. February 27, 2003

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

An Information for homicide was filed on March 1, 1985 against Eddie Talay, Bayani Talay, Edgardo “Eddie” Maigue, Jr., a certain Toti Amiscosa and one John Doe before the Regional Trial Court of Tagaytay City, Branch XVIII. The Information reads:

“That on or about December 26, 1981, in the Municipality of Silang, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused together with “Alias” TOTI AMISCOSA[1] and one John Doe, the latter two accused’s real identities are still unknown and who are still at-large, conspiring, confederating and mutually helping and assisting one another, with intent to kill being then armed with a firearm, did, then and there, willfully, unlawfully and feloniously, assault, attack and shoot with the said firearm the person of one RONALDO MONTOKA y RAMOS, thereby hitting the latter in the body which caused his subsequent death, to the damage and prejudice of the heirs of said Ronaldo R. Montoka.

CONTRARY TO LAW.”[2]

On July 30, 1985, Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr., assisted by their counsel de parte, pleaded not guilty to the charge.[3] Cesar “Toti” Amiscosa and John Doe remained at large.

After trial, Judge Julieta P. Tabiolo rendered a decision on February 7, 1990, finding Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr. guilty as charged. The dispositive portion of the decision reads:

“WHEREFORE, based on the evidence as adduced, judgment is hereby rendered finding accused

EDGARDO MAIGUE,
EDDIE TALAY
and BAYANI TALAY

GUILTY beyond reasonable doubt, of the crime of HOMICIDE, as provided for and penalized under Art. 249 of the Revised Penal Code and as charged against them in the Information and taking into account the benign provisions of the Indeterminate Sentence Law, of which accused are deserving, the Court hereby sentences them to suffer an indeterminate penalty of imprisonment ranging from:

EIGHT (8) years, SIX (6) months & ONE (1) day of prision mayor, as MINIMUM

- to -

SIXTEEN (16) years, SIX (6) months & ONE (1) day of reclusion temporal, as MAXIMUM.

Further, they are hereby ordered to pay, jointly and severally, the heirs of the late RONALDO MONTOYA, the following:

(1)

P50,000.00 - for moral damages to compensate the heirs for the excruciating moral pain and anguish that they suffered as a result of the death of their son;

(2)

P50,000.00 - for exemplary damages;

(3)

P40,000.00 - as reimbursement for expenses incurred as a result of the death of Ronaldo Montoya;

and to pay the costs of this proceedings (sic).”[4]

Eddie Talay, Bayani Talay and Edgardo “Eddie” Mague, Jr. appealed to the Court of Appeals[5] which affirmed with modification the trial court’s decision. In its decision dated May 31, 1994, the Court of Appeals ruled:

“WHEREFORE, finding no reversible error in the appealed decision, the same is hereby AFFIRMED with the modification that in lieu of the exemplary damages awarded therein which is hereby deleted, the three (3) accused-appellants are hereby ordered to pay, jointly and severally, the heirs of the late Rolando[6] Montoya the amount of P50,000.00 as civil indemnity in accordance with the prevailing jurisprudence. Costs against the appellants.”[7]

Hence, this petition for review filed by Eddie Talay, Bayani Talay and Edgardo “Eddie” Mague, Jr. (collectively “petitioners,” for brevity).

The Facts

There is no dispute that Ronaldo Montoya was shot twice with a handgun on December 26, 1981 at around 6:30 o’clock in the evening near the store of one Marina Castillo. Ronaldo Montoya died because of two gunshot wounds. The prosecution pointed to Eddie Talay, Bayani Talay and Edgardo “Eddie” Mague, Jr., Cesar “Toti” Amiscosa and an unidentified companion of their group as co-principals in a conspiracy to kill the victim. On the other hand, the defense pointed to an unknown and unidentified man as the one who pulled the trigger twice on Ronaldo Montoya.

Version of the Prosecution

The prosecution presented seven witnesses. Marina Castillo, a storeowner, Ramoncito Ramos, the victim’s companion during the shooting, Nieto Toledo, son of the barangay captain, and Oscar Montoya, father of the victim, who were all at the scene of the crime when the shooting occurred, gave their eyewitness accounts. Dr. Engracia dela Cruz testified on the results of the autopsy, policeman Rodelo Sumadsad testified that he investigated the incident and took down the statements of several witnesses, while barangay captain Rodrigo Toledo testified that he saw Ronaldo Montoya wounded.

