

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENY DE LOS REYES, APPELLANT.

G.R. No. 140680. May 28, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-140680/>

CALLEJO, SR., J.:

This is an appeal from the Decision[1] of the Regional Trial Court of Cagayan de Oro City, Branch 25, in Criminal Case No. 98-343, convicting appellant Reny de los Reyes of murder, sentencing him to suffer reclusion perpetua, and ordering him to pay damages to the heirs of the victim in the amount of P75,000.00 as civil indemnity; P75,000.00 as moral damages; and P5,000.00 as funeral expenses.

On May 5, 1998, an Information was filed against the appellant which reads as follows:

On January 13, 1998 at about 4:00 o'clock in the afternoon, more or less, at Sitio Digcamara, Barangay Mapulog, Municipality of Naawan, Province of Misamis Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill, and by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and stab to death one Felomeno Omamos, with the use of a knife, thereby hitting the victim on the different parts of his body which caused his instantaneous death.[2]

Upon arraignment, the appellant entered a plea of guilty, but interposed self-defense. A reverse trial, thus, ensued.

Case for the Prosecution[3]

At around 3:00 p.m. on January 13, 1998, the appellant's distant cousin, Myrnaflor Gaid, was in the house of her uncle, Mario de los Reyes. Myrnaflor wanted to have herself massaged by her Aunt Flora who was a manghihilot. While Myrnaflor was waiting for her aunt, the appellant arrived and placed a bet in the game of jai-alai. He then took a stainless steel knife from the banggera of the kitchen and went out of the house. The appellant informed Mario that he was borrowing the latter's knife, mounted his bicycle and left.

At around the same time, Felomeno Omamos was leaving their house to tether their cow, and brought along with him his five-year-old son. Worrying about the weather, Annaliza, his wife, decided to follow, to give father and son an umbrella. At a distance, Annaliza saw her husband walking along the road, followed by their son. The appellant appeared on a bicycle and pedaled behind the two. He suddenly stabbed Felomeno at the back with a knife, prompting Annaliza to shout, "Jofet,[4] do not stab my husband!" The appellant continued stabbing Felomeno as the little boy began to cry. Felomeno was stabbed on the elbow, the back and the chest.

Annaliza shouted for help. Ruel Omamos, Felomeno's elder brother, was the first to respond, followed by Marcillano Matano, Felomeno's grandfather. They got an Elf truck and brought Felomeno to the Naawan Municipal Hall where he was transferred to an ambulance coming from Cagayan de Oro City. Felomeno was, thereafter, brought to the Northern Mindanao Medical Center. Felomeno died in the hospital at around 7:50 p.m. while undergoing treatment for his wounds.

Despite the repeated issuance of subpoena duces tecum and ad testificandum, the medico-legal officer failed to attend the hearing to testify on the victim's medical records. The prosecution and the defense then agreed to waive the presentation of the said witness. The victim's death certificate[5] was admitted by the defense. The cause of death was indicated therein as follows:

UNDETERMINED PROB HYPOVOLEMIC SHOCK 2° TO MASSIVE HEMOTHORAX (R CHEST 2° TO STAB WOUND R ANT CHEST).[6]

The Version of the Defense[7]

At around 3:30 p.m. on January 13, 1998, the appellant was riding his bicycle[8] and went to the house of his uncle, Mario de los Reyes, at Sitio Digcamara, Naawan, Misamis Oriental, to read the tabloid *Bandera*. The appellant saw Felomeno Omamos along the road, who whistled to him and shouted, "Hoy! Ayaw na ug agi diri kay adunay mahitabo kanimo! (Do not pass this way otherwise, something might happen to you)." The appellant ignored Felomeno and proceeded to his uncle's house. He did not tell his uncle of the appellant's threat. After finishing reading the newspaper for about thirty to forty minutes, the appellant left for his house.

