

## **PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SERVANDO SATURNO, ARMAN SOLIMAN, ABRAHAM RODRIGUEZ, BENIGNO ANDRES AND DELFIN GREGORIO, ACCUSED.**

*G.R. No. 126959. March 28, 2001*

Ponente: PARDO, J.

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### **PARDO, J.:**

The case is an appeal interposed by accused Servando Saturno, Abraham Rodriguez and Benigno Andres from the decision[1] of the Regional Trial Court, Branch 39, San Jose City, Nueva Ecija, finding them guilty beyond reasonable doubt of multiple murder and ordering them to indemnify the heirs of the victims, and to pay costs.

On July 4, 1989, the provincial prosecutor of Nueva Ecija filed with the Regional Trial Court an information charging accused as follows:

"That on or about the 23rd day of June, 1989, in Barangay Agupalo Este, Municipality of Lupao, Province of Nueva Ecija, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above named accused, conspiring, confederating and aiding one another, with intent to kill, and with treachery, in that they perpetrated their crime upon their victims without the latter having any means to defend themselves, evident premeditation and abuse of superior strength, and for and in consideration of the sum of P2,000.00 given by accused Delfin Gregorio, did then and there willfully, unlawfully and feloniously attack and assault and shoot, with the use of firearm namely: pistolized caliber .22 without serial number and a caliber 22 Magnum Smith and Wesson revolver, with Serial No. 88463, the persons of Rodelito Valdez, Florencio Bulatao, Protacio Pasalusdos and Jose Lopez, Jr., hitting them on the different parts of their bodies, thereby inflicting upon them fatal wounds which directly caused their instantaneous deaths."

The trial court arraigned the accused separately. Accused Servando Saturno was arraigned on July 7, 1989. He pleaded not guilty. Accused Delfin Gregorio, Abraham Rodriguez and Benigno Andres were arraigned on August 11, 1989. They pleaded not guilty. Accused Arman Soliman remains at large. Trial ensued.

The facts are as follows:

On June 23, 1989, at around 7:00 in the morning, Rodelito Valdez, Benigno Andres, Jose Lopez, Jr., Protacio Pasalusdos, Florencio Bulatao and Matias Andres were having a drinking spree at Rodelito Valdez's house at Agupalo Este, Lupao, Nueva Ecija. Matias Andres only had a few drinks and proceeded to the farm. Benigno Andres left around lunchtime. Lucila Valdez, Rodelito's wife, heard Benigno say that he was going to Muñoz, so she asked him to buy her a kilo of pinapaitan (cow meat) and oil. At around 1:00 in the afternoon, all the others were already dead drunk and went to sleep.[2]

At around 5:30 in the afternoon of the same day, Lucila heard a tricycle park near their house. There were four passengers, and the last one to alight was Benigno Andres.

Thinking that he was delivering her pinapaitan, she went down to meet him. However, one of the men (wearing a

light brown jacket and a fatigue cap) met her downstairs and asked for her husband Rodelito. She told him that Rodelito was dead drunk and could not be awakened. The man did not heed her and went straight to their house. Lucila followed him inside. He woke up Rodelito, who was sleeping in the bedroom, and asked for his gun. When Rodelito answered that he did not have a gun, the man shot him. Lucila, who was carrying her one-year old child, started to cry for help but the man ordered her to be quiet and to stay in the corner of the room.[3]

The man's companions brought Jose Lopez, Jr. and Protacio Pasalusdos to the bedroom and hog-tied them. Florencio Bulatao arrived later and was also hog-tied. Lucila, who was covering her face and trembling in fear, sensed that those who were hog-tied were separately brought downstairs. Every time a body was brought downstairs, she would hear gunshots. When she tried to open her eyes again, she saw that the man in light brown jacket was still there and was pointing his gun at her. She closed her eyes and heard two gunshots. When she looked again, the man was no longer there. She realized that the two shots were aimed at her husband.[4]

A few hours after the incident, the police authorities interrogated Lucila and others who may have knowledge about the crime. Lucila repeatedly stated that she could not identify the assailants.[5] Five (5) empty shells of cal. 22 and two (2) deformed slugs were recovered from the cadavers of Rodelito Valdez and Florencio Bulatao.[6]

