

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO SAMSON Y COREA, ACCUSED-APPELLANT.

*G.R. No. 124666. February 15, 2002*

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-124666/>

---

### SANDOVAL-GUTIERREZ, J.:

Automatic review of the Decision dated February 27, 1996 of the Regional Trial Court, Branch 258, Parañaque City, in Criminal Case No. 94-0720 (94-5890), finding Renato C. Samson guilty of murder and sentencing him to suffer the penalty of death.

The Information[1] against accused Renato C. Samson reads:

“That on or about the 28[th] day of August 1994 in the Municipality of Parañaque, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and with treachery and with evident premeditation did then and there willfully, unlawfully and feloniously kill one Sol Homicillada y Batilo by then and there shooting the latter with a gun, thereby inflicting upon said Sol Homicillada y Batilo mortal wounds which were the direct and immediate cause of his death.

CONTRARY TO LAW.”

On November 24, 1994, the accused, upon arraignment, pleaded "not guilty." [2] During the trial, the prosecution presented five (5) witnesses, namely: John Dexter Tuazon Daylag, SPO1 Patrocinio Dantes, Dr. Artenio Vertido, Ireneo Ordeano and Enrico Homicillada, the victim's brother, who testified on the civil aspect of the crime.

John Dexter Tuazon Daylag ("John") is the prosecution's principal witness. He is 19 years old and a resident of N. De Leon Street, La Huerta, Parañaque City. Sol Homicillada, the victim, is a resident of P. Dandan Street which is within the vicinity of La Huerta, Parañaque City. John and Sol were close friends. They would often meet during nighttime at N. De Leon Street. In the evening of August 27, 1994, at around 8:00 o'clock, John left his house and played guitar with his friends at N. De Leon Street. At 9:00 o'clock that same night, Sol arrived and joined the group. At around 12:00 o'clock midnight, he and John left in order to play darts at the corner of De Leon and Dandan streets. They were able to play darts at 3:00 o'clock in the morning of August 28, 1994, at which time two persons suddenly arrived from behind and fired two (2) gun shots at them. Luckily, they were not hit. Sol tried to run towards N. De Leon Street and in the process, he "shoved" John, causing him to bump against one of the gunmen. That gunman then pointed a gun at Sol. The other gunman fired at Sol hitting him at the left side of his back which caused him to fall to the ground. The man who had just hit Sol then passed by John's side, approached Sol and, at close range, fired three (3) to four (4) more shots at his head.

John identified the person who passed by him and fired successive shots at Sol as Renato C. Samson, accused herein, then a Barangay Tanod in their place – La Huerta, Parañaque. At that time, he had a blue scarf on his head and was wearing a white T-shirt and a green short. While passing by John's side, the scarf was blown away. John saw his face because of the light coming from a nearby fluorescent lamp. The accused's companion was Marcelo Anig, also a Barangay Tanod in La Huerta. Both were armed with a caliber .38 gun.

After the shooting incident, the accused and Ania went away. John, out of fear, went to the house of Jhun Orjales. Eventually, he proceeded to Camp Ricardo Papa in Taguig, Bicutan where he executed a sworn statement.[3]

On August 31, 1994, a police operative team composed of SPO1 Patrocinio Dantes, SPO2 Ramolito Javier and SPO3 Ricardo Ruiz of Camp Ricardo Papa was dispatched by Chief Inspector Jacinto Dinio to N. De Leon Street, La Huerta, Parañaque City to look for the accused. Witness John accompanied the team. When confronted, the accused willingly went with them to Camp Ricardo Papa for investigation. [4] Seized from him were three (3) .38 caliber live ammunitions.

Dr. Antonio Vertido, a Medico-Legal Officer of the National Bureau of Investigation, conducted an autopsy on August 28, 1994.[5] According to him, the victim sustained six (6) gunshot wounds: at the back and right side of his head; below his left ear; at the lateral left chest wall; at the right side of the back of the body; and at his left forearm, posterior lateral aspect. Based on the gunshot entrance of each wound and the direction of the bullets, he concluded that the shots were fired at a distance of no less than 24 inches away from the victim, but could be two meters, fifteen meters or even thirty meters. With respect to wound No. 3, however, he claimed that the gun was pointed at the body of the victim at a distance of less than 7 inches before it was fired because of the presence of smudging (caused by the burning of nitrates) around the area of the wound.[6]