As the appellant rode his bicycle, he saw Felomeno alone, walking ahead of him. When the appellant was about twenty to twenty-five meters or so behind Felomeno, the latter suddenly turned around and picked up a stone about the size of two clenched fists. As the appellant neared Felomeno, at a distance of about five to six meters, the latter threw the stone at him. The stone barely missed the appellant, but the left side of the rear tire of his bicycle was hit, causing two spokes to be detached from the tire rim. The appellant fell off the right side of the bicycle in a crouching position, with his hands still holding on to the handlebars. The appellant saw Felomeno walking towards him, and suddenly took out a stainless steel knife. He thrust the knife towards the appellant, but the latter released his grip on the bicycle handlebars and stepped back to evade the thrust. Felomeno thrust at the appellant a second time, and the latter was able to parry the thrust. The appellant then turned around and, with both hands, held Felomeno's right wrist, and was able to wrest the knife from the latter. The appellant then thrust the knife, hitting Felomeno on his left posterior arm near the armpit. The appellant again thrust the knife towards Felomeno, this time stabbing the latter on the chest. With the knife still embedded on the victim's chest, the appellant took off and went to his mother's house. He immediately told his mother, Francisca, that he had stabbed Felomeno and said to her, "Atimana ninyo ang akong pamilya kay mosurrender ako (Take good care of my family because I will surrender)." When his mother asked him when he planned to surrender, the appellant replied he would do so at twilight. Francisca then rushed to the house of her brother-in-law, Mario de los Reyes, and informed the latter of the incident. That night, the appellant went to the Naawan Police Station, reported the stabbing incident and surrendered himself to the police authorities.

Mario de los Reyes corroborated, in part, the testimony of his nephew, the appellant.

After trial, the court a quo rendered its decision, the dispositive portion of which reads as follows:

IN THE LIGHT OF THE FOREGOING CONSIDERATIONS, this Court hereby finds the accused RENY DE LOS REYES, GUILTY BEYOND REASONABLE DOUBT of the crime of MURDER, as charged in the Information, without any aggravating circumstance, with one (1) mitigating circumstance and sentences the accused, RENY DE LOS REYES, to the penalty of RECLUSION PERPETUA, with all the accessory penalties provided for by law, and to indemnify Analisa (sic) Omamos and her two children, Felomeno Omamos, Jr. and Fe Luisa Mae Omamos, the sum of Seventy-Five Thousand Pesos (P75,000.00) and to pay the same offended parties the sum of Seventy-Five Thousand Pesos (P75,000.00) as moral damages, and to pay Five Thousand Pesos (P5,000.00) as funeral expenses, and to pay the costs.

The accused is, however, credited in the service of his sentence with the full time under which he has

undergone preventive imprisonment.

SO ORDERED.[9]

On appeal to this Court, the appellant contends that the lower court erred as follows:

I

IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER QUALIFIED BY TREACHERY AND EVIDENT PREMEDITATION, AND REJECTING HIS PLEA OF SELF-DEFENSE.

II

IN NOT BELIEVING THE TESTIMONY OF ACCUSED-APPELLANT AS CORROBORATED BY A WITNESS.

III

IN RELYING ON THE TESTIMONY OF THE WITNESSES FOR THE PROSECUTION INSTEAD OF WEIGHING THE EVIDENCE ADDUCED DURING THE TRIAL IN FAVOR OF ACCUSED-APPELLANT.[10]

The Court's Ruling

The appeal is dismissed.

The appellant's claim of self-defense deserves scant consideration. Case law has it that like alibi, the affirmative defense of self-defense under Article 11, paragraph 1 of the Revised Penal Code, is a weak defense.[11] The accused who invokes self-defense thereby admits having killed the victim, and the burden of evidence is shifted on him to prove, with clear and convincing evidence, the confluence of the following essential elements: (1) unlawful aggression; (2) reasonable necessity of the means employed to prevent or repel it; and, (3) lack of sufficient provocation on the part of the person defending himself.[12] The accused must rely on the strength of his own evidence and not on the weakness of that of the prosecution because even if the evidence of the prosecution is weak, the same can no longer be disbelieved. The accused cannot escape conviction if he fails to prove the essential elements of a complete self-defense.[13]