As culled from the testimonies of its witnesses, the prosecution established that at about 6:30 o’clock in the evening of December 26, 1981, the victim Ronaldo Montoya and Ramoncito Ramos were at the store of Marina Castillo drinking soft drinks. Eddie Talay, Bayani Talay and Edgardo “Eddie” Mague, Jr. and their two other

companions arrived at the store. Edgardo “Eddie” Maigue, Jr. suddenly boxed Ronaldo Montoya and Ramoncito Ramos. Bayani Talay and Cesar “Toti” Amiscosa joined in mauling Ronaldo Montoya and Ramoncito Ramos, forcing the two to run away. Ronaldo Montoya ran towards the house of barangay captain Rodrigo Toledo. Upon reaching the barangay captain’s house, Ronaldo Montoya reported to him that he was “kinukursunadahan at pinagsusuntok.” Ronaldo Montoya, barangay captain Toledo and his son, Nieto Toledo, proceeded to the scene of the incident. Ronaldo Montoya pointed to the group of Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr. as the ones who earlier boxed him and Ramoncito Ramos. Edgardo “Eddie” Maigue, Jr. then shouted to Eddie Talay, “Barilin na iyan!” Eddie Talay shot the victim with a .45 caliber pistol. Thereafter, the group of Eddie Talay fled and disappeared. Ronaldo Montoya was rushed to the Velasco Hospital in Silang, Cavite, where he was declared dead, on arrival.

Initially, a complaint for murder was filed on December 29, 1981 against petitioners. On December 13, 1984, a complaint for homicide was filed in lieu of murder. Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr. resurfaced three years after the incident, or in December of 1984, to post bail before the Municipal Circuit Trial Court of Silang-Amadeo, Cavite.

Version of the Defense

The defense presented four witnesses. Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr. narrated that they were on their way to the house of one Nelson Belardo when they stopped by the store of Marina Castillo. Eddie Maigue, Jr. bought cigarettes at the store. They suddenly saw a man approach and box Ronaldo Montoya. There was a commotion and a rumble ensued. Eddie Talay tried to pacify the group. Ronaldo Montoya ran away and returned with barangay captain Rodrigo Toledo and the latter’s son, Nieto Toledo. Ronaldo Montoya pointed to the man who boxed him, at which point, the man shot Ronaldo Montoya with a gun. Their version that an unknown assailant shot Ronaldo Montoya was corroborated by Benjamin Arcilla.

The Court of Appeals’ Ruling

The Court of Appeals found that the trial court correctly gave credence to the testimonies of the prosecution witnesses. The Court of Appeals noted that the inconsistencies pointed out by the defense in the testimonies of the prosecution witnesses referred to trivial matters that did not affect their credibility. It also noted that slight differences in the recollection of the prosecution witnesses of the details relating to the incident may be expected since some of them testified more than six years after the shooting occurred. The Court of Appeals ruled that the positive identification by the prosecution witnesses of Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr. as the assailants of Ronaldo Montoya rests on solid foundation as their eyewitness accounts were consistent.

The Court of Appeals also agreed with the trial court that the conduct of Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr., before, during and after the commission of the crime, established a series of acts done in conspiracy to pursue a common unlawful purpose.

The Assigned Errors

Petitioners fault the Court of Appeals for (1) taking into account the testimony of prosecution witness Marina Castillo which was stricken off the record; (2) giving credence to the testimony of prosecution witness Ramoncito Ramos despite the finding of the trial court that he was a liar; and (3) not taking into account through oversight the testimony of defense witness Benjamin Arcilla.

The Court’s Ruling

The petition is bereft of merit.

The merits of the defense's petition hinge on the credibility of witnesses. The Court, however, has invariably relied upon, and accorded the highest respect for, the findings of fact of trial courts. This is particularly true when what is at issue is the credibility of witnesses. No departure from this principle and practice is warranted by petitioners' arguments in this case.

Credibility of Prosecution Witnesses

First, petitioners argue that since Marina Castillo's testimony as the principal witness for the prosecution was stricken off the record by the trial court's order of May 5, 1988,[8] the other prosecution witnesses' testimonies which merely corroborate Marina's testimony no longer have any leg to stand on. Second, petitioners contend that the Court of Appeals should not have given credence to the testimony of Ramoncito Ramos after the trial court found him to be a liar. Third, they also fault the Court of Appeals for not considering the testimony of defense witness Benjamin Arcilla to exculpate them.

