

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESUS MUYCO AND ARNULFO MUYCO (AT LARGE), ACCUSED.

G.R. No. 132252. April 27, 2000

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-132252/>

BELLOSILLO, J.:

JESUS MUYCO and ARNULFO MUYCO, cousins, were charged with murder for the death of Romeo Boteja Jr. on 13 May 1995. Only Jesus Muyco was apprehended while Arnulfo Muyco remains at large. On 11 September 1997 the Regional Trial Court, Br. 25, Iloilo City, found Jesus guilty as charged and correspondingly sentenced him to reclusion perpetua and to pay the heirs of Romeo Boteja Jr. P30,000.00 as death indemnity and P27,000.00 as funeral expenses.

Jesus Muyco in this appeal submits that the lower court erred (a) in giving credence to the testimony of Ernesto Boteja, which he (Jesus) claims to be improbable and incredible; (b) in finding him guilty despite the failure of the prosecution to overcome the presumption of his innocence; (c) in disregarding his alibi; and, (d) in appreciating the qualifying aggravating circumstance of treachery.

These contentions are without merit as shown by these facts: From 6:00 o'clock to 7:00 o'clock in the evening of 13 May 1995, Jesus Muyco and Arnulfo Muyco together with Romeo Boteja Jr. were in the house of Narciso Nadales at Barangay Pamuringao-Garrido, Cabatuan, Iloilo. At about 9:00 o'clock the trio were seen walking towards the barangay dancehall where they met Ernesto Boteja, an uncle of Romeo and a relative by affinity of Jesus and Arnulfo. Romeo invited his uncle Ernesto for a drink so they all went to the store of Agnes Cao about a hundred (100) meters away from the dancehall to buy whisky. As the store was about to close, Jesus, Arnulfo, Romeo and Ernesto decided to drink their whisky under a mango tree nearby. After drinking for a while, Arnulfo suddenly grabbed the hands of Romeo, and while the latter was struggling, Jesus stabbed him with a knife hitting him near his collarbone. It was fatal. Arnulfo then dragged the lifeless body of Romeo towards the nearby sugarcane field with Jesus following them.

Ernesto was shocked by the startling occurrence. He was virtually immobilized. He only moved from there to run for his life when he saw Jesus and Arnulfo returning from the field with Jesus pointing a knife at him. Ernesto fled towards the opposite side of the sugarcane field and stayed there until dawn. Romeo's body was found lifeless at 11:00 o'clock that same evening.

Leticia Boteja, mother of the victim, testified that she incurred P27,000.00 for funeral expenses. Dr. Ricardo Jaboneta autopsied the body of Romeo and found that he sustained one (1) stab wound which penetrated his chest wall. It was fatal.

Narciso Nadales narrated that from 6:00 o'clock until 7:00 o'clock in the evening of 13 May 1995 Jesus, Arnulfo and the deceased were in his house drinking. The group left at around 7:30 o'clock in the evening to go to the dancehall.

Leo Boteja, another prosecution witness, testified that on 13 May 1995 he joined Jesus, Arnulfo and the victim in the house of Narciso Nadales. They drank mucho. At around 7:30 o'clock in the evening he left for home while Jesus, Arnulfo and the victim proceeded to the dancehall. About two (2) hours later, he also went to the dancehall but could not find Jesus, Arnulfo and the deceased there. At 11:00 o'clock that evening he learned that Romeo Boteja Jr. was killed and his cadaver was found in the sugarcane field.

Jesus denied participation in the killing of Romeo Boteja, Jr. and insisted on his alibi. He averred that on 12 May 1995 he visited his brother Severo Muyco at Bgy. Pamuringao-Garrido, Cabatuan, Iloilo, as he got married there a year ago. From 10:00 o'clock in the morning to 5:00 o'clock in the afternoon of 13 May 1995 he drank with his brother Severo, cousin Arnulfo, uncle Crispin Debucon and the deceased Romeo Boteja Jr. whom he met for the first time. He did not know whose house it was where they drank. Upon the prodding of Severo, he left Cabatuan and proceeded to Passi, Iloilo, which is about fifty (50) kilometers away, arriving there at 7:00 o'clock in the evening. He spent the night in the house of his cousin Nestor Muyco.

