

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RICSON PARRENO Y ATIDO AND DELBERT QUINDO Y PLACENCIA, APPELLANTS.*G.R. No. 144343. July 07, 2004*

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-144343/>**CALLEJO, SR., J.:**

This is an appeal from the Decision[1] of the Regional Trial Court of Pasig City, Branch 156, in Criminal Case No. 113331-H, convicting the appellants Ricson Parreno and Delbert Quindo of murder under Article 248 of the Revised Penal Code, sentencing them to reclusion perpetua and ordering them to indemnify the heirs of Anthony Cruz in the amount of P50,000.00, and to pay P25,000.00 as actual damages and costs of the suit.

On November 10, 1997, an Information was filed charging the appellants with murder, worded as follows:

On or about November 2, 1997 in Pasig City and within the jurisdiction of this Honorable Court, the accused, conspiring and confederating together with 4 John Does, whose identities and present whereabouts are still unknown, armed with a deadly weapon, with intent to kill, with treachery and abuse of superior strength, did then and there willfully, unlawfully and feloniously stab one Anthony Cruz y Santos on his back, thereby causing [a] mortal wound which directly caused his immediate death.

Contrary to law.[2]

The appellants pleaded not guilty to the charges.[3] Trial forthwith ensued.

The Case For The Prosecution[4]

Thirty-year-old Anthony Cruz was the eleventh child in a family of twelve. He resided with his elder sister, Zenaida Santos Cruz, at No. 32-D Katarungan St., Caniogan, Pasig City. He was an electrical engineering graduate,[5] still single and was working as a cashier in a Mr. Quickie Repair Shop owned by his sister Zenaida. Anthony Cruz was receiving P6,000.00 as compensation,[6] and usually worked from 10:00 a.m. to 7:00 p.m.[7]

Twenty-year-old Simplicio Genova, Jr. and nineteen-year-old Frederick Sabangan were Anthony's neighbors and "gangmates." At around 12:30 a.m. of November 2, 1997, Simplicio and Frederick were with Anthony and two of their other friends, Agripino Santos and Ricardo Deocareza. They wanted to buy food from a nearby store. As they were walking in front of the Rizal High School in Katarungan Street, they saw six persons on the other side of the street. Appellants Parreno and Quindo were in front, while the four other members of the group were right behind them. Appellant Quindo then challenged them to a fight.[8]

Unsure if they were only speaking in jest, Frederick, Anthony and Simplicio looked at the six men before them, but did not recognize the latter. One of the men had a slingshot (tirador).[9] Anthony said, "Pabayaang na lang natin," while Simplicio told the group, "Hindi kami lalaban." [10] They turned and started to walk away, but when they saw that two male persons had started running after them, they also ran. Anthony and Simplicio ran ahead of their friends, towards an alley in Katarungan Street. Agripino followed. When Anthony noticed that Frederick and Ricardo had been left behind, he told Simplicio and Agripino to go back to where their two other companions

were.[11] Anthony had then gone a little further ahead.

Suddenly, Anthony was cornered by two persons. Outside an alley in Katarungan Street, four others also appeared from the nearby Rizal High School. Anthony was surrounded. Three of the men ran towards the school, while three others remained: appellant Parreno who was then wearing a white shirt, appellant Quindo who had on a blue shirt, and another who was wearing a red jacket.[12] The three “circled” upon Anthony who was facing the man in the red jacket. Appellant Parreno, who was then standing behind Anthony, suddenly stabbed the latter with his right hand.

Simplicio, who was about ten meters away from the scene, saw all this, but in his shock, failed to recognize what weapon appellant Parreno used to stab his friend.[13] The three culprits fled from the scene, and ran towards the direction of the Rizal High School.[14]

In the meantime, Agripino, Ricardo and Frederick had re-traced their steps and turned back, taking a right turn going towards the other alley. Frederick then saw his wounded friend, as the three culprits were fleeing from the scene. Anthony slowly approached him and Simplicio and murmured, “Pare, may tama ako.”[15] Simplicio informed Anthony’s elder brother of the incident. Simplicio, Agripino, Ricardo and Frederick then immediately boarded an owner-type vehicle and brought the wounded Anthony to the provincial hospital. Anthony died shortly after being wheeled into the emergency room.

