

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEO ABEJUELA AND WELINIDO SAMSON (AT LARGE), ACCUSED,

G.R. No. 134484. January 30, 2002

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-134484/>

YNARES-SANTIAGO, J.:

Before us is an appeal from the decision of the Regional Trial Court of Masbate, Branch 48,[1] in Criminal Case No. 6102, finding accused-appellant Leo Abejuela guilty beyond reasonable doubt of the crime of Murder, sentencing him to suffer the penalty of reclusion perpetua, and ordering him to indemnify the heirs of the victim in the amount of P50,000.00.

The facts are as follows:

On June 29, 1990 at around 8:00 p.m., Juresmundo Moradas and his wife, Leticia, left their house in Nipa, Palanas, Masbate to attend a benefit dance at Sitio San Mariano.

At 11:00 p.m., Juresmundo and Leticia left the dance hall. As they were walking home, Juresmundo noticed two persons following them. Juresmundo confronted the persons behind them, while Leticia simultaneously turned around and focused her flashlight towards the direction of the two persons. She recognized them as accused-appellant Leo Abejuela, their neighbor, and Welinido Samson. Juresmundo asked the two what they wanted and Abejuela responded, “Huwag kang kikilos, huwag kang tatakbo.” Abejuela suddenly stabbed Juresmundo four times with the help of Samson.

Juresmundo and Leticia ran in different directions. Juresmundo was chased by the two assailants. Leticia ran towards her house, but ended up in the house of one Meming Ramirez, where she spent the night. Leticia told Meming that Abejuela and Samson attacked her husband. She did not immediately return to her home, for fear that she might also be hunted down by her husband’s attackers.

At 5:00 a.m. the following day, Leticia finally went home and found out that her husband was not able to return to their house the previous night. It was only then that she reported the incident to barangay captain Mariano Escandor, who accompanied her to the Palanas Police Station to ask for assistance in locating her missing husband.[2]

At 11:15 a.m., Leticia and Escandor, together with SPO4 Gregorio Tamayo, SPO4 Elioly Tambago and PFC Rodrigo Tamayo, went to the place where Juresmundo was stabbed. After a few minutes of searching, they found the dead body of Juresmundo at the opposite side of a river.[3] It was thereafter brought to the house of a relative where a post-mortem examination was conducted.

Dr. Primitivo Monterde, Municipal Health Officer of Cataingan, Masbate, examined the rigid corpse of Juresmundo and reported that there were six wounds inflicted on the victim. Dr. Monterde opined that the injuries could have been caused by two assailants using two kinds of sharp, pointed weapons. Hemorrhage secondary to stab wounds was determined as the cause of Juresmundo’s death.[4]

On August 21, 1990, Abejuela and Samson were charged for the killing of Juresmundo in an information which reads:

That on or about June 29, 1990, in the evening thereof, at Barangay Nipa, Municipality of Palanas, Province of Masbate, Philippines, within the jurisdiction of this Court, the said accused confederating together and helping one another with intent to kill, evident premeditation, treachery, superiority of strength and taking advantage of nighttime, did then and there willfully, unlawfully and feloniously attack, assault and stab with a knife one Jurismindo (sic) Moradas hitting the latter on the different parts of the body thereby inflicting wounds which caused his instantaneous death.

CONTRARY TO LAW.[5]

The two suspects evaded arrest by fleeing to Manila. Later, the Masbate police learned that Abejuela was arrested in Makati City, but when they forwarded their Alias Warrant of Arrest to Manila, Abejuela was already gone.[6]

The trial court then archived[7] the criminal case until 1996, when Abejuela turned up and was apprehended in his parents' house in Nipa, Masbate. On May 10, 1996, Abejuela was arraigned and he entered a plea of not guilty.[8] Samson, on the other hand, remained at large. Thereafter, the trial court proceeded with the trial of Abejuela.

