THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EUGENIO ADRALES AND JESSIE PANAO, ACCUSED-APPELLANTS.

G.R. No. 132152. January 19, 2000

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-132152/

VITUG, J.:

The case before the Court calls for an automatic review of the decision, dated 09 July 1997, of the Regional Trial Court ("RTC") of Carigara, Leyte, Branch 13, in Criminal Case No. 2512, convicting Jessie Panao and Eugenio Adrales of the crime of murder and sentencing each of them to the penalty of death.

On 18 March 1996, Assistant Provincial Prosecutor Cesar Merin filed with the Carigara RTC an INFORMATION charging Eugenio Adrales and Jessie Panao with murder, as follows:

> "That on or about the 25th day of January, 1996, in the municipality of Tuñga Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with deliberate intent, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and stab one MANUEL ARIZO with a sharp pointed weapon (sundangay) which the accused have provided themselves for the purpose, thereby inflicting upon the latter the following wounds, to wit:
>
> "Stab wound, 3.5 cm., vertical at level 9th ICS PAL (R) penetrating, thorace-abdominal (R) with massive hemothorax; penetrating (R) lobe of liver thru and thru towards bed of gallbladder with perforation of gall bladder thru and thru penetrating transverse colon M/3 thru and thru.
>
> "Operation: E/L, perihepatic packing (lateral & intrahepatic) Pringles maneuver, cholecystectomy, exteriorization of injured colonic segment. Peritoneal drain.
>
> which wounds caused the death of said Manuel Arizo.
>
> "CONTRARY TO LAW."[1]

Upon arraignment, both accused entered a plea of NOT GUILTY. Trial on the merits ensued.

The evidence for the prosecution consisted of the testimony of eyewitness Jovencio Briones, as well as of the victim's spouse Salvacion Arizo, and of the arresting officer SPO1 Hector Dincol.

At about eight o'clock in the evening of 25 January 1996, the two accused, Eugenio Adrales and Jessie Panao, evidently after having had too much to drink, were strolling down the road in Brgy. San Pedro, Tuñga, Leyte, challenging anybody to a fight. Curious at the noise being created by the duo, Jovencio Briones looked out to investigate. He saw Adrales and Panao walking towards the direction of the residence of Manuel Arizo. Briones followed at a distance. Adrales and Panao loudly called out to Manuel inviting him to have a drink with them. Manuel refused but the two persisted until eventually Manuel opened the door of his house. Adrales and Panao insisted that Manuel come out. As soon as the latter stepped out, Jessie Panao pulled Manuel while Adrales forthwith stabbed Manuel with a small bolo hitting him on the right side of his back. Panao pushed Manuel.

Thrown to the wall, Manuel fell to the ground face down. Panao unsheathed his bolo to inflict a second blow on Manuel but he was forestalled by the shout for help of Salvacion Arizo. Briones, who had witnessed the entire episode approached the fallen victim and, seeing Manuel to be still alive, lifted him up and brought him to the side of the road.

Responding neighbors helped bring Manuel to the Bethany Hospital. He was later transferred to the Eastern Visayas Regional Medical Center ("EVRMC"). Manuel was unconscious when Salvacion saw him the following morning of 26 January 1996. Manuel never recovered and eventually died the next day (27 January 1996).

SPO1 Hector Dincol testified that the police had responded to the criminal incident right after it was reported to them on the night of 25 January 1996. The investigation led to the arrest of Panao and Adrales that same evening.

The defense presented the two accused at the witness stand. Its version of the incident was that Panao and Adrales, together with Manuel, went home from a drinking spree held in the house of one Lito Arintok who had earlier hired them to do some farmwork. Manuel invited Panao and Adrales to drop by his house for another round of drink. Manuel asked Panao for some money to buy tuba but Panao refused and started to leave. Infuriated, Manuel caught up with Panao and at once boxed and kicked him. Panao did not retaliate and attempted to flee but he was chased by Arizo. Fearing that Manuel might kill Panao, Adrales followed, overtook Manuel and stabbed the latter. Eugenio Adrales went home where he was arrested later that same evening.

The court a quo saw the case for the prosecution. Stating firstly the factual and legal bases for its decision, the trial court finally adjudged:

> 'WHEREFORE, IN THE LIGHT OF THE FOREGOING CONSIDERATIONS, the, Court finds the accused JESSIE PANAO and EUGENIO ADRALES GUILTY of the crime of MURDER and hereby Sentences the accused to suffer the penalty of DEATH and to indemnify the heirs of the victim the sum of Fifty Thousand Pesos without, however, subsidiary imprisonment in case of insolvency.
>
> "SO ORDERED."[2]

This Court is fully convinced that the trial court did not conclude wrongly in finding accused-appellants guilty of murder. The testimony of the two eyewitnesses, Salvacion Arizo and Jovencio Briones, to the commission of the crime, is impressive and hardly suffers from serious flaws.