PO1 Arnel Canonigo testified that the stabbing incident was referred to him at around 12:30 a.m. of November 2, 1997. He immediately proceeded to the Rizal Medical Center where the victim was brought for medical treatment. Upon his arrival, however, Dr. Loy Garcia, the attending physician, told him that the victim already died.[16] PO1 Canonigo proceeded to interview the witnesses, after which a patrol car arrived to take the latter to the crime scene to identify the suspects. Two officers were then dispatched to proceed to the scene of the crime, along with the witnesses. PO1 Canonigo followed them. The officers had already invited four persons found inside the Rizal High School campus for questioning, and were brought to the Block V Station for investigation. With the assistance of PO3 Isuga, there was a “confrontation” among the four male persons who were brought in for questioning. Genova pointed to the appellants Parreno and Quindo as the culprits in the stabbing.[17] After the appellants were apprised of their constitutional rights, PO1 Canonigo proceeded to take the statements of the witnesses, and prepared a Referral Letter dated November 3, 1997.

Medico-Legal Officer Dr. Emmanuel Aranas of the Philippine National Police (PNP) Crime Laboratory SPD, Fort Bonifacio, Makati, conducted an autopsy[18] of the victim’s body. He made the following findings:

Fairly nourished, fairly developed male cadaver, in rigor mortis, with post mortem lividity at the dependent portions of the body. Conjunctivae are pale. Lips and nailbeds are cyanotic. There are surgical incisions at the chest.

TRUNK AND EXTREMITIES:

- (1) Multiple abrasions, right supraorbital region, measuring 7 by 3.5 cms., 4 cms. from the anterior midline.
- (2) Stab wound, left lumbar region, measuring 3 by 0.7 cms., 5 cms. from the posterior midline, 10 cms. deep, directed anteriorwards, upwards, and medialwards, thru the left intercostal space along the parvertebral line, piercing both lobes of the left lung
- (3) Abrasion, left knee, measuring 0.8 by 0.4 cms., 6 cms. medial to its midline.
- (4) Multiple linear abrasions, middle 3rd of the left leg, measuring 2.5 by 0.7 cms., 4

cms. medial to its anterior midline.

About 300 mls. of fluid and clotted blood recovered from the thoracic cavity.

Stomach contains ½ glassful of partially digested food particles.[19]

Dr. Aranas also testified that the cause of the victim's death, the stab wound at the back, was about ten centimeters deep, and about three by 0.7 centimeters in size.[20] However, the doctor could no longer identify the weapon used to stab the victim as the medical attendants "altered" the edges of the wound.[21]

The victim's sister, Zenaida Santos Cruz, testified that they incurred funeral expenses in the amount of P25,000.00, and presented a receipt[22] issued by the Funeraria Sta. Clara to prove the same. She also testified that she was not interested in money, but sought justice for her brother's death.[23]

The Case For The Appellants

Sharon Quindo, appellant Quindo's sister, testified that she went to visit her brother in the Pasig City municipal jail and was able to talk to him. She also spoke to PO1 Canonigo, who told her that her brother said that Julius Sorongon was the one who stabbed the victim.[24] PO1 Canonigo then went back to the crime scene, but failed to find Sorongon. Sharon Quindo narrated that she knew Sorongon, as the latter was her kababayan, both of them being from Fontevedra, Negros Occidental.[25] Sorongon and her brother were both laborers/workers at the Rizal High School.[26]

PO3 Benjamin Isuga testified that he was with PO1 Canonigo when the latter investigated the stabbing incident. There had been reports that six persons were involved in the stabbing incident and went inside the premises of the Rizal High School. Simplicio Genova, Jr., one of the witnesses, was with them. They searched the place and proceeded to a room where the appellants, along with two others, were found drinking.[27] According to Genova, the four men were among the six persons involved in the stabbing incident. The four informed them that the two others had already fled.[28] PO3 Isuga did not see any blood on the bodies of the appellants or of the other two men.[29]

Appellant Quindo testified that he had nothing to do with the killing of Anthony Cruz. In 1997, he was employed as a laborer of MC Valentin, the construction company in charge of the on-going work in the building.[30] He also lived in the building at the time,[31] but was a resident of St. Pascual Street, Manggahan, Fairview, Quezon City. He was still single.