After investigation, constables from the 182nd PC Company apprehended accused-appellants. Sgts. Romeo Pillonar and Anastacio Apostol and other policemen invited accused Servando Saturno, a fireman, on June 28, 1989. He went with the police officers after having been told that their Commanding Officer Capt. Undan wanted to talk to him. He brought his tricycle so he would have a ride home later that evening. He was not able to bring it home because it would be identified by the widow of Rodelito Valdez. The police officers asked him to return to the camp the following day.[7]

On June 29, 1989, Lucila arrived at the camp in the morning. Sgt. Pillonar escorted her. He pointed at Saturno and told Lucila, "Mrs., this is the suspect". Lucila answered that she does not know Saturno, and that Saturno's tricycle was not the same as the one used by her husband's assailants. Sgt. Pillonar brought her inside the office. Later, Saturno was asked to go inside the office as well. In the afternoon of that same day, pictures were taken which showed Lucila pointing at Saturno, a gun, a light brown jacket and a fatigue cap which were later identified as belonging to Saturno.[8] Lucila's testimony also revealed, however, that she initially pointed at a fatigue cap and a jacket inside the camp office, but the soldier on duty laughed at because those belonged to him.[9]

The other accused were arrested later. On July 1, 1989, they executed affidavits admitting their participation in the crime and implicating Delfin Gregorio as the one who gave P2,000.00 for them to kill Rodelito Valdez.[10]

All the accused denied the charges against them.

Servando Saturno, a native of Sapang Cawayan, Muñoz, Nueva Ecija, claimed that he was at home from June 22 to 25, 1989, because he was sick. His immediate supervisors, Capt. Peter Torres and Jose Gania also testified that they asked Saturno to go home on June 22 because he looked sick. Saturno reported back to work on June 25. He claimed that he had not been to Agupalo Este, Lupao in his entire life.[11]

Saturno testified that when he was apprehended, he was asked about his participation in the killing. When he insisted that he was innocent, he was repeatedly maltreated and tortured at the back of the PC barracks. He was made to lie upside down, nude, and water was poured on his mouth and nose, which directly went to his forehead. He was coerced into admitting that he killed the victims as he could no longer endure the pain.[12]

A few minutes after he was maltreated, accused Saturno was asked to write a letter to his wife asking for his gun, one of his brown jackets and one of his fatigue caps. His first letter was badly written because his hands were shaking. He wrote a second letter, but it was lost, so Sgts. Pillonar and Apostol asked him to write a third letter.

The prosecution presented the third letter as its evidence. Saturno's wife testified that she never saw this letter. It was Saturno's mother-in-law who was at home when the police officers came to their house and got Saturno's belongings.[13]

When accused Saturno realized that he was being implicated in the crime, he requested the police officers who maltreated him to subject his gun to ballistic examination and to give him a paraffin test. They did not heed his request and they retorted that he acted as if he knew better. On July 1, 1989, Sgt. Apostol fire-tested Saturno's gun. On July 3, 1989, the day before the information was filed, they brought the gun to Manila for ballistic examination, after asking accused Saturno for P100.00, to buy new bullets. Accused Saturno was given a paraffin test, and the result was negative.[14]

Lt. Peter Torres, accused Saturno's immediate supervisor at the Muñoz Fire Station, testified that the gun used in the killing was with him prior to June 22, 1989. He never gave it back to accused Saturno because he was supposed to have it licensed. However, on June 28, 1989, Sgt. Pillonar took it from him upon Capt. Undan's orders.[15]

Delfin Gregorio, who was acquitted for insufficiency of evidence, testified that he accompanied Lucila Valdez to the PC headquarters on June 29, 1989. After Lucila talked to the police officers, she told him that Sgts. Pillonar and Apostol had asked her to point at accused Saturno and at his tricycle.[16] When she was first asked upon her arrival whether she recognized accused Saturno, she did not say anything.[17]

At that same day, Delfin Gregorio was left behind at the stockade. Sgts. Pillonar and Apostol maltreated him. He was undressed and made to lie down with his head downward and was repeatedly asked whether he knew accused Servando Saturno. Every time he answered that he did not know accused Saturno, they would pour water on his nose. They also applied a lighted cigarette butt on his private part, and when he could no longer endure the pain, he said that he knew accused Saturno. Later, they brought him to the office and called in a photographer. He was ordered to point at accused Saturno and his jacket.[18] Gregorio testified, however, that it was the first time that he saw accused Saturno.