While it is true that Marina Castillo's testimony was stricken off the record, she is not, as the defense argues, the prosecution's principal witness. Her testimony is not indispensable to secure the conviction of petitioners.

The consistent and unequivocal eyewitness accounts of the other prosecution witnesses, namely Ramoncito Ramos, Nieto Toledo, and Oscar Montoya, suffice to meet the degree of proof required by the Constitution and the law to validate a conviction. The testimony of Ramoncito Ramos showed this, thus:

“ATTY. GENEROSO:

Now, you said you were in front of the store of Marina Castillo. What were you doing there?

WITNESS:

I was drinking soft drinks with Ronaldo Montoya.

ATTY. GENEROSO:

While you were drinking soft drinks, what was that soft drinks, by the way?

A:

Seven-Up, sir.

Q:

While you were drinking Seven-Up, what happened?

A:

Eddie Talay and the companions of Eddie Talay arrived.

Q:

When you were referring to the companions of Eddie Talay, are these the companions you just registered on record?

A:

Yes, sir.

Q:

And when the companions of Eddie Talay came, what happened?

A:

They boxed us.

Q:

Who boxed, “pinagsusuntok?”

A:

They boxed us.

Q:

Who boxed Ronaldo Montoya?

A:

Eddie Mague.

Q:

How about you, who boxed you?

A:

Eddie Mague.

Q:

Who else were boxed by Eddie Mague?

A:

We were only two (2) there.

Q:

How about the others, they did not box?

A:

There was a rumble, a fray.

ATTY. GENEROSO:

And then, after you and Ronaldo Montoya were boxed and a fray took place, what happened?

A:

We ran away.

Q:

Now, will you tell this Court where you and Ronaldo Montoya ran?

A:

In the house of the Barangay Chairman, sir.

Q:

And was he able to return to the place where the boxing incident happened?

ATTY. NOLASCO:

The question is very leading. It assumes that he returned, your Honor.

COURT:

Was he able to return? Did you see him after that?

A:

Yes, your Honor.

COURT:

Where did you see him again?

A:

Approaching, pointing to the accused.

ATTY. GENEROSO:

Where did he come from?

A:

He came from the house of the Barangay Chairman.

Q:

Now, when Ronaldo Montoya was approaching the group, what happened?

A:

When Ronaldo Montoya was approaching the group, he pointed, sir.

Q:

To whom was he pointing?

A:

To Eddie Maigue.

ATTY. GENEROSO:

Who else?

A:

Eddie Talay.

Q:

Who else?

A:

Amiscosa, sir.

Q:

Who else?

A:

Bayani Talay.

COURT:

Amiscosa is not present?

FISCAL VILLANUEVA:

At large, your Honor.

ATTY. GENEROSO:

And when Ronaldo Montoya was pointing to the four (4) accused, to whom was he pointing?

A:

To the Barangay Chairman.

COURT:

You know his name?

A:

Yes, sir.

COURT:

What is his name?

A:

Rodrigo Toledo, sir.

ATTY. GENEROSO:

When the four (4) accused were pointed to by Ronaldo Montoya to the Barangay Chairman as the members of the group who boxed you, what happened after that?

WITNESS:

He was shot, “basta binaril siya.”

ATTY. GENEROSO:

Who shot him?

A:

Eddie Talay.

Q:

And who was shot?

A:

Ronaldo Montoya.

Q:

Now, immediately before the shooting incident, was there any discussion or argument or did you hear any statement from anybody?

A:

I heard “barilin na iyan.”

Q:

Who said that “barilin na iyan?”

A:

The companions, sir.

Q:

Companions of whom?

A:

Companions of Eddie Talay.

Q:

And when Ronaldo Montoya was shot after the statement “barilin na iyan” was said, what happened?

A:

They ran away.

Q:

Who ran away?

A:

Eddie Mague, Eddie Talay, the four accused.

COURT:

The four accused you mentioned a while ago?

A:

Yes, sir.

Q:

To what direction?

ATTY. GENEROSO:

Did they run away in one direction?

A:

Yes, sir.”[9]

This was corroborated by Nieto Toledo who testified as follows:

“COURT:

Did you see anybody in the premises of that store?

A:

Yes, sir.

ATTY. GENEROSO:

Who are these people that you saw there?

A:

Eddie Talay, Eddie Maigue, Bayani Talay, Toti Amiscosa.