Appellant Quindo admitted that he was at the Rizal High School Building on November 2, 1997, along with appellant Parreno, Julius Sorongon, Danny Castro, and other friends. However, he insisted that he did not know what happened to Anthony Cruz. He also stated that he could think of no reason why the witnesses for the prosecution would point to him as one of the perpetrators of the crime.

When the policemen arrived at about midnight of November 2, 1997, Julius Sorongon and Danny Castro were drinking, while the appellants were already lying in bed. Appellant Quindo was awakened as all four of them were invited for questioning. The appellant asked permission from their foreman. The police did not say why they were being invited for questioning. One civilian who was with the police went inside their room and inspected their pillows, blankets, and their cabinets. They were then taken to the headquarters in Rotonda, and, upon arriving, were asked to sit down. Thereafter, about fifteen persons came in, and the policemen kept asking them if there was "one among them." Frederick Sabangan went inside and sat in front of them, and suddenly punched appellant Quindo many times, as a consequence of which the latter suffered a black eye. Zenaida Cruz, the sister of the deceased, also slapped appellant Quindo.[32] Frederick Sabangan then pointed to the appellants as the culprits.

After trial, the court rendered a decision, the dispositive portion of which reads:

Wherefore, the Court finds accused Ricson Parreno and Delbert Quindo GUILTY beyond reasonable doubt of the crime of Murder and hereby sentences them to suffer the penalty of reclusion perpetua and to pay the heirs of the victim the amount of P50,000.00 as indemnity, P25,000.00 as actual damages and COSTS of suit.

SO ORDERED.[33]

The Present Appeal

On appeal, the appellants ascribed the following assignment of errors to the court a quo:

THE TRIAL COURT ERRED IN APPRECIATING ABUSE OF SUPERIOR STRENGTH AS A QUALIFYING CIRCUMSTANCE[34]

THE TRIAL COURT ERRED IN APPRECIATING THE PRESENCE OF TREACHERY[35]

THE TRIAL COURT ERRED IN PRONOUNCING THAT WHAT WAS FOUND ON THE PANT (sic) AND T-SHIRT OF PARENO (sic) WHEN THE POLICE CAME WAS BLOOD STAIN (sic).

THE TRIAL COURT ERRED IN SUSTAINING THE IDENTIFICATION OF THE ACCUSED DURING THE COMMISSION OF THE OFFENSE.[36]

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED.[37]

According to the appellants, the mere fact that their group was superior in number than that of the victim's, as testified to by the prosecution witnesses, does not mean that there was abuse of superior strength. Furthermore, the fact that the stab wound was found at the back of the victim does not necessarily mean that the killing was treacherous. The victim's group, in fact, challenged their (appellant's) group, who were seen with spears or tirador. As such, the victim was forewarned of the threat to his life, negating the presence of treachery as an aggravating circumstance.

The appellants further aver that the stains found on appellant Parreno's shirt were red paint stains, consistent with his claim that he was a painter. They also question the veracity of the identification made by the witnesses for the prosecution, contending that there was no evidence presented as to the sufficiency of the illumination at the place of the incident when the killing occurred, as well as the presence of obstruction between the location of the witnesses and the situs criminis. The appellants, likewise, question the veracity of the testimonies of the witnesses for the prosecution, and stated that the testimony of Frederick Sabangan conflicted with his sworn statement before the police.

For its part, the Solicitor General maintains that the appellants were positively identified by the two eyewitnesses whose credibility was not impaired, and that the alleged contradiction between the testimony of Frederick Sabangan and his sworn statement before the police was "imaginary." Finally, the prosecution was able to establish the guilt of the appellants beyond reasonable doubt.

The Court's Ruling

The appeal has no merit.