The accused cannot invoke self-defense, complete or incomplete, unless he proves unlawful aggression on the part of the victim.[14] Unlawful aggression exists when there is an actual and sudden attack or imminent peril to the life and limbs of the person defending himself coming from the victim.[15] Retaliation, as distinguished from unlawful aggression, exists when the ineptual unlawful aggression of the victim has already ceased and there is no evidence that he persists in consummating the same.[16] The accused cannot invoke self-defense if he kills the victim by way of retaliation.[17]

The issue of whether the accused acted in complete or incomplete self-defense for that matter is a question of fact to be resolved by the trial court on the basis of the evidence on record.[18] It is a settled rule that the findings of facts of the trial court, its assessment of the credibility of witnesses and the probative weight of their testimonies, and its conclusions based on the said findings are given high respect, if not conclusive effect by the appellate court. This is because of the trial court's unique advantage of being able to observe, at close range, the conduct and deportment of witnesses as they testify. However, this rule will not apply if the trial court ignored, overlooked, misinterpreted or misconstrued cogent facts and circumstances of substance, which, if considered, would alter the outcome of the case.[19]

In this case, the trial court disbelieved the testimony of the appellant and his witness, and gave credence and full

probative weight to the prosecution's witnesses. We have reviewed the evidence on record and find no justification to deviate from the findings of the trial court that the appellant failed to prove that he acted in self-defense when he killed the victim.

First. Mario de los Reyes, the appellant's uncle, made it appear in his testimony that Felomeno was still alive on January 30, 1998, although the appellant already admitted that he had stabbed and killed the victim earlier at 3:00 p.m. of January 13, 1998. The testimony of Mario de los Reyes reads:

Q

Mario de los Reyes, will you please inform the Honorable Court where were you on January 30, 1998, at about 2:00 o'clock in the afternoon?

A

I was in my house.

Q Will you please tell the Honorable Court what you were doing there, if there was any?

A I was busy drying my copra.

Q While you were drying your copra, did you notice something else?

A Yes, Sir.

Q Will you please inform the Honorable Court, what did you notice at that time?

A At 2:00 o'clock in the afternoon of January 30, 1998, Felomeno Omamos passed by our house.

Q

Now, after that, what else did you notice, if there was any?

A

Felomeno Omamos told me, "Tatay, I think your copra is already dry; do you know this is already money and we could beat a jai-alai." But I told him, "maybe, you are drunk, you better go home."

Q After that, what else happened, if there was any?

A

I went down from the copra dryer and Felomeno Omamos said, "Tatay, did Fidel Gaid pass by here?" and I told him, "he had not passed by;" and he said, "If he passed by this time, maybe, he will be killed.

Q Do you know why he was looking for Fidel Gaid?

A

Felomeno Omamos was looking for Fidel Gaid because they were enemies because Felomeno Omamos was stabbed by Fidel Gaid before.[20]

Second. It is incredible that Felomeno, who was walking alone on the road, knew of the appellant's presence. It must be stressed that the appellant was riding on his bicycle and was about twenty to twenty-five meters behind

the victim;

Third. The appellant failed to surrender to the police authorities the knife he used to kill the victim. Such failure to surrender the weapon renders doubtful the appellant's claim that Felomeno, and not his uncle Mario de los Reyes, owned the knife.[21]

Fourth. The appellant failed to adduce evidence to prove that Myrnaflor Gaid nurtured any ill motive to falsely testify against the appellant. Absent such evidence, the testimony of Myrnaflor Gaid must be accorded full probative weight.[22]

Assuming for the nonce, that the appellant's testimony is the truth, nevertheless, he cannot invoke complete or incomplete self-defense. While the victim was inceptually the unlawful aggressor, the aggression ceased as soon as the appellant had managed to wrest the knife from him and no longer committed any overt act evidencing persistence to consummate the unlawful aggression. This is borne by the testimony of the appellant himself, viz:

Q

Now, who has a bigger physical built, you or the victim?

A

The victim has a bigger built.

Q

Did I get it from you that after he made his second thrust, you moved your left foot and holding his right hand by clipping his right hand which was holding the knife as you demonstrated?

A

Yes, Ma'am.

