PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO ABUBU Y VALDEZ, ALIAS “BOY VALDEZ,” ACCUSED-APPELLANT.

G.R. No. 129072. January 19, 2000

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-129072/

BELLOSILLO, J.:

ANTONIO ABUBU y VALDEZ alias "Boy Valdez," JESUS VALDEZ y BUENO, OSCAR DIMARUCUT, RENATO MANABAT and REY MANABAT were charged before the Regional Trial Court of Cauayan, Isabela, Br. 19, with murder for the death of JULIUS GOLOCAN[1] and three (3) counts of frustrated murder for the injuries sustained by FLORDELIZA, JOHN PAUL and NOEMI, all surnamed Golocan,[2] under four (4) separate Informations, docketed as Crim. Cases Nos. 19-952 to 19-955. Only Antonio Abubu and Jesus B. Valdez were subsequently apprehended and arraigned, while Oscar Dimarucut, Renato Manabat and Rey Manabat have remained at large.

Julius Golocan, his wife Flordeliza and two (2) children - one-year old John Paul and three-month old Noemi - lived in Barangay Pinoma, Cauayan, Isabela. On 18 February 1996 at around 5:30 in the afternoon Flordeliza was preparing food for her children when she heard knockings at their front door. She peeped through an opening in the window and saw accused-appellant Antonio Abubu with four (4) companions. Julius, who was carrying John Paul in his arms, opened the door. He then went outside to the balcony and talked to accused-appellant and his companions. While Julius was talking to them, Flordeliza carrying Noemi joined them. Suddenly, the group drew their guns and started shooting Julius, Flordeliza and their two (2) children. The assault left Julius dead and his wife and two (2) children critically injured.

When news of the shooting reached the Cauayan Police Station, SPO2 Jim D. Gabrillo and SPO1 Rico G. Cagurangan rushed to the crime scene to investigate. There they found Julius sprawled dead on the floor while his wife Flordeliza and their two (2) children seriously wounded. They also found the bamboo and galvanized walls of the house peppered with bullets. Two (2) empty shells, which appeared to have been fired from a .357 revolver, were recovered at the crime scene.[3]

The police brought Flordeliza and her children to the Cauayan District Hospital while the body of Julius was brought to the Carbonel Funeral Parlor for a post-mortem examination.[4]

At the district hospital, SPO2 Mario C. Madriaga questioned Flordeliza about the identities of the culprits. She revealed that she and her family were shot by accused-appellant Antonio Abubu, accused Jesus Valdez and three (3) other companions. Based on her statement, the police conducted a manhunt. Accused-appellant Abubu could not be found at his residence but was apprehended at the house of his cousin Jerry Capinding. Accused Jesus Valdez, on the other hand, was arrested at the house of Inteng Natividad, his brother-in-law. Both were thereafter brought to the Cauayan Police Station for investigation. The accused Oscar Dimarucut, Renato Manabat and Rey Manabat were never apprehended and have remained at large.

On 19 February 1996, due to inadequate hospital facilities, Flordeliza and her children were transferred to the Dr. Ester R. Garcia Hospital where they were treated by Dr. Ester R. Garcia herself and Dr. Artemio P. Corotan. Five (5) days later the victims were moved to the Baguio General Hospital where John Paul, who was shot in the head, was operated on.

Meanwhile, at the Carbonel Funeral Parlor, Dr. Antonio O. Abogado[5] conducted a post-mortem examination on the body of Julius Golocan. His examination revealed that Julius sustained five (5) gunshot wounds. A bullet slug was extracted from his chest just below the skin by Dr. Abogado. The slug which had a diameter of one (1) centimeter and a length of two (2) centimeters entered through the left side of the victim's body. Dr. Abogado observed that the bullet wounds had a uniform diameter of 1.5 centimeters each.[6] According to the Certificate of Death issued by Dr. Abogado Julius died due to massive hemorrhage antecedent to gunshot wounds on the head, chest and upper left extremities.[7]

On the other hand, the injuries sustained by Flordeliza and her two (2) children were explained in court by Dr. Ester R. Garcia and Dr. Artemio P. Corotan. According to Dr. Garcia, Chief of the Dr. Ester R. Garcia General Hospital, Flordeliza, John Paul and Noemi were brought to her hospital in the evening of 19 February 1996 and confined there for five (5) days. Flordeliza was treated for the gunshot wound she sustained with a bullet that pierced her right upper arm and eventually lodged at the base of her right lung. The slug was not removed to avoid further injury. Dr. Garcia opined that the gunshot wound would have been fatal were it not for the immediate medical attention given to Flordeliza.[8]