In questioning the veracity of the testimony of the prosecution witnesses, the appellants thereby assail the trial court's factual findings. It is well-settled that the findings of facts and the assessment of the credibility of witnesses is a matter best left to the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts. Only the trial judge can observe the furtive glance, blush of conscious shame, hesitation,

flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath – all of which are useful aids for an accurate determination of a witness' honesty and sincerity. The trial court's findings are accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case.[38]

We have reviewed the records and find no cogent reason to reverse the findings of the trial court. As aptly stated by the court a quo:

There can be no mistake as to the identity of the two accused whom the witnesses came into face to face shortly before the fatal incident. It was not impossible for the eyewitnesses to have recognized the two who stood out from the group which blocked their way and challenged them to a fight. The conditions of visibility were also favorable. The street was clear of any block and illuminated by a light from the electric post. Moreover, the eyewitnesses who spontaneously and credibly described the manner and crucial details of the commission of the offense do not appear to be biased against the accused. Hence, their assertion as to the latter's identity should be accepted as worthy of credence. Accused themselves did not attribute evil motive on the part of their accusers as to testify falsely against them. Significantly, Genova and Sabangan categorically and positively identified the two accused as the malefactors immediately after the incident. This identification of (sic) accused was affirmed during the trial.

The two accused cannot gainsay their respective participation in ganging-up and killing the victim. The two eyewitnesses were one in recounting how the two accused and the man in red jacket helped one another cornered (sic) and killed (sic) the victim. Even before the fatal attack, their design to finish off their foe was already obvious. While it was only accused Parreno who gave the fatal blow, Quindo and the man in red jacket made sure that the victim could not escape death nor slip out of the small imaginary circle they created as they milled around the victim who was not armed much less ready to defend himself from the attack.[39]

Indeed, Simplicio Genova, Jr. testified how the appellants and their cohorts pursued them; they cornered Anthony and after stabbing him to death, fled from the scene:

Q When you saw two persons chasing you, what did you do?

A When I saw the two nearing us, that they were about to spear us ("papanain"), the five of us ran, Sir. Anthony Cruz was with me running towards the alley in Katarungan, and I noticed that Agripino Santos was following me, Sir.

Q When you ran and Agripino Santos was following you, what happened next?

A When Agripino Santos was following us, Anthony Cruz and I turned and after we turned, Anthony Cruz noticed that Frederick Sabangan and Ricardo Diocarosa (sic) were left at Tatlong Bayani, Sir.

Q When this Anthony Cruz noticed that these other friends of yours were left there, what did he do, if any?

A Anthony Cruz told us to go back to where our two other companions were. When we turned at the alley of Katarungan, Anthony Cruz was ahead of us, Sir.

Q And then what happened when Anthony Cruz was a little ahead of you?

A Outside of the alley of Katarungan, I saw four persons who suddenly appeared

from Rizal High School, Sir.

Q And what happened when you saw these persons suddenly appeared facing Anthony Cruz?

A When the four persons suddenly emerged from Rizal High School, Anthony Cruz was surrounded by the four persons, Sir.

Q And you were mentioning some other two persons, what were they doing?

A The first two persons who were chasing us already cornered Anthony Cruz together with the four persons who emerged from Rizal High School, Sir.

Q When Anthony Cruz was cornered by these two persons, what happened?

A When Anthony Cruz was cornered, the three ran towards Rizal High School but one of them was left behind, so there were already three who cornered Anthony Cruz, Sir.

Q And who were these persons who cornered Anthony Cruz?

A The one wearing red jacket, the other one was wearing white t-shirt who was Ricson Parreno and the other one (sic) wearing blue t-shirt who was Delbert Quindo, Sir.

Q And then what did these persons do, if any, to the person of the victim, Anthony Cruz?

A When they were surrounding Anthony Cruz and “paikot-ikot po sila,” while Anthony Cruz was facing the man in red jacket, I saw Anthony Cruz being stabbed, Sir.

COURT:

Q Who stabbed (sic)?

A Ricson Parreno who was wearing a white t-shirt, Your Honor.

Q Parreno was wearing a white t-shirt at that time?

A Yes, Your Honor.

Q Parreno was the one who stabbed Cruz?

A Yes, Your Honor.

Q With what?

A I don't know, Sir, what weapon was used because I was already in shocked (sic) at that time.

Q You saw Parreno in (sic) stabbing Cruz?

A Yes, Your Honor.

Q How? Please demonstrate. For example the Court Interpreter standing as Cruz.

How did Parreno stab Cruz?

A Because Anthony Cruz was facing the man in red jacket..

COURT:

“Yung nakaharap muna si Cruz.”

A When Anthony Cruz was facing the one wearing red jacket...

COURT:

“Ipagpalagay mo na si Cruz nga ito.”

A The other one in white t-shirt, Ricson Parreno, suddenly stabbed him at the back,

Your Honor.