Q:

Who else? How about Ronaldo Montoya? Where was he?

A:

He was also there.

Q:

You said you caught up with that accused you just pointed to this Court, the question is, when you caught up with them, what happened?

A:

I heard the words uttered “Barilin na iyan.”

Q:

Will you please tell the Court if you know, who said “Barilin na iyan?”

A:

Eddie Maigue, sir.

Q:

Who was he talking when he said “Barilin na iyan?”

A:

Eddie Talay, sir.

Q:

Only?

A:

Yes, sir.

Q:

All the rest, he did not talk when he said “Barilin na iyan?”

A:

No, sir.

Q:

Why? Was this Eddie Talay the only party he was talking?

A:

No, sir.

COURT:

But at the time this was uttered, all these persons that you have named were also present there?

A:

Yes, sir.

COURT:

And they were within hearing distance?

A:

Yes, sir.

COURT:

Whether they have heard?

A: Yes, sir.

COURT:

Proceed.

ATTY. GENEROSO:

Now, how was that “Barilin na iyan” uttered? Was it in a low voice or in a shouting manner?

A:

Yes, sir, malakas.

Q:

Now, after this phrase was uttered in a shouting manner “Barilin na iyan” by Eddie Mague, what happened?

A:

He shot, sir.

Q:

Who shot who?

A:

Ronaldo Montoya was shot by Eddie Talay.”[10]

This was further corroborated by Oscar Montoya:

“ATTY. GENEROSO:

Alright. While the group of Eddie Talay was near the post and Ronaldo Montoya returned, what did Ronaldo Montoya do?

WITNESS:

Ronaldo Montoya was pointing to Nieto Toledo the group. He said, “They were the ones who boxed me.”

ATTY. GENEROSO:

Now, who is this Nieto Toledo?

A:

The son of the barangay captain, sir.

Q:

Why? Where was he at the time when only Ronaldo Montoya you said returned?

A:

He came from his house following Ronaldo Montoya, sir.

Q:

Now, after Ronaldo Montoya pointed the members of the group to be Eddie Maigue, Eddie Talay, Toti Amiscosa and Bayani Talay to Nieto Toledo, what happened after that?

A:

After pointing to Eddie Talay . . .

ATTY. NOLASCO:

He did not say after pointing to Eddie Talay. After pointing. He did not specify in particular Eddie Talay.

COURT:

Who is pointing whom?

A:

Ronaldo Montoya was pointing to Eddie Talay, and that time, he was shot.”[11]

Evidently, the testimonies of Ramoncito Ramos, Nieto Toledo and Oscar Montoya, were consistent, in accord with one another, and were given in a simple and straightforward manner. Their testimonies concur on material points with very slight variations in their recollection of details.

We reject petitioners’ contention that the entire testimony of Ramoncito Ramos does not deserve credence because he was branded a liar by the trial court. That portion of Ramoncito Ramos’ testimony during cross-examination where he allegedly lied is quoted as follows:

“ATTY. NOLASCO:

For the information and guidance of counsel, appearing on page 14 of the transcript and I quote, “Q: Who boxed Ronaldo Montoya? A: Eddie Maigue. Q: Who (sic) Q: How about you, who boxed you? A: Eddie Maigue. Q: Who else were boxed by Eddie Maigue? A: We were the only two (2), sir.”

Q:

So, it is clear from the testimony that the person who boxed him was Eddie Maigue. Which is now true, all of

them boxed you and Ronaldo Montoya. Or it was only Eddie Mague who boxed you and Ronaldo Montoya?

A:

Both of us were boxed, sir.

COURT:

Will you please repeat the question.

(At this juncture, the question was read to the witness.)

A:

The one who boxed is Eddie Mague.

ATTY. NOLASCO:

So, it is not true they (sic) all of them boxed you and Ronaldo Montoya.

A:

All of them boxed because they chased us at first, Eddie Mague was the one who boxed, sir.

COURT:

At first, then later, all of them boxed you?

A:

All of them, sir. They were holding bush navel.

ATTY. NOLASCO:

Do we gather from your testimony that all the four (4) accused were able to box you personally while you were running?

A:

No, sir.

Q:

So, it is not all the accused boxed you, as you say now?

WITNESS:

Only one boxed me.

Q:

Precisely, I am asking you, not all the four (4) boxed you personally?

COURT:

He already said all of them boxed me. If he is now telling you or the Court that only one (1) boxed him, he is lying.

