

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RAMON TROPA Y TORREFIEL, RICKY ALIAS “ABEL” TROPA Y
TORREFIEL, AND MARLON TROPA Y TORREFIEL, ACCUSED.**

G.R. No. 139971. January 17, 2002

Ponente: PARDO, J.

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PARDO, J.:

Undoubtedly, emotions were running high in the evening of the crime. That very day, Lorian Tropa, grandmother of accused-appellants, and mother of the victim, was buried in the local cemetery.

Inebriated, accused-appellants hacked their uncle to death. The record implies that there was strife within the family, borne out by the non-attendance of the victim at his own mother's burial. The motive for the killing was not sufficiently established. However, given the categorical statements of the witnesses for the prosecution, and the clarity of the facts as laid out in the record, we uphold the ruling of the trial court.

The Case

This is an appeal from the decision of the Regional Trial Court, Aklan Kalibo, Branch 2,[1] finding accused-appellants, Ramon Tropa y Torrefiel and Ricky Tropa y Torrefiel (hereafter, Ramon and Ricky) guilty beyond reasonable doubt of murder, sentencing each of them to reclusion perpetua, ordering them to pay civil indemnity to the heirs of the victim Doroteo Flores Tropa (hereafter, Doroteo) in the amount of fifty thousand pesos (P50,000.00) and to pay the costs. The decision acquitted co-accused Marlon Tropa y Torrefiel (hereafter, Marlon) of the charge on the ground that his guilt was not established beyond reasonable doubt.

The Facts

The trial court convicted accused-appellants, brothers Ramon and Ricky Tropa of the charge of murdering their uncle, Doroteo Tropa.[2]

In the afternoon of October 10, 1998, the remains of Lorian Tropa, the mother of the victim Doroteo Tropa and grandmother of accused-appellants was buried in the Makato Cemetery. The victim Doroteo did not attend the burial.[3]

On the same day, at around 8:30 in the evening, Ramon invited his cousin Jayrose Tropa, son of the victim, to his house to have a drink. Jayrose went to Ramon's house, which was 10 meters away from his own home, and had a drink with Marlon, and accused-appellants Ramon and Ricky.[4]

Accused Ramon quietly went upstairs, took a bolo and looked for Gamie, Jayrose's uncle. Ramon then proceeded to Jayrose's house and stated that if he saw Gamie, he would teach him a lesson.[5]

It was Jayrose's father, Doroteo Tropa who heard accused Ramon's remarks. He went out of his house and asked accused Ramon what the problem was. Accused Ramon reacted by boxing Doroteo and hitting him at the left side of his face with his bolo. The victim ran towards the stairs of his house but accused Ricky pursued him and

hacked him on his left leg. The victim received four (4) more hackings from accused Ramon and Ricky before he fell to the ground, dead.[6]

On October 13, 1998, Dr. Rane L. Taba^{ar}[7] issued a Medico Legal Certificate on the autopsy of the body of Doroteo. The cause of Doroteo's death was "Cardio-Respiratory Arrest Secondary to Hemorrhagic Shock due to Multiple Incised Wounds." [8]

On October 14, 1998, Police officer Ferdinand P. Relasyon[9] filed with the Municipal Trial Court, Makato, Aklan, a criminal complaint for murder against Ramon, Ricky and Marlon. We quote:[10]

"That on October 10, 1998 at about 3:30 o'clock in the afternoon at Brgy. Agbologo, Makato, Aklan and within the jurisdiction of this Honorable Court; the above named accused; all armed with a bolo (Talibong) and a knife, conspired, confederated, taking advantage of superior strength, with the aid of armed men and with intent to take the life of Doroteo Tropa y Flores did then and there willfully, unlawfully and feloniously attacked (sic) Doroteo Tropa by taking turns in hacking on the different parts of his body thereby inflicting upon the victim fatal wounds causing his instant death. Thus performing all the acts of "Murder"."