Q

And when you were clipping his right hand under your armpit, the left of Felomeno Omamos did not do anything?

A

Yes, Ma'am.

Q

While you were clipping his right hand which was holding the knife, that was the time you were able to wrest the knife from him?

A

Yes, Ma'am.

Q

And when you were able to allegedly wrest the knife from him, that was the time you stabbed him, is that correct?

A

Yes, Ma'am.

Q

When you stabbed him, you were still clipping his right hand?

A

No more, Ma'am.

Q

You mean to say you loosen him from your grip (sic)?

A

I released him already, Ma'am.

Q

And when you released him, what did Felomeno Omamos do?

A

When I released him, Felomeno Omamos was still standing.

Q

In front of you?

A

Yes, Ma'am.

Q

And that is why you stabbed him in the chest?

A

At first, he was hit at his forearm near his armpit.

Q

He was hit at his forearm when you made the first thrust?

A

Yes, Ma'am.

Q

He was still standing in front of you after that?

A

Yes, Ma'am.

Q

And that was the reason why you were able to hit him in (sic) his chest?

A

Yes, Ma'am.

Q

And you testified that after Felomeno Omamos was hit for the second time, he was still standing, is that correct?

A

Yes, Ma'am.

Q

You mean to say, he did not fall down to the ground?

A

He did not fall down, Ma'am.

Q

Now, after you hit him for the second time in (sic) his chest, what did you do?

A

When I hit Felomeno Omamos for the second time at his solar plexus, I ran away leaving the knife still embedded in his solar plexus.

Q

And what was Felomeno do (sic) when you left him with embedded knife on his chest?

A

When I left, I did not see anymore what happened to Felomeno Omamos because I was riding my bike.

Q

But you said he was still standing when he was hit for the second time, is that correct?

ATTY. IMPROSO:

The question is already answered, Your Honor.

COURT:

Objection overruled.

A

Yes, Ma'am, he was still standing.

Q

By the way, can you describe the knife that Felomeno Omamos allegedly used in stabbing you, which eventually you were able to wrestle him (sic) and stabbed him in return?

A

It was a stainless kitchen knife.

Q

How long is (sic) it?

A

It is (sic) about 5 to 6 inches.

COURT (to the Witness):

Q

Excluding the handle?

A

Yes, Your Honor.

Q

Is is (sic) a (sic) double-bladed or a single-bladed?

A

It is a single-bladed knife.

Q

Do you know where is the knife now?

A

I do not know, Ma'am.

Q

After you stabbed him and you said you ran, where did you go?

A

I proceeded to the house of my mother, Francisca.[23]

The appellant was not defending himself; he stabbed the victim in retaliation for the latter's ineptual unlawful aggression. Indeed, the appellant stabbed the victim, not only once, but thrice; once on a vital part of the body, the chest. The nature and location of the stab wounds sustained by the victim belie the appellant's affirmative defense.[24] Hence, the appellant cannot invoke Article 11, paragraph 1 of the Revised Penal Code to justify the killing.

In *People vs. So*,[25] we held that:

Even if we allow appellant's contention that Tuquero was the initial unlawful aggressor, we still cannot sustain his plea of self-defense. After appellant successfully wrested the knife from Tuquero, the unlawful aggression had ceased. After the unlawful aggression has ceased, the one making the defense has no more right to kill or even wound the former aggressor.[26]

...

But even if We assume that it was the deceased who attacked the accused with a knife, as the latter would make Us believe, We still hold that there was no self-defense because at that point when the accused was able to catch and twist the hand of the deceased, in effect immobilizing him, the unlawful aggression had already ended. Thus, the danger having ceased, there was no more need for the accused to start stabbing the deceased, not just once but five (5) times.[27]

We reiterated this ruling in *People vs. Tampon*[28] and *People vs. Magallanes*. [29]

The trial court anchored its appreciation of the qualifying circumstance of evident premeditation against the appellant on the following circumstances:

- On September 19, 1997, accused Reny de los Reyes and the victim, Felomeno Omamos, had an altercation — the time when the intent to commit the crime was engendered in the mind of the accused, who had the motive which gave rise to it, the means of which he had beforehand selected, to carry out his criminal intent.
- On January 13, 1998, at 3:00 o'clock in the afternoon, he manifested this through the act of borrowing a 12-inch stainless steel kitchen knife from his uncle, Mario de los Reyes, this demonstrating that he clung to his determination as a result of meditation, calculation and reflection to kill Felomeno Omamos, his enemy.
- Finally, there was sufficient lapse of time from September 19, 1997 to January 13, 1998 at 4:00 o'clock in the afternoon when he stabbed the victim, Felomeno Omamos, who was unarmed and defenseless when he assaulted the latter and stabbed him first on the left elbow and then on the chest, leaving a 12-inch stainless steel kitchen knife embedded or stuck like a flag planted on the ground and fled, leaving the victim bleeding profusely.[30]

We do not agree with the trial court.

For evident premeditation to be appreciated, the prosecution must prove beyond reasonable doubt the following essential requirements: (1) the time when the offender determined to commit the crime; (2) an act manifestly indicating that the culprit has clung to his determination; and (3) sufficient lapse of time between the determination and execution to allow his conscience to overcome the resolution of his will.[31] The essence of evident premeditation is that the execution of the criminal act was preceded by cool thought and reflection upon the resolution to carry out the criminal intent during a space of time sufficient to arrive at a calm judgment.[32] It must be based on external acts which must be notorious, manifest and evident — not merely suspecting — indicating deliberate planning.[33]

The prosecution failed to prove that there was an altercation between the victim and the appellant on September 19, 1997 before Felomeno was killed. The testimony of Annaliza Omamos relating to the said altercation is hearsay, because she learned of it only through her mother-in-law. Thus:

Q:

Now, if you know, do you know the reason why Reny de los Reyes stabbed your husband?

A:

I know.

Q:

What it is? (sic)

A:

They had an altercation last September 1997.

COURT:

Who?

A:

Felomeno Omamos and Reny de los Reyes had an altercation last September 1997.

COURT:

Who is this Felomeno?

APP ABBU:

Her husband, Your Honor.

Q:

How did you know that they had an altercation on that month?

A:

Because I was told by the mother of my husband, Avelina Omamos.

Q:

Did she tell you what was the reason for the altercation?

ATTY. IMPROSO:

Objection, Your Honor, this being twice hearsay.

COURT

Present Avelina if she is still alive.

APP ABBU:

That would be all for the direct, Your Honor.[34]

The prosecution never presented Avelina Omamos to prove the existence of an altercation between the appellant and the victim. Moreover, the prosecution failed to prove that from September 17, 1997 to January 13, 1998, the appellant had perpetrated overt acts to indicate that he had planned to kill the victim, that he had reflected upon his decision, and that he was determined to kill the victim.[35] The prosecution must adduce clear and convincing evidence as to when and how the felony was planned and prepared before it was effected. The prosecution is burdened to prove overt acts that after deciding to commit the felony, the felon clung to his determination to commit the crime.[36]

Evident premeditation, like other circumstances that would qualify a killing as murder, must be established by clear and positive evidence showing the planning and preparation stages prior to the killing. Without such evidence, mere presumptions and inferences, no matter how logical and probable, will not suffice.[37] It is indispensable to show how and when the plan to kill was hatched or how much time had elapsed before it was carried out.[38] Where there is no evidence thereon, evident premeditation cannot be considered as an aggravating circumstance.[39]

Neither can the appellant's act of borrowing a knife from his uncle on January 13, 1998, as adverted to by prosecution witness Myrnaflor Gaid, be considered as indicative of the appellant's evident premeditation to kill the victim. The prosecution failed to prove that from the time Felomeno threatened the appellant on the road and before the latter borrowed the knife from his uncle, there was a sufficient interval of time for the appellant to ponder upon and realize the dire consequences of the killing.