Vicente Inion and Joean Nufable corroborated accused-appellant's alibi. Both asserted that they saw Jesus in the house of Nestor in Passi, Iloilo, on the night of 13 May 1995.

As already stated, the court a quo ruled against accused-appellant and found him guilty of murder. It did not give any probative value to his denial and alibi in view of his positive identification by prosecution witness Ernesto Boteja.

Accused-appellant imputes error on the part of the court a quo in lending credence to the testimony of Ernesto Boteja, contending that his testimony was improbable and incredible. He argues that Ernesto's inaction when his nephew Romeo was stabbed just a meter away from him is contrary to human nature.

We disagree. Different people react differently to a given type of situation. There is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience. One person's spontaneous or unthinking, or even instinctive response to a horrid and repulsive stimulus may be aggression, while another person's reaction may be cold indifference.[1] A witness' inability to move, help or even to run away when the incident occurs is not a ground to label his testimony as doubtful and unworthy of belief. There is no prescribed behavior when one is faced with a shocking event. In the case of Ernesto Boteja, his inability to react was understandable as he was shocked by the suddenness of the event and considering that it was his first time to witness a stabbing incident. Thus-

Q: After romeo Boteja Jr. was hit and x x x was struggling, what happened next?

A: Arnulfo Muyco dragged Romeo towards the sugarcane field.

Q: What about you, what did you do?

A: I was stunned that being the first time I saw a person stabbed. I was not able to move. I just stayed there x x x x

Q: How about during the period that your nephew was stabbed up to the time the he was dragged to the sugarcane field?

.....What did you do?

A: I remained standing. I got stunned and nervous.

Q: You mean that you remained there standing from the time your nephew was stabbed up to the time that he was dragged?

A: Yes sir, because I was nervous.[2]

Accused-appellant also cites inconsistencies in the testimony of Ernesto. A close scrutiny of the records however would reveal that there are none at all. That Ernesto testified having seen the victim stabbed on his neck instead of his collarbone was not inconsistency. Dr. Jaboneta who autopsied the body of the victim explained that the wound inflicted was just below the collarbone. For a lay-man like Ernesto who does not have any medical background at all, there is little or no material difference between a neck and a collarbone. Besides, it would be too much to expect from Ernesto to be perfectly accurate in reporting the location of the wound considering the circumstances surrounding the incident. Inconsistencies and discrepancies in the testimony of a witness on minor details only serve to strengthen the credibility of the witness.[3] What is material is that a witness positively identified the two (2) accused as the perpetrators of the crime. This Court has ruled often enough that discrepancies in minor details indicate veracity rather than prevarication. They tend to bolster the probative value of the testimony being questioned. They enhance, rather than destroy, the witness' credibility and the truthfulness of his testimony as they erase any suspicion of being a rehearsed testimony.[4]

Contrary to accused-appellant's assertion, the prosecution has more than overcome his presumed innocence; it has satisfactorily established his guilt beyond reasonable doubt. Plainly, his alibi could not be given any weight at all in view of his positive identification by the prosecution's eyewitness. No ill-motive was imputed to Ernesto Boteja that would so move him to falsely testify against accused-appellant. The trial court properly assessed his testimony as credible and trustworthy. We find no reason not to affirm its findings.

Weak as it was, accused-appellant's alibi became all the more ineffectual when he failed to demonstrate that it was physically impossible for him to be at the crime scene at the time it was committed. He testified being in Passi, Iloilo, during the stabbing incident. Passi, Iloilo is only fifty (50) kilometers from Cabatuan, Iloilo, the place where the crime was committed. He did not offer any evidence to prove impossibility of access between the two (2) places when the crime transpired.[5] Significantly, the defense even failed to fully establish the presence of accused-appellant in Passi on the night of 13 May 1995.