Accused-appellant Abejuela testified in his defense and presented two witnesses, namely, Julio Banquito, whose house was adjacent to the dance hall, and Elisa Balasta. Their combined testimonies tend to show that at 8:00 p.m. of June 29, 1990, Abejuela and his wife arrived at the dance hall, where they sold softdrinks, candies and cigarettes.[9] The only instance when Abejuela conversed with the victim was while they were dancing the pantomime at the dance hall.[10] Abejuela did not leave the place at any time during the dance, as attested by Balasta who was then also selling goods 15 meters away from Abejuela.[11] Abejuela left only when the dance finished at 1:30 a.m. of June 30, 1990, after asking permission from Banquito.[12]

On March 11, 1998, the trial court rendered its decision, the dispositive portion of which reads:

WHEREFORE, there being no other aggravating nor mitigating circumstance in the commission of the offense charged being proved, accused Leo Abejuela is hereby sentenced to suffer the penalty of RECLUSION PERPETUA, to indemnify the heirs of the victim, Juresmundo Moradas the sum of Fifty Thousand Pesos (P50,000.00) and to pay the costs.

Since the accused is a detention prisoner, he shall be credited full time of his preventive imprisonment which shall be deducted from the penalty imposed.

While the case against accused Wilinido Samson who remains at large until the present is hereby ordered archived. Let therefore an Alias Warrant of Arrest be issued for the apprehension of said accused.

SO ORDERED.[13]

Abejuela interposed this appeal alleging that:

I

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE TESTIMONY OF THE PROSECUTION'S STAR WITNESS.

II

ASSUMING ARGUENDO THAT THE ACCUSED IS GUILTY, HE IS LIABLE ONLY FOR HOMICIDE.[14]

Accused-appellant contends that the testimony of the lone eyewitness, Leticia Moradas, is simply unbelievable and unreliable. If her account of the incident were true, she would not have abandoned her husband and reported the crime only the following morning. She also would not expect her husband to be home the next day, since she knew that the latter suffered serious stab wounds the night before. Moreover, accused-appellant had no motive for killing Juresmundo, as there was no grudge or ill-feeling between them.

We have carefully examined the evidence on record and found no reason to depart from the trial court's findings.

Leticia has sufficiently explained that she immediately ran away because she feared that accused-appellant and his companion would also stab her. She spent the night at the house of Meming Ramirez upon the latter's prodding, since she entertained apprehensions about returning to her home that night.[15] She also stated that she had an uneasy and sleepless night at Meming's house and wished that her husband was able to escape. She searched for her husband in their house the following day hoping that he survived the attack, since she saw him run away even after he was initially injured.[16]

We do not find Leticia's reactions unbelievable. Although Leticia's actuations may fall short of ordinary expectations, it is nevertheless not entirely doubtful that dread and panic took the better of her and she was not able to act accordingly. At any rate, witnesses to startling occurrences react differently depending upon their interaction and state of mind, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience.[17]

It may be true that there was no proof of any motive on accused-appellant's part for killing Juresmundo, however, he was clearly and positively identified by Leticia as one of her husband's killers. Leticia categorically testified in open court as follows:

x x x x x x x x

Q

You said that you left the dancing hall at around 11:00 o'clock in the evening. While on your way home, do you notice of any unusual incident?

A

After ten (10) minutes we noticed that somebody was following us.

Q

And when you noticed that somebody was following you, what did you and your husband do?

A

What my husband did, he asked those persons what they want of him and they said "huwag kang kikilos, huwag kang tatakbo" meaning "do not move and do not run."

COURT

(to the witness)

Q

Who said that “huwag kang kikilos, huwag kang tatakbo?”

A

This Leo.

ASST. PROS. BARSAGA

(continuing)

Q

How were you able to identify this Leo Abejuela?

A

I know him already because we are neighbors.

COURT

(to the witness)

Q

It was night time, how were you able to recognize Leo Abejuela?

A

We have a flashlight with us and the moon was bright.

x x x x x x x x

Q

You said that you were able to identify the accused in this case because of that flashlight. Who was then carrying the flashlight?

A

Myself.

Q

What did you do with that flashlight when your husband confronted this Leo Abejuela together with his companion?

A

I focused to him my flashlight.

Q

How far were you from Leo Abejuela when you focused that flashlight to him?

A

A distance of five (5) meters.

Q

And when this Leo answered, “do not move”, what happened next?

