

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LUDRING VALDEZ, ALLEN VALDEZ, JOSE TABOAC, JR. AND AMANDITO T. TABION, ACCUSED.

G.R. No. 128105. January 24, 2001

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is an appeal from the decision[1] of the Regional Trial Court, Pangasinan, Branch 45, Urdaneta convicting Ludring Valdez and Jose Taboac, Jr., of murder, sentencing them to reclusion perpetua and to pay jointly and severally the heirs of the deceased Eusebio Ocreto in the amount of P50,000.00, as indemnity for the death of the victim, P20,000.00 as actual damages, P200,000.00 as moral damages, and costs.

On May 17, 1993, Assistant Provincial Prosecutor Jaime V. Veniegas of Pangasinan filed with the Regional Trial Court, Pangasinan, an information charging Ludring Valdez, Jose Taboac, Jr., Allan Valdez, and Amandito T. Tabion with murder, committed as follows:

"That on or about the 9th day of January, 1993, in the evening, at barangay Sto. Domingo, municipality of Urdaneta, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with big stone (Boulder) and sharp pointed bladed weapons, conspiring, confederating and mutually helping one another, with deliberate intent to kill, with treachery and evident premeditation, taking advantage of superior strength and nighttime, did then and there willfully, unlawfully and feloniously attack, assault, kick, hit with big stone (boulder), stab, Eusebio Ocreto in the vital parts of his body and head inflicting upon him fatal injuries and decapitate him, which directly caused his death, to the damage and prejudice of his heirs.

"The crime was committed by the accused with the aggravating circumstances of use of superior strength, nighttime and cruelty, by decapitating the victim.

"CONTRARY to Art. 248, par. 6, Revised Penal Code."[2]

At the arraignment on April 21, 1994, accused Ludring Valdez and Jose Taboac, Jr., pleaded not guilty.[3] Accused Amandito Tabion reportedly died, but no certificate of death was submitted to the court. Accused Allan Valdez, son of accused Ludring Valdez, remained at large. Subsequently, trial on the merits ensued.

The facts are as follows:

On January 9, 1993, at around 11:00 in the evening, Amanda Tabion, public school teacher, was in her house in Sto. Domingo, Urdaneta, Pangasinan, when she heard a motorcycle stop in front of her house and loud voices outside. One of the voices sounded as if someone was being tortured, so Amanda went out of her house to investigate. Amanda stepped out to the back of her house and saw four men surrounding Eusebio Ocreto, whom she knew since childhood. Wondering what the men were up to, Amanda hid behind a plant and watched them. Moonlight illuminated the four accused, Allan Valdez, Ludring Valdez, Itong Tabion and Jose Taboac, Jr.

Amanda recognized them from a distance of 10 meters. Accused Ludring Valdez, who was facing Amanda, repeatedly hit Eusebio Ocreto on the head and body, using large stones or boulders. The other accused looked on. Eusebio remained lying on the ground, unmoving.

After a few seconds, accused Ludring Valdez stopped hitting Eusebio. Thereafter, the four accused carried the body of Eusebio on their shoulders and boarded a tricycle. They headed towards the provincial road leading to Nancayasan, Urdaneta, Pangasinan.

Amanda returned to her house, shivering with fear. She learned the following morning that Eusebio Ocreto was missing.

On January 10, 1993, at 5:00 in the afternoon, the headless body of a man was found. It was brought immediately to the funeral parlor for autopsy.

Dr. Ramon Gonzales, municipal health officer of Urdaneta, Pangasinan,[4] conducted a postmortem examination of the body which policemen identified as Eusebio Ocreto's. Dr. Gonzales observed that the victim sustained thirteen stab wounds at the back of the body and opined that the different sizes of the wounds showed that they might have been inflicted by two or more assailants.[5] He was not able to determine which of the stab wounds were fatal because of the decapitation. He was not able to examine the head of the deceased.[6]

The decapitated head of Eusebio Ocreto was discovered two days afterwards. It was buried one foot deep, more than one hundred meters away from where the body of the victim was found. When it was dug up, it was in a state of decomposition. The place where the victim was attacked and assaulted was fifty meters away from where his head was found, and fifteen meters away from where the body was located.[7]