The trial court, in appreciating treachery, declared, thus:

Treachery is present when the accused Reny de los Reyes employed means, methods, or form in the execution, by providing and arming himself with a knife when he executed his plan to kill at the time and place when the victim least expected, (sic) this being while the victim was unarmed, defenseless and unprepared, bringing along his 5-year-old child while tethering the cow, and had his back turned from the accused who was following him.[40]

For treachery to be considered present, the following requisites must concur: (1) the employment of means of execution that gives the person attacked no opportunity to defend himself or to retaliate; and (2) the deliberate and conscious adoption of the means of execution.[41] There is treachery when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.[42] The essence of treachery is the sudden and unexpected attack by the aggressor on the unsuspecting victim, depriving the latter of any real chance to defend himself, thereby ensuring its commission without risk to

the aggressor, and without the slightest provocation on the part of the victim.[43]

Treachery, as any other circumstance that would qualify a killing as murder, must be proved fully as the crime itself and any doubt as to the existence thereof must be resolved in favor of the accused.[44] In the present recourse, the trial court relied on the testimony of Annaliza Omamos, the victim's widow, who testified that the appellant stabbed the victim on the back and the elbow:

Q

Were you able to notice how your husband was killed by Reny de los Reyes?

A

Yes, Mam. (sic)

Q

Can you please tell the Honorable Court how he was killed by Reny de los Reyes?

A

Reny de los Reyes stabbed my husband.

Q

Which part of the body was stabbed?

A

My husband was stabbed first at his back and was also hit at his left elbow.

Q

Now, you said you saw the incident. Where were you then?

A

I saw the incident because I followed my husband to bring him (sic) umbrella because he was bringing our five (5)-year-old son and that was the time I saw the accused stabbed (sic) my husband.

Q

Now, you said he was stabbed. What kind of instrument did he use in stabbing Felomeno Omamos?

A

Accused used a stainless knife.

Q

How long is this knife?

A

The knife is a 12 inches in long, (sic) more or less, including the handle.

...

Q

Now, while on your way, what happened?

A

I saw Reny de los Reyes following my husband in going home.

Q

Who is going home?

A

My husband Felomeno Omamos was going home.

Q

And you said you saw Reny de los Reyes following him?

A

Yes, Mam. (sic)

Q

Was he walking or riding?

A

Reny de los Reyes was riding on a bicycle.

Q

Now, when Reny de los Reyes was following your husband, Felomeno Omamos, riding on a bicycle, how far were you then from them?

A

I was 15 meters away from them.

Q

At a distance of 15 meters, that was the first time you saw your husband being stabbed by Reny de los Reyes?

A

Yes, Mam. (sic)

Q

And which part of his body which (sic) you saw being hit?

ATTY. IMPROSO:

Already answered.

Q

Now, what did you do when you saw your husband being stabbed by Reny de los Reyes?

A

I shouted at Reny de los Reyes telling him “Jopeth, do not stab my husband.”

Q

What did Jopeth do?

A

Jopeth still continued stabbing my husband. (Witness is crying)

Q

Now, after that, what happened next?

A

I shouted for help from my parents-in-law.[45]

We note that the cause of the victim’s death as indicated in the death certificate is “massive hemorrhage secondary to stab wound on the chest.” Nevertheless, the certificate does not state that the victim did not sustain other wounds on other parts of the body. As it was, no autopsy was conducted on the cadaver of the victim. The certificate does not negate the fact that the victim sustained wounds on his elbow, as testified to by the appellant and Annaliza, and on his back, as recounted by the latter. In light of the testimony of the victim’s widow, Annaliza, we hold that treachery was attendant in the commission of the crime. Hence, the appellant is guilty of murder under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, punishable by reclusion perpetua to death. Since the appellant is entitled to the generic mitigating circumstance of voluntary surrender, the trial court correctly sentenced the appellant to reclusion perpetua, conformably to Article 63 of the Revised Penal Code.