ATTY. NOLASCO:

Well, your Honor, to magnify.

COURT:

Put it on record that this witness is lying. If it is the theory of the cross-examiner.

ATTY. NOLASCO:

Yes, your Honor.

ATTY. GENEROSO:

No, your Honor, because he is explaining.

COURT:

Let him repeat the answer before I will make my ruling or I will send this witness to jail, if he will continue to lie.

(The question is repeated to the witness.)

WITNESS:

Eddie Mague boxed us.

COURT:

The point is, who boxed you?

A:

Eddie Mague, sir.

COURT:

Not all of them boxed you?

A:

Yes, sir, not all.

COURT:

Continue.

ATTY. NOLASCO:

So, it is not true, as you stated a while ago that all the accused boxed you?

A:

Yes, sir.

Q:

So, when you said that all the four (4) accused boxed you, you lied before this Honorable Court.

A:

Yes, sir.

COURT:

He is accepting that he is lying.

ATTY. GENEROSO:

No, your Honor. He is trying to explain.

ATTY. NOLASCO:

It is already there, your Honor. He said Yes, sir.

ATTY. GENEROSO:

He is trying to explain, your Honor.

ATTY. NOLASCO:

No more, your Honor.

COURT:

No, no. If he wants to explain, I will allow him to explain. Do you want to explain after telling the Court that you are lying?

WITNESS:

The only one who boxed me is Eddie Maigue. What I meant is that all the accused boxed Ronaldo Montoya.

COURT:

Not you?

A:

Yes, sir.

ATTY. NOLASCO:

So, also, for the last time, I will ask you if it is true, so your statement a while ago that all the accused were able to box you or Ronaldo Montoya is not true?

A:

Yes, sir.

ATTY. NOLASCO:

With the admission, your Honor, of the witness having lied before this Court, I am through with my cross-examination, your Honor.

COURT:

Okay.”[12]

Ramoncito Ramos’ confusion during a lengthy cross-examination on who or how many boxed him is understandable and does not undermine the integrity of his entire testimony. On the whole, his testimony as to who mauled and eventually killed Ronaldo Montoya was consistent and believable. Perfect recall and a flawless testimony cannot be expected from a witness who is testifying almost six years after the event.[13] During his cross-examination, he clarified this matter by categorically confirming that only Eddie Maigue boxed him. If at all, this portion of his testimony was a minor lapse that does not necessarily make him a liar. Moreover, the Court of Appeals correctly held that the testimony of a witness may be believed in part and disbelieved in part, as the corroborative evidence or improbability of the case may require. [14]

It would have been highly unnatural for the third eyewitness, Oscar Montoya, as the father of Ronaldo Montoya, to accuse persons other than the real culprits since the father’s interest is to punish only the guilty and not innocent persons. A father’s quest for justice for his son’s death would deter him from implicating innocent persons, as his natural interest would be to secure the conviction of the real culprits.[15]

Also futile is petitioners' claim that the courts a quo grievously erred in failing to consider, through oversight, the testimony of defense witness Benjamin Arcilla. Both the trial court and the Court of Appeals did not overlook Benjamin Arcilla's testimony. On the contrary, the Court of Appeals sustained the trial court's assessment that Benjamin Arcilla's testimony is unworthy of belief. Indeed, Benjamin Arcilla's testimony corroborating petitioners' denial and supporting petitioners' claim that a stranger shot Ronaldo Montoya flies in the face of the positive identification by not one but three prosecution witnesses.

Positive identification, where categorical and consistent and without any showing of ill motive on the part of the eyewitness, prevails over denial which if not substantiated by clear and convincing evidence is self-serving evidence undeserving of weight in law.[16] The defense denial is unavailing when placed astride the undisputed fact that there is positive identification of the felon.[17] Like alibi, denial is an inherently weak defense and crumbles before positive declarations of truthful witnesses who testified that the culprits were at the scene of the incident and were the assailants of the victim.[18]

In sum, the Court sees no reason to disturb the courts a quo's evaluation an assessment of the credibility of witnesses. We reiterate the familiar and well-entrenched rule that in assessing the credibility of witnesses, the factual findings of the trial court should be respected. The judge a quo was in a better position to pass judgment on the credibility of witnesses, having personally heard them when they testified and observed their deportment and manner of testifying.