Accused Ludring Valdez denied the accusations and testified[8] that on January 9, 1993, he was at the house of Gregorio Saculles in Barangay Sto. Domingo, San Manuel, Pangasinan. The daughter of Saculles was getting married, so the friends of the father of the bride gathered to celebrate. At around 9:00 in the evening, after consuming several bottles of beer, accused Ludring Valdez left the party, together with Renato Rebebes, Juanito Tabion, Gil Tabion, Jose Taboac, Jr. and Allan Valdez. They rode a tricycle and parted ways at the crossing of Sto. Domingo, Urdaneta, Pangasinan. Afterwards, accused Ludring Valdez and his son, Allan, walked approximately fifty meters to their house. They reached their house at around 10:00 in the evening. Accused Ludring Valdez went to sleep and did not leave his house thereafter.

The following day, accused Ludring Valdez, Jose Taboac, Jr., Amandito Tabion, Allan Valdez, Vilma Valdez and Remedios Romero rode a tricycle to San Manuel, Pangasinan, to attend the wedding ceremony of Saculles' daughter. The ritual began at 9:00 in the morning and ended two hours later. After the ceremony, they proceeded to the house of Gregorio Saculles to eat and drink more beer. The reception ended at around 2:00 in the afternoon. They returned to Sto. Domingo, Urdaneta, Pangasinan at around 3:00 in the afternoon. They stayed in the house of accused Ludring Valdez until 4:00 in the afternoon. When his friends left, accused Ludring Valdez stayed home.

It was only on January 10, 1993 that accused Ludring Valdez learned of Eusebio Ocreto's death. He knew the deceased because they used to attend town occasions such as birthday parties. He claimed to have a good relationship with the deceased, not having any misunderstanding, quarrel or animosity with each other. He knew Amanda Tabion who testified against him and alleged that they were not on speaking terms even before the incident. He claimed that Amanda hated him because of his financial success with the cattle market and his meager donation of five pesos to her daughter's solicitation envelope at one time.

On March 14, 1993, he went to Ilocos Sur with his son, Allan Valdez, because they were suspected of killing

Eusebio Ocreto. He stayed in Ilocos for several months, fearful of the threats of relatives of the deceased against his life.[9]

Accused Jose Taboac, Jr. dispensed with the presentation of his evidence and submitted the case for decision.[10]

On March 7, 1996, the trial court rendered a decision, the dispositive portion of which states:

"WHEREFORE, the Court renders judgment, declaring the accused LUDRING VALDEZ and JOSE TABOAC, JR., GUILTY beyond reasonable doubt of the crime of MURDER and hereby sentences them to suffer imprisonment of RECLUSION PERPETUA EACH and to pay jointly and severally the heirs of the deceased Eusebio Ocreto, the following: P50,000.00 as indemnity for the death of the victim; P20,000.00 as actual damages; P200,000.00 as moral damages and to pay the costs.

SO ORDERED."[11]

Only accused Ludring Valdez filed an appeal.[12]

In his appellant's brief, accused-appellant Ludring Valdez contends that the trial court should not have given credence to the testimony of prosecution witness Amanda Tabion, imputing ill-motive on her part against him.[13]

In numerous cases, the Court has stated that it will not interfere with the trial court's assessment of the credibility of witnesses, in the absence of any indication or showing that the trial court overlooked some material facts or gravely abused its discretion.[14] This case is no exception.

Amanda Tabion was in a position to witness the incident, considering her proximity to the scene of the crime, her familiarity with accused-appellant, and the illumination provided by the moonlight over accused-appellant. Though subjected to rigorous cross-examination, she neither faltered in her positive identification of accused-appellant nor did she give any statements materially inconsistent with her entire testimony. The motive imputed to her is too trivial to be taken seriously. We find her testimony worthy of credit.

Accused-appellant alleges that the trial court should have credited his alibi. However, for alibi to prosper, accused-appellant must prove that he was somewhere else when the crime was committed and that he was so far away that he could not have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[15] The distance from the house of Gregorio Sacolles to the scene of the crime is only 200 meters. Such distance does not preclude the accused-appellant from being at the place of the crime at the time of its commission. Moreover, accused-appellant's own alibi placed him at the scene of the crime on the date in question precisely around the time of the killing, for he admitted at he was at the crossing of Sto. Domingo, Urdaneta, Pangasinan approximately an hour before the victim's death.