Ireneo Ordeano, a Senior Ballistician in the National Bureau of Investigation, testified that the 4 slugs recovered from the body of the victim were forwarded to his office by Dr. Vertido. He conducted the corresponding ballistic examinations on the bullets and found that they came from a .38 caliber gun.[7]

For his defense, accused Renato C. Samson merely denied the charge. He testified that he does know the victim, Sol Homicillada, nor one Marcelo Ania, despite the fact that he is a resident of La Huerta, Parañaque, Metro Manila and, admittedly, a Barangay Tanod of the place. Nonetheless, he knows John Dexter Tuazon Daylag, a prosecution witness, because they have had a quarrel once. Sometime in April of 1994, John maligned his wife ("binastos niya ang asawa ko"). He confronted John resulting in a fist fight between them. John sustained "black eye." This incident might have impelled John to implicate him in the commission of the crime charged.[8]

James Odialles, also a resident of N. De Leon Street, La Huerta, Parañaque, Metro Manila, testified that he knows John, he being his "kumpare" who used to be a helper in his store. He does not know "Jun Ordialles" whom John claimed to be the person he approached after the shooting incident. There are no other "Odialles" in their place except his family.[9]

After trial, the court a quo, on February 27, 1996, rendered a Decision, the dispositive portion of which reads:

"WHEREFORE, viewed in the light of the foregoing, judgment is hereby rendered finding the accused RENATO SAMSON y COREA guilty beyond reasonable doubt of the crime of MURDER qualified by treachery as defined in and penalized by Article 248 of the Revised Penal Code, as amended by Section 6 of Republic Act No. 7659, and hereby condemns said accused to suffer the penalty of DEATH. The accused is hereby ordered to pay the legal heirs of Sol Homicillada the amounts of P50,000.00 as death indemnity, P30,000.00 as moral damages, P15,000.00 as exemplary damages, P72,670.00 as and for funeral and burial expenses, P10,000.00 as attorney's fees and to pay the costs.

"SO ORDERED." [10]

Hence, this automatic review.

Appellant ascribes to the trial court the following errors:

"I.

THE LOWER COURT ERRED IN RELYING MAINLY ON THE TESTIMONY OF JOHN DEXTER DAYLAG AS BASIS FOR THE CONVICTION OF THE ACCUSED-APPELLANT DESPITE THE INCONSISTENCIES IN HIS TESTIMONY.

II.

THE LOWER COURT ERRED IN APPRECIATING THE CIRCUMSTANCE OF TREACHERY AGAINST ACCUSED-APPELLANT WHICH QUALIFIED THE KILLING TO MURDER AS DEFINED AND PENALIZED UNDER ARTICLE 248 OF THE REVISED PENAL CODE, AS AMENDED BY R.A. NO. 7659."

The appeal is not meritorious.

Prosecution's eyewitness, John Dexter Tuazon Daylag, positively identified appellant as the one who fired multiple shots at Sol Homicillada, causing his tragic death. This is clearly shown by John's testimony, thus:

"Atty. Arpa III:

Q

And what happened, Mr. Witness?

A

I saw Sol Homicillada fell because he was shot at the left side of his back, sir.

Q

After that what happened, Mr. Witness?

A

The other one passed by me and fired some more shots, sir.

Q

And then what happened, Mr. witness?

A

He approached Sol and fired him, Sir.

Q

How many times did he shoot Sol Homicillada, Mr. Witness?

A

Three (3) to four (4) shots, sir.

x x x

Q

Do you know what the other person (was doing) whom you said you bumped when you were shoved (by Sol) during that time?

A

He was holding a gun pointed to Ka Sol while the other one was approaching Ka Sol, sir.

Q

Now, the other person whom you said approached and shot Sol Homicillada, how does it look like, Mr. witness?

A

He had a blue scarf on his head and he was wearing a white t-shirt and a green short, sir.

Q

How was the scarf put on his head?

A

It was just placed on top of his head, sir.

Q

Were you able to look at his face?

A

Yes, sir because when he passed by me, a scarf on his head was being blown by the wind, sir.

Q

And you saw his face, Mr. Witness?

A

Yes, sir.

Q

Were you able to recognize him?

A

Yes, sir.

Q

Who was he?

A

He was a barangay tanod, sir.

Q

What is his name, Mr. Witness?

A

Renato Samsom y Corea, sir.

Q

When you said a scarf was blown on his head by the wind, was there a light on that street, Mr. Witness?

A

There was, sir.

Q

Where was the light coming from, Mr. Witness?

A

He crossed the street where the light was coming, sir.