A

He immediately stabbed my husband.

x x x x x x x x[18]

Accused-appellant’s identity was unqualifiedly ascertained by Leticia, who beamed the flashlight towards his direction. Leticia was appellant’s neighbor for over 16 years[19] and stood only a meter away when she witnessed her husband being stabbed by accused-appellant.[20] It is, therefore, unlikely that Leticia could be mistaken in identifying accused-appellant as one of the malefactors. There being no serious doubt as to the assailant’s identity, proof of motive becomes unnecessary.[21]

Accused-appellant’s defense is denial and alibi. According to him, on the night of the incident, he stayed in the dance hall and never left the place to go anywhere else. This is corroborated by the testimonies of the defense witnesses, who saw him in the dance hall throughout the affair.

Denial and alibi are the weakest defenses and cannot prevail over accused-appellant’s positive identification as one of the perpetrators of the criminal deed. Alibi is always considered with suspicion and received with caution, not only because it is inherently weak and unreliable, but also because it is easily fabricated and concocted.[22] Also, for alibi to prosper, it is not enough to prove that accused-appellant was somewhere else when the offense was committed. It must likewise be shown that he was so far away that it was not possible for him to have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[23]

In the instant case, the dance hall at which accused-appellant claims to have stayed is situated only ten minutes away from the crime scene. This is estimated to be the same duration of time within which the victim and his wife traversed the road from the dance hall to the place where the stabbing occurred.

Furthermore, the defense witnesses could not account for accused-appellant’s whereabouts the entire night. Both Banquito and Balasta admitted that there were many people milling around the premises and that their attention was not focused solely on accused-appellant.[24] It is thus apparent that accused-appellant’s physical presence at the locus criminis cannot be completely ruled out. Accused-appellant could have easily slipped away from the

dance hall unnoticed and committed the crime stealthily in the meantime.

Accused-appellant denies that he fled to Manila to escape prosecution. He claims that he continued to stay in his parent's house until after four months from the time the killing took place. He went to Manila in October 1990 because it was then that he was summoned to work in a bakery. When he was informed by his father in 1996 that he was charged with Juresmundo's murder, he allegedly returned to Masbate.

We are not convinced that accused-appellant learned that he was being sought for the killing of Juresmundo only in 1996, after he was informed by his father. As early as 1990, the police repeatedly went to his parent's house in an attempt to effect his arrest. Welinido Samson's simultaneous disappearance also reinforces the notion that they both went into hiding at the same time. This tends to strengthen Leticia's account that they were truly responsible for Juresmundo's untimely death because flight, as we have held firmly, is nothing less than an indication of guilt.[25]

Leticia was not shown to have any motive for testifying falsely against accused-appellant and, accordingly, her testimony was correctly regarded by the trial court as entitled to full faith and credit.[26] Accused-appellant failed to show that the trial court overlooked, misunderstood or misapplied some matter of weight and substance which would materially affect the result of the case and its conclusion regarding the witnesses' credibility must thus be respected and given great weight. After all, we have long recognized that the task of assigning values to the testimonies of witnesses and weighing their credibility is best left to the trial court, who had the distinct advantage of personally observing the witnesses while they testified before it.[27]

Lastly, accused-appellant submits that he should only be held liable for the crime of homicide since the prosecution failed to prove that the killing was attended by any of the circumstances which would qualify it to murder. In particular, accused-appellant points out that there was no showing that he and Samson took advantage of superior strength, as found by the trial court.

We agree with accused-appellant that abuse of superior strength did not attend the commission of the offense. For this circumstance to be appreciated, there must be clear proof that the attackers cooperated in such a way as to secure advantage of their combined strength to perpetrate the crime with impunity.[28] No proof was adduced here to show that the aggressors took advantage of their combined strength in order to consummate the offense. The fact that there were two killers as against one victim did not of itself establish that the circumstance of abuse of superior strength was present when the crime was committed.

Notwithstanding this, accused-appellant may still be held criminally liable for murder and not for homicide. The manner in which Juresmundo was attacked suggests that the same was done treacherously, with the victim totally unexpected the aggression coming from accused-appellant. The essence of treachery is the swift and unexpected attack of the malefactors on their unarmed prey without the latter giving the slightest provocation.[29] An unexpected and sudden attack under circumstances which render the victim unable and unprepared to defend himself by reason of the suddenness and severity of the attack constitutes *alevosia*. [30]

Accused-appellant and Welinido Samson approached the victim from behind and assaulted him without any provocation whatsoever. No altercation preceded the incident and there was nothing to warn the victim of any impending attack on his person, which would put him on guard against accused-appellant's offensive. Although the victim sensed that he was being tailed by accused-appellant and he was able to turn around and see his attackers, the suddenness of the assault and the immediate infliction of four consecutive stab wounds ensured that Juresmundo would not be able to retaliate or defend himself. Under the circumstances, treachery attended the killing.