Although the witness failed to see the actual killing, circumstantial evidence in this case established accused-appellant's involvement in the death of the victim. Circumstantial evidence suffices for sustaining a conviction if the following requisites are present: (1) there must be more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[16] In this case, the prosecution witness saw him stoning the victim and later was one of the persons carrying the body of the deceased to a place nearby. The body of the deceased was found at the place where the accused-appellant was on the night in question, near the place where the head of the deceased was found. Accused-appellant admitted that he was in the vicinity of the crime scene on that fateful night. Also, the victim was last seen alive in the company of the accused-appellant. Hence, considering the pieces of evidence pointing to accused-appellant as the person who committed the crime charged, he must be held liable for the death of the victim.

The question now is whether accused-appellant should be charged with homicide or murder. The trial court found that the killing was attended with cruelty, because the deceased was stoned, stabbed and beheaded. We agree. There is cruelty when the culprit enjoys and delights in making his victim suffer slowly and gradually, causing him unnecessary physical pain in the consummation of the criminal act.[17] The test is whether accused-appellant deliberately and sadistically augmented the wrong by causing another wrong not necessary for its commission or inhumanly increased the victim's suffering or outraged or scoffed at his person or corpse.[18] In this case, evidence showed that the deceased was inflicted with numerous wounds before he was killed. Such acts increased the victim's suffering and caused unnecessary physical pain before his death.

Considering that the crime occurred on January 9, 1993, before the effectivity of Republic Act No. 7659 which amended the Revised Penal Code, the prescribed penalty for murder in this case is reclusion temporal in its maximum period to death.[19] In the absence of aggravating or mitigating circumstances, the medium period, or reclusion perpetua shall be imposed.[20]

The amounts awarded as indemnity for the victim's death and actual damages supported by receipts are sustained. However, moral damages awarded may be reduced to fifty thousand pesos (P50,000.00), keeping in mind that the purpose for awarding moral damages is not to enrich the heirs of the victim but to compensate them for injuries to their feelings.[21]

WHEREFORE, the Court affirms the decision of the Regional Trial Court, Pangasinan, Branch 45, Urdaneta convicting accused-appellant Ludring Valdez of murder, sentencing him to reclusion perpetua, and to pay the heirs of the victim Eusebio Ocreto the amount of fifty thousand (P50,000.00) pesos as indemnity for the death of the victim, the amount of twenty thousand (P20,000.00) pesos as actual damages, the amount of fifty thousand (P50,000.00) pesos as moral damages and the costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In Criminal Case No. U-7099, Judge Joven F. Costales, presiding.

[2] Information, RTC Record, pp. 2-3.

[3] Order, RTC Record, p. 116.

[4] TSN, August 1, 1994, pp. 3-15.

[5] Ibid., p. 5.

[6] Ibid., pp. 5-7.

[7] TSN, September 9, 1994, pp. 3-4.

[8] TSN, October 12, 1995, pp. 5-21.

[9] TSN, October 24, 1995, pp. 8-10.

[10] Trial Court Order, RTC Record, p. 407.

[11] Decision, RTC Record, pp. 433-487.

[12] Filed on April 19, 1996, Rollo, p. 79.

[13] Appellant's Brief, Rollo, pp. 102-110, at pp. 106-107.

[14] *People v. Gallardo*, G.R. No. 113684, January 25, 2000; *People v. Enolva*, G.R. Nos. 131633-34, January 25, 2000.

[15] *People v. Jose*, G.R. No. 130666, January 31, 2000; *People v. Quillosa*, G.R. No. 115687, February 17, 2000; *People v. Dando*, G.R. No. 120646, February 14, 2000.

[16] Rule 133, Section 5, Revised Rules of Evidence.

[17] *People v. Lacanieta*, G.R. No. 124299, April 12, 2000.

[18] *People v. Basao*, 310 SCRA 743 (1999).

[19] *People v. Derilo*, 338 Phil. 350 (1997).

[20] *People v. Ravaness*, 348 Phil. 689 (1998).

[21] *People v. Arinque*, 347 Phil. 571, 586 (1997); *People v. Gutierrez, Jr.*, 302 SCRA 643, 668 (1999).

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