On June 30, 1989, Gregorio was again brought to the back of the barracks and asked to undress himself and was maltreated again. They asked him if he knew Abraham Rodriguez from Muñoz. He answered that Rodriguez was an acquaintance who visited him on June 18, 1989, because he (Rodriguez) bought a dog. They also asked him who were Rodelito Valdez's drinking companions in the morning of June 23, 1989. When he was mentioning their names, the police officers stopped him and said that "there are too many already and that would already be in excess." Afterwards, Sgt. Pillonar stated that the four of them (Delfin Gregorio Servando Saturno, Abraham Rodriguez and Benigno Andres) would be included in the case.[19]

Later that day, the same PC soldiers maltreated accused Gregorio and Abraham Rodriguez. While he was blindfolded, he was instructed that his story should be that he saw accused Saturno, Andres and Rodriguez come out of Rodelito Valdez's house immediately after the killing on June 23, 1989.[20]

Accused Abraham Rodriguez was apprehended on June 30, 1989. He denied the charges against him. He testified that he was at home in Muñoz, Nueva Ecija, at the time the incident took place. Aside from Delfin Gregorio, he did not know the victims and his other co-accused.

He only came to know accused Saturno and Andres when they were in jail.[21]

He was shown to Lucila Valdez, and the latter told the police officers to release him because he had nothing to do with the killing.[22] Instead of releasing him, Sgts. Pillonar, Apostol and other PC men brought him to the back portion of the barracks and repeatedly tortured him for about half an hour. They interrogated him whether he had

any participation in the killing. He insisted he was innocent. He was again severely maltreated. He was coerced into admitting that he was involved in the killing.[23]

Afterwards, the police officers brought him inside the office and his affidavit was purportedly taken. Rodriguez testified that aside from a few immaterial questions, he was not asked any other questions but the police officers continued typing. A few days later, he and his co-accused were brought to a certain Atty. Evangelista and were sternly ordered to answer "yes" to every question Atty. Evangelista may ask. He and the other accused were not allowed to read the contents of their affidavits.[24]

Accused Benigno Andres denied any participation in the killing. He testified that he had not known accused Saturno and Rodriguez prior to June 23, 1989, and that he only met them at the PC Company compound on July 1, 1989. He admitted that Rodelito Valdez asked him to drink gin with him in the morning of June 23, 1989, but he only stayed for a few minutes because he had to go to Muñoz. He arrived at Muñoz early in the afternoon. His tricycle broke down and he stayed there overnight in the house of Florencio Bulatao's (one of the victims) distant relative. The following day, he learned about the killing and he immediately went to Agupalo Este together with Florencio Bulatao's sister and her husband.[25] Florencio Bulatao's sister did not testify in court.

Accused Andres testified that when he was apprehended on July 1, 1989, he was brought to the back of the barracks of the 182nd PC Company compound, was maltreated, and was coerced to admit his participation in the killing. He was also forced to sign a document purportedly his affidavit admitting his guilt. He testified that he had no participation in the preparation of the document and was never informed of his constitutional rights.[26]

The trial court found accused-appellants guilty of multiple murder. The trial court acquitted accused Delfin Gregorio for insufficiency of evidence.

Hence, this appeal.[27]

In their brief, appellants raise as issue the prosecution's failure to prove their guilt beyond reasonable doubt. They contended that prosecution witness Lucila Valdez was not able to positively identify them. They claim an alibi, that is, it was physically impossible for them to be at the locus criminis at the time the incident occurred.

The Solicitor General contends that the trial court correctly gave credence to the testimony of Lucila Valdez and that the defense of alibi is weak. He maintains that appellants' alibi cannot prevail over the positive identification made by witness Lucila that they were the perpetrators of the crime as it is an entrenched jurisprudential doctrine that positive identification prevails over denial and alibi.[28]

We find the appeal meritorious.