On November 18, 1998, after a finding of probable cause,[11] the prosecution filed with the Regional Trial Court, Aklan, an information for murder[12] against Ramon, Ricky and Marlon, to wit:[13]

"That on or about the 10[th] day of October, 1998, in the afternoon, in Barangay Agbalogo, Municipality of Makato, Province of Aklan, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, while armed with deadly weapons consisting of bolos (Talibong) and a knife, taking advantage of superior strength and with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and bolo one DOROTEO TROPA Y FLORES, thereby inflicting upon the latter mortal wounds, to wit:

"(ANTERIOR (FRONT)

"HEAD:

(+) incised wound (4" in length 1" in depth), forehead, injuring the skull, sinuses, meninges and brain (cerebrum)

"FACE:

(+) incised wound (2" in length x 1" in width x 1" in depth), paranasal area, right

"EXTREMITY:

(+) incised wound (2" in length x 2" in width x 2" in depth), middle third, anteromedial aspect, forearm, right

"POSTERIOR (BACK)

"CHEST:

(+) incised wound (8" in length x 2" in width x 3" in depth), midclavicular line with clean-cut fracture from 7th rib down to the 12th rib- injuring the lung, liver and kidney

"-(+) incised wound (6" in length x 2" in width x 3" in depth) at the level of 2nd lumbar vertebra, left-injuring the kidney and large intestine (with intestinal evisceration)

"-(+) incised wound (3" in length x 1" in width x 1" in depth) scapular area, right

"EXTREMITY:

(+) incised wound (4" in length in width x 2" in depth) suprascapular area right

"-(+) incised wound (2" in length x 2" in width x 2" in depth) distal third, posteromedial aspect, arm, right

"-(+) incised wound (3" in length x 2" in width x 2" in depth) proximal third, posterior aspect, forearm, left

"-(+) incised wound (6" in length x 3" in width x 4" in depth with clean-cut fracture of femur, middle third, posterior aspect, thigh, left"

"as per Medico-Legal Report signed by Dr. Rane L. Tabañar, Municipal Health Officer, Makato, Aklan, hereto attached and forming an integral part of this information, which wounds directly caused the death of the said DOROTEO TROPA Y FLORES.

"That as a result of the criminal acts of the accused the heirs of the deceased suffered actual and compensatory damages in the amount of FIFTY THOUSAND PESOS (P50,000.00).

"CONTRARY TO LAW."

On December 14, 1998, the trial court arraigned[14] accused Ricky, Ramon and Marlon. They all entered a plea of "not guilty." [15] Trial ensued.

On July 20, 1999, the trial court rendered a decision, the dispositive portion of which reads:[16]

"WHEREFORE, the Court finds the accused RAMON TROPA y TORREFIEL and RICKY TROPA y TORREFIEL alias "ABEL", GUILTY beyond reasonable doubt of the crime of MURDER and hereby imposes upon each one of them the penalty of RECLUSION PERPETUA.

"Further, the Court hereby orders the aforementioned two accused to jointly and severally pay to the legal heirs of

the victim DOROTEO TROPA y FLORES, the amount of P50,000.00 as indemnity for the latter's death.

"Furthermore, the Court hereby orders that the said two accused be credited in the service of their sentence with the full time during which they have undergone preventive imprisonment.

"Finally, the accused MARLON TROPA y TORREFIEL is hereby ACQUITTED, as his guilt was not established beyond reasonable doubt.

"With COSTS against the accused Ramon Tropa y Torrefiel and Ricky Tropa y Torrefiel.

"SO ORDERED."

Hence, this appeal.[17]

The Issue

The question before the Court is whether the guilt of the accused-appellants has been proved beyond reasonable doubt.

The Court's Ruling

We rule that the accused-appellants' guilt has been proved beyond reasonable doubt. The concept of "proof beyond reasonable doubt" does not entail absolute certainty of the fact that the accused committed the crime, and neither does it exclude the possibility of error.[18] Only moral certainty is required.[19]

The victim was last seen alive in the company of accused-appellants. These were the testimonies of Jayrose and Dennis Tropa.[20] They testified that they saw accused-appellants hack the victim with their bolos. The trial court had no reason not to believe them. Neither do we. It is the trial court that had the opportunity to observe the witnesses' manner of testifying, their furtive glances, their calmness, sighs and the scant or full realization of their oaths.[21] The assessment of the trial court of the credibility of witnesses is entitled to respect.[22] In *People v. Villablanca*,[23] we held that the testimony of a single witness is sufficient to support a conviction where it is both positive and credible. More so in this situation where two prosecution witnesses gave unflinching and reliable testimonies against accused-appellants.[24]