The trial court correctly awarded civil indemnity of P50,000.00 to the heirs of the deceased, Juresmundo Moradas. In addition, however, the victim's heirs should be awarded moral damages in the amount of P50,000.00, pursuant to prevailing jurisprudence.[31]

WHEREFORE, the decision of the Regional Trial Court of Masbate, Branch 48 in Criminal Case No. 6102 finding accused-appellant Leo Abejuela GUILTY beyond reasonable doubt of the crime of murder qualified by treachery, is AFFIRMED with MODIFICATION. Accused-appellant is sentenced to suffer the penalty of reclusion perpetua and to pay the heirs of the victim, Juresmundo Moradas, the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Presided by Judge Jacinta B. Tambago.

[2] TSN, July 24, 1996, pp. 2-12.

[3] TSN, August 23, 1996, pp. 2-3.

[4] TSN, July 19, 1996, pp. 4-5.

[5] Rollo, p. 5.

[6] Supra, note 3 at 6-8.

[7] RTC Records, p. 18.

[8] Ibid., at 24.

[9] TSN, January 8, 1997, p. 5.

[10] TSN July 1, 1997, p. 8.

[11] TSN, February 10, 1997, p. 4.

[12] Supra, note 9 at 7.

[13] Supra, note 6 at 17-18.

[14] Ibid., at 55.

[15] Supra, note 2 at 8-9.

[16] Ibid., at 21-22.

[17] People v. Matubis, 288 SCRA 210, 220 (1998).

[18] Supra, note 2 at 5 & 6.

[19] Ibid., at 16.

[20] Id., at 19.

[21] See People v. Lopez, 312 SCRA 684, 698 (1999), citing People v. Dayson, 242 SCRA 124 (1995).

[22] People v. Platilla, 304 SCRA 339, 352 (1999), citing People v. Gargar, 300 SCRA 542 (1998).

[23] *People v. Verde*, 302 SCRA 690, 705 (1999), citing *People v. Anonuevo*, 262 SCRA 22, 36 (1996) and *People v. Pija*, 245 SCRA 80, 85 (1995).

[24] *Supra*, note 9 at 10.

[25] See *People v. Fabon*, 328 SCRA 302, 317 (2000), citing *People v. Guarin*, 317 SCRA 234 (1999); *People v. Sanchez*, 308 SCRA 264 (1999); *People v. Tidula*, 292 SCRA 596 (1998).

[26] See *People v. Nava*, 306 SCRA 15, 22 (1999), citing *People v. Balad*, 274 SCRA 695 (1997); *People v. Pija*, 245 SCRA 80 (1995); *People v. Matildo*, 230 SCRA 635 (1994).

[27] See *People v. Gailo*, 316 SCRA 733, 747 (1999), citing: *People v. Basao*, 310 SCRA 743 (1999); *People v. Macahia*, 307 SCRA 404 (1999); *People v. Alojado*, 305 SCRA 236 (1999).

[28] *People v. Antonio*, 303 SCRA 414, 430 (1999), citing *People v. Baluyot*, 170 SCRA 569 (1989).

[29] *People v. Rebamontan*, 305 SCRA 609, 618 (1999), citing *People v. Pallarco*, 288 SCRA 151 (1998); *People v. Molina*, 292 SCRA 742 (1998); *People v. Sumalpong*, 284 SCRA 464 (1998); *People v. Navarro*, 297 SCRA 331 (1998); *People v. De La Cruz*, 291 SCRA 164 (1998); *People v. Ombrog*, 268 SCRA 93 (1997); *People v. Baydo*, 273 SCRA 526 (1997); *People v. Cayabyab*, 274 SCRA 387 (1997).

[30] *People v. Rada*, 308 SCRA 191, 204 (1999), citing *People v. Soldao*, 243 SCRA 119 (1995).

[31] *People v. Mosquerra*, G.R. No. 129209, August 9, 2001; *People v. Muerong*, G.R. No. 132318, July 6, 2001; *People v. Dimalig*, 332 SCRA 340, 354 (2000).

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.