Dr. Corotan testified on the injuries suffered by John Paul and Noemi Golocan. According to him, John Paul’s case was referred to him by Dr. Garcia for evaluation and management. John Paul suffered a single gunshot wound in the head with the bullet entering through his right temple and exiting at the left ear. The doctor also stated that it was a miracle that young John Paul survived the headshot. Noemi, on the other hand, sustained one (1) gunshot wound at the middle portion of her right sole and two (2) gunshot wounds on her left foot. Dr. Corotan was convinced that the injuries sustained by John Paul and Noemi were fatal enough to cause their death if they were not treated immediately.[9]

Accused-appellant Antonio Abubu alias "Boy Valdez" testified that on 18 February 1996 he worked in the ricefield of his uncle Vicente Abubu. He finished at dusk and was on his way home when he encountered Oscar Dimarucut, Renato Manabat and Rey Manabat, whom he had previously met at the wedding of a cousin in sitio Pacac, Alicia, Isabela. They asked him if he knew Julius Golocan. Upon hearing an affirmative reply they asked him to accompany them to the house of Julius. He readily acceded to their request. Upon reaching the house, accused-appellant informed Julius that the three (3) men had come to talk to him. However accused-appellant claimed that he did not witness the actual shooting as he left Oscar, Renato and Rey at the residence of Julius while they were still talking among themselves. He maintained that he was already 100 meters away from the house of Julius when he heard gunshots. Shaken, accused-appellant decided to go to the house of his cousin where he rested. It was there that the police found and arrested him for the shooting of the Golocan family.[10]

At the police station, accused-appellant denied participation in the crime. Instead, he informed the police officers that it was Oscar Dimarucut, Renato Manabat and Rey Manabat who were responsible for the shooting.[11] However, they were not apprehended and until now have eluded arrest.

For his part, accused Jesus Valdez categorically denied participation in the commission of the crime. He averred that at the time of the incident he was drinking at Barangay Pinoma with Eduardo de la Cruz, Kalbo Abubu and Fernando Valdez.[12] to strengthen his defense, he called on SPO2 Mario C. Madriaga to testify in his behalf. According to SPO2 Madriaga, on 18 February 1996 he took the statement of Flordeliza S. Golocan at the Cauayan

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

District Hospital where she stated that she was only able to recognize accused-appellant as one of her family's four (4) assailants and Jesus Valdez was not identified as one of them.[13]

On 29 October 1996 the Regional Trial Court acquitted accused Jesus Valdez for failure of the prosecution to prove his guilt beyond reasonable doubt. The trial court however convicted accused-appellant Antonio Abubu of the crime of murder complexed with multiple frustrated murder and sentenced him to suffer the supreme penalty of death. The trial court further ordered accused-appellant to pay the heirs of Julius Golocan P50,000.00 as compensatory damages, P200,000.00 as moral damages, P20,000.00 for funeral expenses, and P27,000.00 as reimbursement for the survivors' medical expenses.[14] His case is now before us on automatic review pursuant to Art. 47, 2nd par., of the Revised Penal Code as amended.

Two (2) important issues need to be addressed. First, whether the court a quo erred in finding accused-appellant Antonio Abubu alias "Boy Valdez" guilty beyond reasonable doubt of the complex crime of murder with multiple frustrated murder. Second, whether the court a quo correctly sentenced him to death.

While we agree with accused-appellant that he should not be convicted of the complex crime of murder with multiple frustrated murder, we cannot agree with his contention that his guilt was not proved beyond reasonable doubt.

Flordeliza S. Golocan positively identified accused-appellant as one of the assailants who shot her and her entire family. She declared that she knew accused-appellant because they used to hire him to spray their ricefields, get cogon grass for tying seedlings and spread the seedlings in their farm. She claimed that he even slept in their house.[15] As the court a quo had the unique opportunity to observe Flordeliza's demeanor on the stand, we find no reason to disturb its finding on her credibility. Verily, criminals are convicted not on the number of witnesses against them but on the credibility of the testimony of even one witness who is able to convince the court of the guilt of the accused beyond a shadow of doubt.[16]

Also worthy of note was the actuation of accused-appellant in the aftermath of the killing. As correctly pointed out by the trial court, accused-appellant's act contradicted his plea of innocence. Indeed, if it was true that he did not take part in the shooting of the Golocan family, why then did he not report the incident to the authorities immediately thereafter? Instead, he sought refuge in a place he normally did not frequent and did not consider home - his cousin's house, where he pretended to sleep.

Accused-appellant's guilt as established, however, does not warrant his conviction for the complex crime of murder with multiple frustrated murder. Instead, he must be convicted of the separate crimes of murder and three (3) counts of frustrated murder as alleged in four (4) separate Informations.