However, the trial court erred in ordering the appellant to pay the victim’s heirs P75,000 as civil indemnity; P75,000 as moral damages; and P5,000 as funeral expenses. The amount of P75,000 as indemnity for the death of the victim shall be reduced to P50,000, based on prevailing jurisprudence.[46] Also, the amount of P50,000 by way of moral damages is considered sufficient. In *People v. Galvez*,[47] this Court stressed that the purpose of the award of moral damages is not to enrich the heirs of the victim but to compensate them for the injuries to their

feelings. The prosecution adduced evidence that the heirs of the victim spent for the funeral and the wake, but that the said expenses amount to less than P25,000. Conformably to current jurisprudence, the heirs of the victim are entitled to temperate damages in the amount of P25,000.[48]

IN LIGHT OF ALL THE FOREGOING, the Decision of the Regional Trial Court of Cagayan de Oro City, Branch 25 in Criminal Case No. 98-1343 is **AFFIRMED** with **MODIFICATIONS**. The appellant Reny de los Reyes is found guilty beyond reasonable doubt of murder under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659 and is sentenced to suffer the penalty of reclusion perpetua. The said appellant is ordered to pay to the heirs of the victim Felomeno Omamos the amount of P50,000 as civil indemnity; P50,000 as moral damages; and P25,000 as temperate damages. No costs.

SO ORDERED.

Quisumbing (Acting Chairman), Austria-Martinez, and Tinga, JJ., concur.
Puno, J., (Chairman), on official leave.

[1] Penned by Judge Noli T. Catli.

[2] Records, p. 2.

[3] The prosecution presented as witnesses Annaliza Omamos and Myrnaflor Gaid.

[4] The appellant was also known in the community as “Jofet.”

[5] Exhibit “B,” Records, p. 11.

[6] Ibid.

[7] The defense presented the appellant and Mario de los Reyes as witnesses.

[8] The bicycle was presented as Exhibit “1”.

[9] Records, pp. 165-166.

[10] Rollo, p. 109.

[11] *People vs. Noay*, 296 SCRA 292 (1998).

[12] Art. 11, par. 1, Revised Penal Code.

[13] *People vs. Real*, 308 SCRA 244 (1999).

[14] *People vs. Cañete*, 287 SCRA 490 (1998).

[15] *People vs. Recto*, 367 SCRA 390 (2001).

[16] See *People vs. More*, 321 SCRA 538 (2000).

[17] *People vs. Acosta*, 371 SCRA 181 (2001).

[18] *Jacobo vs. Court of Appeals*, 270 SCRA 270 (1997).

[19] *People vs. Barona*, 323 SCRA 239 (2000).

[20] TSN, 24 July 1998, pp. 4-5.

[21] See *People vs. Camacho*, 359 SCRA 200 (2001).

[22] See *People vs. Dela Piedra*, 350 SCRA 163 (2001).

[23] TSN, 22 July 1998, pp. 10-13.

[24] *People vs. Unarce*, 270 SCRA 756 (1997).

[25] 247 SCRA 708 (1995).

[26] *Id.* at 720, citing *People vs. Maceda*, 197 SCRA 499 (1991).

[27] *Id.* at 721.

[28] 258 SCRA 115 (1996).

[29] 275 SCRA 222 (1997).

[30] Records, pp. 172-173.

[31] *People vs. Guerrero, Jr.*, 389 SCRA 389 (2002).

[32] *People vs. Loterono*, 391 SCRA 593 (2002).

[33] *People vs. Tan*, 359 SCRA 283 (2001).

[34] TSN, 24 August 1998, pp. 14-15.

[35] *People v. Loterono*, *supra*.

[36] *People vs. Baldogo*, 396 SCRA 31 (2003).

[37] *People vs. Aytalin*, 359 SCRA 325 (2001).

[38] *People vs. Cabote*, 369 SCRA 65 (2001).

[39] *People vs. Galvez*, 355 SCRA 246 (2001).

[40] Records, p. 165.

[41] *People vs. Guzman*, 372 SCRA 344 (2001).

[42] Art. 14(16), Revised Penal Code.

[43] *People vs. Cabote*, *supra*.

[44] *People vs. Mahilum*, 390 SCRA 91 (2002).

[45] TSN, 24 August 1998, pp. 4-8.

[46] *People vs. Delim*, 396 SCRA 386 (2003).

[47] 374 SCRA 10 (2002).

[48] *People vs. Delos Santos*, G.R. No. 135919, May 9, 2003.

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.