Treachery exists when the accused employs means, methods, and forms, which directly and specially ensure its execution, without risk to himself arising from the defense which the offended party might make.[25] In this case, treachery was present as a qualifying circumstance. The victim was in his house and minding his own business when he went down to inquire as to why Ramon and Ricky were looking for his brother Gamie. He had no inkling that a violent attack would befall him. Both accused-appellants Ramon and Ricky were armed, while the victim was not. The victim was defenseless when accused hacked him. This is treachery that qualifies the crime to murder.[26]

We affirm the trial court's award of civil damages. We add an award of moral damages in the amount of fifty thousand pesos (P50,000.00).[27] Moral damages are awarded taking into consideration the pain and anguish of the victim's family.[28]

The Fallo

WHEREFORE, the decision of the Regional Trial Court, Aklan Branch 2, Kalibo finding accused-appellants Ramon Torrefiel Tropa and Ricky Torrefiel Tropa guilty beyond reasonable doubt of MURDER, defined and penalized under Article 248 of the Revised Penal Code, is AFFIRMED with the MODIFICATION that accused-appellants are jointly and severally ORDERED to pay the heirs of the victim, Doroteo Flores Tropa, MORAL DAMAGES in the amount of fifty thousand pesos (P50,000.00) in addition to the civil indemnity of

fifty thousand pesos (P50,000.00).

Costs against accused-appellants.

SO ORDERED.

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

[1] In Criminal Case No. 5284, dated July 20, 1999, Judge Tomas R. Romaquin presiding.

[2] TSN, February 22, 1999, p. 6.

[3] Ibid, p. 18.

[4] TSN, April 6, 1999, p. 12.

[5] Ibid.

[6] Ibid, pp. 13-14, 16-18; TSN, April 8, 1999, pp. 12-14.

[7] M. D., Municipal Health Officer, Makato, Aklan.

[8] Medico-Legal Certificate, Regional Trial Court Records, pp. 3-4.

[9] By Police Officer Ferdinand P. Relayson (PO2 PNP, Complainant, Officer on Case).

[10] Criminal Complaint, Regional Trial Court Records, p. 1.

[11] By Acting Presiding Judge Raul C. Barrios, 4[th] Municipal Circuit Trial Court of Makato & Tangalan in Criminal Case No. 896-M (Order of October 23, 1998, Regional Trial Court Records, p. 17 and Resolution of November 4, 1998, Regional Trial Court Records, pp. 26-27).

[12] By Mirazol Avila-Legaspi (Third Assistant Provincial Prosecutor, Aklan).

[13] Information, Rollo, pp. 5-6.

[14] The information was read in the English language which was later on translated in the Aklanon dialect, a dialect spoken and understood by all three (3) of the accused.

[15] Order of December 14, 1998, Regional Trial Court Records, p. 40; Certificate of Arraignment, Regional Trial Court Records, p. 41.

[16] Decision of the Trial Court, Rollo, pp. 17-29, p. 29.

[17] Notice of appeal filed on August 6, 1999. Rollo, p. 30. On December 15, 1999, this Court resolved to accept the appeal. (Resolution dated December 15, 1999, Rollo, p. 33).

[18] *People v. Bautista*, 368 Phil 100 (1999).

[19] *People v. Santiago*, 319 SCRA 644 (1999).

[20] TSN, April 8, 1999, pp. 12-14.

[21] *People v. Diaz*, 331 Phil 240 (1996); *People v. Verano*, 332 Phil. 599 (1996); *People v. Gonzales*, 338 SCRA 371 (2000).

[22] *People v. Juntilla*, 314 SCRA 568 (1999); *People v. Lomerio*, 326 SCRA 530 (2000); *People v. Antonio*, 336

SCRA 366 (2000).

[23] 316 SCRA 13 (1999).

[24] See also *People v. Alba*, G. R. Nos. 130627 and 139477-78, May 31, 2001.

[25] *People v. Mindanao*, 335 SCRA 200 (2000).

[26] Defined and penalized under Article 248 of the Revised Penal Code.

[27] *People v. Ereno*, 326 SCRA 157 (2000).

[28] *Ibid.*

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