Q Where was Parreno?

A Here, Your Honor.

COURT:

“Ganyan. Ito si Cruz nakaharap sa akin. Ganyan ang pwesto?”

A There were two male persons infront (sic), Your Honor.

Q Who were these two persons infront (sic)?

A “Ang nasa harap” was Delbert Quindo, Your Honor.

COURT:

“Dito. Meron pang isa doon?”

A The one wearing a red jacket, Your Honor.

COURT

Q Who was that?

A I don’t know who was that wearing a red jacket, Your Honor. While Parreno was at the back of Anthony Cruz, Your Honor.

Q At that time, where were you as a witness?

A I was at the alley of Katarungan, Your Honor.

Q How far, more or less?

A Around ten meters away, Your Honor.

Q Will you please demonstrate in what manner Parreno allegedly stabbed Cruz “kung ganyan ang ayos?”

A When I saw that Anthony Cruz has his back on Parreno, Anthony Cruz was suddenly stabbed at the back, Your Honor.

Q How?

A “Paganoon ho.”

Interpreter:

Witness demonstrating with his right hand in swing motion, going upward motion. Swing motion from his right side upward.

ATTY. CONOS:

Kindly demonstrate it again, Mr. Witness?

A Like this, Sir.

COURT:

Coming from downward position upward.

Interpreter:

Witness demonstrating a stabbing motion coming from downward position upward with his right hand.

COURT:

Continue.

Q How many times did he swing that instrument?

A I just saw once, Your Honor.

Q Thereafter, what did Parreno do?

A After he has (sic) stabbed Anthony Cruz, they just suddenly went inside the Rizal High School, inside the school.[40]

Frederick Sabangan, likewise, corroborated the foregoing testimony, and even testified that the place where the stabbing took place was well lit. Thus:

Q We go to the time when you said Anthony Cruz y Santos was stabbed. On

November 2, 1997, at around 12:30 in the morning, where were you?

A Infront (sic) of Rizal High School in Katarungan Street, Sir.

Q Who were your companions, if any?

A Simplicio Jenoba, Jr., (sic) Agripino Santos, Ricardo Diocarosa (sic) and Anthony Cruz, Sir.

Q What were you doing there at that time?

A At around past 12:00, we were about to buy something to eat, Sir.

Q When you said you intended to buy something to eat, where did you proceed?

A We were about to go to a store, Sir.

Q When you were about to go to the store, what happened?

A While we were walking going to the store, there was a group of male persons, Sir.

Q What is this group of male persons doing at that time?

A They were on the other side of the gutter, Sir. And one of them was challenging us.

Q How many, more or less, were there in this group whom you said [was] near the gutter?

A Six persons, Sir.

Q And you said one of them was trying to challenge you. Who are you referring to you (sic) as this one who was challenging you?

A Delbert Quindo, Sir. Delbert Quindo was the one challenging us and he was with Ricson Parreno while the other four where (sic) at their back, Sir.

Q When the accused were challenging you at that time, what did you do?

A We looked at them, Sir. "Napatingin po kami." Because we were not sure if they were just kidding us because we might know them. But when we were not able to recognize them, we saw that they were holding a spear. It looks like a "tirador."

Q When you saw that the accused were holding "tirador" or whatever it was, what did you do?

A We ran, Sir.

Q When you said "kami," to whom are you referring?

A Agripino Santos, Simplicio Jenoba, (sic) Ricardo Diocaroza, myself and Anthony Cruz, Sir.

Q You, as far as you are concerned, to what direction did you run?

A We ran away, Sir.

Q What about Anthony Cruz and Simplicio Jenoba (sic), do you know where did they run?

A I did not see them, Sir, because they went ahead of us.

Q After you said they went ahead of you and after that, what happened next?

A We were looking at where they entered, Sir.

Q And when you were looking where they entered, what happened next?

A We turned around, Sir. "Umikot po kami."

Q And when you turned around, to what direction did you proceed?

A We turned right... We took a right turn going towards the other alley so that we could go back to the place where we came from, Sir.

Q When you were returning back to the alley where you came from, what did you see?

A I saw Simplicio and Anthony surrounded by the three, Sir.

Q When you saw them being surrounded by the three persons, what happened next?

A He was already stabbed, Sir. “Nasaksak na ho siya.”