It is a basic rule that the guilt of an accused must be proved beyond reasonable doubt.[29] Before he is convicted, there must be moral certainty of guilt--a certainty that convinces and satisfies the reason and conscience of those who are to act upon it that he is guilty of the crime charged.[30] Under our criminal justice system, the overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt.[31]

The task of the prosecution is two-fold: first, to prove that a crime has been committed, and second, that the accused is the person responsible therefor. Thus, the prosecution must be able to overcome the constitutional presumption of innocence with evidence beyond reasonable doubt to justify the conviction of the accused.[32]

The fatigue cap and the light brown jacket (and the bloodstains found on it) were the basis for implicating accused Saturno. These were not identified during the trial nor formally offered in evidence. As a matter of fact, the jacket was never seen after it was submitted for examination. The chemist who examined the bloodstains in the jacket

was not presented to identify the report and the jacket.

There was also no convincing proof that the slugs, which were presented during the trial were the same slugs recovered from the scene of the crime. Barangay Chairman Jaime Collado admitted that after he removed the slugs from the cadavers, he did not immediately give them to the police officers. The slugs, which were submitted for ballistic examination, could have been those used when Sgt. Apostol fire-tested the gun on July 1, 1989. There was no sufficient proof that they were fired from accused Saturno's gun. The ballisticsian, after testifying that there is no margin of error in his report, could not estimate when the gun was last fired. The other homemade gun also alleged to have been used in the killing was tested in court and it was shown that it could not be operated easily. Using the court's own words, the gun was "pasumpong-sumpong." [33]

Witness Lucila Valdez hesitated at first to point at accused Saturno's tricycle because it looked different from the one used by the assailants which was color red and with a tail. [34] She did not also recognize the inscription "SATURNO FAMILY" at the back of the tricycle. [35]

Witness Lucila Valdez was covering her face during the incident. She claimed that the man who was wearing a light brown jacket had a well-chiseled or occidental nose and his face was oblong; that the gun used in killing her husband appeared to have a circular object in the middle; that the man who hog-tied the other victims was of medium height, a well-built man, dark skinned and the other who helped him was also well-built and fair-complexioned and a little bit handsome. [36] She stated that the person who dumped Florencio Bulatao in front of the other victims "was wearing a belt which was borrowed from my husband", and she assumed that it was Benigno Andres because she remembered the latter borrowing her husband's belt. [37]

Witness Lucila's testimony regarding the identity of the accused, however, is too general to deserve consideration. On the other hand, accused-appellants were able to present convincing evidence that they could not possibly be at the scene of the crime at the time of its commission.

Bgy. Chairman Collado and Mayor George Castaneda testified that Lucila Valdez told them that she was not able to recognize the assailants. [38] It is inconceivable for Lucila not to tell the barangay officials that her long-time compadre Benigno Andres assisted in the killing. On rebuttal, she said that she had not seen accused Saturno and Andres prior to June 23, 1989. [39] Witness Lucila testified that she was afraid and trembling after she saw that her husband was shot, [40] yet she also testified that she was composed and normal all throughout the incident. [41] Her conflicting testimony as to her disposition at that time creates a reasonable doubt on her capability to positively identify the killers.

The identification of appellants as the assailants could in no way be considered as positive and credible.

In the case at bar, the prosecution was able to establish the fact of the killing; however, it failed to prove that appellants perpetrated the crime. Where the prosecution has failed to discharge the onus probandi for a pronouncement of guilt beyond reasonable doubt, the constitutional presumption of innocence in favor of the accused will result in acquittal. [42]

Accused-appellants testified that they were somewhere else when the killing occurred, and that it was impossible for them to have committed the crime. The court a quo gave weight to the affidavits executed by the accused wherein they admitted their participation in the killing. [43] However, they were able to prove that their affidavits were solely prepared by the police investigators, that they were not apprised of their constitutional rights, and that they were forced to sign the affidavits lest they be maltreated again.