This Court agrees with the court below that treachery attended the commission of the crime. The evidence amply proves that Romeo Boteja Jr. was killed in a manner ensuring suddenness and surprise that virtually incapacitated the victim from offering any resistance or defense. The victim did not have any inkling of the lurking danger to his life. He might have felt at ease with Jesus and Arnulfo for he had been drinking with them since 6:00 o'clock that evening of 13 May 1995 until he was stabbed to death. The attack was so sudden and unexpected that the victim failed to offer any resistance at all. All he could do was to struggle faintly against his attackers.

On the other hand, this court notes that the trial court failed to award damages for loss of earning capacity despite the testimony of Leticia Boteja to this effect. In *People v. Dizon*[6] this Court discussed the requisites for such award-

As a rule, documentary evidence should be presented to substantiate the claim for loss of earning capacity. In *People v. Verde*, the non-presentation of evidence to support the claim for damages for loss of earning capacity did not prevent this Court from awarding said damages. The testimony of the victim's wife as to earning capacity of her murdered husband, who was then 48 years old and was earning P200.00 a day as a tricycle driver, sufficed to establish the basis for such an award.

In this case, Erwin Gesmundo was only 15 years old at the time of his death and was earning a daily wage of P100.00 as a construction worker. As in *People v. Verde*, this Court is inclined to grant the claim for damages for loss of earning capacity despite the absence of documentary evidence. To be able to claim damages for loss of earning capacity despite the nonavailability of documentary evidence, there must be oral testimony that: (a) the victim was self-employed earning less than the minimum wage under the current labor laws and judicial

notice was taken of the fact that in the victim's line of work, no documentary evidence is available; (b) the victim was employed as a daily wage worker earning less than the minimum wage under current labor laws x x x

In the instant case, the victim was nineteen (19) years old at the time of his death and earning P1,600.00 monthly as a farm laborer. Thus, his heirs are entitled to receive an award for lost earnings in accordance with the following formula: $\frac{2}{3} (80 - \text{ATD [age at time of death]}) \times (\text{GAI [gross annual income]}) - 80\% \text{ GAI.}$ ^[7] Thus-

$$\begin{aligned} & \frac{2}{3} (80 - 19) \times (P1,600 \times 12) - 80\% (P1,600.00 \times 12) \\ & \frac{2}{3} (61) \times P19,200 - 80\% (P19,200) \\ & 40.67 \times [P19,200 - P15,360] \\ & 40.67 \times P3,840 = P156,172.80 \end{aligned}$$

On the basis of the above computation, the heirs of the deceased Romeo Boteja Jr. are entitled to receive P156,172.80 from accused-appellant Jesus Muyco.

WHEREFORE, the Decision appealed from the finding accused-appellant JESUS MUYCO guilty of murder aggravated by treachery and sentencing him to reclusion perpetua, and to pay the heirs of Romeo Boteja Jr. P27,000.00 for funeral expenses is AFFIRMED with the MODIFICATION that the death indemnity is increased to P50,000.00. Accused-appellant is further directed to pay the heirs of his victim the amount of P156,172.80 for lost earnings conformably with prevailing jurisprudence. Costs against accused-appellant.

SO ORDERED.

Mendoza, Quisumbing, Buena and De Leon, Jr., JJ., concur.

[1] People v. Roncal, G.R. No. 94795, 6 May 1997, 272 SCRA 242.

[2] TSN, 8 August 1996, pp. 7-9.

[3] People v. Atad, G.R. No. 114105, 16 January 1997, 266 SCRA 262.

[4] People v. Fabrigas, G.R. No. 115005, 5 September 1996, 261 SCRA 436.

[5] People v. Navales, G.R. No. 112977, 23 January 1997, 266 SCRA 569.

[6] G.R. No. 129893, 10 December 1999.

[7] People v. Alvero, Jr., G.R. No. 72319, 30 June 1993, 224 SCRA 34; People v. Quilaton, G.R. No. 69666, 23 January 1992, 205 SCRA 288; People v. Teehankee, Jr., G.R. Nos. 111206-08, 6 October 1995, 249 SCRA 120; People v. Dizon, see Note 6.

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.