On the concept of a complex crime, Art. 48 of the Revised Penal Code provides: "When a single act constitutes two or more grave or less grave felonies or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period."[17] The instant case does not fall under any of the two (2) mentioned instances wherein a complex crime is committed. The evidence on record shows that the killing of Julius Golocan and the wounding of his wife Flordeliza and their children John Paul and Noemi resulted not from a single act but from several and distinct acts of shooting. For one thing, the evidence indicates that not only one gunman was involved, and the act of each gunman was distinct from that of the others. Moreover, there were two (2) empty shells recovered at the crime scene which confirms the fact that several shots were fired. Furthermore, considering the relative positions of the gunmen who surrounded the victims, it was absolutely impossible for the four (4) victims to have been hit by a single bullet. Each act of pulling the the trigger of his firearm by each gunman and aiming it at different persons constitute distinct and individual acts which cannot give rise to the complex crime of murder with multiple frustrated

murder.[18]

Of the qualifying circumstances of evident premeditation and treachery alleged in the Information the prosecution proved only treachery. The manner by which Julius was shot and killed shows that the attack was sudden and unexpected to the point of incapacitating him to repel or escape it.[19] Furthermore, the fact that Julius was carrying his son John Paul when the assault was made indicates that he was not in a position to defend himself. Also, the concerted and synchronized actions of the assailants in pulling their handguns and shooting the victims could only mean that they consciously adopted the treacherous method and form of attack. Treachery was, without doubt, present.

The penalty for murder under Art. 248 of the Revised Penal Code is reclusion perpetua to death. Corollarily, Art. 63, second par., provides that "[i]n all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof: x x x x 2. [w]hen there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied." Thus, the imposable penalty being composed of two (2) indivisible penalties, and in the absence of any modifying circumstance, the lesser penalty of reclusion perpetua shall be imposed on accused-appellant for the killing of Julius G. Golocan.

As regards the frustrated murder of Flordeliza, John Paul and Noemi, the penalty one degree lower than reclusion perpetua to death, which is reclusion temporal, shall be imposed pursuant to Art. 248 of the Revised Penal Code in relation to Art. 50 thereof. Applying the Indeterminate Sentence Law and in the absence of modifying circumstances, the maximum penalty to be imposed shall be taken from the medium period of the imposable penalty which is reclusion temporal medium, the range of which is fourteen (14) years, eight (8) months and one (1) day to seventeen (17) years and four (4) months, while the minimum shall be taken from the penalty next lower in degree which is prision mayor in any of its periods, the range of which is six (6) years and one (1) day to twelve (12) years.

WHEREFORE, the judgment appealed from is MODIFIED as follows:

- In Crim. Case No. 19-952, accused-appellant ANTONIO ABUBU Y VALDEZ alias "BOY VALDEZ" is found GUILTY of murder qualified by treachery and sentenced to reclusion perpetua. He is further ORDERED to pay the heirs of Julius G. Golocan the amount of P50,000.00 as indemnity for death, P200,000.00 as moral damages and P20,000.00 as actual damages.

- In Crim. Cases Nos. 19-953, 19-954 and 19-955, accused-appellant ANTONIO ABUBU Y VALDEZ alias "BOY VALDEZ" is likewise found GUILTY of the frustrated murder of Flordeliza S. Golocan, John Paul Golocan and Noemi Golocan. Consequently, accused-appellant shall suffer an indeterminate prison term ranging from six (6) years, four (4) months and ten (10) days of prision mayor minimum as minimum to fourteen (14) years, eight (8) months and twenty (20) days of the minimum of reclusion temporal medium as maximum for each count of frustrated murder. Accused-appellant Abubu is further ORDERED to pay Flordeliza S. Golocan, John Paul Golocan and Noemi Golocan the total amount of P27,000.00 for actual damages, and to pay the costs.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

---

[1] Information, 23 February 1996; Rollo, p. 7.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[2] Id., pp. 9, 11 and 13.

[3] TSN, 30 April 1996, pp. 3-25.

[4] Ibid.

[5] Municipal Health Officer of Cauayan, Isabela.

[6] TSN, 29 April 1996, pp. 31-46.

[7] Certificate of Death dated 20 February 1996; Records, p. 12.

[8] TSN, 3 June 1996, pp. 3-17.

[9] Id., pp. 21-23.

[10] TSN, 4 June 1996, pp. 19-50.

[11] Ibid.

[12] Id., pp. 52-62.

[13] Id., pp. 6-19.

[14] Decision penned by Judge Artemio R. Alivia, RTC-Br. 19, Cauayan, Isabela, Crim. Case Nos. 19-952, 19-953, 19-954 and 19-955.

[15] TSN, 29 April 1996, p. 10.

[16] People v. Sanchez, G.R. No. 131116, 27 August 1999, citing Bautista v. Court of Appeals, G.R. No. 121683, 26 March 1998, 288 SCRA 171.

[17] As amended by Act No. 4000.

[18] People v. Bermas, G.R. Nos. 76416 and 94312, 5 July 1999; People v. Valdez, G.R. No. 127663, 11 March 1999.

[19] See People v. Aguilar, 88 Phil. 693 (1951).

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.