True, the settled rule is that alibi is a weak defense. It has been held that courts will not at once look with disfavor on the defense of alibi. Alibi may be considered in light of all the evidence for it may be sufficient to acquit the

accused.[44]

Appellants' alibi and denial gain considerable strength in view of the unreliable identification of the perpetrators of the crime.[45]

Thus, where the inculpatory facts and circumstances are capable of two or more explanations one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction.[46] The equipoise rule provides that where the evidence in a criminal case is evenly balanced, the constitutional presumption of innocence tilts the scales in favor of the accused.[47]

WHEREFORE, the Court REVERSES the appealed decision of the Regional Trial Court, Branch 39, San Jose City, Nueva Ecija in Criminal Case No. L-15 (89). The Court ACQUITS accused-appellants SERVANDO SATURNO, ABRAHAM RODRIGUEZ and BENIGNO ANDRES for failure of the prosecution to prove their guilt beyond reasonable doubt. The Director of Corrections is hereby directed to forthwith release accused-appellants unless they are lawfully held for another cause, and to inform the Court of their release within ten (10) days from notice.

No costs.

**SO ORDERED.**

Davide, Jr., C.J., Kapunan, and Ynares-Santiago, JJ., concur.  
Puno, J., on official business abroad.

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[1] In Criminal Case No. L-15 (89), Judge Reynaldo A. Alhambra, presiding (Rollo, pp. 166-198). It is noted that three (3) judges presided over the trial of this case. Judge Alhambra heard only the concluding testimony on rebuttal (the last testimony for the entire case) of the prosecution's main witness.

[2] Decision, Rollo, pp. 166-198, at p. 167.

[3] Ibid., pp. 2-3.

[4] Ibid., p. 3.

[5] TSN, December 16, 1992, pp. 4-8.

[6] Decision, Rollo, pp. 166-198, at p. 169.

[7] TSN, September 9, 1992, pp. 9-11.

[8] Ibid., pp. 13-16.

[9] TSN, August 30, 1989, pp. 21-25.

[10] Decision, Rollo, pp. 166-198, at p. 170.

[11] TSN, September 14, 1992, p. 9.

[12] TSN, September 9, 1992, pp. 18-22.

[13] TSN, September 9, 1992, pp. 23-25.

[14] TSN, September 14, 1992, pp. 4-8.

- [15] TSN, June 22, 1992, pp. 17-19.
- [16] TSN, June 18, 1991, p. 11.
- [17] TSN, August 21, 1991, p. 21.
- [18] TSN, July 23, 1991, pp. 2-11; TSN, July 25, 1991, pp. 7-8.
- [19] TSN, July 25, 1991, pp. 11-12.
- [20] Ibid., pp. 15-17.
- [21] TSN, November 12, 1991, pp. 9-10.
- [22] Ibid., p. 15; TSN, August 14, 1991, p. 10.
- [23] TSN, November 12, 1991, pp. 17-28.
- [24] TSN, January 6, 1992, pp. 8-14.
- [25] TSN, October 19, 1992, pp. 6-8.
- [26] TSN, October 21, 1992, pp. 3-10.
- [27] Notice of Appeal, Rollo, p. 199.
- [28] Appellee's Brief, p. 26.
- [29] Article III, Section 14 ( 2 ), Constitution.
- [30] People vs. Kenneth Canedo, G. R. No. 128382, July 5, 2000, citing U.S. vs. Reyes, 3 Phil. 3 (1903).
- [31] People vs. Vasquez, 345 Phil. 380, 384 (1997).
- [32] People vs. Garcia, G. R. No. 124514, July 6, 2000.
- [33] TSN, September 14, 1992, p. 6.
- [34] TSN, June 18, 1991, p. 9.
- [35] TSN, May 28, 1993, p. 4.
- [36] TSN, August 15, 1989, pp. 18-27.
- [37] Ibid., p. 25.
- [38] TSN, May 28, 1993, pp. 8-9.
- [39] TSN, May 19, 1993, pp. 3-4.
- [40] TSN, May 28, 1993, pp. 7-8.
- [41] TSN, May 7, 1993, p. 24.
- [42] People vs. Castillon, 217 SCRA 76 (1993).
- [43] Decision, supra, Note 10.
- [44] People vs. Abellanos, 332 Phil. 760, 787 (1996).
- [45] People vs. Gamer, G. R. No. 115984, February 29, 2000.

[46] People vs. Agustin, 316 Phil. 828, 832 (1995).

[47] People vs. Lagmay, 306 SCRA 157 (1999).

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