SALVACION ARIZO, the surviving spouse of the deceased victim, testified thus:

> "Q And who are those?
>
> "A Jessie Panao and Eugenio Adrales.
>
> "Q You are referring to the two (2) accused in this case?
>
> "A Yes, sir.
>
> "Q Now, you mentioned that they were approaching while shouting did they in fact reach your house?
>
> "A Yes, sir just very near our door.
>
> "Q When the two (2) accused were already near your door, what happened next?
>
> "A They kept on calling my husband.
>
> "Q Will you please tell the honorable the exact words?
>
> "A Manuel, Manuel go out from your house, let's have a drink.

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

"Q And what was the reaction of your husband if any?

"A He stood up.

"Q When your husband stood up, what did he do?

"A I told him not to go with them.

"Q Now, when you told your husband, not to go with them, then what did your husband do if any?

"A They kept on shouting Manuel to go with them.

"Q When you said they, you are referring to the accused?

"A Yes, sir.

"Q And after that, what did your husband do?

"A He went down.

"Q From the place where you were to the ground, how high is that?

"A Two (2) stairs [steps] distance.

"Q Where did he go when your husband went down?

"A To the ground.

"Q How about you, where did you go?

"A I called him.

"Q When you said on the ground, is it inside your house or outside your house?

"A Still inside our house.

"Q When you were already on the ground inside your house, where did your husband go next?

"A Because they kept on shouting my husband to go with them, my husband opened the door and just let his head out of the door.

"Q So your husband partially opened the door to let his head out?

"A Yes, sir.

"Q When the head f your husband was already out of the door, what next happened if any?

"A My husband told them, I will not go with you I will go to sleep.

"Q What was the response coming from the two (2) accused?

"A They insisted my husband to go with them.

"Q Between the two (2) accused who is really persistent?

"A It was Jessie Panao, and Eugenio Adrales was helping.

"Q Now, what happened next if any?

"A My husband opened widely the door.

"Q At that time when your husband opened the door so wide where were you at that time?

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

"A I was at the back of my husband.

"Q At that time was there any light in your house?

"A There was a light upstairs and also downstairs.

"Q What did you see, if any, when your husband opened the door?

"A Eugenio Adrales peeped in through the door.

"Q At that time where was Jessie Panao?

"A He was infront of my husband.

"Q When your husband opened the door and was already infront of Jessie Panao, what happened next if any?

"A My husband went out from our house by the door.

"Q When your husband went out from the door, what happened next if any?

"A Jessie Panao held my husband on the act of pulling.

"Q When Jessie Panao held your husband and also by pulling what happened next if any?

"A Eugenio Adrales stabbed my husband.

"Q What did Eugenio Adrales used in stabbing your husband?

"A Small bolo.

"Q When this small bolo will be shown to you, will you recognize it?

"A I can recognize it.

"Q When your husband was stabbed by Eugenio Adrales was your husband hit?

"A Yes, sir.

"Q In what part of his body?

"A At the right side of his back.

"Q Now, after your husband was stabbed by Eugenio Adrales what happened next if any?

"A Jessie Panao pushed my husband and hit at the wall and fell down to the ground.

"Q What was the position of your husband when he fell down to the ground?

"A Face down.

"Q When your husband was lying on the ground faced down, what happened next if any?

"A Jessie Panao draw his long bolo and was about to hack my husband.

"Q Did Jessie Panao hacked your husband?

"A No, sir.

"Q Why, what was the reason that he was not able to hack your husband?

"A Because I shouted. Don't hack my husband and Help me.

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

"Q After you shout those words, what happened next if any?

"A They ran away.

"Q When this two (2) accused ran away, what did you do if any?

"A I drew near to my husband and I saw that he was bleeding.

"Q What happened next when you draw near to your husband who was already bleeding?

"A I cried for help and Jovencio Briones approached and some of the neighbors approach us.

"Q Can you name these people who approached after you called for help?

"A Basilia, Martinito and Isidro."[3]

The other eyewitness to the incident, JOVENCIO BRIONES, likewise gave a credible testimony. His declaration at the witness stand:

"Q Will you please tell the Honorable Court the words used in calling Manuel Arizo?

"A Manuel, Manuel, come and let us drink some more.

"Q Was there any response coming from Manuel Arizo?

"A Yes, sir.

"Q What was the response if any?

"A He did not want to go with them to drink.

"Q While these two accused were calling the name of Manuel Arizo and Manuel Arizo responded that he will not go with them what did you do then?

"A While they were calling the name of Manuel Arizo I was approaching them.

"Q What did they do next considering that Manuel Arizo did not want to go with them?

"A When they were calling Manuel Arizo, Manuel Arizo opened the door of his house.