Q When you said “siya,” whom are you referring to?

A Anthony Cruz, Sir.

Q And who stabbed him?

A Ricson Parreno, Sir.

Q And who was his companion during the time Anthony Cruz was stabbed?

A Delbert Quindo and the other male person in red jacket, Sir.

Q How far were you when you saw [that] the victim was stabbed by the accused?

A More or less, twelve to thirteen meters away, Sir.

Q And you said it was during the nighttime (sic), early morning, what kind of light was there when you saw it?

A Lights from the post, Sir.

Q When you saw the victim stabbed by the accused, what did you do?

A I ran towards them, Sir. Then the three persons surrounding Anthony Cruz ran towards the (sic) inside and Anthony approached us, Sir.

Q When you said the accused ran “pampaloob” or ran inside, what do you mean by that?

A Going towards the gate of Rizal High School, Sir.

Q And you said you went or approached the victim Cruz, what did you do when you approached him?

A He said that he has (sic) a wound “may tama” and we helped him because the blood was already oozing, Sir.

Q What were his words?

A “[P]are, may tama ako.”

COURT:

Q Who stabbed him?

A Ricson Parreno, Your Honor.

Q How about Quindo, what were or was he doing at that time?

A He was with the three, surrounding Anthony Cruz, Sir. I was facing them and he has his back on me.

Q Who is that “nakatalikod?”

A Infront (sic) of me was Delbert and at the back of Anthony Cruz was Ricson Parreno and the other guy whom I do not know, Sir.[41]

The appellants’ bare denials and alibi, as against the positive declarations of the witnesses for the prosecution, are not worthy of credence. Alibi must be supported by the most convincing evidence since it is an inherently weak defense which can easily be fabricated.[42] For the defense of alibi to prosper, the appellant must prove that he was at another place at the time of the commission of the crime, but that it was physically impossible for him to be at the crime scene at such moment. The positive identification of the accused as the perpetrator of the crime, when categorical, consistent, and without any ill-motive on the part of the eyewitnesses testifying on the matter, prevails over alibi and denial.[43]

Furthermore, only the presence of serious and inexplicable discrepancies between a previously executed sworn statement of a witness and testimonial declarations with respect to one’s participation in a serious imputation such as murder would give rise to doubts as to the veracity of the witness’ account.[44] In fact, affidavits, in contrast to testimonies made in open court, are often incomplete and inaccurate for lack of or absence of searching inquiries by the investigating officer.[45]

The Crime Committed

The trial court correctly appreciated the qualifying circumstance of treachery against the appellants. The elements for treachery to be appreciated as qualifying circumstance are (a) the employment of means of execution which gives the person attacked no opportunity to defend himself or retaliate; and (b) the means of execution is deliberately or consciously adopted.[46] Even a frontal attack may be considered treacherous when sudden and unexpected, and employed on an unarmed victim who would not be in a position to repel the attack or to avoid it.[47] The essence of treachery is the swiftness and unexpectedness of the attack on the unarmed victim.[48]

In the case at bar, Anthony and his friends had merely gone out to buy some food. The appellants and their companions chanced upon the victim’s group, and without warning, threatened the latter. A game of “cat and mouse” ensued, with the appellants on the winning end, as they were armed with a tirador and a knife. The chase ended with the unarmed victim, Anthony, being cornered and trapped, and thereafter, stabbed fatally on the back. With the allegation of treachery in the information having been proven, the same is treated as a circumstance that qualified the killing to murder, pursuant to Article 248(1) of the Revised Penal Code.[49]

As regards the aggravating circumstance of abuse of superior strength, what should be considered is not that there were three, four, or more assailants as against one victim, but whether the aggressors took advantage of their combined strength in order to consummate the offense.[50] While it is true that superiority in number does not per se mean superiority in strength,[51] the appellants in this case did not only enjoy superiority in number, but were armed with a weapon, while the victim had no means with which to defend himself. Thus, there was obvious physical disparity between the protagonists and abuse of superior strength on the part of the appellants.[52] Abuse of superior strength attended the killing when the offenders took advantage of their combined strength in order to consummate the offense.[53] However, the circumstance of abuse of superior strength cannot be appreciated separately, it being necessarily absorbed in treachery.[54]