Q

Where was the light situated, Mr. Witness?

A

On top of the shed where we were playing darts, sir.

Q

What kind of light were installed there?

A

A flourescent, sir.

x x x. "[11] (Emphasis ours)

During cross-examination, John never faltered in his assertion that appellant shot the victim, thus:

"Atty. Mangalindan

Q

And how far were you from Sol Homicillada at the time he was hit?

A

Three to four meters, sir.

Court

Q

Were you able to recognize the person who shot and hit Sol Homicillada?

A

Yes, your honor.

Q

From the place you were standing?

A

Yes, your honor.

Q

Who was this person?

A

He is the one, your honor.

Witness pointing to a person inside the courtroom who stands and answers to the name of Renato Samson.

Atty. Mangalindan

Q

What was the suit being worn by Renato Samson at the time?

A

He was wearing a green shorts, white T-shirt and a scarf on his head.

Q

Now, this Renato Samson whom you pointed out, when you saw him, he was running after Sol Homicillada?

A

Yes, sir. He was chasing Sol Homicicillada and he passed in front of me and his scarf was blown.

x x x

Court

Q

From the time you saw this person shooting Sol Homicillada and whom you said was hit, how far was this person who shot Sol Homicillada from your relative position?

A

About three meters, sir.

Q

So, Sol Homicillada was only three meters away from the person who shot him?

A

Yes, your honor.

x x x

Q

The question to you was this, you said that you saw Renato Samson shot and hit Sol Homicillada, what was the other person doing?

A

He was just pointing his gun, your honor.

Q

He never approached the place where Sol Homicillada went?

A

No, your honor.

x x x

Atty. Mangalindan

Q

You want to convey that while the firing of the gun by the accused according to you was happening, the other person was just standing there and still holding his gun pointed to the direction of Sol Homicillada?

A

Yes, sir." [12] (Emphasis ours)

John's accounts of the crime corroborate with the findings of Dr. Vertido, NBI Medico-Legal Officer, and Ireneo Ordeano, NBI Senior Ballistician, on material points. As well stated by the court a quo:

"For one, his (John's) testimony that the guns used in shooting Sol Homicillada are .38 caliber firearms was confirmed by no less than Ireneo Ordiano, NBI Ballistician, who conducted an examination on the slugs recovered from the body of the victim which was even the subject of stipulation by the prosecution and the defense. According to his findings, the slugs came from .38 caliber firearm (Exhibits "M" to "M-4"). Another is his (John's) testimony that accused went near the victim and shot on the head and that several shots were fired at the victim. Again, this fact was confirmed by Dr. Antonio Vertido, NBI Medico-Legal Officer, who conducted the autopsy on the victim and found six (6) gunshot wounds on the body of the victim, three (3) of which were inflicted on the head. He likewise found deformed slugs on the victim which he forwarded for ballistics examination. In gunshot wound number three (3) located below the left ear, the entrance wound was surrounded by smudging (burning) indicating that the gun was fired less than seven (7) inches from the victim, while the other gunshot wounds were inflicted not closer than twenty four (24) inches from the victim. John's testimony on how the victim was shot, definitely and conclusively proves that he was at the scene at the crime and actually saw how the crime was committed by the accused and his companion." [13]

Appellant's denial cannot certainly prevail over John's positive and unequivocal identification of appellant as the assailant. Denial is an intrinsically weak defense, and to merit acceptance it must be buttressed by strong, clear and convincing evidence of non-culpability.[14] Appellant miserably failed to present strong and convincing evidence to substantiate his denial.

Appellant's assertion that John had an axe to grind against him deserves scant consideration. Aside from being uncorroborated, appellant himself admitted that he is not even sure whether John testified against him out of revenge.[15] As aptly observed by the Solicitor General, it is reasonable to presume that John's only desire, in testifying against appellant, was to seek justice for the death of a dear friend. He could not have accomplished that objective nor rest with a clear conscience if he had to implicate an innocent person in the commission of so grave a crime as murder. Indeed, it would be against the natural order of events and of human nature, and against the presumption of good faith, that a prosecution witness, like John, would falsely testify against appellant.[16]

Appellant made much emphasis (1) that John was not sure what direction he (appellant) and Ania came from; (2) that John was not sure who between appellant and Ania fired the first two gunshots; (3) that Sol, although concentrated in throwing the dart, was the first one who noticed the arrival of appellant and Ania; (4) that appellant and Ania did not touch or harm John despite his presence at the scene of the crime; and (5) that while being cross examined, John was not consistent in his testimony. Initially, he stated it was appellant who shot the victim and that Ania merely stood and poked his gun at him. Subsequently, John declared that it was Ania who fired his gun at Sol. But when asked by the trial court, John answered it was the appellant who really shot the

victim.[17]