"Q When Manuel Arizo opened the door of his house what happened?

"A When Manuel Arizo opened the door he let his head out of the door and again insisted that he will not go with them.

"Q What happened next after Manuel Arizo opened the door and told them that he will not go with them?

"A They were insisting to come and go with them. (Witness is making a demonstration by trying to move in order to let Manuel Arizo out).

"Q Who particularly was doing that move of that hand?

"A Jesse Panao.

"Q What did Manuel Arizo do?

"A While they were insisting Manuel Arizo to come out from his house Manuel Arizo indeed came out of the door.

"Q When Manuel Arizo came out of the door where was Jesse Panao?

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

"A At the front of Manuel Arizo.

"Q How about the other accused Adrales where was he?

"A He was at the left side of Manuel Arizo beside the door.

"Q What happened next after Manuel Arizo opened the door and came out?

"A Jesse Panao heard Manuel Arizo and pulled him towards him (Witness is demonstrating by using his two hands as a gesture that Jesse Panao was using his two hands to pull Arizo).

"Q What part of the body of Manuel Arizo was held by Jesse Panao?

"A (Witness is demonstrating by holding his two arms.)

"Q What happened after Jesse Panao held and pushed towards him, Manuel Arizo?

"A That was already the time that Manuel Arizo was stabbed.

"Q Who particularly stabbed Manuel Arizo?

"A Eugenio Adrales.

"Q Which part of the body of Manuel Arizo was stabbed?

"A At the back.

"Q Which hand was used by Eugenio Adrales in stabbing the back of Manuel Arizo?

"A His right hand.

"Q Did you see the instrument used in stabbing Manuel Arizo?

"A Yes, sir.

"Q About how long was that instrument?

"A More or less nine inches.

"Q Including the handle?

"A Yes, sir.

"Q After Eugenio Adrales stabbed the back of Manuel Arizo what happened next if any?

"A Jesse Panao pushed Manuel Arizo.

"Q What happened to Manuel Arizo when he was pushed by Jesse Panao?

"A Manuel Arizo after he was pushed by Jesse Panao was thrown to the wall and fell down.

"Q What was the position of Manuel Arizo when he fell to the ground?

"A After he was pushed and fell down to ground his position was that his face was facing to the ground.

"Q What happened next after Manuel Arizo fell down his face touching the ground?

"A After Manuel Arizo fell to the ground Jesse Panao again pulled his bolo.

"Q What did he do with that bolo after he unsheathed that?

"A He was in the act of hacking Manuel Arizo.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

"Q Did he in fact deliver a hacking blow to Manuel Arizo?

"A No, sir.

"Q What was the reason why he did not hack?

"A Because the wife shouted.

"Q The wife of whom are your referring?

"A The wife of Manuel Arizo.

"Q Where was she at that time when Manuel Arizo was already sprawled to the ground?

"A She was near by the door inside their house.

"Q Will you please tell the Court the shout made by the wife of Manuel Arizo?

"A The wife of Manuel Arizo shouted, don't, don't, help, help.

"Q What happened next after this wife of Manuel Arizo shouted or asked for help what happened?

"A While she was shouting they ran.

"Q To what direction did the two accused run?

"A On the way to return to the house of Jesse Panao.

"Q About you what did you do after the two accused ran?

"A When the two accused ran away I approached the body of Manuel Arizo.

"Q What did you do with Manuel Arizo when you approached him?

"A I lifted him up.

"Q At that time was he still alive?

"A Yes, sir.

"Q What happened when you picked him up?

"A We brought him to the side of the road.

"Q When you said ‘we’ whom are you referring to?

"A Our neighbor, Martinito Bodo and my wife."[4]

Accused-appellant Eugenio Adrales admitted in his testimony before the trial court that he had stabbed Manuel Arizo although, he said, it was in defense of Jessie Panao. This admission charged him with proving any claim for an extenuating circumstance. Given the facts established by the prosecution, particularly the narration by the eyewitnesses on how the killing was done, vis-a-vis the testimony of accused-appellants, the trial court came out with the finding that the defense version was but a "feeble concoction" on their part in order to deflate the strong indication of a conspiratorial attack on the victim.

The Court sees no reason to disturb that evaluation made by the court a quo. In the matter of appreciating testimonial evidence and assigning values to the declaration of different witnesses, this Court has invariably accorded great respect to the assessment of the trial judge as being the person who is best equipped to make such an estimation.