Conspiracy was sufficiently Proved

We are also agree with the courts a quo that the evidence on record shows the existence of conspiracy in the killing of Ronaldo Montoya. A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[19] Similar to the physical act constituting the crime itself, the elements of conspiracy, must be proven beyond reasonable doubt.[20] In a conspiracy, it is not necessary to show that all the conspirators actually hit and killed the victim. What is important is that all the participants performed specific acts with such closeness and coordination as to unmistakably indicate a common purpose or design to bring about the death of the victim.[21]

From the chain of circumstances established by the prosecution, it is clear that Eddie Talay, Bayani Talay and Edgardo Mague, Jr. acted in concert in the pursuit of their unlawful design. They were together from the time they arrived at the store of Marina Castillo up to the time of the actual shooting. The mauling incident involved all of them. After the shooting, they all fled together and resurfaced only after three years to post bail. There being a conspiracy in the killing of Ronaldo Montoya, each one of them is guilty as principal perpetrator of the crime.[22]

Penalty and Civil Liability

Under Article 249 of the Revised Penal Code, the penalty for homicide is reclusion temporal. Considering that there is no mitigating or aggravating circumstance, the penalty is to be imposed in its medium period. Applying the benefits of the Indeterminate Sentence Law, Eddie Talay, Bayani Talay and Edgardo Mague, Jr. may thus be sentenced to an indeterminate penalty ranging from eight (8) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum.

Consistent with current jurisprudence, we maintain the award by the Court of Appeals of P50,000.00 as civil indemnity for the death of Ronaldo Montoya.[23]

We also maintain the award of P50,000.00 as moral damages. Oscar Montoya, father of Ronaldo Montoya, testified on the pain and anguish suffered on losing a son.[24] Likewise, the award of P40,000.00 for actual damages is warranted in view of Oscar Montoya's testimony that this was the amount spent for his son's wake

and burial.[25] Ordinarily, receipts should support claims of actual damages, but where the defense did not contest the claim, it should be granted.[26]

The Court of Appeals correctly deleted the award of exemplary damages considering that such damages can only be recovered in criminal cases when the crime is committed with one or more aggravating circumstances.

WHEREFORE, the assailed decision of the Court of Appeals finding petitioners Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr. guilty beyond reasonable doubt of the crime of Homicide, defined under Article 249 of the Revised Penal Code, is **AFFIRMED** with the **MODIFICATION** that Eddie Talay, Bayani Talay and Edgardo “Eddie” Maigue, Jr. are each sentenced to suffer an indeterminate penalty ranging from eight (8) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum. They are also ordered to pay jointly and severally the heirs of the victim Ronaldo Montoya the sums of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P40,000.00 as actual damages.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug and Azcuna, JJ., concur.
Ynares-Santiago, J., on leave.

[1] In the course of the trial, Toti Amiscosa was identified as Cesar Amiscosa.

[2] Original Records (OR), p. 92.

[3] OR, p. 126.

[4] OR, pp. 309-310.

[5] Fifth Division, composed of J. Arturo B. Buena, chairman and ponente, with J. Jainal D. Rasul and J. Ramon U. Mabutas, Jr., as members.

[6] Should be Ronaldo.

[7] Rollo, p. 30.

[8] OR, p. 213.

[9] TSN dated May 28, 1987, pp. 13-17.

[10] TSN dated July 9, 1987, pp. 9-10.

[11] TSN dated September 23, 1987, pp. 12-13.

[12] TSN dated June 9, 1987, pp. 14-18.

[13] The shooting occurred in 1981, Ramoncito Ramos testified in 1987.

[14] *People v. Somooc*, 244 SCRA 731 (1995).

[15] *People v. Oposculo, Jr.*, 345 SCRA 167 (2000).

[16] *People v. Catuiran*, 343 SCRA 293 (2000).

[17] *People v. Amania*, 248 SCRA 486 (1995).

- [18] People v. Ricafranca, 323 SCRA 652 (2000).
- [19] People v. Abarri, 242 SCRA 39 (1995).
- [20] Magsuci v. Sandiganbayan, 240 SCRA 13 (1995).
- [21] People v. Alib, 322 SCRA 93 (2000).
- [22] People v. Cedon, 233 SCRA 187 (1994).
- [23] People v. Mangahas, 311 SCRA 384 (1999).
- [24] TSN dated September 23, 1987, p. 36.
- [25] Ibid., p. 39.
- [26] People v. Arellano, 334 SCRA 775 (2000).

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