This Court meticulously went over the pertinent transcript of the stenographic notes (TSN) relied upon by the appellant in support of his defense. A perusal of the inconsistencies and improbabilities he raised readily shows that they refer only to minor and trivial matters which do not affect the credibility of the witnesses for the prosecution. The testimony of a witness need only corroborate on important and relevant details concerning the principal occurrence of the crime.[18] In fact, even the most candid witness may at times make mistakes due to confusion, but far from eroding the effectiveness of his testimony, such lapses could instead constitute signs of veracity[19] for they remove any suspicion of being a rehearsed witness.[20]

At any rate, the issue here hinges on the credibility of John. The trial court assessed that "John's testimony was clear, unequivocal, straightforward and carried with it the ring of truth." [21] This Court has consistently held that the evaluation of the credibility of witnesses and their testimonies are best undertaken by the trial court[22] because of its unique opportunity to observe the witnesses' deportment, demeanor, conduct and attitude under grilling examination.[23] As this opportunity is denied the appellate court, the lower court's findings of fact and assessment of the credibility of witnesses are generally binding on this Court absent a clear showing that they were reached arbitrarily or that the trial court had plainly overlooked certain facts or substance of value which, if considered, might affect the result of the case.[24] Here, we see nothing in the records which warrants a departure from the findings of the trial court.

The crime, as correctly found by the trial court, is murder as the killing was attended by the qualifying circumstance of treachery. The elements of treachery – (1) the employment of the means of execution that gives the person attacked no opportunity to defend himself or retaliate; and (2) the deliberate and conscious adoption of the means of execution – [25] are undoubtedly present in the instant case. Appellant and Aniag, both armed with a .38 caliber gun, unexpectedly fired two shots behind the victim and John who were playing darts. Both were unarmed. Apparently caught by surprise, Sol, the victim, barely ran 3 to 4 meters away from the appellant, but he fell when hit by the latter's third shot. As Sol slumped helplessly on the street, appellant went near him and, at close range, fired several more shots, hitting his head and the back of his body. To ensure the attack by appellant without risk to himself, Aniag had his gun pointed at Sol, ready to shoot, if necessary. Evidently, the victim was deprived of an opportunity to defend himself, thus ensuring the execution of the offense.[26] Clearly, there was treachery.

Appellant contends that there can be no treachery because the first two shots did not hit the victim and John. Obviously, those first two shots were fired to warn the victim of the impending danger. Thus, the latter was given the opportunity to defend himself.

This Court is not persuaded. Nowhere in the records can it be deduced that the first two shots were clearly warning shots. What is certain from the records is after these shots were fired, the victim ran away but appellant shot him again, hitting his back which caused him to fall. He did not have the chance to defend himself. Even assuming that those shots were warning shots, this does not negate the presence of treachery in the instant case. In *People v. Belaro*, [27] this Court stressed that treachery may also be appreciated even when the victim is warned of the danger to his person as long as the execution of the attack made it impossible for the victim to defend himself or to retaliate. The essence of treachery is the swift and unexpected attack by an aggressor on an unarmed and unsuspecting victim who does not give any slightest provocation, depriving the latter of any real chance to defend himself.[28]

The Information also alleges the presence of evident premeditation in the commission of the crime. This circumstance cannot be appreciated since no evidence was presented by the prosecution to prove that the

execution of the criminal act was preceded by "planning and preparations." [29]

The trial court committed error when it imposed the extreme penalty of death upon appellant. In murder, the imposition of death is not automatic. [30] Under Article 248 of the Revised Penal Code, as amended by RA No. 7659, the penalty for murder is reclusion perpetua to death which is composed of two indivisible penalties. Where, as in this case of murder (qualified as such by treachery), no other mitigating nor aggravating circumstance is present in its commission, the lesser penalty of reclusion perpetua shall be applied. [31]

As regards appellant's civil liability, the trial court correctly awarded P72, 670.00 for funeral and burial expenses as this amount was stipulated by the private prosecutor and the defense counsel. [32] The award of P50,000.00 as indemnity ex delicto is justified, the same being in line with the current jurisprudence. [33]

Furthermore, the court a quo properly ruled that the family of the victim should be entitled to moral damages. The current case law [34] is that in homicide or murder cases, moral damages which is now fixed in the amount of P50,000.00 should be automatically awarded to the family of the victim. Mental anguish, serious anxiety, moral shock and wounded feelings are too obvious to be overemphasized for it is borne by human nature and experience that a violent death invariably and necessarily brings about emotional pain and anguish on the part of the victim's family.