The two accused, on the basis of records under review, clearly acted in coordination with one another in committing the crime. Panao pulled the victim towards him while Adrales promptly delivered the fatal stab. Panao then pushed the victim against a wall and pulled out a bolo to give another blow on the hapless Manuel had it not been for the latter's wife, Salvacion, who started to shout for help compelling the malefactors to hastily depart. Proof of previous agreement among the malefactors to commit the crime would be unnecessary to establish conspiracy when by their overt acts it could be deduced that they conducted themselves in concert with one another in pursuing their unlawful design.[5]

The trial court qualified the killing to murder because of the presence of treachery; it explained:

> "As observed by the Court, the actual, physical facts flatly contradict the whole theory advanced by the defense. The nature, character, location and extent of the wound as testified to by the prosecution witness clearly show that the victim was struck from behind by accused Eugenio Adrales while being held by accused Jessie Panao. Indubitably, therefore, the stab wound sustained by the victim at his back was caused by no other than the physical acts of the two accused conspiring and confederating in the commission of the crime. Right from the start, the innocent victim, Manuel Arizo, never thought that he would be a victim of a criminal design. The urge to answer the call of the two accused while he was already resting in bed forced him to go out of his house. The victim never thinking that on that very night something fatal will happen to him.
>
> "As [so] well noted, the two accused have prepared themselves for the criminal assault depriving the victim, Manuel Arizo, [of] the right to defend himself. The treacherous affront resulting in the death of the victim was so designed by the two accused to protect themselves worsened by the fact that it was nighttime and the attack was so sudden, placing the victim at their mercy. Stabbed once as shown by the certificate of death, the cause of death was cardio respiratory arrest second to massive blood loss second to penetrating thorace abdominal stab wound. When the victim was pushed by accused Jessie Panao after he was stabbed and fell to the ground, the thought of a consummated crime was entertained by the accused, causing them to run from the scene. The wife of the victim, Salvacion Arizo, who was witnessing the act of the accused could not do anything but shout for assistance from the neighbors. Treachery in the instant case [was] present."[6]

Indeed, treachery[7] attended the commission of the killing. The stabbing of Manuel came without warning. It was executed in a most deliberate and unexpected manner on a hapless, unarmed and unsuspecting victim that afforded him no real chance to resist, defend himself or escape.[8] The victim was struck from behind.[9] Even a frontal attack, in fact, could be treacherous when unexpected and on an unarmed victim[10] who would be in no position to repel the attack or avoid it.[11]

Nevertheless, the Court agrees with the defense that the trial court has erred in imposing the death penalty. Republic Act No.7659 imposes the penalty of reclusion perpetua to death for the crime of murder, both indivisible in character. Article 63 of the Revised Penal Code provides that when a law prescribes a penalty composed of two indivisible penalties, and "there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied."[12]

The aggravating circumstance of evident premeditation, although alleged in the information, has not been adequately shown. The essence of premeditation is that the execution of the crime is preceded by cool thought and reflection upon resolution to carry out the criminal intent during a space of time sufficient to arrive at a calm judgment. In order to aptly appreciate treachery, it is necessary to prove (a) the time when the offender has determined to commit the crime, (b) an act manifestly indicating that the culprit has clung to his determination and (c) an interval of time between the determination and the execution of the crime enough to allow him to reflect upon the consequences of his act. The record contains nothing to indicate at the two accused, prior to the killing, did resolve to commit the crime as a result of meditation, calculation or reflection.

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

No aggravating circumstance having been established, the lower penalty of reclusion perpetua than the maximum prescribed by law should be applied.[13]

WHEREFORE, the decision of the Regional Trial Court of Carigara, Leyte, Branch 13 in Criminal Case No. 2512 convicting the two accused of the crime of MURDER is AFFIRMED but the penalty imposed by it is MODIFIED by reducing it to reclusion perpetua. In all its other aspects, the decision appealed from stands.

SO ORDERED.

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

---

[1] Records, p.1.

[2] Records, p. 59.

[3] TSN, 11 September 1996, pp.6-10.

[4] TSN, 09 September 1996, pp. 5-8.

[5] People vs. Silong, 232 SCRA 487; People vs. Amaguin, 229 SCRA 166.

[6] Records, pp. 57-58.

[7] There is treachery when the offender commits the killing by employing means, methods or forms to insure its execution without risk to himself arising from the defense which the offended party might make (Article 14, paragraph 16, Revised Penal Code).

[8] People vs. Landicho, 258 SCRA 1.

[9] People vs. Patrolla, Jr., 254 SCRA 467; People vs. Paragua, 257 SCRA 118; People vs. Paynor, 261 SCRA 615; People, vs. Tuson, 261 SCRA 711; People vs. de Manuel, 263 SCRA 49.

[10] People vs. Tampon, 258 SCRA 115; People vs. De Manuel, 263 SCRA 49.

[11] People vs. Miranday, 242 SCRA 620.

[12] Article 63, 2[nd] paragraph, no. 2.

[13] Article 63, Revised Penal Code.

Study hands-free: podcast-style lessons with read-along highlighting - 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.