The Civil Liability of the Appellants

The Court affirms the trial court's award of civil indemnity of P50,000.00, and actual damages of P25,000.00, having been duly supported by a receipt. However, in accordance with current jurisprudence,[55] the heirs of the victim are, likewise, entitled to moral damages in the amount of P50,000.00, not to enrich them but to compensate them for the injuries to their feelings.[56] The heirs are also entitled to exemplary damages, conformably to current jurisprudence.[57]

WHEREFORE, the assailed Decision of the Regional Trial Court of Pasig City, Branch 156, is AFFIRMED WITH MODIFICATIONS. Appellants Ricson Parreno and Delbert Quindo are found GUILTY of murder qualified by treachery, under Article 248 of the Revised Penal Code, as amended, and there being no modifying circumstance attendant to the crime, are hereby sentenced to reclusion perpetua. The appellants are ORDERED to pay, jointly and severally, the heirs of the victim Anthony Cruz P50,000.00, as civil indemnity; P50,000.00, as moral damages; P25,000.00, as actual damages; and P25,000.00, as exemplary damages.

Costs de oficio.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Tinga, JJ., concur.

[1] Penned by Judge Esperanza Fabon Victorino.

[2] Records, p. 1.

[3] Id. at 17.

[4] The prosecution presented five (5) witnesses: Zenaida Santos Cruz, Dr. Emmanuel Aranas, Simplicio Genova, Jr., Frederick Sabangan, and PO1 Arnel Canonigo.

[5] TSN, 16 December 1997, p. 11.

[6] Id. at 7.

[7] Id. at 9.

[8] TSN, 28 January 1998, p. 4.

[9] Ibid.

[10] TSN, 21 January 1998, p. 7.

[11] Ibid.

[12] Id. at 8.

[13] Id. at 9.

[14] Id. at 12.

[15] TSN, 28 January 1998, p. 6.

[16] TSN, 31 March 1998, pp. 3-4.

[17] Id. at 5-6.

[18] His findings were contained in Medico-Legal Report No. M-0703-97.

- [19] Records, p. 34.
- [20] TSN, 14 January 1998, p. 6.
- [21] Ibid.
- [22] Exhibit “C,” Records, p. 26.
- [23] TSN, 16 December 1997, p. 8.
- [24] TSN, 25 June 1998, p. 5.
- [25] Ibid.
- [26] Id. at 9.
- [27] TSN, 15 October 1998, p. 5.
- [28] Id. at 10.
- [29] Id. at 6.
- [30] TSN, 29 October 1998, p. 4.
- [31] Id. at 12.
- [32] Id. at 8.
- [33] Records, p. 232.
- [34] Rollo, p. 43.
- [35] Id. at 44.
- [36] Id. at 46.
- [37] Id. at 47.
- [38] *People of the Philippines v. Eddie Lachica, Ariel Rollon and Errol Rollon*, G.R. No. 131915, September 3, 2003.
- [39] Records, p. 231.
- [40] TSN, 21 January 1998, pp. 7-11.
- [41] TSN, 28 January 1998, pp. 4-6.
- [42] *People v. Melendres, Jr.*, 402 SCRA 279 (2003).
- [43] *People v. Gomez*, 402 SCRA 210 (2003).
- [44] *People v. Toledo, Sr.*, 357 SCRA 649 (2001).
- [45] See *People of the Philippines v. Andres Masapol*, G.R. No. 121997, December 10, 2003.
- [46] *People v. Delim*, 396 SCRA 386 (2003)
- [47] *People of the Philippines v. Jerryvie Gumayao y Dahao @ Bivie*, G.R. No. 138933, October 28, 2003.
- [48] *People v. Caballero*, 400 SCRA 424 (2003).

[49] *People v. Barona*, 380 Phil. 204 (2000).

[50] *People v. Platilla*, 304 SCRA 339 (1999).

[51] *People v. Templa*, 415 Phil. 523 (2001).

[52] See *People v. Barrameda*, 342 SCRA 568 (2000).

[53] *People v. Lacbayan*, 339 SCRA 396 (2000).

[54] *People v. Barona*, *supra*.

[55] *People v. Galvez*, 374 SCRA 10 (2002).

[56] *Id.* at 21.

[57] *People vs. Lilo*, 396 SCRA 674 (2003).

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