The award of exemplary damages is also warranted because of the presence of the qualifying aggravating circumstance of treachery in the commission of the crime. This is in accordance with our ruling in *People v. Catubig* [35] where we emphasized that insofar as the civil aspect of the crime is concerned, exemplary damages in the amount of P25,000.00 is recoverable if there is present an aggravating circumstance (whether qualifying or ordinary) in the commission of the crime. Thus, the amount of P15,000.00 awarded by the trial court should be increased to P25,000.00.

WHEREFORE, the appealed Decision convicting appellant Renato C. Samson of murder is **AFFIRMED** with the **MODIFICATION** that he shall suffer the penalty of reclusion perpetua. As to the civil aspect of the crime, appellant is ordered to pay the family of the victim, Sol Homicillada, the amount of P50,000.00 as indemnity ex delicto; P50,000.00 as moral damages; and P25,000.00 as exemplary damages.

### **SO ORDERED.**

Davide, Jr., C.J. Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Buena, Ynares-Santiago, De Leon, Jr., and Carpio, JJ., concur.

---

[1] RTC Records, Vol. I, p. 1.

[2] *Ibid.*, p. 41.

[3] Transcript of Stenographic Notes (TSN), January 19, 1995, pp. 7-39; TSN dated January 31, 1995, pp. 15-20; TSN dated February 7, 1995, pp. 3-14; TSN dated March 7, 1995, pp. 3-31.

[4] TSN, March 14, 1995, pp. 3-21.

[5] Exhibit "G," Autopsy Report No. N-94-1712, Records of RTC, Vol. 11, p. 1169.

[6] TSN, July 27, 1995, pp. 15-39.

[7] TSN, August 24, 1995, pp. 10-39.

[8] TSN, October 19, 1995, pp. 4-33.

- [9] TSN, November 7, 1995, pp. 3-7.
- [10] Rollo, p. 29.
- [11] TSN, January 19, 1995, pp.18-23.
- [12] TSN, February 7, 1995, pp. 36-47.
- [13] Rollo, p. 27.
- [14] *People v. Acuno*, 313 SCRA 667 (1999); *People v. Napiot*, 311 SCRA 772 (1999).
- [15] TSN, October 19, 1995, p. 21.
- [16] Brief for The Appellee, p. 9; Rollo, p. 102.
- [17] Brief for the Accused-Appellant, pp. 63-70.
- [18] *People v. Sy Bing Yok*, 309 SCRA 28 (1999).
- [19] *People v. Salimbago*, 314 SCRA 282 (1999).
- [20] *People v. Bermudez*, 309 SCRA 124 (1999).
- [21] RTC Decision, p. 6; Rollo, p. 26.
- [22] *People v. Payot*, 308 SCRA 43 (1999).
- [23] *People v. Andaya*, 306 SCRA 202 (1999); *People v. Cristobal*, 306 SCRA 358 (1999); *People v. Limon*, 306 SCRA 367 (1999).
- [24] *People v. Manggasin*, 306 SCRA 228 (1999).
- [25] *People v. Realin*, 301 SCRA 495 (1999).
- [26] *People v. Villanueva*, 302 SCRA 380 (1999).
- [27] 307 SCRA 591 (1999).**
- [28] *People v. Bermas*, 309 SCRA 741 (1999); *People v. Macuha*, 310 SCRA 14 (1999).
- [29] *People v. Platilla*, 304 SCRA 339 (1999).
- [30] *People v. Rebamontan*, 305 SCRA 609 (1999).
- [31] See *People v. Barellano*, 319 SCRA 567 (1999); *People v. Reduca*, 301 SCRA 516 (1999).
- [32] TSN, July 27, 1995, pp. 51-53.
- [33] *People v. Cayago*, 312 SCRA 623 (1999).
- [34] *People v. Cortez*, 348 SCRA 663 (2000); *People v. Panado*, 348 SCRA 679 (2000).
- [35] G.R. No. 137842, August 23, 2001, cited in *People v. Dionisio*, G.R. No. 137676, September 27, 2001; *People v. Makilang*, G.R. No. 139329, October 23, 2001.

**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.